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"environment" includes land, air, water and all plants, animals and human beings living therein and the inter-relationship which exists among these or any of them;

"Executive Chairman" means the Executive Chairman appointed under section 14;

"greenhouse gas" includes -

- (a) carbon dioxide;
- (b) methane;
- (c) nitrous oxide;
- (d) hydrofluorocarbons;
- (e) perfluorocarbons;
- (f) sulphur hexafluoride;
- (g) indirect greenhouse gases; and
- (h) nitrogen trifluoride.

"halon" means an abominated chemical related to a chlorofluorocarbon, used in firefighting and having a very high ozone depleting potential set out in column III of the Fourth Schedule including their isomers;

"Leones (Le)" means leones in the old currency;

"licence" means an environmental impact assessment licence issued under paragraph (a) of subsection (2) of section 29;

"Minister" means the Minister charged with responsibility for the environment and Ministry shall be construed accordingly;

"mitigation" means efforts that seek to prevent or slow down the increase of atmospheric greenhouse gas concentrations by limiting current or future

SIGNED this 6th day of September, 2022.

DR. JULIUS MAADA BIO,  
*President.*



No. 15

2022

Sierra Leone

**The Environment Protection Agency Act, 2022.**

Short title.

**Being an Act to provide for the continuation of the Sierra Leone Environment Protection Agency, to provide for more effective and efficient protection and management of the environment 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 -
- "adaptation" means adjustment to natural or human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits beneficial opportunities;
- "Agency" means the Environment Protection Agency in Sierra Leone referred to in section 2;
- "air" includes air within a building, vehicle, an enclosure, structure or the air space of Sierra Leone;
- "air pollution" means a condition of the ambient air arising wholly or partly from the presence of one or more pollutants in the air that endangers the health, safety or welfare of persons or interferes with the normal enjoyment of life or property;
- "airspace" means the airspace within the territorial limits of Sierra Leone;
- "ambient air" means the atmosphere within and outside a structure or within an underground space;
- "authorised officer" means a person authorised by the Agency to exercise, in accordance with the terms of such authorisation, a power specified in this Act;
- "Board" means the Board of Directors established by section 3;
- "chemicals" means any chemical elements, its compounds, products "or preparation, in the natural or manufactured states and these may include but not limited to agro-chemicals, public health chemicals, explosives, chemicals used for mining purposes, petrochemicals"
- "chlorofluorocarbon" means a fully halogenated chlorofluorocarbon each molecule of which contains one, two or three carbonations in the categories set out in the Fourth Schedule;

"climate change" means a change in the climate system which is caused by significant changes in the concentration of greenhouse gases as a consequence of human activities and which is in addition to natural climate change that has been observed during a considerable period;

"controlled substance" includes chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halon, tetrachloride, 1,1,1, trichloroethane, methyl bromide whether they are virgin recovered recycled or reclaimed, but do not include any controlled substance-

(a) which is in a manufactured product other than a container used for the transportation or storage of that substance;

(b) originating from inadvertent or coincidental production during a manufacturing process, or from use as a processing agent which is present in chemical substance as trace impurities, or which is emitted during product manufacture or handling;

"controlled product" means a product that contains, is made with, is dependent on or designed to contain a controlled substance;

"discharge" includes deposit of effluents such as waste water, sewage and air borne emissions;

"disposal" includes both land-based disposal and dumping in waters and the airspace of Sierra Leone;

"emissions" in relation to a greenhouse gas, means emissions of that gas into the atmosphere where the emissions are attributable to human activity;

PART II- CONTINUATION OF ENVIRONMENT PROTECTION AGENCY

Continuation of Environment Protection Agency.

- 2. (1) There shall continue in existence, the body known as the Environment Protection Agency.
- (2) The Agency shall be a body corporate having perpetual succession, a common seal 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) The Agency shall have a common seal, the use of which shall be authenticated by the signatures of the Executive Chairman or any other member of the board designated in that behalf by the Board-
  - (a) the Chairman or other member of the Agency authorised either generally or specially by the Board for that purpose; and
  - (b) the Executive Chairman or some other person authorised by the Board in that behalf.
- (4) Every document purporting to be an instrument executed or issued by or on behalf of the Agency and to be sealed with the common seal authenticated in the manner stated in subsection (3) shall be deemed to be so executed or issued without further proof unless the contrary is proved.
- (5) In appropriate cases the common seal of the Agency may be affixed to documents outside Sierra Leone.

Board of Agency.

- 3. (1) The governing body of the Agency shall be a Board in which shall be vested, subject to this Act, the control and supervision of the Agency.
- (2) The Board shall consist of an Executive Chairman, who shall be a head of the Agency and is a person who has considerable knowledge and experience in environmental matters, and the following other members -

emissions and enhancing potential sinks for greenhouse gases;

"monitoring" includes the inspection, measurement, sampling or analysis of the discharge of a pollutant or of any environmental medium in any locality, whether periodically or continuously;

"Multilateral Environmental Agreements Implementation Coordination Committee" means the Multilateral Environmental Agreements Implementation Coordination Committee established under section 66;

"National Environment Compliance and Enforcement Coordination Committee" means the National Environment Compliance and Enforcement Coordination Committee established under section 67;

"offshore facility" means any facility of any kind located over, in, on, or under any of the waters of Sierra Leone;

"onshore facility" means any facility of any kind including motor vehicles and rolling stock, located over, in or under any land within Sierra Leone other than submerged land;

"owner" includes-

- (a) in the case of a vessel the owner, operator or charterer of the vessel;

- (b) in the case of an onshore facility or an offshore facility, the owner or operator of such facility;
- (c) in the case of an abandoned offshore facility, the owner or operator of such facility immediately before its abandonment; and
- (d) in the case of a project, a person managing or controlling the project;

"Paris Agreement" means the agreement within the United Nations Framework Convention on Climate Change dealing with greenhouse gas emissions mitigation, adaptation and finance starting in the year 2020;

"Permit" means a permit granted by the Agency in accordance with this Act or the regulations made there under;

"pollution" means natural, man-made or man-aided alteration of the chemical or biological quality of the chemical, physical or biological quality of the environment to the extent that it is detrimental to the environment and human health or beyond acceptable limits;

"project" means any activity which requires a licence under this Act;

"Protocol" means the Protocol on Substances that Deplete the Ozone Layer adopted in Montreal, Canada in 1987.

"removal" means removal of hazardous substances from the air, land or water, including shorelines or the taking of such other action as may be necessary to minimize damage to public health or welfare, ecology and natural resources of Sierra Leone;

"spill" means any discharge of a pollutant into the environment from or out of a structure, worksite, vehicle, vessel, craft, or other carrier or container, which-

- (a) is abnormal having regards to all the circumstances of the discharge;
- (b) poses serious threat to human lives and safety; and
- (c) poses a serious threat to the environment;

"standards" includes criteria and specifications;

"United Nations Framework Convention on Climate Change" means the international environmental treaty addressing climate change, negotiated and signed by 154 states at the United Nations Conference on Environment and Development, informally known as the Earth Summit, held in Rio de Janeiro from 3 to 14 June, 1992, entered into force on 21 March, 1994;

"waters of Sierra Leone" means all water resources in any form, including atmospheric, surface and subsurface and underground water resources whether the water resources are in territorial waters, exclusive economic zone or any area under the jurisdiction of the Republic of Sierra Leone;

"wet-lands" means areas where water covers the soil, or is present either at or near the surface of the soil all year or for varying periods of time during the year, including the growing season.

(1) shall be guilty of misconduct and shall be removed from the Board.

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

Immunity of Board members and Authorized Officers.

7. (1) An action or other proceedings shall not lie or be instituted against a member of the Board or member of a committee of the Board or any authorized officer for or in respect of an act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the Board shall not be personally liable for any debt or obligation of the Agency.

Committees of Board.

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.

(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 Chairman, 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.

Powers and Functions of Board.

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

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

(3) In the discharge of its functions, the Board may-

- (a) direct the Executive Chairman to furnish it with any information, report or other documents which the Board considers necessary for the performance of its functions; and

(a) one representative each, not below the rank of Director, from the following Ministries-

- (i) the Ministry of the Environment
  - (ii) the Ministry of Mines and Mineral Resources;
  - (iii) the Ministry of Fisheries and Marine Resources;
  - (iv) the Ministry of Trade and Industry;
  - (v) the Ministry of Transport and Aviation;
  - (vi) the Ministry of Energy;
  - (vii) the Ministry of Lands, Housing and Country Planning.
- (b) the Executive Chairperson, Petroleum Regulatory Agency;
- (c) one representative from Civil Society Organization;
- (d) 3 persons, at least one of whom shall be a woman, knowledgeable in commerce, finance or law; and
- (e) the Chief Director, who shall be secretary to the Board without voting right.

