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THE INDEPENDENT MEDIA COMMISSION ACT, 2020

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No.



2020

Sierra Leone

A BILL ENTITLED

The Independent Media Commission Act, 2020.

Short title.

Being an Act to provide for the continuation of the Independent Media Commission, to provide for the registration and regulation of mass media institutions in Sierra Leone licensing institutions engaged in radio, television or direct to home” digital satellite service broadcasting and registration of persons and institutions engaged in the publication of newspapers, magazines in Sierra Leone and to provide for other related matters.

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Date of commencement.

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

PART I – PRELIMINARY

Definitions. 1. In this Act, unless the context otherwise requires-

"Chairman" means the Chairman of the Commission;

"Commission" means the Independent Media Commission;

"cross media ownership" means common ownership of multiple media sources by a single person or corporate entity;

"direct to home" means a digital satellite service that provides television viewing services directly to subscribers through satellite transmission anywhere in the country;

"Inter-Religious Council of Sierra Leone" means the Inter-Religious Council of Sierra Leone established in April 1997 to facilitate dialogue and confidence building among the different parties to the conflicts in Sierra Leone;

"media institution" means an institution engaged in the print or electronic media services, including newspapers, newsletters, magazines, radio, television, online publications, direct-to-home and digital satellite television, satellite broadcasting, public relations, advertising, media production and other similar services;

"Minister" means the Minister responsible for information and "Ministry" shall be construed accordingly;

"National Council for Technical, Vocational and other Academic Awards" means the National Council for Technical, Vocational and other Academic Awards established by section 2 of the National Council for Technical Vocational Awards Act, 2001 (Act No. 10 of 2001);

"National Telecommunications Commission" means the National Telecommunications Commission established under section 2 of the National Telecommunications Act, 2006 (Act No. 9 of 2006);

"Sierra Leone Association of Journalists" means the Sierra Leone Association of Journalists established on 5th June 1971 to protect its members, guard and promote media freedom, professionalism and ethical standards of journalism in Sierra Leone;

"Sierra Leone Institution of Engineers" means the Sierra Leone Institute of Engineers registered under the Professional Engineers Registration Council Act, 1990 (Act No. 3 of 1990);

"Tertiary Education Commission" means the Tertiary Education Commission established by section 2 of the Tertiary Education Commission Act, 2001 (Act No.8 of 2001).

"Media practitioner" means A person engage in the writing, editing or transmitting of news and information from a registered media outlet under this Act including free lancers).

"Auditor-General" means Auditor General of Sierra Leone established in Section 119 of the constitution of Sierra Leone (Act No. 6 of 1991).

PART II- CONTINUATION OF COMMISSION

Continuation
of Commission.

2. (1) There shall continue in existence the body known as the Independent Media Commission.

(2) The Commission shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property whether moveable 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 Commission shall have a common seal the use of which shall be authenticated by the signatures of the Chairman and one other member of the Commission designated in that behalf by the Commission.

Composition
of Commission.

3. (1) The Commission shall consist of a Chairman and the following members-

- (a) 2 legal practitioners each qualified enough to hold office as a Judge of the High Court of Sierra Leone, one of whom shall be a woman, nominated by the Sierra Leone Bar Association;
- (b) 2 experts in the field of electronic journalism, one of whom shall be a woman, nominated by the Sierra Leone Association of Journalists;
- (c) 2 experts in the field of print journalism one of whom shall be a woman nominated by the Sierra Leone Association of Journalists;
- (d) 1 expert in the field of information, communication and technology nominated by the Sierra Leone Association of Journalists;

- (e) 1 expert in the field of telecommunications nominated by the Sierra Leone Institution of Engineers ;
- (f) A nominee of the Inter-Religious Council of Sierra Leone; and
- (g) A representative of the Ministry nominated by the Minister.
- (h) A representative of the Sierra Leone Association of Journalists nominated by the Sierra Leone Association of Journalist
- (i) A representative from Civil Society organisation engaged in media issues nominated by the Minister in consultation with Civil Society Organisation .

(2) The Chairman shall be a person with proven relevant technical experience of at least 10 years as a media practitioner appointed by the President in consultation with the Sierra Leone Association of Journalists and subject to the approval of Parliament.

4. (1) The Chairman and all nominated members of the Commission shall hold office for a term of 3 years and shall be eligible for re-appointment for a further term of 3 years only. Tenure of members of Commission.

