

Repeal and replacement of section 52 of Act No. 3 of 1982.

5. Section 52 of the principal Act is repealed and replaced by the following:—

“Applica- 52. Sections 48, 49 and 50 shall apply, with such modifications, adaptations, qualifications and exceptions as may be necessary, to such hydro-electric power projects other than the Bumbuna Hydro-Electric Power Project or an approved scheme under section 51 as may be undertaken by the Authority, either alone or jointly with any other person or authority”.

Passed in Parliament this 31st day of March, in the year of our Lord two thousand and six.

J. A. CARPENTER,  
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.

J. A. CARPENTER,  
Clerk of Parliament.

## ACTS

Supplement to the Sierra Leone Gazette Vol. CXXXVII, No. 17  
dated 20th April, 2006

SIGNED this 18th day of April, 2006

ALHAJI AHMAD TEJAN KABBAH,  
President.

No. 4



2006

Sierra Leone

**The National Power Authority (Amendment)  
Act, 2006.**

Short title.

**Being an Act to amend the National Power Authority Act,  
1982.**

[31st March, 2005] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

Commencement.

1. This Act shall be deemed to have come into operation on the 31st day of March, 2005.

Amendment of section 1 of Act No. 3 of 1982.

2. Section 1 of the National Power Authority Act, 1982 is amended by inserting therein the following definition:—

“Special Purpose Company” means a private company registered under the laws of Sierra Leone for the special purpose of the development, financing, construction, implementation or operation or both of the Bumbuna Hydro-Electric Power Project;”

Amendment of section 14 of Act No. 3 of 1982.

3. The principal Act is amended in subsection (1) of section 14—

(a) by deleting all the words appearing after “Sierra Leone” in paragraph (a) thereof;

(b) by deleting paragraph (c) thereof.

Repeal and replacement of sections 48, 49 and 50 of Act No. 3 of 1982.

4. The principal Act is amended by the repeal and replacement of sections 48, 49 and 50 by the following:—

“Execution of Bumbuna Hydro-Electric Power Project.

48. (1) For the purposes of carrying out the Bumbuna Hydro-Electric Power Project, the Minister and the Authority are hereby authorised to enter into contractual, financial and institutional arrangements with the Special Purpose Company, or one or more private entities as is deemed reasonably necessary, to complete the development, financing, construction, implementation and operation of the Bumbuna Hydro-Electric Power Project through a public-private-partnership structure:

Provided that title to the assets of the Bumbuna Hydro-Electric Power Project shall remain with the Government of Sierra Leone.

(2) Without prejudice to the generality of subsection (1), the Minister and the Authority, as applicable, are hereby authorised to enter into the following contractual and institutional arrangements for the Bumbuna Hydro-Electric Power Project:—

(a) the Minister is authorised to—

(i) grant to the Special Purpose Company concessionary and exclusive rights and the responsibility for the development, construction, financing, implementation and operation of the Bumbuna Hydro-Electric Power Project;

(ii) enter into a concession agreement with the Special Purpose Company setting forth, firstly, the terms and conditions pursuant to which the Special Purpose Company, for its part, will develop, finance, construct, manage or operate or both the Bumbuna Hydro-Electric Power Project; and secondly, the obligations of the Government of Sierra Leone, to support the development of the Bumbuna Hydro-Electric Power Project;

(iii) participate in the establishment of the Special Purpose Company and to take an equity interest in the Special Purpose Company, in connection with which equity interest, the Minister is authorised to enter into a shareholders’ agreement with the private shareholder of the Special Purpose Company pursuant to which the interest of the Government of Sierra Leone in the Special Purpose Company shall be regulated;

- (b) the Authority is authorised to enter into a power purchase agreement with the Special Purpose Company pursuant to which the Authority will purchase electrical energy from the Special Purpose Company for such period as the concessionary rights referred to in subparagraph (i) of paragraph (a) of subsection (2) remain in force, on terms and conditions consistent with the purposes of this Act;
- (c) in connection with the implementation of the arrangements for the Bumbuna Hydro-Electric Power Project and in accordance with section 30, the Authority shall grant a licence to the Special Purpose Company that is consistent with the terms and conditions of the concession agreement and the laws of Sierra Leone;
- (d) the Minister and the Authority are authorised to enter into such other agreements and arrangements necessary to implement the Bumbuna Hydro-Electric Power Project in a manner consistent with this section.

