

ACT

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THE NATIONAL PROTECTED AREA AUTHORITY AND CONSERVATION TRUST FUND ACT, 2012

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SIGNED this 5th day of October, 2012.

DR. ERNEST BAI KOROMA,
President.

No. 11

2012



Sierra Leone

**The National Protected Area Authority and Conservation
Trust Fund Act, 2012.**

Short title.

**Being an Act to provide for the establishment of the National
Protected Area Authority and Conservation Trust Fund, to promote
biodiversity conservation, wildlife management, research, to provide
for the sale of ecosystems services in the National Protected Areas
and to provide for other related matters.**

[] Date of com-
mencement.

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 –

“Authority” means the National Protected Area Authority established by section 2;

“Board” means the Board of Directors of the Authority;

“Board of Trustees “ means the Board of Trustees appointed under section 20;

“buffer zone” means The area of land one mile in width surrounding each National Protected Area,

“Chairman” means the Chairman of the Board;

“CITIES” mean Convention on International Trade in Endangered Species;

“Executive–Director” means the Executive–Director of the Authority;

“Fund” means the Conservation Trust Fund established under section 19 which has as its objective, amongst other things, financing the establishment and operation and effective management of the National Protected Area Authority and biodiversity conservation in Sierra Leone generally;

“GIS” means Geographic Information System;

“Government” means the Government of Sierra Leone;

“National Protected Area” means any National Protected Area constituted by the Minister under section 26.

“Minister” means the Minister responsible for Agriculture and Forestry and “Ministry” shall be construed accordingly; and

“REDD” means Reducing Emission from Deforestation and Forest Degradation.

PART II – NATIONAL PROTECTED AREA AUTHORITY AND CONSERVATION TRUST FUND

2. (1) There is hereby established a body to be known as the National Protected Area Authority.

Establishment of National Protected Area Authority.

(2) The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any 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) The Authority shall have a common seal, the use of which shall be authenticated by the signature of–

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

(b) the Executive-Director or some other person authorised by the Board in that behalf.

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

Board of Authority.

(2) The Board shall consist of a Chairman and the following other members, not below the rank of a Director, representing their respective institutions–

(a) One representative from the Ministry of Agriculture, Forestry and Food Security appointed by the Minister of Agriculture, Forestry and Food Security;

(b) The Chief Executive Officer, Environmental Protection Agency;

(c) One representative from the Ministry of Lands, Country Planning and Environment appointed by the Minister of Lands, Country Planning and Environment;

- (d) One representative from the Ministry of Finance and Economic Planning appointed by the Minister of Finance and Economic Planning;
- (e) One representative from the Ministry of Tourism and Cultural Affairs appointed by the Minister of Tourism and Cultural Affairs;
- (f) One representative from the Ministry of Local Government and Rural Development appointed by the Minister of Local Government and Rural Development ;
- (g) The Executive Director, Conservation Society of Sierra Leone;
- (h) Head of Department, Environmental Sciences Department, Njala University College;
- (i) The General Manager, National Tourist Board;
- (j) One representative from the Ministry of Fisheries and Marine Resources appointed by the Minister of Fisheries and Marine Resources;
- (k) One representative from the Ministry of Mines and Mineral Resources appointed by the Minister of Mines and Mineral Resources; and
- (l) One representative, from Civil Society engaged in forestry and wildlife conservation matters.

(2) The Chairman shall be appointed by the President, on the advice of the Minister and subject to the approval of Parliament, from among persons with proven knowledge and experience in wildlife conservation and management, environmental management and biodiversity matters.

Tenure of members.

4. (1) The Chairman shall hold office for a period of three years and shall be eligible for re-appointment once only.

(2) A person shall cease to be a member of the Board on any of the following grounds—

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause; and
- (f) if he resigns his office by written notice to the Minister.

5. (1) The Board shall meet for the dispatch of its business at least once every two months and at such time as the Chairman may determine. Meetings of Board.

(2) The Chairman shall preside at every meeting of the Board, if present, and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of three members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within five days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be six.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person, including a Protected Area Manager from established Protected Areas, to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of conflict of interest.

6. (1) A member of the Board who has any conflict of interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1), shall be guilty of misconduct and shall be liable to be removed from the Board.

Immunity of members of Board, etc.

7. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) No member of the Board shall be personally liable for any debt or obligation of the Authority.

8. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine. Committees of Board.

(2) A committee shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Executive-Director, and performing such functions as the Board may determine.

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

9. (1) Subject to this Act, the Board shall have the control and supervision of the Authority, including overseeing the sound and proper financial management of the Authority. Functions of Board.

(2) It shall also be the responsibility of the Board to provide such policy guidance and advice as will secure the efficient implementation of the functions of the Authority and enhance the overall performance of the Authority.

10. The Chairman and the other members of the Board and any person co-opted by the Board under subsection (8) of section 5 shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Authority for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine, subject to the approval of Parliament. Remuneration of members.

11. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent from Sierra Leone for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office for a continuous period of three months— Filling of vacancies.