

PUBLIC NOTICE No. 2 OF 1998.

Published 12th March, 1998.

**THE CONSTITUTION OF SIERRA LEONE**  
(Act No. 6 of 1991)

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**THE PUBLIC EMERGENCY REGULATIONS, 1998**

Short title.

IN EXERCISE of the powers conferred upon him by subsection (5) of Section 29 of the Constitution of Sierra Leone, 1991, the President hereby makes the following regulations:—

1. These regulations shall be deemed to have come into operation on the 10th day of March, 1998. Commence-  
ment.

2. The President may, if in his opinion it is necessary, for the purpose of maintaining and securing peace, order and good government in Sierra Leone, make an Order— Detention,  
Restriction,  
and  
Deportation  
Orders.

(a) directing that any person be detained or continues to be detained and so long as such an Order is in force in respect of any person, that person shall be liable to be detained in such place and under such conditions as the President may from time to time determine and shall, while so detained, be deemed to be in legal custody;

(b) imposing upon any person, not being a citizen of Sierra Leone, such restrictions as may be specified in the order in respect of the movement of that person within defined localities;

(c) directing that any person named in such Order, not being a citizen of Sierra Leone, shall leave Sierra Leone within a time to be specified in the Order, and such person shall leave Sierra Leone accordingly and remain out of Sierra Leone for such period as may be specified in

the Order, and that the person or persons named in such Order shall be prohibited from entering Sierra Leone.

Control of  
arms, etc.

3. (1) No person, except a member of any authorised security force operating in Sierra Leone and duly authorised to possess and carry arms, shall have in his possession or under his control any arms, ammunition or explosives.

(2) Any person knowing or having reasonable cause to believe that any person, other than a member of any authorised security force operating in Sierra Leone and duly authorised to possess and carry arms, is in possession or control of any arms, ammunition or explosives shall, as soon as is reasonably possible, report that fact to the appropriate authorities.

(3) Any person who contravenes any of the provisions of sub-regulations (1) and (2) commits an offence and shall be liable—

- (a) on summary conviction to a fine not exceeding one million leones or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.
- (b) on conviction on indictment to a fine not exceeding ten million leones or to a term of imprisonment not exceeding ten years, or to both such fine and imprisonment.

Requisition  
of property.

4. (1) The President may, if in his opinion it is necessary in the public interest and for the maintenance of supplies and services essential to the life of the community, make an Order—

- (a) requisitioning any property, other than land;
- (b) requisitioning any article or articles of food;
- (c) distributing or directing the distribution of any property or articles of food so requisitioned;

- (d) requiring persons or institutions to provide storage for any property or articles of food requisitioned or which may be in the possession of Government;
- (e) requiring persons to transport any property or articles of food specified in the Order to such place as shall be named in that Order.

(2) Any person whose property or articles of food have been requisitioned under sub-regulation (1) shall receive compensation in accordance with rules to be made by the President and any person required to store or transport such property or articles of food shall receive such remuneration therefore as the President may prescribe.

5. The President may, for the purpose of expediting the trials of offenders and appeals arising therefrom and restoring, maintaining and securing peace, order and good government in Sierra Leone or any part thereof, make an Order suspending the operation of any law, other than the Constitution of Sierra Leone, 1991, or some provisions of any law including the Criminal Procedure Act, 1965 and any procedural rules relating to appeals in criminal cases.

Suspension  
of operation  
of law.

Act No. 6 of  
1991.  
Act No. 32  
of 1965.

6. (1) The President may, for the purpose of tracing and recovering any property, including money, belonging to the Government of Sierra Leone or a Public Corporation, where such property was unlawfully received by any person and which is in the custody or possession of any person, bank or other institution, make an Order for effecting the recovery of such property or money by the use of all necessary or expedient measures, including the production of bank accounts, the freezing of such accounts and the production of all relevant books of accounts or documents of title.

Tracing and  
recovery of  
property.

(2) The President may, for the purpose of tracing and recovering property or money that was unlawfully acquired by, or is in the possession of, any person where such property or money was received in circumstances deemed to be unlawful, make an order directing the tracing, seizure and recovery of such property or money, and the return of such property or money to its rightful owner.

Curfew  
order.

