

**BILL**

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THE SIERRA LEONE NATIONAL SHIPPING AGENCY ACT, 2025

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No.

2025



**Sierra Leone**

**A BILL ENTITLED**

**THE SIERRA LEONE NATIONAL SHIPPING AGENCY  
ACT, 2025**

**Being an Act to repeal and replace The Sierra Leone National Carrier Act, 2012 (Act No. 13 of 2012), to make provision for the establishment of the Sierra Leone National Shipping Agency as the sole national carrier of the Republic of Sierra Leone with the right to perform at its discretion the maritime transportation of 40 percent of the total value of cargo exported out of, and imported into, Sierra Leone, whether unitised or in bulk, dry or liquid, including the provision of FPSOs, FSOs, freight clearing and forwarding, transshipments, crew management, cabotage services, haulage and related logistics services and to provide for other related matters** Short title.

[ ] 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 -

"Agency" means the Sierra Leone National Shipping Agency established under section 2;

"Board" means the Sierra Leone National Shipping Agency Board established under section 3;

"Cabotage" means a foreign registered ship transporting goods or passengers between two places in the same country;

"continental shelf" means the natural prolongation of the land territory to the continental margin's outer edge, or 200 nautical miles (370 km) from the coastal state's baseline, whichever is greater;

"Director-General" means the Director-General of the Agency appointed under section 15;

"Exclusive Economic Zone" includes the territorial sea and continental shelf extending 200 nmi (370 km; 230 mi) from the baseline, within which a coastal nation has sole exploitation rights over all natural resources;

"FPSO" means a Floating Production Storage and Offloading unit or any other unit that performs a similar activity;

"FSO" means a Floating Storage Offloading unit or any other unit that performs a similar activity;

"liner conference" means a group of 2 or more vessel-operating carriers which provides international liner services for the carriage of cargo on a particular route or routes within specified geographical limits and

which has an agreement or arrangement, whatever its nature, within the framework of which they operate under uniform or common freight rates and any other agreed conditions with respect to the provision of liner services;

"Liner Conference Agreement" means an agreement required to be made between the Agency and a vessel-operating carrier under section 14;

"Minister" means the Minister responsible for Transport and Aviation" and Ministry shall be construed accordingly".

"territorial waters" means that area of the sea immediately adjacent to the shores of a state and subject to the territorial jurisdiction of that state.

## PART II - ESTABLISHMENT OF THE SIERRALEONE NATIONAL SHIPPING AGENCY

2. (1) There is hereby established a body to be known as the Sierra Leone National Shipping Agency. Establishment of the Sierra Leone National Shipping Agency.

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

(3) The Agency shall have a common seal, the use of which shall be authenticated by the signatures of -

(a) the Director-General of the Agency authorised either generally or specially by the Board for that purpose; or

(b) other Members in the senior Management of the Agency designated by the Board.

(4) A 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 supervision of the Agency.

(2) The Board shall consist of a Chairman, who shall be a person who possesses high integrity, extensive knowledge and practical experience in matters relevant to the functions of the Agency and the following other members-

- (a) the Permanent Secretary, Ministry of Transport;
- (b) the Financial Secretary, Ministry of Finance;
- (c) the Director-General, National Minerals Agency;
- (d) the Director, Petroleum Directorate;
- (e) the Harbour Master, Sierra Leone Port Authority;
- (f) the Director of shipping, Sierra Leone Maritime Administration;
- (g) 2 members, with proven knowledge and experience in the field of shipping including freight clearing and forwarding, haulage and related logistics services;
- (h) the Director General of the Agency who shall serve as secretary to the Board with no voting rights

(3) The Chairman and members under paragraph (g) of subsection (2) of section 3 shall be appointed by the President on the recommendation of the Minister subject to the approval of Parliament.

4. (1) "The Chairman and members appointed under paragraph (g) of subsection (2) of section 3 shall hold office for a term of 3 years and shall be eligible for reappointment for a further term of 3 years only. <sup>Tenure of members.</sup>

(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, dishonesty or sexual offence;
- (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.

5. (1) The Board shall meet for the dispatch of its business at least once every 3 months. <sup>Meetings of Board.</sup>

(2) The 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 5 members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act 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 5.

(6) The 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 a 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 and signed by the Chairman and kept in proper form.

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

Disclosure of interest.

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.

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

Immunity of members.

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 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.

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. <sup>Committees of Board.</sup>

(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 Director-General and performing such functions as the Board may determine.

