

# ACT

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## THE NATIONAL PHARMACEUTICAL PROCUREMENT UNIT ACT, 2012 ARRANGEMENT OF SECTIONS

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SIGNED this 19th day of July, 2012.

DR. ERNEST BAI KOROMA,  
*President.*

No. 8

2012



Sierra Leone

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**The National Pharmaceutical Procurement Unit Act, 2012.** Short title.

**Being an Act to establish the National Pharmaceutical Procurement Unit as an autonomous body responsible for the procurement, storage, distribution and management of drugs and medical supplies, for and on behalf of all public health facilities throughout Sierra Leone, to establish a National Pharmaceutical Procurement Unit Board and to provide for other related matters.**

[ ] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

## PART I – PRELIMINARY

Interpretation

1. In this Act unless the context otherwise requires–

“District Health Management Team” means a team comprising senior health personnel and senior local councils members, approved by the Ministry of Health and Sanitation, responsible for the management of all related matters;

“essential medicines” mean medicines that satisfy the healthcare needs of the majority of the population of Sierra Leone as defined in the National Essentials Medicines List;

“Managing Director” means the Managing Director of the Unit appointed by the Board under section 19;

“Medical Supplies” mean essential medicines and medical consumables of requisite quality and efficacy approved by the Ministry of Health and Sanitation;

“Member” means a member of the National Pharmaceutical Procurement Unit Board;

“Minister” means the Minister with responsibility for health and sanitation;

“National Essentials Medicines List” means the National Essentials Medicines List approved by the Ministry of Health and Sanitation;

“Unit” means the National Pharmaceutical Procurement Unit established under section 2.

## PART II – ESTABLISHMENT OF THE NATIONAL PHARMACEUTICAL PROCUREMENT UNIT

Establishment of National Pharmaceutical Procurement Unit.

2. (1) There is hereby established a body to be known as the National Pharmaceutical Procurement Unit.

(2) The Unit shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

3. (1) The Unit shall have a common seal, the use of which shall be authenticated by the signature of – Common seal.

(a) the Chairman or other member of the Board authorised either generally or specially by the Board for that purpose; and

(b) the Managing Director or some other person authorised by the Board for that purpose.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Unit and to be sealed with the common seal of the Unit authenticated in the manner stated in subsection (1), shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

## PART III – FUNCTIONS AND POWERS OF UNIT

4. (1) The object for which the Unit is established is to provide an effective, efficient and transparent environment for the supply of essential medicines of requisite quality, efficacy, accessibility and affordability in public health institutions throughout Sierra Leone. Functions of Unit.

(2) Notwithstanding the generality of subsection (1), it shall be the function of the Unit to–

- (a) procure essential medicines and medical consumables of requisite quality and efficacy for and on behalf of all public health facilities throughout Sierra Leone;
- (b) receive as donation, store and distribute essential medicines and medical consumables of requisite quality and efficacy for and on behalf of all public health storage facilities throughout Sierra Leone;
- (c) establish and maintain inventory control procedures of essential medicines and medical consumables at all levels of the public healthcare system;
- (d) undertake accurate and systematic recording, monitoring and regular reporting of essential medicines and medical consumables stock levels in all public health facilities throughout Sierra Leone;
- (e) engage, train and maintain the requisite number and quality of staff that will ensure the effective and efficient operation of the Unit;
- (f) provide suitable storage and packing for drugs procured by the Unit that will ensure that drugs in storage and transit are secure and that their quality, safety and efficacy are maintained until delivery to the end-user;
- (g) monitor, inspect and ensure that storage and packing meet such standard as is required for the storage and transit of medicines and medical consumables intended for public use;

- (h) maintain vehicles and other means of transport for the distribution of drugs; and
- (i) do all such things as are necessary, expedient or conducive to the attainment of the general object of the Unit and in accordance with the Public Procurement Act, 2004 (Act No. 14 2004).

**5.** Subject to this Act, the Unit may carry on such activities as <sup>Powers of Unit.</sup> may be necessary or expedient to discharge its functions under this Act.

#### PART IV – FUNDS OF UNIT

**6.** (1) The activities of the Unit shall be financed by funds <sup>Funds of Unit.</sup> consisting of–

- (a) any moneys appropriated from time to time by Parliament for the purposes of the Unit;
- (b) contributions by donor agencies;
- (b) all other moneys which may, from time to time, accrue to the Unit in the course of its activities.

(2) The funds of the Unit shall be applied only for the purposes of the approved budget of the Unit.

**7.** (1) The Unit shall keep proper books of account and other <sup>Accounts and audit of Unit.</sup> records in relation to the activities, property and finances of the Unit in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Unit, a financial statement which shall include–

- (a) balance sheet accounts;

- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Unit kept under subsection (1) shall, not later than two months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Agency and to require such information and explanation thereon as he may think fit.

(4) The Unit shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Unit.

(5) The Auditor-General or the auditor appointed by him shall submit to the Unit a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to—

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Unit; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Unit.

Financial year  
of Unit.

**8.** The financial year of the Unit shall be the same as the financial year of the Government.

Annual  
report.

**9.** (1) The Unit shall, within three months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes.

(2) The annual report shall include the accounts and annual financial statement prepared under section 7 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

(4) The Unit shall make copies of the report available to all stakeholders once it has been laid before Parliament.

#### PART V – BOARD OF UNIT

**10.** (1) The governing body of the Unit shall be a Board in which shall be vested, subject to this Act, the control and supervision of the Unit. Board of  
Unit.

(2) The Board shall consist of a Chairman and the following other members—

- (a) One representative of the Ministry of Health and Sanitation nominated by the Minister on the recommendation of the Director of Drugs and Medical Supplies;
- (b) One representative of Ministry of Finance & Economic Development nominated by the Minister of Finance and Economic Development;
- (c) The Attorney General and Minister of Justice or his representative;
- (d) The Chief Executive, National Public Procurement Authority or his representative;
- (e) The Governor, Bank of Sierra Leone or his representative;