7. The President may, for the purposes of maintaining and securing peace, order and good government in Sierra Leone make an Order imposing a curfew throughout Sierra Leone or in any part thereof as shall be specified in such order and every order made pursuant to this regulation shall state the conditions governing the Order.

Possession  
or custody  
of military  
or police  
uniform  
prohibited.

8. (1) No person, not being a member of the Sierra Leone Police Force or any authorised security forces operating in Sierra Leone, shall wear, or be in possession or custody of, any article of military or police uniform or any imitation thereof.

(2) Any person, who having information or knowledge of any person unlawfully wearing or being in possession or custody of any article of military or police uniform or any imitation thereof shall, as soon as is reasonably possible, report that fact to the appropriate authorities.

(3) Any person who contravenes the provisions of sub-regulations (1) and (2) commits an offence and shall be liable—

- (a) on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment;
- (b) on conviction on indictment to a fine not exceeding one million leones or to a term of imprisonment not exceeding five years, or to both such fine and imprisonment.

Smuggling.

9. (1) No person shall—

- (a) smuggle or attempt to smuggle the national currency, any gold, diamond or other precious mineral, or any goods or other essential commodity in or out of Sierra Leone; or
- (b) aid and abet the commission of the offence of smuggling.

(2) For the purposes of this regulation, a person who—

- (a) imports or exports or attempts to import or export the national currency, gold, diamond or other precious mineral, or any goods or other essential commodity the importation or exportation of which is prohibited by law; or
- (b) imports or exports or attempts to import or export the national currency, gold, diamond or other precious mineral or any goods or other essential commodity the importation or exportation of which is subject to any condition or permit and such importation or exportation is effected contrary to any such condition or, without, or in contravention of, such permit;

shall be deemed to have committed the offence of smuggling.

(3) Any person who contravenes the provisions of sub-regulations (1) and (2) commits an offence and shall be liable on conviction on indictment—

- (a) to a fine of not less than twenty million leones or to a term of imprisonment of not less than five years and not exceeding fourteen years, or to both such fine and imprisonment; and
- (b) to forfeiture to the State of any national currency, gold, diamond or other precious mineral, or any goods or other essential commodity in connection with which the offence was committed.

(4) For the purposes of this regulation the word "goods" includes all kinds of articles, wares, merchandise and livestock.

10. (1) No person shall do any act, or omit to do any act which he is under a duty either to the public or to any person to do, with intent to impair the efficiency or impede the working or movement of any Sabotage.

vessel, aircraft, vehicle, machinery, apparatus, or other thing used under or intended to be used in the service of the Government of Sierra Leone or in the performance of essential services or for the maintenance of supplies essential to the life of the community or to impair the usefulness of any works, structure, or premises used or intended to be so used, or do any act whatsoever to destabilise the economy of Sierra Leone.

(2) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall be liable—

- (a) on summary conviction to a fine not exceeding three million leones or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment;
- (b) on conviction on indictment to a fine of not exceeding ten million leones or to a term of imprisonment not exceeding fourteen years, or to both such fine and imprisonment.

11. (1) No person shall hoard or in any way procure, encourage, entertain or solicit the hoarding of essential commodities.

(2) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall be liable—

- (a) on summary conviction to a fine not exceeding three million leones or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment;
- (b) on conviction on indictment to a fine not exceeding ten million leones or to a term of imprisonment not exceeding fourteen years, or to both such fine and imprisonment.

12. (1) Any police officer or member of any authorised security force operating in Sierra Leone, with or without warrant, and using such force as may be necessary, may—

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Prohibition  
on hoarding  
of essential  
commodities.

Power of  
arrest and  
seizure for  
hoarding  
essential  
commodities.

- (a) enter and search any premises; or
- (b) stop and search any vehicle; or
- (c) stop and question any person;
  - (i) if any such premises or vehicle is being used in connection with the hoarding of large quantities of any essential commodity, or such person can give any information in connection therewith; or
  - (ii) if evidence of any offence under these regulations or any other law is likely to be found on any such premises or in any such vehicle or is likely to be obtained from any such person.

