

ACT

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

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SIGNED this 5th day of October, 2012.

DR. ERNEST BAI KOROMA,
President.

No. 11



2012

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Sierra Leone

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

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

[] Date of 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 –

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

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

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

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

“Chairman” means the Chairman of the Board;

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

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

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

“GIS” means Geographic Information System;

“Government” means the Government of Sierra Leone;

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

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

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

PART II – NATIONAL PROTECTED AREA AUTHORITY AND CONSERVATION TRUST FUND

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

Establishment of National Protected Area Authority.

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

(3) The Authority shall have a common seal, the use of which shall be authenticated by the signature of–

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

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

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

Board of Authority.

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

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

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

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

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

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

Tenure of members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Disclosure of conflict of interest.

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

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

Immunity of members of Board, etc.

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

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

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

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

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

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

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

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

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

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

- (a) the members of the Board shall, as the case may be, 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 the member, the Chairman shall arrange, subject to this Act, to 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 OF AUTHORITY

Functions of Authority.

12. (1) The object for which the Authority is established is to exercise oversight authority over National Parks and Protected Areas designated for conservation purposes so as to protect the fauna and flora in its natural state, promote sustainable land use practices and environmental management

(2) Without prejudice to the generality of subsection (1) the Authority shall have responsibility to—

- (a) ensure the protection of natural ecosystems and threatened biodiversity in Sierra Leone including the establishment and maintenance of representative and sustainable samples;
- (b) oversee the management of local and private nature reserves and sanctuaries throughout Sierra Leone including zoos and wildlife rescue and rehabilitation centres;
- (c) supervise the management of wildlife outside conservation areas;
- (d) regulate wildlife conservation and management throughout Sierra Leone in accordance with the Wildlife Conservation Act, 1972 (Act No. 27 of 1972)

- (e) promote eco-tourism in Protected Areas;
- (f) collaborate with other stakeholders in developing a national REDD+ Strategy and promoting REDD+ Projects in Sierra Leone as a source of sustainable financing for Protected Area Management;
- (g) develop and implement wildlife conservation education and training programmes throughout Sierra Leone;
- (h) promote biodiversity research;
- (i) formulate and implement awareness activities for local communities, schools, and local administration to promote knowledge of and participation in programs and services, relating to socioeconomic and environmental issues including, fisheries, agricultural and forestry best practices, forest management, land, soil and water conservation in Protected Areas 'and buffer zones;
- (j) operate, manage the National Protected Areas in line with national conservation policies and laws;
- (k) enter into public-private partnership agreements for the management of National Protected Areas;
- (l) develop management objectives, structures and mechanisms necessary for the management of the National Protected Areas;
- (m) sensitise local communities and address local stakeholders' interests on land conservation and socioeconomic issues;

- (n) prepare detailed inventory and mapping of fauna and flora;
- (o) establish a detailed biodiversity monitoring programme including a GIS unit that would store and disseminate data on the status of biodiversity in Sierra Leone;
- (p) carry out such other functions and programmes as may be necessary for the attainment of the objects of the Authority including–
 - (i) management, monitoring and evaluation of Protected Areas;
 - (ii) development and approval of management plans, zoning and National Protected Area regulations;
 - (iii) development of national biodiversity and conservation policies in line with international best practices;
 - (iv) preparation of national strategic action plans for the conservation of key biodiversity species such as Pygmy Hippopotamus;
 - (v) evaluation and approval of National Protected Areas annual operation plans and budgets;
 - (vi) representing the Government of Sierra Leone in international conventions and conferences;
 - (vii) undertake capacity building initiatives for National Protected Areas staff;

- (viii) overseeing the implementation of CITIES;
- (ix) undertaking biodiversity gap analysis and preparing proposals for the establishment of new National Protected Areas;
- (x) developing policies and strategies for adapting the National Protected Areas system to the impacts of climate change;
- (xi) promoting policies for enabling by local forest edge communities to participate and co-manage national resources inside and outside National Protected Areas;
- (xii) developing and promoting National Protected Area corridors and buffer zones conservation strategies based on the principles of multiple use and co-management; and
- (xiii) representing the Government of Sierra Leone in the negotiation of Trans-boundary Protected Area Agreements and development and implementation of associated policies, strategies and management plans.