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

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted of an offence involving sexual offences, fraud or dishonesty;
- (e) if he fails to attend 3 regular consecutive meetings of the Commission, other than committee meetings, without reasonable cause; or

- (f) if he ceases to be a member of the organisation that nominated him;
- (g) if he resigns by written notice to the President.

Filling of vacancies.

5. (1) Where the Chairman or a member of the Commission 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 3 months-

- (a) in the case of the Chairman, the members of the Commission 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 institution that nominated the member shall, subject to this Act, nominate another person to the Commission.

(2) Where a person is appointed as Chairman or 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.

Independence of Commission

6. Subject to this Act, the Commission shall not be subject to the direction or control of any person or authority in the execution of its functions.

Remuneration and allowances of members.

7. The Chairman and other members of the Commission shall be paid such remuneration and allowances as are commensurate with those paid to members of statutory bodies as Parliament may determine.

8. (1) The Commission shall ordinarily meet for the dispatch of its business at such times and places as the Chairman may determine but shall meet at least once every month. Meetings of Commission.

(2) A special meeting of the Commission shall be held upon a written request of not less than 3 members of the Commission.

(3) At every meeting of the Commission at which he is present the Chairman shall preside and in his absence, a member elected by the members present from among their number shall preside.

(4) Every question before a meeting of the Commission shall be determined by a simple majority of the votes of the members present and where there is an equality of votes, the Chairman or the person presiding shall have a second or casting vote.

(5) The quorum for a meeting of the Commission shall be 5.

(6) The Commission may co-opt any person it considers fit to attend any of its meetings, except that a person co-opted shall not be entitled to vote on any matter for decision by the Commission.

(7) The validity of the proceedings of the Commission shall not be affected by a vacancy in its membership.

(8) The Commission shall make regulations governing the conduct of the members of the Commission in relation to issues of conflict of interest and misconduct of members in respect of their duties under this Act as it deems fit.

(9) Except as otherwise provided in this Act, the Commission shall regulate the procedure of its meetings.

9. (1) A member of the Commission who has any direct or indirect interest in a matter being considered or to be considered by the Commission shall disclose the nature of his interest to the Commission and the disclosure shall be recorded in the minutes and that member shall not take part in any deliberation or decision relating to that matter. Disclosure of interest.

(2) A member of the Commission who contravenes subsection (1) shall be removed from the Commission.

Immunity of members.

10. (1) Action or other proceedings shall not lie or be instituted against any member of the Commission or member of a Committee of the Commission 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) A member of the Commission or Committee of the Commission shall not be personally liable for any debt or obligation of the Commission.

PART III- OBJECTS, FUNCTIONS AND POWERS OF COMMISSION

Objects of Commission.

11. The object for which the Commission is established is to-

- (a) promote a free and pluralistic media industry throughout Sierra Leone;
- (b) ensure that media institutions achieve the highest level of efficiency in the provision of media services;
- (c) promote fair competition among media institutions and persons engaged in the provision of media services;
- (d) protect the interest of the public against exploitation or abuse by media institutions;
- (e) promote communication and media research and development of human resources for the advancement of the media industry throughout Sierra Leone;

(f) ensure that every person has access to fair coverage in the print, broadcast and electronic media irrespective of the person's race, colour, sex, religion, ethnicity or political orientation.

12. (1) The Commission shall be responsible for the implementation and enforcement of this Act and regulations made under it. Functions of Commission.

(2) Without prejudice to the generality of subsection (1), the Commission shall be responsible to -

- (a) advise the Minister on media policy formulation and development;
- (b) ensure compliance with this Act and regulations made under it;
- (c) establish categories of licences and grant such licences to media institutions in Sierra Leone;
- (d) prescribe minimum percentage of total broadcast hours to be devoted to public service programmes by various types and categories of electronic media institutions;
- (e) maintain a register of print and electronic media institutions in Sierra Leone;
- (f) establish clear limits on media ownership including cross-media ownership;
- (g) establish, monitor and enforce a media code of practice throughout Sierra Leone in consultation with the Sierra Leone Association of Journalists and other media practitioners and associations; and

- (h) do all such things as may contribute to the attainment of the objects of the Commission under this Act.

Powers to regulate.