Civil engineering works of project.

49. For the purposes of carrying out the Bumbuna Hydro-Electric Power Project in accordance with section 48, the Minister may carry out or through contractual arrangements, cause the Special Purpose Company or another private entity to carry out in accordance with such Project (with such additions, omissions, variations and deviations as shall be found necessary in the course of the work) any of the following things as are expressly or by implication provided for by such Project:-

- (a) impound, hold-up, divert, take and use the waters of the River Seli and the waters of any river or stream tributary to, and of any lake, pond or canal on or connected with that river;
- (b) embank, dam, dredge, deepen, widen, straighten, divert and otherwise alter the River Seli or any river or stream tributary to that river;
- (c) embank, dam, dredge, alter the level of, and otherwise affect any lake, pond or other water on or connected directly or indirectly with the River Seli;
- (d) move, alter, repair or reconstruct any sluice, weir, dam, embankment, quay, harbour, landing place, boathouse or other similar work in the River Seli or in any river or stream tributary to that river or any lake connected therewith;
- (e) construct and maintain sluices, weirs, dams, embankments and other similar works (including passages for the ascent and descent of fish);
- (f) construct and maintain generating stations, transformer stations and other stations and places for generating, transforming, storing, or otherwise dealing with electricity generated in pursuance of the project;
- (g) purchase, hire or otherwise provide and maintain machinery, plant and equipment, for all generating stations, transformer stations and other stations and places constructed under paragraph (f);

- (h) subject to this Act and with the approval of the Minister, close, divert, remove, submerge or otherwise interfere with any public road or bridge and construct new roads or bridges where necessary;
- (i) do any act or thing which may be necessary for or incidental to the doing of any thing which the Authority is by this section authorised to do;
- (j) acquire, construct or otherwise provide and maintain houses or other dwelling accommodation and canteens, clubs and other places of refreshment or recreation for persons employed (whether by the Authority or a contractor) in the construction of works, the management, working or conduct of the Project, or the doing of any other act or thing which the Authority is authorised by this Act to do.

Acquisition of land, etc. by Authority.

50. (1) For the purposes of carrying out the Bumbuna Hydro-Electric Power Project or doing anything which the Authority is authorised by sections 48 and 49 to do in that regard, the Authority may do, or contract with the Special Purpose Company or another private entity to do all or any of the following things:—
- (a) acquire any land either permanently or temporarily and either by agreement or compulsorily;
  - (b) acquire (either permanently or temporarily and either by agreement or compulsorily) any easement, wayleave, fishery, fishing rights, water rights or other rights whatsoever over or in respect of any land or water;

- (c) terminate, restrict or otherwise interfere with (either permanently or temporarily and either by agreement or compulsorily) any easement, wayleave, fishery, fishing rights, water rights or other rights whatsoever existing over or in respect of any land or water;
  - (d) divert, close, remove, submerge or otherwise interfere with (either permanently or voluntarily and either by agreement or compulsorily) any private roadway or bridge or any canal or other artificial waterway or any artificial watercourse;
  - (e) interfere with any land either permanently or temporarily and either by agreement or compulsorily.
- (2) Whenever, in the carrying out of the Bumbuna Hydro-Electric Power Project, it appears to the Authority that any land, easement, wayleave or other property acquired by the Authority under this Act for the purposes of such Project is not required for those purposes it shall be lawful for the Authority to sell, lease, or otherwise dispose of such property.

50A. When the Bumbuna Hydro-Electric Power Project has been carried out and the hydroelectric works provided for such Project have been completed (with such additions, omissions, variations and deviations as shall have been found necessary in the course of the work), the Special Purpose Company shall be responsible for generating electricity by means of such works and for transmitting and distributing such electricity to such places and in such manner as shall, in the opinion of such Company, be requisite for making such electricity available for the purposes of this Act.

50B. In this Part, “Minister” means the Minister responsible for energy or power.” Interpretation.