(3) The Executive Chairman and other members referred to in paragraph (c) and (d) of subsection (2), shall be appointed by the President on the recommendation of the Minister subject to the approval of Parliament.

Tenure of members.

4. (1) The Executive Chairman and other members appointed under paragraph (c) and (d) of subsection (3) shall hold office for a term of 5 years and shall be eligible for re-appointment for a further term of 5 years only.

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

- (a) 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 3 consecutive meetings of the Board without reasonable cause;
- (f) if he resigns his office by written notice to the Minister.

Meetings of Board.

5. (1) The Board shall meet for the dispatch of its business at least once every month at the offices of the Agency and at such time as the Executive Chairman may determine.

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

(3) A minimum of 8 members of the Board may, by notice in writing signed by them, request the Executive Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Executive Chairman or, in his absence, the member appointed to act on his behalf shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at a meeting of the Board shall be 8.

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

(7) A 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 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 by the Chief Director and signed by the Executive Chairman and kept in proper form.

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

6. (1) A member of the Board who has an interest, whether direct or indirect, in a 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 a deliberation or decision of the Board relating to that matter. Disclosure of interest.



(f) develop standards and guidelines for the importation, transportation, storage and use of all types of chemicals; and

(s) do such other act as may be necessary for the performance of its functions under this Act.

**13.** The Agency shall have, for the performance of its functions under this Act, the power to -

(a) control and prevent, in collaboration with such persons as may be necessary, the discharge of waste into the environment;

(b) ensure compliance with any laid down environmental impact assessment procedures in the planning and execution of development projects including compliance in respect of existing projects;

(c) issue-

(i) environmental impact assessment licence;

(ii) import or export controlled substance permit;

(iii) environmental permit and enforcement notice for controlling the volume, types, constituents and effects of waste discharges, emissions, deposits or other source of pollutants and of substances which are hazardous or potentially dangerous to the environment;

(iv) notices in the form of directives, procedures or warnings, as may be necessary, for the purpose of controlling the volume, intensity and quality of noise in the environment; and

(b) give instructions to the Executive Chairman with the Management and performance of the functions of the Agency.

**10.** The Executive 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 Agency for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

**11.** (1) Where the Executive Chairman or a member of the Board referred in paragraph (c) and (d) of subsection (2) of section 3 dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 6 months-

(a) in the case of the Executive Chairman, the members of the Board shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and

(b) in the case of a member, the Executive Chairman shall, subject to this Act, have another person appointed to the Board.

(2) Where a person is appointed as Executive Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Executive Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

#### PART III -FUNCTIONS OF THE AGENCY.

**12.** (1) The object for which the Agency is established is to implement and enforce this Act and regulations made under it.

Functions of Agency.

- (2) Without prejudice to the generality of subsection (1), the Agency shall be responsible to-
- (a) advise the Minister on the formulation of policies on all aspects of the environment including the protection of the environment;
  - (b) co-ordinate the activities of bodies concerned with the technical or practical aspects of the environment in order to facilitate-
    - (i) communication between such bodies and the Minister;
    - (ii) effective supervision of the generation, treatment, storage, transportation and disposal of waste;
  - (c) collaborate and coordinate with such foreign and international bodies as the Agency considers necessary for the purposes of the implementation of this Act;
  - (d) ensure compliance with prescribed environmental impact assessment procedures in the planning and execution of development projects;
  - (e) act, in its own accord or in co-operation with government agencies, local councils and other bodies and institutions, to control pollution and generally protect and improve the environment;
  - (f) conduct investigations into environmental issues and advise the Minister thereon;
  - (g) promote studies, research, surveys and analysis for the improvement and protection of the environment and the maintenance of a sound ecological system;
  - (h) initiate and pursue formal and non-formal educational programmes for the creation of public awareness of the environment and its importance to the economic and social life of Sierra Leone;

- (i) promote effective planning in the management of the environment;
- (j) develop a comprehensive database on the environment;
- (k) coordinate and monitor the implementation of national environmental policies;
- (l) make available to the public, through publications and other appropriate means and in cooperation with public or private organizations, environmental data and information;
- (m) promote, in collaboration with the Sierra Leone Standards Bureau, the establishment of national standards and guidelines relating to-
  - (i) ambient air;
  - (ii) water and soil quality;
  - (iii) the pollution of air, water, land and other forms of environmental pollution including the discharge of wastes and the control of toxic substances;
- (n) issue guidelines for the better implementation of this Act and Regulations made hereunder;
- (o) coordinate, all aspects relating to climate change to enhance consistency in policies, laws and their implementation;
- (p) act as focal point on all issues concerning the environment;
- (q) conduct environmental hazard mapping, risk and vulnerability assessment and develop plan for environmental related disaster risk reduction;

Accounts and audit of Agency.

21. (1) The Agency shall keep proper books of account and other records in relation to the activities, property and finances of the Agency in a form approved by the Auditor-General and shall prepare, in respect of each financial year of the Agency, 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 Agency kept under subsection (1) shall, not later than 3 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 Agency shall provide the Auditor-General or an auditor appointed by him under subsection (2), with all necessary and appropriate facilities for the examination of the accounts and records of the Agency.

(5) The Auditor-General or an auditor appointed by him under subsection (2), shall submit to the Agency a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

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

(d) impose environmental protection levies and fines in accordance with this Act or regulations made under this Act.

#### PARTIV -ADMINISTRATIVE PROVISIONS

14. (1) The Agency shall have an Executive Chairman who shall be appointed by the President, on the recommendation of the Minister subject to the approval of Parliament.

Executive Chairman.

(2) A person shall not be appointed Executive Chairman under subsection (1), unless he has -

- (a) formal qualification in a profession relevant to the functions of the Agency; and
  - (b) proven ability in public administration and management.
- (3) The Executive Chairman shall be responsible for -
- (a) the day-to-day administration of the Agency;
  - (b) the supervision and discipline of other staff of the Agency;
  - (c) the execution of the policies of the Board;
  - (d) performing such other duties as may be determined by the Board.

15. (1) The Executive Chairman shall be assisted by a Chief Director who shall be appointed by the Board on such terms and conditions as the Board may determine.

Chief Director.

(2) A person shall not be appointed Chief Director under subsection (1), unless he has at least a Masters Degree in Environmental Science or other environmental related fields from an accredited University and with at least 5 years work experience.

Other staff of Agency.

**16.** (1) In addition to the Chief Director, the Board shall appoint such other staff, including a Finance Officer, Internal Auditor, Administrative Officer and such other additional technical and administrative staff, as may be required for the efficient performance of the functions of the Agency.

(2) The Board may delegate to the Executive Chairman, the power to appoint such grade or category of staff as it may deem fit for the proper functioning of the Agency.

Directorates of Agency.

**17.** (1) The Executive Chairman may, with the approval of the Board, establish such directorates, as he may deem necessary for the performance of the functions of the Agency, including-

- (a) Directorate of Research and Development;
  - (b) Directorate of Finance and Administration;
  - (c) Directorate of Field Operations and Extension;
  - (d) Directorate of Natural Resources Management;
  - (e) Directorate of Legal Affairs, Compliance and Enforcement;
  - (f) Directorate of Public Relations and Inter-sectoral Collaboration; and
  - (g) Directorate of Environmental Health and Safety.
- (h) Directorate of Climate Change

(2) For the purposes of paragraph (h) of subsection 1 of section 17 the Directorate of Climate Change shall serve as a National Climate Change Secretariat and focal point for all climate actions in Sierra Leone.

(3) A directorate of the Agency established under subsection (1) shall be headed by a Director, who shall be appointed by the Board in strict compliance with the procedures and processes for the procurement of services under the Public Procurement Act, 2016 (Act No. 14 of 2016) and shall have such responsibilities and functions as may be assigned by the Executive Chairman.

(4) A directorate shall have such other divisions or departments as may be necessary for the performance of its functions.

**18.** The Board may engage the services of such consultants or experts as it may consider necessary for the proper and efficient performance of the functions of the Agency. Consultants and experts.

**19.** (1) There shall be established in each of the administrative regions of Sierra Leone and in such districts, as the Board may determine, regional and district offices of the Agency. Regional and District Offices.

(2) A district office established under subsection (1) shall be under the supervision of the regional office in the region within which the district office is located.

#### PART V - FINANCIAL PROVISIONS

**20.** (1) The activities of the Agency shall be financed by funds consisting of-

- (a) moneys appropriated from time to time by Parliament for the purposes of the Agency;
- (b) moneys given to the Agency by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Agency; and
- (c) any other moneys which may, from time to time, accrue to the Agency.

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

Funds of Agency.

(c) reject the environmental impact assessment where it is satisfied that the project and the alternatives proposed in the environmental impact assessment will have significant adverse effect on the environment.

(3) An applicant who is required to furnish additional information under paragraph (b) of subsection (2), shall submit the information to the Agency within 21 days from the date of the request, failing which the application shall lapse.