13. (1) A person or institution shall not-

- (a) carry out radio, television or "direct to home" digital satellite service broadcasting unless that person or institution obtains a licence issued by the Commission for that purpose; or
- (b) publish a newspaper or magazine unless that person or institution is registered with the Commission for that purpose.

(2) A person or institution who contravenes subsection (1), commits an offence and shall be liable to a fine not less than Le. 30,000,000 and not exceeding Le. 60, 000,000.

Suspension or cancellation of licence.

14. (1) The Commission may suspend or cancel a licence where it is satisfied that -

- (a) the holder of the licence has-
 - (i) violated a term or condition of the licence; or
 - (ii) within 6 months period contravened the media code of practice more than once-

(2) Where the Commission intends to cancel or suspend a licence under subsection (1), it shall give written notice to the holder of the licence specifying the -

- (a) condition of the licence which was breached;
- (b) direct action to be taken by the holder of the licence to rectify the breach;
- (c) time to rectify the breach; and
- (d) action the Commission will take in the event of non-compliance with the notice.

(3) The Commission shall proceed to cancel or suspend the licence where the holder of the licence fails to comply with paragraphs (b) and (c) of subsection (2).

(4) The Commission shall restore the licence when the holder remedies the situation that gave cause for the cancellation or suspension.

(5) A person or media institution aggrieved by the suspension or cancellation of a licence under subsection (1) may appeal to the High Court within 30 days of the suspension or cancellation and the High Court shall within 30 days of receipt of the appeal make a decision thereon.

15. (1) The Commission may suspend or cancel a newspaper or magazine registration where it is satisfied that -

Suspension or cancellation of registration.

- (a) the holder of the certificate of registration has-
 - (i) violated a term or condition of the registration;
 - (ii) within 6 months period contravened the media code of practice more than once-

(2) Where the Commission cancels or suspends a licence under subsection (1), it shall give written notice to the holder of the licence specifying the -

- (a) condition of the licence which was breached;
- (b) direct action to be taken by the holder of the licence to rectify the breach;
- (c) time to rectify the breach; and
- (d) action the Commission will take in the event of non-compliance with the notice.

(3) A person or media institution aggrieved by the suspension or cancellation of a registration under subsection (1) may appeal to the High Court within 30 days of the suspension or cancellation and the High Court shall within 30 days of receipt of the appeal make a decision thereon.

(4) The Commission shall proceed to cancel or suspend the licence where the holder of the licence fails to comply with paragraphs (b) and (c) of subsection (2).

(5) The Commission shall restore the licence when the holder remedies the situation that gave cause for the cancellation or suspension.

Enforcement 16. (1) Where the Commission suspends or cancels a licence under section 14 or registration of a person or institution under section 15 the Commission shall order that person or institution to shut down and stop operations unless he complies with the directives of the Commission.

(2) The Commission may, where a person or institution fails to comply with an order under subsection (1), enter a building or place where the person or institution is operating, with the assistance of a police officer not below the rank of Assistant Superintendent, with a warrant, signed by the High Court and shut down and stop operations of that person or institution.

PART IV - ADMINISTRATIVE PROVISIONS

17. (1) The Commission shall have a Secretariat which shall be responsible for the efficient discharge of the functions of the Commission. Secretariat and staff of Commission.

(2) The Secretariat shall be headed by an Executive Secretary who shall be appointed by the Commission upon such terms and conditions as the Commission may determine.

(3) The Executive Secretary shall be a person with a wide experience in media and administrative matters and shall be responsible for-

- (a) the day-to-day administration of the affairs of the Commission;
- (b) the supervision and discipline of the staff of the Commission;
- (c) the recording and keeping of minutes of the meetings of the Commission; and
- (d) the performance of such other functions as the Commission may determine.

18. The Commission shall have other staff as may be required for the efficient performance of the functions of the Commission. Other staff of Commission.

19. (1) The Commission may, for the discharge of its functions under this Act, appoint one or more committees consisting of members of the Commission or non-members or both to perform such functions as the Commission may determine, including - Committees of Commission.