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

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

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

10. (1) The Chairman and other members of the Board appointed under paragraph (g) of subsection (2) of section 3 shall be paid such remuneration, sitting 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. <sup>Remuneration of members.</sup>

(2) Members appointed under paragraph (a), (b), (c), (d), (e), (f) and (h) of subsection (2) of section 3 and persons co-opted by the Board shall be paid sitting fees 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.

Filling of vacancies.

11. (1) “Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for 3 consecutive meetings or is by reason of illness unable to perform the functions of his office for a continuous period of 9 months, in the case of-

- (a) the 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) a member, the Chairman shall, subject to this Act, have another person appointed to the Board.

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

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

Functions of Agency.

12. The Agency shall be responsible to -

- (a) perform at its discretion the maritime transportation of 40 percent of the total value of cargo exported out of, and imported into, Sierra Leone;
- (b) undertake, by itself or in cooperation with other persons or entities clearing and forwarding of consignments, for which -
  - (i) exemptions are granted;
  - (ii) payment is made under the consolidated fund;
  - (iii) contracts and sub-contracts awarded by Government ministries, departments, agencies and State Owned Enterprises; or
  - (iv) payment is made by a private person or entity.

- (c) undertake transshipment operations for mining and petroleum companies including barge, tug boat and transhippers;
- (d) provide ship protecting and port agent services, in accordance with international best practice and the laws of Sierra Leone;
- (e) provide, operate, own FPSO or FSO in the territorial waters, Exclusive Economic Zone or continental shelf of Sierra Leone;
- (f) establish and operate a conference liner service to facilitate trade within the West African sub-region and the international market at large;
- (g) undertake chartering and brokerage services where a vessel is hired partly or wholly for the transportation of Government consignment or consignment for which duty waiver is granted ;
- (h) serve as facilitating agent for bunkering and husbandry services, protection and indemnity services, ship chandelling services, and slop, sludge and garbage discharging services;
- (i) undertake maritime transportation services of all categories of cargos and passenger vessels with the responsibility of ensuring the highest safety standards;
- (j) provide maritime transportation chartering and brokerage services of cargo exported out of, and imported into, Sierra Leone, including floating, production, storage and off-loading services for unitised or in bulk, dry or liquid cargo;

- (k) provide chartering, brokerage and related support services for onshore and offshore oil and gas operations; and
- (l) provide crew management and cabotage services throughout Sierra Leone.

Powers of Agency. 13. (1) In discharging its functions under this Act, the Agency shall have power to -

- (a) enter into joint venture agreement or establish subsidiary companies for vessel chartering and brokering capabilities for the implementation of this Act; and
- (b) request authorisation from the Commissioner-General, National Revenue Authority, to clear, on deferred payment, goods consigned to Government that are deemed to be of national security or health interest.

(2) The Agency shall donate 1% of its audited net profit per annum after taxation resulting from its joints venture activities to related bussiness organisations.

Liner Conference Agreement required. 14. (1) A person shall not operate or hire a vessel-operating carrier which provides international liner services for the carriage of cargo out of and into Sierra Leone unless on the authority of a Liner Conference Agreement between the Agency and the vessel-operating carrier.

(2) A Liner Conference Agreement under subsection (1) shall -

- (a) be in accordance with the United Nations Conference on Trade and Development Convention on Code of Conduct for Liner Conferences; and
- (b) require 40-40-20 cargo sharing between the Agency and the vessel-operating carrier.

(3) A person who contravenes subsection (1), commits an offence and is liable on conviction to a fine equivalent to twice the total revenue loss to the Agency resulting from the non-compliance.

PART IV -ADMINISTRATIVE PROVISIONS

15. (1) The Agency shall have a Director General who shall be appointed by the President, on the recommendation of the Minister, subject to the approval of Parliament. Director-General.

(2) A person shall not be appointed Director General unless he is a person of high integrity, with practical knowledge and formal qualification from an accredited university in a profession relevant or appropriate to the functions of the Agency, with not less than 10 years work experience.

16. The Director-General shall be the Chief Executive Officer of the Agency and shall be responsible for - Functions of Director-General.

- (a) the day-to-day administration of the Agency;
- (b) the implementation of such operational policies, programmes and plans relating to the functions of the Agency as may be approved by the Board;
- (c) the supervision and discipline of other staff of the Agency;
- (d) the management of the funds, property, and business of the Agency; and
- (e) performing such other duties as the Board may determine.