(4) Where an environmental impact assessment is rejected, the application in respect of the project shall be deemed to have been rejected.

**30.** A licence issued under this Act shall-

Effect of licence.

- (a) authorise the licensee to undertake such activity as may be specified in the licence;
- (b) be valid for 12 months from the date of issue and may be renewed, subject to such terms and conditions as may be prescribed;
- (c) not be transferable; and
- (d) contain such conditions as may be necessary for the protection of the environment.

**31.** A person aggrieved by a decision of the Agency to renew his licence may appeal to the High Court within 30 days from the date of notice.

Appeal against decision of Agency.

**32.** (1) Where the terms and conditions of a licence are not complied with or have been contravened or there is a substantial change in the operations of a project resulting in adverse effect on the environment, the Executive Chairman may, after consultation with the Board-

- (a) cancel the licence;

**22.** The financial year of the Agency shall be the same as the financial year of the Government.

Financial year of Agency.

**23.** (1) The Agency shall, within 3 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 21 and the report of the audit thereon.

(3) The Minister shall lay the annual report before Parliament within 2 months after he has received the report.

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

#### PART VI-ENVIRONMENTAL IMPACT ASSESSMENT

**24.** (1) A person shall not undertake or cause to be undertaken activities set out in the First Schedule unless he holds valid environmental impact assessment licence issued by the Agency for that purpose.

Environmental impact assessment required for certain activities.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction, in the case of-

- (a) a citizen of Sierra Leone, to a fine of not less than 50,000,000 Leones or to imprisonment for a term of not less than 2 years or to both such fine and imprisonment; and
- (b) non-citizen, to a fine of not less than 150,000,000 Leones or to a term of imprisonment of not less than 3 years or to both such fine and imprisonment.

(3) A body corporate who contravenes subsection 1 commits an offence and is liable on conviction to a fine not less than 500,000,000.00 Leones.

**25.** (1) A person who wishes to undertake or cause to be undertaken a project set out in the First Schedule shall apply to the Agency for a licence for that purpose.

(2) An application under subsection (1) shall be accompanied by a description of the project proposed to be undertaken and environmental statement on the potential impact of the project and proposed mitigation measures.

(3) For the purposes of this Act application commences upon the receipt of a duly completed screening form.

**26.** (1) On receipt of an application under section 25, the Agency shall, within 14 days, decide whether a licence is required for a project.

(2) The Agency shall, in deciding whether a licence is required in respect of a project, take into consideration matters set out in the Second Schedule.

(3) Where a decision has been taken that a licence is not required in respect of a project, the Executive Chairman shall, inform the applicant in writing.

**27.** (1) An applicant shall, where a decision has been taken that a project requires a licence, prepare and submit an environmental impact assessment of the environmental project to the Agency in the form set out in the Third Schedule.

(2) A person who fails to prepare and submit an environmental impact assessment of his project to the Agency under subsection (1) or fraudulently makes false statement in an environmental impact assessment, commits an offence and is liable on conviction, in the case of -

(a) an individual, to a fine of not less than 50,000,000.00 Leones or to a term of imprisonment of not less than 2 years or to both such fine and imprisonment; and

(b) a body corporate, to a fine of not less than 100,000,000.00 Leones.

**28.** (1) The Agency shall, on receiving an environmental Public impact assessment from an applicant under section 27, publish on the Agency's website or newspaper, for inspection and comments of the public, including relevant Government Ministries, professional bodies or associations and non-governmental organisations.

(2) Public comments on an environmental impact assessment under subsection (1) shall be submitted to the Executive Chairman within 14 days of the last publication on the website and newspaper.

**29.** (1) The Executive Chairman shall, on receipt of public comments on an environmental impact assessment project under subsection (2) of section 28, submit the assessment together with the environmental public disclosure report to the Board for its consideration.

(2) The Board may, after considering the environmental impact assessment and the public disclosure report if any not later than 30 working days-

(a) direct the Executive Chairman to issue a licence in such form as may be prescribed and on such terms and conditions as it considers appropriate;

(b) require the applicant to furnish the Board with additional information as may be needed to determine the environmental impact of the project; or

(2) The owner of a project, who fails to give full access to the project premises, vessel, vehicle or facility as required under paragraph (a) of subsection (1), commits an offence and is liable on conviction to a fine of not less than 50,000,000.00 Leones or to imprisonment for a term of not less than 12 months or to both fine and imprisonment and in the case of a continuing offence to a further fine of not less than 5,000,000.00 Leones for each day on which the offence continues.

(3) The owner of a project, who fails to give full access to the project records as required under paragraph (b) of subsection (1), commits an offence and is liable on conviction, in the case of-

- (a) an individual, to a fine of not less than 50,000,000.00 Leones or to imprisonment for a term of not less than 12 months; and
- (b) a body corporate, to a fine of not less than 100,000,000.00 Leones.

#### PART VII-CHEMICALS, TOXIC AND HAZARDOUS SUBSTANCES

36. (1) A person shall not -

- (a) discharge toxic and hazardous substance into the air or in, on or under the land and waters of Sierra Leone; or
- (b) introduce or import toxic and hazardous wastes, including internationally banned chemicals or substances, into Sierra Leone for storage or disposal by any means whatsoever.

(2) The Board may prescribe activities or substances which shall be considered toxic or hazardous.

- (b) suspend the licence for such time as he thinks appropriate; or
- (c) impose additional or modified conditions for the licence.

(2) The Executive Chairman shall notify the holder of a licence which has been cancelled, suspended or on which additional conditions have been imposed, of such cancellation, suspension or imposition of additional conditions.

(3) The Executive Chairman may, in addition to the cancellation, suspension or imposition of additional conditions under subsection (1) require the holder of a licence to take measures to abate adverse effects on or remedy damage to the environment.

(4) A person aggrieved by a decision to cancel, suspend or impose additional or modified conditions for a licence may, within 30 days of the notification of the cancellation or suspension, appeal to the High Court against the decision.

33. (1) Where prior to the issuance of a licence in respect of a project, the ownership, control or management of that project changes -

Effect of application on change of ownership, control or management.

- (a) the new owner shall notify the Executive Chairman in writing within 14 days of the transfer of ownership, control or management; and
- (b) on receipt of the notice of the transfer by the Executive Chairman under paragraph (a), the new owner shall be deemed to be the applicant for the licence.

(2) Where after the issuance of a licence in respect of a project, the ownership, control or management of that project changes-

- (a) the previous owner and the new owner shall notify the Executive Chairman of the transfer within 14 days of the change of ownership, control or management; and

- (b) on receipt of the notice of transfer under paragraph (a), the Executive Chairman shall, subject to such condition as may be prescribed, endorse the licence and the licence shall be deemed to have been transferred to the new owner upon such endorsement.

(3) A person who, being the new owner of a project, fails after a transfer, to notify the Executive Chairman under subsection (2), commits an offence and is liable on conviction, in the case of -

- (a) a citizen of Sierra Leone, to a fine of not less than 50,000,000.00 Leones or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment;
- (b) non-citizen, to a fine of not less than 150,000,000.00 Leones or to imprisonment for a term of not less than 12 months or to both such fine and imprisonment; and
- (c) a body corporate, a fine not less than 500,000,000.00 Leones.

**34.** (1) The Agency shall monitor all projects in respect of which licences have been issued in order to assess their effect on the environment or ascertain compliance with this Act, or any other regulation made thereunder.

(2) In the exercise of his powers under subsection (1), the Executive Chairman or authorised officer may -

- (a) request from the owner of a project, information or document pertaining to the project including licence issued under this Act;

- (b) enter premises, vessel, vehicle or facility where a project is being undertaken and inspect the project.

(3) Where the Executive Chairman or authorised officer has reasonable grounds to believe that an offence has been committed or is about to be committed under this Act, he may without a warrant-

- (a) enter, inspect and search a premise, vessel, vehicle or facility in which he has reasonable grounds to believe an offence has been or is being committed;
- (b) perform tests and take samples of substances relating to such offence;
- (c) seize document, item or substance which he has reasonable grounds to believe has been used in the commission of such offence or in respect of which an offence has been committed; or
- (d) arrest a person whom he suspects to have committed an offence.

(4) A receipt shall be given for anything seized under paragraph (c) of subsection (3), stating the reasons for the seizure.

(5) A person arrested under paragraph (d) of subsection (3) shall be taken to the nearest police station.

**35.** (1) The owner of a project shall permit and assist the Executive Chairman or authorised officer to have full access to-

Duties of owners of projects.

- (a) the project premises, vessel, vehicle or facility; or
- (b) the project records, whenever the Executive Chairman or authorised officer thinks necessary for the exercise of his powers under this Act.



- (b) entitled the holder to only import or export the controlled substance or controlled product specified in the permit only through authorized custom ports or entry and exit; and
- (c) expires on the 31st day of December of the year of issue and all imports relating to the permit shall arrive at the port of entry in Sierra Leone not later than 31st day of December of that year.