- (a) an Applications Committee, responsible for receiving and screening applications for Newspapers and Magazines.
- (b) a Complaints Committee, responsible for -
 - (i) inquiring into complaints made against a media institution or a person engaged in media services, breach of the conditions attached to a licence or registration and breach of the media code of practice; and
 - (ii) settlement of disputes between members of the public and media institutions or persons engaged in media services;
- (c) a Policy Committee, responsible for -
 - (i) studying development in the media and making appropriate recommendations for media policy formulation and legislation; and
 - (ii) promoting research, training and professionalism in the media industry throughout Sierra Leone; and
- (d) a Technical Committee, responsible for -
 - (i) receiving and screening applications for the licensing of electronic media institutions including radio, television and direct to home digital satellite service;
 - (ii) establishing the criteria for the operation of electronic media in collaboration with the National Telecommunications Commission;

- (iii) ensuring that electronic media operators conform with the required regulations.
- (2) A complaint relating to the conduct of a journalist or media institution shall be sent to the Complaints Committee through the Commission.
- (3) A complaint sent to the Commission under subsection (2) shall be supported by an affidavit setting out the facts on which the complaint is based.
- (4) The Complaints Committee shall, in the adjudication of complaints brought before it, have the power of the High Court to -
 - (a) issue summons in the form set out in the First Schedule to any person or media institution against whom or which a complaint has been lodged to appear before it;
 - (b) subpoena, in the form set out in the First Schedule, any person to attend a hearing of the Committee, to give evidence and to be examined as a witness.
- (5) Where a person or media institution fails to appear before the Complaints Committee after a summons has been issued twice for his appearance and an affidavit of service duly served by the commission, the Complaints Committee shall proceed with the matter as if the person or institution is before it.
- (6) After inquiring into a complaint, the Complaints Committee shall submit its report containing its recommendations to the Commission.
- (7) Where the Commission is satisfied that a case has been established against a person or media institution, it may order the person or media institution concerned to -

- (a) publish an apology and a retraction and may in addition reprimand the person or media institution concerned;
- (b) pay a fine in such sum of money as the Commission shall consider commensurate to the wrong done.

(8) Where a person or media institution fails to comply with an order of the Commission made under paragraph (a) or (b) of subsection (7), the Commission shall suspend the registration or licence of the person or media institution concerned until the person or media institution complies with the order.

(9) A person aggrieved with the decision of the Commission shall appeal to the High Court within 30 days from receipt of the decision of the Commission provided that such appeal shall not act as a stay of the suspension or cancellation of the registration or licence of the media institution.

(10) The hearings of the Complaints Committee shall be conducted in public.

PART V- FINANCIAL PROVISIONS

Funds of
Commission.

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

- (a) moneys appropriated by Parliament for the purposes of the Commission;
- (b) loans raised by the Commission;
- (c) grants or gifts from any person or organisation; and.
- (d) licence fees, registration fees and fines.

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

21. (1) The Commission shall keep proper books of account and other records in relation to the activities, property and finances of the Commission in a form approved by the Auditor-General and shall prepare in respect of each financial year of the Commission 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 Commission kept under subsection (1) shall, not later than 2 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 Commission and to require such information and explanation thereon as he may think fit.

(4) The Commission 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 Commission.

(5) The Auditor-General or the auditor appointed by him shall submit to the Commission 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 irregularity in the accounts;
- (b) any matter that is likely to adversely affect the operations of the Commission; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Commission.

Financial year of Commission. 22. The financial year of the Commission shall be the same as the financial year of the Government.

Annual report. 23. (1) The Commission 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) The annual report submitted by the Commission under subsection (1), shall include the accounts and annual financial statement prepared under section 21 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 Commission shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VI- LICENSING AND REGISTRATION

A. RADIO, TELEVISION AND DIGITAL SATELLITE SERVICE

Radio, television, etc., licence. 24. (1) A person or media institution who wishes to carry out radio, television or digital satellite service broadcasting shall apply to the Commission for a licence for that purpose.

(2) Subject to this Act, a person or media institution shall not be eligible to apply for radio, television or digital satellite service broadcasting licence under subsection (1), unless he is -

- (a) a body corporate established by an Act of Parliament or registered under the Companies Act, 2009 (Act No. 5 of 2009); or
- (b) a partnership registered under the Partnership Act, 1890.
- (c) has a registered business as a sole proprietor.

be- (3) An application for a licence under subsection (1), shall

- (a) in such form as the Commission may determine;
- (b) accompanied by-
 - (i) information in support of the application as may be required by the Commission;
 - (ii) a non-refundable application fee prescribed by the Commission;
 - (iii) evidence of compliance with the following obligations imposed by -
 - (aa) section 12 of the National Revenue Authority Act 2002 (Act No. 5 of 2002)
 - (bb) section 25 of the National Social Security and Insurance Trust Act, 2002 (Act No. 5 of 2001); and
 - (cc) the Minimum Wage Act, 1997 (Act No.1 of 1997) and its amendments

(4) The Commission shall, on receipt of an application under subsection (1) -

- (a) acknowledge receipt of the application, within 5 working days; and
- (b) inform the applicant in writing of its decision in not later than 30 days.