17. (1) The Agency shall have a Deputy Director-General whom the Board shall, after consultation with the Minister, appoint. Deputy Director-General.

(2) A person shall not be appointed Deputy Director General unless he has a formal qualification from an accredited university in a profession relevant or appropriate to the operations of the Agency, with proven knowledge and experience in the field of shipping including freight clearing and forwarding, haulage and related logistics service

Functions of Deputy Director-General.

18. The Deputy Director-General shall serve as the principal assistant to the Director-General in the administration of the Agency, carry out such duties as may be assigned to him by the Director-General and also act as Director-General in the absence of the Director-General.

Other staff.

19. (1) "The Agency shall have in addition to the Director General and Deputy Director General such other staff, including a Corporate and Legal Affairs Secretary, as may be required for the efficient performance of the functions of the Agency.

(2) The Agency may engage the services of consultants and advisers as it considers necessary for the efficient discharge its functions.

Divisions.

20. (1) The Agency may, for the purpose of carrying out its functions under this Act, have such divisions as the Board may, on the recommendation of the Director-General, approve.

(2) A division under subsection (1) shall be headed by a Director appointed by the Board on advice of the Director-General.

PART V - FINANCIAL PROVISIONS

Funds of Agency.

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

- (a) monies appropriated from time to time by Parliament for the purposes of the Agency;

(b) Sierra Leone Carrier tariff imposed on petroleum products imported into Sierra Leone;

(c) monies given to the Agency by way of gifts, endowments, bequest, grant, bank loans or other contributions by persons and organisations for the purposes of the Agency; or

(d) other monies 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.

22. (1) The Agency shall keep proper books of account and 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, a financial statement which shall include -

Accounts and audit.

- (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 an 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 Auditor-General or the auditor appointed by him 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.

Financial year. 23. The financial year of the Agency shall be the same as the financial year of the Government.

Annual report. 24. (1) The Agency shall, within 3 months after the end of the financial year, submit to the Minister an annual report on the performance of its functions during that year and on its policy and programmes.

(2) An annual report submitted by the records under subsection (1), shall include the accounts and annual financial statement prepared under section 22 and the report of the audit thereon.

(3) The Minister shall lay copies of 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 within 30 days once it has been laid before Parliament.

(5) There shall be attached to the report referred to in subsection (2) -

- (a) an audited statement of the Agency's financial position;

(b) an audited statement of income and expenditure; and

(c) such other information as the Agency may consider appropriate.

#### PART VI-MISCELLANEOUS PROVISIONS

25. Assests and liabilities, including funds and administrative records which immediately before the commencement of this Act, were vested in - Transitional provisions.

(a) The Sierra Leone National Shipping Company Limited; and

(b) The Sierra Leone National Carrier, shall be vested in the Sierra Leone National Shipping Agency.

26. The Minister may, by statutory instrument, make such Regulations as he may consider necessary or expedient for giving effect to this Act. Regulations.

27. The Sierra Leone National Carrier Act, 2012 (Act No. 13 of 2012) is hereby repealed. Repeal.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to make provision for the establishment of the Sierra Leone National Shipping Agency as the sole national carrier of the Republic of Sierra Leone with the right to perform at its discretion the maritime transportation of 40 percent of the total value of cargo exported out of, and imported into, Sierra Leone, whether unitised or in bulk, dry or Liquid, including the provision of FPSOs, FSOs, freight clearing and forwarding, transshipments, crew management, cabotage services, haulage and related logistics services and to provide for other related matters.

The Bill is divided into 6 parts.

Part I - makes provision for the interpretation and definition of words used throughout the Bill.

Part II- provides for the Sierra Leone National Shipping Agency including the Sierra Leone National Shipping Agency Board.

Part III - specifies the functions and powers of the Sierra Leone National Shipping Agency.

Part IV -contains administrative provisions including the appointment of a Director-General and the Deputy Director-General, Company Secretary, other staff and divisions of the Sierra Leone National Shipping Agency.

Part V - contains financial provisions including, funds, accounts and audit of the Sierra Leone National Shipping Agency

Part VI- Miscellaneous provisions contains provisions contains offences and penalties, transitional provisions and the power to make Regulations and repeal of the Sierra Leone National Carrier Act, 2012 (Act No. 13 of 2012).

MADE this      day of                      , 2025.

ALHAJI FANDAY TURAY  
*Minister of Transport and Aviation*

FREETOWN  
SIERRA LEONE