(6) A person who imports or exports a controlled substance or controlled product shall provide a copy of the permit, bill of lading and invoice to the authorised officer of the Agency who shall certify the quantity of the controlled substances or controlled products imported or exported at the port of entry.

(7) A person who imports or exports a controlled substance or controlled product without a valid permit issued by the Agency for that purpose, commit an offence and is liable on conviction, in the case of a-

- (a) an individual, to a fine of not less than 50,000,000.00 Leones or to imprisonment for a term of not less than 3 years; and
- (b) body corporate, to a fine of not less than 500,000,000.00 Leones.

Customs verification of goods.

44. A person who imports or exports goods shall, on request by a customs officer or an authorised officer, tender the goods for verification as to whether they contain or are made with controlled substances or controlled products.

Agency to maintain register of importers and exporters.

45. The Agency shall maintain a register of importers and exporters of controlled substances and controlled products.

(3) Without prejudice to subsection (2), a court may declare an activity or substance to be hazardous where, on the evidence before it, the court is satisfied that the activity or substance has the potential of causing grave damage to the environment.

(4) The Agency shall take all necessary and appropriate measures to monitor, control and regulate the manufacture, sale, transportation, import, export, handling or disposal of toxic and hazardous substances including toxic and hazardous waste.

(5) A person who discharges toxic and hazardous substance into the air or in, on or under the land and waters of Sierra Leone commits an offence and is liable on conviction, in the case of a-

- (a) an individual, to a fine of not less than 250,000,000.00 Leones or to imprisonment for a term of not less than 10 years;
- (b) body corporate, to a fine of not less than 1,000,000,000.00 Leones;

Provided that it shall be a defence if it is proved that the discharge was caused solely by a natural disaster or an act of war.

37. (1) The Minister shall, by statutory instrument, prohibit the importation of-

- (a) refrigerator or air conditioners of the type specified in the instrument;
- (b) vehicles fitted with air conditioner or refrigerator unit unless the cooling unit of the vehicle is fitted with a chlorofluorocarbon - free coolant;
- (c) halon for firefighting; and
- (d) aerosol products which uses chlorofluorocarbon as gas or as propellant.
- Importation of refrigerators, air conditioners, etc. with chlorofluorocarbons prohibited.

The use of Chlorofluoro-carbon 11 and 12 as blowing agent or refrigerant prohibited.

**38.** From the date to be appointed by the Minister by statutory instrument, a person shall not use chlorofluorocarbon 11 as blowing agent or chlorofluorocarbon 12 as refrigerant in the manufacture of refrigeration equipment.

Venting of controlled substance or product, into atmosphere prohibited.

**39.** (1) A person shall not, while installing, servicing, repairing or operating an equipment or product that contains or depends on controlled substance or controlled product vent, the controlled substance or controlled product into the atmosphere.

(2) A person who vents a controlled substance into the atmosphere in contravention of subsection (1) commits an offence and is liable on conviction to a fine of not less than 5,000,000.00 Leones or to imprisonment for a term of not less than 6 months or to both such fine and imprisonment.

Import and export of controlled substance or product restricted.

**40.** (1) A person shall not import or export a controlled substance or product specified in the Fourth Schedule, unless on the authority of a permit issued by the Agency for that purpose.

(2) Subject to subsection (1), a person shall not import or export a restricted controlled substance or controlled product from or to a country that is not a party to the protocol and treaties.

(3) Where a controlled substance or controlled product is in transit to another country, a person shall not sell, distribute, dispose of or otherwise deal with it, unless on the authority of a permit issued by the Agency under subsection (1).

(4) A person who contravenes this section commits an offence and is liable on conviction to a fine of not less than 50,000,000.00 Leones or to imprisonment for a term of not less than 2 years or to both such fine and imprisonment.

Forfeiture of imported or exported controlled substances or products.

**41.** A person who is convicted under subsection (4) of section 41 shall, in addition to the penalty provided therein, forfeit to the Government the controlled substance or product imported or being exported.

**42.** (1) A person who wishes to import or export a controlled substance or controlled product shall apply in writing to the Agency for a permit, in the manner set out, respectively, in forms A and B of the Fifth Schedule.

Application for permit.

(2) An application for a permit under subsection (1), shall be signed-

- (a) in the case of a body corporate, by a Director or Secretary or such other officer or person authorised to do so; and
- (b) in any other case, by the person making the application or by a person authorised to act on behalf of that person.

**43.** (1) The Agency shall, on receipt of an application under subsection (1) of section 42, issue a permit to import or export a controlled substance or controlled product in the form set out in the Fifth Schedule.

Agency to issue permit, etc.

(2) The Agency shall not issue a permit under subsection (1), unless it is satisfied that the applicant has adequate and appropriate facilities and equipment to handle the controlled substance or controlled product without causing damage to the environment.

(3) Where an application is refused under subsection (2) the Agency shall notify the applicant, in writing, of the reason for the refusal of the application.

(4) An applicant who is aggrieved by the refusal of the Agency to issue a permit under subsection (3), shall appeal to the High Court within 30 days of receipt of the notice of refusal.

(5) A permit to import or export a controlled substance or controlled product shall-

- (a) not to be transferable;

- (i) an individual, to a fine of not less than 10,000,000.00 Leones or to imprisonment for a term of not less than 2 years; and
- (ii) a body corporate, to a fine of not less than 25,000,000.00 Leones.

**49.** (1) The Board may, by notice published in the Gazette, designate such laboratories as it deems it fit, to be analytical laboratories and reference laboratories.

(2) A notice under subsection (1) shall specify the functions of the laboratories and the local limits or subject matter that the laboratories shall serve.

**50.** (1) The Board may, by notification in the Gazette, appoint or designate public officers, where it deems it fit, to serve as analyst or reference analyst for the purpose of this Act.

(2) The notification in subsection (1) shall specify the functions, subject matter and local limits within which an analyst or reference analyst shall serve, provided that he may be redeployed to other laboratories.

**51.** (1) An authorised officer shall, before taking samples of a substance for analysis in paragraph (c) of subsection (1) of section 48, inform the occupier that the samples will be taken for analysis.

(2) Samples taken for analysis by an authorised officer under subsection (1), shall be in 3 parts, marked, sealed and distributed as follows-

- (a) the first part to the occupier;
- (b) the second part to the laboratory for analysis; and
- (c) the third part to the Agency or its duly authorised agent.

**46.** A person who imports or exports a controlled substance or controlled product shall-

- (a) keep a record of names and addresses of persons or firms to whom the substance or product has been supplied or distributed and the amount of substances supplied or distributed to such persons or firms; and
- (b) make such record available when requested by the Agency.

**47.** (1) A person shall not store a controlled substance or controlled product unless in a secure storage facility approved by the Agency for the storage of controlled substances or controlled products.

(2) The Agency shall prepare guidelines for the storage of controlled substances and controlled products under subsection (1).

(3) A person who stores controlled substances or controlled products in contravention of the guidelines issued by the Agency under subsection (2) commits an offence and is liable on conviction, in the case of-

- (a) an individual, to a fine of not less than 50,000,000.00 Leones or to imprisonment for a term of not less than 3 years; and
- (b) a body corporate, to a fine of not less than 500,000,000.00 Leones.

#### PART VIII-AUTHORISED OFFICER, ANALYSIS AND RECORDS

**48.** (1) An authorised officer shall, at all reasonable times, without warrant and in accordance with the terms of an authorisation issued by the Agency under this Act-

- (a) enter land, premise, vessel or vehicle to carryout examinations and enquiries to determine whether this Act is complied with;

- (b) require the production of, inspect and examine and copy a licence, register, records and other documents required under this Act or any other law relating to the environment and the management of natural resources;
- (c) take samples of articles or substances and submit the samples for test or analysis;
- (d) carry out periodic inspections of establishments whose activities are likely to have significant impact on the environment;
- (e) in consultation with the Executive Chairman, order-
- (i) the seizure of a vessel, motor vehicle, manufacturing plant, equipment or any other thing which has been used in committing an offence under this Act; or
- (ii) the closure of a manufacturing plant or other facility which pollutes or is likely to pollute the environment for such period as the Executive Chairman may determine;
- (f) on the instructions of the Executive Chairman, issue an improvement notice requiring an occupier of a manufacturing plant or other facility to-
- (i) cease an activity that is harmful to the environment; or
- (ii) install a new plant or safeguards, within such reasonable time as the Executive Chairman may determine; and

- (g) arrest and hand over a person whom he believes has committed an offence under this Act to the police.

(2) An authorised officer may, at any time, install equipment on land, premises, manufacturing plant, motor vehicle or vessel for the purpose of monitoring compliance with this Act.