PART IV – ADMINISTRATIVE PROVISIONS

13. (1) The Authority shall have an Executive-Director who shall be appointed by the Board upon such terms and conditions as the Board shall, after consultation with the Minister, determine. Appointment of Executive-Director.

(2) No person shall be appointed an Executive-Director unless he has proven knowledge in forest management and experience in environmental protection and biodiversity conservation.

Functions of Executive-Director.

14. The Executive-Director shall be responsible to the Board for the performance of the following functions—

- (a) to provide overall leadership in the conduct and management of the day-to-day business or activities of the Authority;
- (b) to initiate and maintain high-level contact with stakeholders, both local and international, in relevant areas of the operations of the Authority;
- (c) to monitor and supervise the preparation of the annual budgets and reports of the Authority for the review and approval of the Board;
- (d) to oversee the work and discipline of the other staff of the Authority;
- (e) to carry out such other functions as may be assigned by the Board or necessary for the purposes of the Authority.

Other staff of Authority.

15. (1) The Authority shall have, in addition to the Executive-Director, a secretariat consisting of a Secretary, Finance Officer, Administrative Officer and such other additional technical and administrative staff, as may be required for the efficient performance of the functions of the Authority.

(2) The Secretary and the other staff of the Authority shall be appointed by the Board subject to such terms and conditions as the Board shall determine.

(3) The Authority may delegate to the Executive-Director

- (a) the power for the appointment of such grade or categories of staff as the Authority may require;
- (b) the power to enter into an agreement with an independent body or agency for the purpose of carrying out the functions of the Authority for and on behalf of the Authority.

16. Public officers may at the instance of the Authority, be seconded or otherwise render assistance to the Authority but the Authority may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Authority. Secondment of public officers.

17. (1) The Authority shall establish such departments as it may think necessary for the performance of its functions. Departments of Authority

(2) Without prejudice to subsection (1), the Authority shall establish the following departments—

- (a) a Department of administration and Human Resources;
- (b) a Department of Community Conservation, Outreach and Co-management;

- (c) a Department of Protected Area Management;
- (d) Research and Monitoring
- (e) a Department of Law Enforcement; and
- (f) a Department of Financial Management.

(2) Each department may have divisions which shall be created by the Board on the recommendation of the Executive Director.

Protection of officers.

18. No officer or employee of the Authority or any person acting on the directions of the Board shall be liable in respect of any matter or thing done by him in good faith under this Act.

PART V – CONSERVATION TRUST FUND

Establishment of Trust.

19. There is hereby established a fund to be called the Conservation Trust Fund.

Administration of Trust.

20. (1) The Trust shall be administered by a Board of Trustees consisting of a Chairman and not less than five members appointed by the Minister by notice published in the Gazette.

(2) The President shall appoint one member of the Board as Chairman of the Board of Trustees, after consultation with the Minister, subject to the approval of Parliament.

(3) The Chairman of the Board of Trustees shall preside at the meetings of the Board and, in his absence, any other member of the Board nominated by the Minister shall perform the functions of the Chairman under this Act.

(4) Three members of the Board of Trustees shall constitute a quorum for any meeting of the Board and decisions at any meetings shall be taken on the majority of votes of members present and voting.

(5) In case of an equality of votes the Chairman or any other member performing the functions of the Chairman shall have a second or casting vote.

(6) Subject to the preceding provisions of this section the Board of Trustees shall regulate its own proceedings.

21. (1) The Trust shall be a body corporate.

Trust to be a body corporate.

(2) All documents concerning the Trust shall be signed by the Chairman or one other member of the Board of Trustees nominated by the Chairman.

22. (1) The funds of the trust shall consist of–

Funds of Trust.

- (a) moneys appropriated by Parliament for the purposes of the Authority;
- (b) all moneys given to the Authority by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of the Authority;
- (c) revenue generated from carbon trading;
- (d) revenue generated from the sale of ecosystems services;

- (e) all returns on investment, if any;
- (f) foreign aid and assistance from donor agencies; and
- (g) all other moneys which may, from time to time, accrue to the Authority.