(2) Any evidence of any essential commodity, so found, together with any vehicle stopped, may be seized, or any person questioned on reasonable suspicion that he is acting in contravention of Regulation 11, may be detained by the police officer or member of any authorised security force operating in Sierra Leone for not more than forty-eight hours and where any vehicle or essential commodity is so seized, an entry shall be made in the record books kept at the police station at which such person has been detained.

(3) Any essential commodity seized under regulation (2) shall be forfeited to the State, sold and the proceeds paid into the Consolidated Fund.

13. (1) No person shall publish any report or statement which is likely to cause alarm or despondency or be prejudicial to the public safety, the public tranquility or the maintenance of public order.

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reports.

(2) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

False Reports.

14. (1) No person shall cause any wasteful employment of the police or a member of any authorised security force operating in Sierra Leone by knowingly making to any person a false report tending to show that an offence has been committed, or to give rise to apprehension for the safety of any person or property, or tending to show that such person has information material to any inquiry.

(2) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term of not more than two years, or to both such fine and imprisonment.

Attempts to commit offence and assisting offenders.

15. (1) Notwithstanding the provisions of any enactment to the contrary, no person shall attempt to commit, conspire with any person to commit, incite, suborn or counsel any other person to commit or do any act preparatory to the commission of an offence under any of these regulations.

(2) Any person who contravenes the provisions of sub-regulation (1) shall be deemed to have committed an offence under that Regulation and shall be punishable in like manner as for that offence.

(3) Any person who, knowing or having reasonable cause to believe that another person has committed an offence under any of these Regulations, gives that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for that offence, commits an offence and shall be punishable in like manner as for such offence.

Service of notices and Orders.

16. Without prejudice to any special provisions contained in any of these Regulations or any Order made thereunder, a notice to be served on any person for the purpose of any of these Regulations or any Order made thereunder may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Powers of the President.

17. The powers conferred by any of these regulations or any order made thereunder shall be in addition to and not in derogation from any other rights or powers vested in the President or conferred on him by law on any other authority or person.

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18. Any person who contravenes or fails to comply with any of the Regulations, or any Order or rule made under any of these Regulations or any directions given or requirement imposed under any of these Regulations, commits an offence and where no penalty is otherwise provided, shall be liable, on summary conviction, to a fine not exceeding one hundred thousand leones, or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment. Penalties:

19. When any Order is made under the provisions of these Regulations, the President, or other authority issuing the Order, shall cause notice of the effect of such order to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of the Order. Publicity of Order.

20. In these regulations, unless the context otherwise requires— Interpretation.

“appropriate authorities” means a member or members of the Sierra Leone Police Force or any authorised security force operating in Sierra Leone;

“essential commodities” include rice or other foodstuff, kerosene, petroleum or other petroleum products or such other goods essential to the life of the community as may be prescribed from time to time;

“essential services” include the supply of foodstuff, electricity, water, the maintenance of good roads and the nation's hospital, communication and the news media, transport facilities, an efficient fire force and other such services as may for the time being be declared to be of public utility or to be essential to the life of the community;

“goods” include every merchantable commodity;

“hoarding” means obtaining and keeping large quantities of essential commodities in excess of one's immediate needs, or the wilful refusal to sell or release such excess;

“minerals” or “precious minerals” have the same meaning as in Section 1 of the Mines and Minerals Act, 1994. Act No. 5 of 1994.

Cap. 216.

“petroleum” has the same meaning as that assigned to it under Section 2 of the Petroleum Act;

Act No. 7  
of 1964.

“police officer” has the same meaning as in Section 2 of the Police Act, 1964;

“public corporation” includes a statutory corporation or any company set up entirely out of public funds or funds provided either in whole or in part by, or otherwise guaranteed by, Parliament;

“smuggling” means the improper importation or exportation of the national currency with the intention to evade the prohibition or restriction imposed by the regulations or any other law against importing or exporting such currencies, or the improper importation or exportation of goods, minerals or essential commodities without payment of , or fraudulently evading, Customs duties contrary to the provisions of these Regulations or any other law in force in Sierra Leone;

Act No. 62  
of 1964.

“vehicle” has the same meaning as in Section 2 of the Road Traffic Act, 1964.

MADE this 10<sup>th</sup> day of *March*, 1998.

Issued under my hand,

ALHAJI AHMAD TEJAN KABBAH,  
*President*