(3) A person who-

- (a) hinders or obstructs an authorised officer in the execution of his duties under this Act;
- (b) fails to comply with a lawful order or request made by an authorised officer in accordance with this Act;
- (c) refuses an authorised officer entry on land or into premises which he is empowered by this Act to enter;
- (d) impersonates an authorised officer;
- (e) refuses an authorised officer access to records kept in accordance with this Act;
- (f) fails to state or wrongly states his name or address to an authorised officer in the course of his duties under this Act;
- (g) misleads or gives wrongful information to an authorised officer under this Act;
- (h) fails to carry out an improvement notice issued by an authorised officer under paragraph (f) of subsection (1), commits an offence and is liable on conviction in the case of-

- (i) fees and charges owing to the Agency and interest;
- (ii) fines imposed for the contravention of an enforcement notice under section 59 and interest.

Powers of the Agency relating to Enforcement notice.

**59.** (1) The Agency may, where it appears that the activities of a person pose a serious and imminent threat to the environment, to life, property or public health, serve on that person, an enforcement notice requiring him to take such steps, as the Agency thinks necessary, to prevent or stop the activities.

(2) An enforcement notice under subsection (1)-

- (a) shall specify-
  - (i) the offending activity;
  - (ii) the steps required to be taken; and
  - (iii) the time within which the steps shall be taken; or
- (b) may, direct immediate cessation of the offending activity.

(3) Where a person on whom an enforcement notice has been served fails, neglects or refuses to take the action required, the Agency may, enter or authorise any other person to enter land under the control of that person, take all necessary action to prevent or stop the activities to which that enforcement notice relates and recover, as a civil debt, from that person, the expenses incurred by it in the exercise.

(4) A person who fails to comply with an enforcement notice served on him under subsection (1), commits an offence and is liable on conviction to a fine of not less than 250,000,000.00 Leones.

(5) In the case of a continuing violation after notice has been served, to an additional fine of not less than 5,000,000.00 Leones shall be levied for each day on which the violation continues.

(3) Where a substance is -

- (a) parked in small containers or packages;
- (b) likely to change, deteriorate or be damaged by exposure; or
- (c) dangerous or may have other significant impact on human health or the environment when opened, the authorised officer shall take 3 containers or packages as samples and mark, seal and deliver them as provided in subsection (2).

(4) Where after analysis, the result of the analysis is disputed, the sample delivered to the Agency or its duly authorised agent may be sent to a reference laboratory designated by the Board under section 49 for further analysis.

**52.** (1) A laboratory or reference laboratory designated under section 49 shall issue a certificate of analysis of a substance submitted to it, in paragraph (b) of subsection (2) of section 51, stating its findings. Certificate of analysis and its effect.

(2) A certificate of analysis issued under subsection (1) shall state the methods of analysis used and shall be signed by the analyst or reference analyst, as the case may be.

(3) A certificate of analysis issued in compliance with subsections (1) and (2) shall be sufficient evidence of the facts stated therein.

**53.** (1) The Agency may prescribe activities for which records shall be required to be kept for the purpose of this Act and transmitted to it at such intervals as the Agency may determine. Records to be kept.

(2) Records transmitted to the Agency under subsection (1) shall be used for purposes of-

- (a) an environmental audit;

- (b) environmental monitoring;
  - (c) pollution control;
  - (d) inspection;
  - (e) preparation of its Annual Environment Report; and
  - (f) any other purpose that may be prescribed.
- (3) A person who fails to keep record of the activities required to be kept under subsection (1) or fraudulently alters such record, commits an offence and is liable on conviction, in the case of -
- (a) an individual, to a fine of not less than 50,000,000 Leones or to imprisonment for a term of not less than 2 years or to both such fine and imprisonment; and
  - (b) a body corporate, to a fine of not less than 250,000,000 Leones.

#### PART IX - INFORMATION, EDUCATION AND PUBLIC AWARENESS

- Freedom of access to information.
- 54.** (1) A person shall have freedom of access to information submitted to the Agency relating to the implementation of this Act concerning the management of the environment.
- (2) A person who wishes to obtain information under subsection (1) shall make an application to the Agency for that purpose and the Agency shall grant him access to the information on such terms and conditions as may be appropriate in the circumstances.

- Gathering analysis and management of information.
- 55.** (1) The Agency shall gather, analyse, manage and disseminate environmental information.

- (2) The Agency shall have access, subject to any other law, to all existing environment information of a public nature and shall co-ordinate the management of such information.
- (3) The Agency shall determine deficiencies in existing environment information and exchange information with other persons including international organisations, non-governmental organisations and governmental agencies of other Countries.
- (4) The Agency may make publications and adopt other measures and strategies for promoting public awareness of environmental issues and the need for conservation of natural resources.
- 56.** (1) The Agency may, in collaboration with the ministry responsible for education, adopt measures and strategies for the development and integration of environmental education programs for primary, secondary and tertiary education institutions.
- (2) The Agency may designate funds to encourage research and innovation in environmental management and protection in educational institutions.

#### PART X - JUDICIAL PROCEEDINGS

- 57.** Subject to subsection (3) of section 64 of the Constitution of Sierra Leone, 1991 (Act No.6 of 1991) the Agency may institute criminal proceedings for the contravention of this Act.
- 58.** Notwithstanding any other law, the Agency may institute civil proceedings for -
- (a) an activity which has harmed the environment, is harming the environment or is likely to harm the environment;
  - (b) recovery of -

(b) take all possible measures in accordance with standard removal methods to minimise pollution;

(c) promptly comply with such other directions as the Board may prescribe.

(2) An owner or operator of a vessel or facility who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not less than 50, 000,000.00 Leones or to imprisonment for a term of not less than 2 years or to both the fine and imprisonment.

#### PART XI- ENVIRONMENT COORDINATION COMMITTEES

**66.** (1) There is hereby established a Committee to be known as the Multilateral Environmental Agreements Implementation Coordination Committee which shall consist of the Minister who shall be the Chairman and the following other members-

- (a) the Executive Chairman who shall be the Deputy Chairman;
- (b) the Director General, Ministry of Foreign Affairs and International Cooperation;
- (c) the National Focal Point for Sierra Leone for the Development and Periodic Review of Environmental laws who shall be the Secretary to the Committee.
- (d) all designated focal points for Multilateral Environmental Agreements in all environment related institutions.

(2) The Multilateral Environmental Agreements Implementation Coordination Committee shall be responsible to-

(6) Fines paid under this section shall be paid into the Consolidated Revenue Fund.

**60.** (1) Where an offence under this Act is committed by a body corporate, every Director or officer of the body corporate who had knowledge or should have had knowledge of the commission of the offence, and who did not exercise all due diligence to ensure compliance with the Act commits the offence.

(2) Where an offence is committed under this Act by a partnership, every partner or officer of the partnership who had knowledge of the commission of the offence commits the offence.

(3) A person is personally liable for an offence under this Act whether committed by him or on his own account or as an agent or servant of another person.

(4) An employer or principal is liable for an offence committed by his employee or agent under this Act if the employee or agent acted within the scope of his employment.

**61.** (1) The court before which a person is prosecuted for an offence under this Act or the regulations made hereunder may, in addition to any penalty imposed on him, order that the substance, equipment or appliances used in the commission of the offence be forfeited to the State and be disposed of as the court directs.

(2) In making the order to forfeit under subsection (1), the court may also order that the cost of disposing of the substances, equipment or appliance, be borne by the accused.

(3) The court may further order that an environment impact assessment licence issued under this Act be cancelled.

(4) The court may also issue an order requiring that the convicted person restore the environment to its original state at his own cost.

Effect of conviction.

**62.** Where the holder of a licence or permit issued under this Act or regulations made under it, is convicted of an offence under this Act, the conviction shall, unless the Court otherwise directs for reasons to be recorded in writing have the effect of cancelling the licence or permit with effect from the date of conviction.

Financial security.

**63.** (1) The Board may, by statutory instrument make regulations provided that persons responsible for specified projects shall take and maintain insurance or other appropriate financial security to guarantee payment of the compensation for damage caused as a result of the operations of the project or the payment for preventive measures or restorative action where necessary.

(2) Regulations made under this section shall specify the minimum amount of insurance or other appropriate financial security to be maintained in respect of specified projects, together with any other requirements regarding the period to cover and the conditions under which such cover may cease or the liability of the insurer may be avoided by reason of any act or omission on the part of the party insured.

Duty to mitigate impact of discharge.

**64.** (1) A person who discharges toxic and hazardous substance into the air or in, on or under the land and waters of Sierra Leone shall mitigate the impact of the discharge by-

- (a) giving notice of the discharge to the Agency and other public officers;
- (b) commencing clean-up operations using the best available methods; and
- (c) complying with such directions as the Agency may give.