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

Accounts and
audit of
Trust.

23. (1) The Trustees shall keep proper books of account and other records in relation to the activities, property and finances of Trust in a form approved by the Auditor-General, and shall prepare in respect of each financial year, 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 Trust kept under subsection (1) shall, not later than two months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

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

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

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

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

24. The financial year of the Trust shall be the same as the financial year of the Government. Financial year of Trust.

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

(2) The annual report shall include the accounts and annual financial statement prepared under section 23 and the report of the audit thereon.

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

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

PART VI—THE NATIONAL PROTECTED AREA

Constitution of National Protected Area.

26. (1) The Minister may by order published in the Gazette constitute any area of land to be a National Protected Area in accordance with section 3 of the Wild life conservation Act, 1972 (Act No 27 of 1972)

(2) A National Protected Area constituted by the Minister under subsection (1), shall be constituted for the purpose of the management and protection of the fauna and flora in its natural state and the conservation of biodiversity, in such a manner as is consistent with the objectives of this Act.

(3) No activity shall be permitted in the National Protected Area which contravenes the objectives of this Act.

PART VII—MISCELLANEOUS PROVISIONS

Regulations.

27. (1) The Authority may by statutory instrument make regulations as it considers necessary or expedient for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations made thereunder may provide for the following matters:

- (a) the operation and management of the National Protected Area;
- (b) prescribing applications forms, licences, permits, certificates, registers, returns and other forms that may be required for the purposes of the operation and management of the National Protected Area;

- (c) the prohibition, restriction, control or regulation of entry into, passage through or sojourn in the National Protected Area;
- (d) the control of persons, or animals (including domestic animals) in the National Protected Area or part any part thereof, either permanently or temporarily;
- (e) the prohibition, restriction, control or regulation of burning of vegetation or the cutting, felling or removal of timber in or from the National Protected Area or any part thereof;
- (f) the prohibition, restriction, control or regulation or the introduction into, passage or conveyance through or keeping within the National Protected Area or any part thereof, of any domestic animal;
- (g) the prohibition, restriction, control or regulation of the possession or use of weapons in the National Protected Area or part any part thereof;
- (h) the fees to be paid, if any, by persons entering in the National Protected Area or part any part thereof, or to be paid in respect of the doing of any specified act therein, or the use of any article or facility therein;

- (i) the restriction, control or regulation of hunting or capture of animals in the National Protected Area or any part thereof, and the terms and conditions under which animals may be hunted or captured therein;
- (j) the fees to be paid for such hunting or capture or in respect of the doing of any specified thing in the National Protected Area or any part thereof, or the use of' any article or facility provided therein;
- (k) prescribing the terms and conditions to be complied with by the holder of any licence or permit in respect of the doing of any specified thing in the National Protected Area or any part thereof, or the use of' any article or facility provided therein;
- (l) the application of measures for preventing the transmission of contagious diseases from domestic to wild animals in the National Protected Area or any part thereof;
- (m) the destruction of the eggs of crocodiles and poisonous snakes in the National Protected Area or any part thereof;
- (n) notification and returns to be made of animals killed in National Protected Area or any part thereof, and the persons by whom such returns are to be made; and

- (o) the protection of the declared protected species in the National Protected Area or any part thereof.

(3) Different Regulations may be made in respect of different animals or classes or species of animals or in respect of the same animals or class or species of animals in different circumstances or in respect of different areas or particular areas in the National Protected Area or any part thereof.

28. Any person who contravenes any of the provisions of this Act, commits an offence and shall be liable on conviction to a fine not exceeding 5 million Leones or to imprisonment for a term, not exceeding five years or to both such fine and imprisonment. penalties for any breach thereof, and may also provide different penalties in case of successive breaches of or continuous breaches. ^{Penalty.}

Passed in Parliament this *13th* day of *September*, in the year of our Lord two thousand and twelve.

IBRAHIM S. SESAY,
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.

IBRAHIM S. SESAY,
Clerk of Parliament.