(2) The Agency may, -

(a) until the owner takes mitigation measures under subsection (1), seize a vessel, production or storage facility, vessel or motor vehicle from which the toxic and hazardous substance is discharged; or

(b) where the owner, after a passage of a reasonable time, fails to take the necessary measures to dispose of the production or storage facility, vessel or motor vehicle seized under paragraph (a) of subsection (2), to meet the cost of clean-up and restoration measures.

(3) A person who fails to comply with subsection (1) and or (2) commits an offence and is liable on conviction to a fine of not less than 50,000,000.00 Leoneas or to imprisonment for a term of not less than 2 years or to both such fine and imprisonment.

(4) Where a person is convicted of an offence under subsection (3) the court may in addition to any penalty imposed by it, require that person to-

- (a) pay the cost of the removal of the dangerous substance or material, oil or mixture containing oil, including any cost to Government in restoring the damaged environment; and
- (b) pay the costs incurred by third parties resulting from the discharge.

**65.** (1) Where a vessel or onshore or offshore facility is used or is involved in the commission of an offence under this Act, the owner or operator of the vessel, onshore or offshore facility shall-

- (a) promptly notify the Agency or other relevant authority of the discharge;

Notification to Agency.



- (vi) the Councillors of the Wards;
  - (vii) the Member of Parliament;
- (b) the Western Area, the Headman or a person acting in that capacity who shall be the Chairman and the following other members-
- (i) the Ward Youth Leader; and
  - (ii) the Ward Women's Leader;
  - (iii) a representative from the Muslim and Christian faith;
  - (iv) a representative of the Ward Mines Committee;
  - (v) the Councillor of the Ward.
  - (vi) the Member of Parliament or Chairman;

(2) The Ward Environment Committee or the Chiefdom Environment Committee shall be responsible to-

- (a) conserve, protect and develop the environment within their Ward or Chiefdom for the purpose of enhancing a healthy, safe, secured and sustainable environment; and
- (b) designate, subject to the direction of the Executive Chairman, an area in their Chiefdom or locality, such as a bush or forest, for the provision of ecosystem services including food production, water conservation, fishery, eco-tourism, flora, fauna cultivation sacred bushes and cemeteries.

(3) A person who destroys growing trees, shrubs, bush or forest either by burning or cutting without notifying the Ward Environment Committee or the Chiefdom Environment Committee commits an offence and is liable upon conviction to a fine of not less than 10,000,000.00 Leones or to imprisonment for a term of not less than 2 years, or to both such fine and imprisonment.

- (a) coordinate and enhance the effective implementation of all Multilateral Environmental Agreements signed and ratified by Sierra Leone;
- (b) coordinate the gathering of information and preparation of reports to sub regional, regional and global organizations on the implementation of Multilateral Environmental Agreements;
- (c) report on all conferences, meetings, trainings attended on Multilateral Environmental Agreements.
- (d) prepare annual national status report on the implementation of all Multilateral Environmental Agreements in Sierra Leone;
- (e) perform such other functions as may be necessary for effective implementation of Multilateral Environmental Agreements in Sierra Leone.

(3) The Multilateral Environmental Agreements Implementation Coordination Committee shall meet at least twice every quarter and such meetings shall be organised on rotational basis.

(4) The Multilateral Environmental Agreements Implementation Coordination Committee may develop its own work plans, rules of procedures for the conduct of its meetings and operations.

67. (1) There is hereby established a Committee to be known as the National Environment Compliance and Enforcement Coordination Committee which shall consist of the Executive Chairman, Environment Protection Agency who shall be the Chairman and the following other members-

Establishment  
of National  
Environmental  
Compliance  
Enforcement  
Coordination  
Committee.

- (a) the Executive-Director, National Protected Area Authority;
- (b) the Director-General, National Minerals Agency;
- (c) the Executive-Director, Sierra Leone Maritimes Administration;
- (d) the Director, Surveys and Lands Department, Ministry of Lands, Housing and Country Planning;
- (e) the Director, Forestry Division; Ministry of the Environment;
- (f) the Director, Ministry of Tourism and Cultural Affairs;
- (g) the Director General, Disaster Management Agency;
- (h) the Director, Ministry of Water Resources;
- (i) the Director-General, National Water Resources Management Agency;
- (j) the Director-General, National Revenue Authority;
- (k) the National Security Co-ordinator, Office of National Security; and
- (l) the Director of Crimes, the Sierra Leone Police.

(2) Notwithstanding subsection 2, the National Environment Compliance and Enforcement Coordination Committee may co-opt other members as it deem necessary for the discharge of its function.

(3) The core functions of the National Environment Compliance and Enforcement Coordination Committee shall be the coordination, collaboration, cooperation and building effective synergies in the enforcement of environmental laws.

(4) The National Environment Compliance and Enforcement Coordination Committee shall be responsible to-

- (a) educate the public on environmental laws, compliance practices and enforcement procedures; and
- (b) prepare quarterly and annual reports on the discharge of its duties.

(5) For the purposes of discharging its duties, the National Environment Compliance and Enforcement Coordination Committee shall meet at least once every month and such meetings may be rotational as deems fit by the Chair Person.

(6) The National Environment Compliance and Enforcement Coordination Committee may develop its own work plans, rules of procedures for the conduct of its meetings and operations.

**68.** (1) There shall be established, a Ward Environment Committee for the Western Area and a Chiefdom Environment Committee in each Chiefdom, which shall consist of, in the case of-

- (a) a Chiefdom, the Paramount Chief who shall be the Chairman and the following other members-
  - (i) all Section Chiefs of the Chiefdom;
  - (ii) the Chiefdom Youth Leader;
  - (iii) the Chiefdom Women's Leader;
  - (iv) a representative from the Muslim and Christian Faith Sierra Leone;
  - (v) a representative of the Chiefdom Mines Committee;

(3) A person who contravenes subsection (2) commits an offence and upon conviction is liable to a fine of not less than 5,000,000.00 Leones or to imprisonment for a term of not less than 6 months or to such fine and imprisonment.

**73.** (1) The Agency shall develop, guidelines, standards, programs and activities for the protection and management of the marine and coastal environments to prevent or mitigate negative impacts in these environments as a result of human activities or natural occurrences.

(2) Without prejudice to the generality of subsection (1), the Agency shall-

- (a) regulate the uncontrolled shelter construction and the unsustainable exploitation of coastal and marine resources, such as sand and aggregates mining, fisheries resources, mangroves diplotion, harbour construction, oil and gas exploration, industrial and tourism;
- (b) monitor the use of the coastal and marine environment including transportation resulting to pollution, habitat degradation and physical destruction;
- (c) take such other steps as it considers prudent to protect and develop the marine and coastal environments and its flora and fauna;
- (d) Support the development of marine spatial planning and promote conservation of marine resources and critical marine ecosystems.

**74.** (1) The Agency, in collaboration with the Ministry of Transport and Aviation, Sierra Leone Road Safety Authority, Sierra Leone Road Transport Corporation conduct emission test on any automobile or industrial machines to determine its environmental safety fitness.

(4) A water catchment area or water fall or mangrove and their immediate environment shall be designated conservation bush or forest.

(5) The Agency may designate special fund to support the conservation and development of designated conservation bush or forest.

#### PART XII-MISCELLANEOUS PROVISIONS

**69.** (1) The Agency may propose to the Government for inclusion in the annual budget proposals for-  
Incentives for good environmental behaviour.

- (a) incentives to encourage good environmental behaviour which promote the conservation of natural resources and the prevention or abatement of pollution;
- (b) user fees to ensure that those who use environmental resources pay the proper value for the utilisation of the resources; and
- (c) disincentives, including tax to deter bad environmental behaviour that leads to the unsustainable use of natural resources or that causes pollution.

(2) The Board may, by order published in the Gazette, promulgate other incentives and disincentives not of a fiscal nature.

(3) The Agency shall, for the purposes of enhancing good environmental practices and compliance with environmental laws and regulations, organise annual environmental award ceremony on the day of the World Environment Day in every calendar year.

(4) The Board, in consultation with the management of the Agency, shall determine the categories of awardees for best environmental behaviour.

Emergency measures. 70. (1) A public officer, officer of a local authority or a person who is informed or otherwise made aware of a spill shall immediately notify the Executive Chairman.

(2) An owner or a carrier of a pollutant which is spilled shall forthwith-

- (a) notify the Executive Chairman of the circumstances of the spill and any action taken or proposed to be taken in relation to the spill;
- (b) do everything practicable to -
  - (i) prevent, eliminate or reduce the adverse effects of the spill;
  - (ii) restore the environment to the state it was prior to the spill.

Interventions of Executive Chairman. 71. (1) Where the owner or carrier of a pollutant which is spilled cannot be identified, the Executive Chairman may initiate an action and take measures under paragraph (b) of subsection (2) of section 70, in the public interest.

(2) Cost incurred by the Executive Chairman for an action or measures taken under subsection (1) shall be borne by the owner of the pollutant.

(3) In the event of a spill, the Executive Chairman may direct the owner of the pollutant which is spilled, or any other person, to take such action within such period of time as he may specify in order to-

- (a) prevent, eliminate, or reduce the adverse environmental effects of the spill;
- (b) restore the environment, as far as is practicable, to its previous state;
- (c) dispose of, or in any way deal with, the pollutant or any object reasonably suspected to be affected by the pollutant.

(4) The Executive Chairman may direct a person conducting an activity which may, in the Executive Chairman's opinion, cause a spill to-

- (a) prepare a contingency plan to the satisfaction of the Executive Chairman; and
- or
- (b) make such modification as the Executive Chairman thinks appropriate to an existing contingency plan.

(5) A person who fails to comply with a direction given by the Executive Chairman under subsection (3) and or (4), commits an offence and is liable on conviction in case of-

- (a) a citizen of Sierra Leone, to a fine of not less than 250,000,000 Leones or to imprisonment for a term of not less than 5 years or to both such fine and imprisonment; or
- (b) non-citizen, to a fine of not less than 1,000,000,000 Leones or to imprisonment for a term of not less than 5 years or to both such fine and imprisonment.
- (c) a body corporate to a fine not less than 5,000,000,000 Leones.

72. (1) A person who wishes to cut trees, shrubs or burn bushes or forests for the purpose of agriculture or food processing shall notify the Chiefdom Environment Committee or the Ward Environment Committee for the identification and demarcation of land on which trees, shrubs are to be cut or bush or forest to be burned. Identification and demarcation of land on which trees may be cut or forest burned.

(2) A person who wants to burn bush or forest for the purpose of agriculture or food processing under subsection (1), shall create sufficient fire belt to prevent the fire from escaping to nearby growing trees, shrubs, bush or forest.

(3) Notwithstanding the repeal of the enactment referred to under subsection (1), (2) regulations made under the repealed Act shall in so far as they are consistent with this Act continue in force as if they were regulations made under this Act until such time as they are revoked by the Minister.

(4) A licence issued under the repealed Act shall continue in force until expiration by passage of time and shall be subject to renewal.

(5) An act done, executed or issued under the repealed Act and in force and operative before the commencement of this Act shall, so far as it could have been done, executed or issued under this Act have effect as if done, executed or issued under this Act.

(6) A fund kept under the repealed Act shall be deemed to be part of a fund kept under this Act.

(2) The Board shall prescribe emission testing fee to be paid by the owner of an automobile or industrial machines.

(3) The Agency in collaboration with the Ministry of Transport and Aviation, the Sierra Leone Road Safety Authority and the Sierra Leone Road Transport Corporation, may declare automobile or industrial machines unfit to move about or operate by reason of the threat it poses to the environment and human health.

75. (1) There shall be established an Internal Audit Control Unit within the Agency which shall be responsible for-

- (a) carrying out internal audits on the operations of the Agency; and
- (b) coordinating the implementation of all audit recommendations arising from both internal and external audits conducted on the agency.

(2) For the purpose of performing the function under subsection (1), there shall be established an Audit Committee which shall consist of the head of the Internal Audit Control Unit who shall be the Chairman and the following other members-

- (a) a representative from the compliance and enforcement department;
- (b) Chief Director;
- (c) Member of the Board of Directors.

76. (1) A person who commits an offence under this Act or any regulations made thereunder for which no penalty is provided, is liable on conviction-

- (a) in the case of a natural person, to a fine of not less than 10,000,000.00 Leones or to imprisonment for a term of not less than 12 months, and
- (b) in the case of a body corporate, to a fine of not less than 20,000,000.00 Leones.
- (2) A person who commits an offence under this Act is liable on conviction, except otherwise provided in this Act, in the case of-
- (a) a first offence, to the penalty prescribed under this Act,
- (b) a subsequent offence, to double the penalty prescribed under this Act, and
- (c) a continuing offence, to an additional fine not less than 1,000,000.00 Leones for each day on which the offence continues.

## Regulations.

77. (1) The Minister may, after consultation with the Board, by statutory instrument, make Regulations as he considers necessary or expedient for giving effect to this Act.

(2) Regulations made under subsection (1) may provide for-

- (a) the control, prohibition, phase-out and phase-down of ozone depletion substances;
- (b) the prohibition of the use of chemical weapons;
- (c) control and regulation of Environmental Consultant;
- (d) the control and management of the use of lead in paint and other products;

- (e) the management, protection and development of the Marine and Coastal Environment of Sierra Leone;
- (f) the criteria for the approval of environmental impact assessments;
- (g) the minimum amount of insurance or other appropriate financial security to be maintained in respect of specified activities or projects;
- (h) standards, guidelines or methods for preventing or minimising pollution;
- (i) the conduct of ground trothing and the fee payable by project developers;
- (j) prescription of standards, rules and procedures for the operations of Chiefdom or Ward Environment Committees;
- (k) control and management of Chemicals, toxic and hazardous substances;
- (l) the control management and disposal of waste
- (m) any other matter which is required or authorised to be prescribed.

78. (1) The Environment Protection Agency Act, 2008 (Act No. 11 of 2008) is hereby repealed. Repeal and savings.

(2) The Environment Protection Agency Amendment Act 2010 is hereby repealed.

**THIRD SCHEDULE****(Section 27(1))****CONTENT OF ENVIRONMENTAL IMPACT ASSESSMENT**

An environment impact shall contain a true statement and description of-

- (a) the location of the project and its surroundings;
- (b) the principle, concept and purpose of the project;
- (c) the direct or indirect effects that the project is likely to have on the environment;
- (d) the social, economic and cultural effect that the project is likely to have on people and society;
- (e) the communities, interested parties and Government ministries consulted;
- (f) any actions or measures which may avoid, prevent, change, mitigate or remedy the likely effect on people and society;
- (g) any alternatives to the proposed project;
- (h) natural resources in the locality to be used in the project;
- (i) the plans for decommissioning of the project;
- (j) such other information as may be necessary for a proper review of the potential environmental impact of the project.

**FIRST SCHEDULE****(Section 24(1), 25(1))****PROJECTS REQUIRING ENVIRONMENT IMPACT ASSESSMENT LICENCES**

A licence is required for the projects whose activities involve or include the following:-

- (a) Land use change (e.g. conversion of land to large scale agricultural production, forestry or to pasture land, rural development, timber production etc.);
- (b) changes in farming and fisheries practices (e.g. introduction of new crops, large scale mechanisation or use of chemicals in agriculture etc.);
- (c) exploitation of hydraulic resources (e.g. dams, drainage and irrigation projects, water basin development, water supply);
- (d) infrastructure (e.g. roads, bridges, airports, harbours, transmission lines, pipelines, railways, water transport etc);
- (e) industrial activities (e.g. metallurgical plants, wood processing plants, chemical plants, power plants, cement plants and packaging, fuel stations, refinery and petro-chemical plants, agro-industries, cold room etc).
- (f) extractive industries (e.g. mining, quarrying, exploration, extraction of sand, gravel, salt, peat, oil and gas);
- (g) waste management and disposal (e.g. sewerage systems and treatment plants, landfills, treatment plants for household and hazardous waste, incinerators etc.);

- (h) housing construction and development schemes; (e.g designation of new townships; establishment of industrial estates; establishment or expansion of recreational areas; establishment or expansion of recreational townships in mountain areas, national parks and game reserves; shopping centres and complexes; laboratories, block factories, etc)
- (i) establishment of places of entertainment, hotels, motor repair garages and welding shops;
- (j) importation of second hand vehicles.
- (k) manufacturing activities or establishments, including wastes recycling;
- (l) Urban Development Planning including the designation and management of landfills, green parks, lorry parks construction of houses in mountain, harbours, etc;
- (m) the use of agrochemicals.

## SECOND SCHEDULE

(Section 26(2))

### FACTORS DETERMINING WHETHER A PROJECT REQUIRES ENVIRONMENTAL IMPACT ASSESSMENT

- (a) the environmental impact on the community;
- (b) the location of the project;
- (c) whether the project transforms the locality;
- (d) whether the project has or is likely to have substantial impact on the ecosystem of the locality;
- (e) whether the project results in the diminution of the aesthetic, recreational, scientific, historical, cultural or other environmental quality of the locality;
- (f) whether the project will endanger any species of flora or fauna or the habitat of the flora or fauna;
- (g) the scale of the project;
- (h) the extent of the degradation of the quality of the environment
- (i) whether the project will result in an increase in demand for natural resources in the locality;
- (j) the cumulative impact of the project together with other activities or projects, on the environment.



**FOURTH SCHEDULE (Section 41(1))**

**PART A: CONTROLLED SUBSTANCES**

Group Substance Ozone Depleting Potential

Group I

CFC1, CFC-11) 1.0

CF<sub>2</sub>Cl, (CFC-12) 1.0

C<sub>2</sub>F<sub>6</sub>: 1, (CFC-113) 0.8

CF<sub>3</sub>Cl (CFC-114) 1.0

C<sub>2</sub>F<sub>4</sub>: f(CFC-115) 6.0

Group II

CF<sub>2</sub>BrCl (lialon-1211) 3.0

CF<sub>2</sub>~Br (lialon-1301) 10.0

C<sub>2</sub>F<sub>4</sub>Br<sub>2</sub> (halon-2402) 6.0

**PART B: CONTROLLED SUBSTANCES**

Group Substance Ozone Depleting Potential

Group I

CF<sub>2</sub>Cl (CFC-13) 1.0

c<sub>2</sub>f<sub>6</sub>i<sub>5</sub> (CFC-111) 1.0

c<sub>2</sub>f<sub>2</sub>c<sub>1</sub>i<sub>4</sub> (CFC-112) 1.0

**Number of Ozone Depleting Isomers Potential**

**Group Substance**

Group I

cf,cf,chl, cfc1 cfx'hc 1f e,hf6c1

c3h2fci5 c3h2f2ci4

C3H2F3Cl,

c3h2f4ci2 c3h2f5ci c3h3fci4 c3h3f2ci3

c3h3f3ci2 c3h3f4ci 1 c3h5fci2 c3h5f2ci

c,fci7	(CFC-211)	1.0
c,fci6	(CFC-212)	1.0
c,fci5	(CFC-213)	1.0
CF <sub>3</sub> Cl,	(CFC-214)	1.0

\* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

C<sub>2</sub>F<sub>5</sub>Cl, (CFC-215) 1.0

CFCl (CFC-216) 1.0

C<sub>2</sub>F<sub>7</sub>Cl (CFC-217) 1.0

#### Group Substance Ozone Depleting Potential

Group II

CCl<sub>4</sub>, carbon tetrachloride 1.1

Group III

C<sub>2</sub>H<sub>5</sub>Cl, 1,1,1-trichloroethane" 0.1

(Methyl chloroform)

\* This formula does not refer to 1,1,2 trichloroethane.

#### PART C: CONTROLLED SUBSTANCES

Number of Isomers Potential

Group I

chfc1,	(hcfc-21)**	1	0.04
chfcl	(hcfc-22)**	1	0.055
ch.fc1	(hcfc-31)	1	0.02
chfcl,	(hcfc-121)	2	0.04
c2hf2ci,	(hcfc-122)	3	0.08
c2hf,ci2	(hcfc-123)	3	0.06
chc1,cf,	(hcfc-13)**	-	0.02
c\hf,c1	(hcfc-124)	2	0.04
chfc1cf,	(hcfc-124)**	-	0.022
c2h2fci,	(hcfc-131)	3	0.05
c2h2f2ci2	(hcfc-132)	4	0.05
c2h2f,ci	(hcfc-133)	3	0.06
c2h2fci2	(HCFC-141)	3	0.07
ch.cfc1,	(hcfc-141b)**	-	0.11
C2H <sub>2</sub> F <sub>2</sub> Cl	(hcfc-142)	3	0.07

measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isometric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of the Protocol.

#### **PART D: CONTROLLED SUBSTANCES**

Group Controlled Substance Potential Ozone Depleting

Group I

CG3Br Methyl bromide 0.6

PART E

GROUP I SUBSTANCE 100-Year Global Warming potential

C<sub>2</sub>H<sub>4</sub>FC1

Group II CHFBr, CHF, Br-CH, FBrC\HFBr, C<sub>3</sub>HF2Br3 C2HF3Br2 CHF, Br CXFB<sub>r</sub>,

C2H2F2Br2 C2H2F3Br C2H3F3Br2 C2H3F2Br-CH, FBr-C, HFBr C3HF2Br5 C3HF3Br4

C3HF4Br3 C3HF5Br2 C, HFBr C3H2FBr5 C3H2F2Br4

(HCFC-225a)\*\*

(HCFC-225cb)\*\*

(HCFC-226)

(HCFC-231)

(HCFC-232)

(HCFC-233)

(HCFC-234)

(HCFC-235)

(HCFC-241)

(HCFC-242)

(HCFC-243)

(HCFC-244	
(HCFC-261)	
(HCFC-262)	
(HCFC-271)	
0.025 - 0.033 0.10 0.09 0.10 0.23 0.28 0.52 0.09 0.13 0.12 0.14 0.02 0.02 0.03	
1.00 0.74 0.73 0.08 1.8 1.6 1.2 1.1	
1.5	
1.6	
1.7 1.1 0.1 1.5 1.9	
1.8 2.2 2.0 3.1 9 2.1	
5 9 16 18 16 9 12 18 18 12 9 9 5	
1 1 1	
2 3 3 2	
3	
4 3 3 3 2	
5 9 12 12 9 5 9 16	
(HBCFC-22bl)	
Group Substance Number of Ozone depleting isomers potential	
Group I	
(C11F.Br.....	18 5.9

CUH3r.....	16 7.5
(C11F.Br.....	8 14.0
C11F.Br.....	12 1.9
C11F.Br.....	18 3.1
(MU)Br.....	18 3.1
(C11F.Br.....	12 4.4
C11H.Br.....	12 0.3
C11F.Br.....	16 1.0
C11F.Br.....	12 0.8
(C11)Br.....	9 0.4
(C11F.Br.....	9 0.8
(C11F)BR.....	5 0.7
3 4	
Group III	
CH <sup>2</sup> BrCl bromocyclohexane I 0.2	

\*Where a range of Ozone Depleting Potentials (ODPs) is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory

Address:.....

Telephone/FaxNo:.....Email:.....

Request for confidentiality: YES ( ) NO ( ) If yes. Give reasons: .....

Information concerning the controlled substances Party to which the controlled substance is being exported: Type of controlled substance:- (tick)

Recovered:.....

Recycled:.....

Reclaimed:.....

Used:.....

Controlled substance	Country of export	Amount(M.T.)	Proposed date of export
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DECLARATION: I.....of.....

hereby declare that the information provided in this application is correct and that I am able to export the controlled substance in compliance with all the relevant laws for the time being in force.

Signature.....Date.....

Passed in Parliament this 16th day of June, in the year of our Lord two thousand and twenty two.

PARAN UMAR TARAWALLY

*Clerk of Parliament.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

PARAN UMAR TARAWALLY

*Clerk of Parliament.*

Group I

CHF HFC-134 1,100

CHFCF HFC-134a 1,430

CHFCHF HFC-143 353

CHFCHCF HFC-245fa 1,030

CFCHCFCH HFC-365mfc 794

CFCHFCF HFC-227ea 3,220

CHFCF CF HFC-236cb 1,340

CHFCHFCF HFC-236ea 1,370

CFCHCF HFC-236fa 9,810

CHFCF CHF HFC-245ca 293

CFCHFCFCHFCF HFC-43-10mee 1,640

CF HFC-32 675

CHF CF HFC-125 3,500

CHCF HFC-143a 4,470

CHF HFC-41 92

CHFCHF HFC-152 53

CHCHF HFC-152a 124

GROUP II SUBSTANCE 100-Year Global Warming potential

CHF HFC-23 14,800

## FIFTH SCHEDULE

(Sections 43(1))

FORM A  
APPLICATION FORMPERMIT TO IMPORT CONTROLLED SUBSTANCE AND  
CONTROLLED PRODUCT

(One application shall be used for each group of controlled substance)

Name of applicant:.....

Address (business):.....

Address (residential):.....

Passport No:.....

Company name:.....Address.....

Nature of Business.....

Telephone/fax/:.....email:.....

Company's certificate of incorporation No:.....

.....Date.....

Name of person authorised to act on behalf of applicant:.....

Title/designation:.....

Address:.....

Telephone/FaxNo:.....Email.....

Cell phone:.....

Request for confidentiality of information: YES ( ) NO ( )

Reasons:.....

Information concerning the controlled substances:

Group of substances:.....

Country of origin/export:.....

Quantity to be imported:.....

Poitoferty:.....

Mode of transport/intended carrier:.....

Information concerning the supplier:.....

(i) Name of supplier:.....

(ii) Trade of the supplier:.....

(iii) Full address of the supplier:.....

(iv) Country of origin:.....

(v) Country from which controlled substance or product is consigned

(vi) Holder of the product trade mark:.....

## DECLARATION:

I.....of.....

hereby declare that the information provided in this application is correct and that I am willing and able to use the controlled substance in compliance with all the relevant laws for the time being in force.

Signature.....Date.....

## FORM B

(section 37 (2))

## APPLICATION FORM

Name of applicant:.....

Address (business):.....

Address (residential):.....

Passport no:.....

Company's name:.....

Nature of business:.....

Telephone/fax:.....Email.....

Company's certificate of incorporation No:.....

Name of person authorized to act on behalf of applicant:.....

Title:.....