(5) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than 30 million leones and not exceeding 60 million leones.

Grant of licence.

25. (1) The Commission shall, where it is satisfied that an application under subsection (1) of section 24 has complied with all the registration requirements -

- (a) issue a provisional licence to the applicant after payment of the prescribed fee, provided that the Commission shall issue a certificate of final licence where it is satisfied that the applicant has fulfilled the requisite licence criteria, not later than 6 months after the issue of a provisional licence; and
- (b) make a recommendation to the National Telecommunications Commission for the issue of a spectrum licence and appropriate broadcasting frequency to the applicant.

(2) A licence shall not be granted by the Commission under subsection (1), unless the Commission is satisfied that -

- (a) the particulars contained in the application are correct and sufficient;

(b) there is evidence of the applicant's technical capacity to provide the services;

(c) the application fee has been paid; and

(d) the application provides access to plurality of views and variety of programming,

(3) The Commission may, in granting a licence under subsection (1), specify in the licence such conditions including conditions requiring the holder of a licence to-

(a) pay to the Commission, for the duration of the licence, such fees as may be determined by the Commission;

(b) maintain the standard of performance determined by the Commission;

(c) operate the media institution in accordance with such standards of performance as the Commission considers appropriate;

(d) guarantee that the licence granted shall not be transferable;

(e) acknowledge that the licence shall be valid for a period of one year; and

(f) do or not to do specified things unless written approval is given by the Commission.

(4) The Commission shall where the applicant is in breach of paragraph (e) of Sub Section 3, order by notice in writing that the applicant pay 20 percent of the application fee after one month extension from the expiration of a valid licence.

Refusal of application.

26. (1) Subject to this Act, the Commission may refuse an application for a radio, television or digital satellite service broadcasting licence where -

- (a) the applicant does not have the technical capacity required;
- (b) the application contains false or misleading particulars; or
- (c) the applicant has not complied with the application procedure.

(2) The Commission shall, where it intends to refuse an application under subsection (1) -

- (a) inform the applicant in writing of its intention to refuse the application;
- (b) state the grounds for refusal; and
- (c) give the applicant or his solicitor an opportunity to be heard in his defence.

(3) The Commission shall, after a hearing under subsection (2) -

- (a) grant or refuse the application;
- (b) inform the applicant in writing of its decision; and
- (c) where it refuses, it shall state the reason for refusal.

27. (1) A licence granted under this Act shall be for such period as specified therein and may be renewable. Renewal of licence.

(2) An application for the renewal of a licence shall be made to the Commission not later than 3 months before the expiry of the licence.

(3) The procedure for the renewal of a licence shall be in accordance with the Commission's regulatory requirement.

(4) In considering an application for renewal of a licence, the Commission shall have regard to the performance of the person or media institution up to the time of the application for renewal.

(5) A person or media institution who fails to renew his licence or whose application for the renewal is rejected by the Commission shall cease to function as a radio, television or digital satellite television broadcasting station.

28. A person or media institution aggrieved by the refusal of the Commission to grant or renew a licence under this Act, may appeal to the High Court within 30 days of the refusal and the High Court shall within 30 days of receipt of the appeal make a decision thereon. Appeal.

B. NEWSPAPERS AND MAGAZINES

29. (1) A person or media institution who publishes a newspaper or magazine shall apply to the Commission for registration of the newspaper or magazine. Newspapers and magazines.

(2) Subject to this Act, a person or media institution shall not be eligible to apply for the registration of a newspaper or magazine under subsection (1), unless he-

- (a) is a body corporate registered under the Companies Act, 2009 (Act No. 5 of 2009);
- (b) a partnership registered under the Partnership Act, 1890; or
- (c) has registered business as a sole proprietor.
- (3) An application for registration under subsection (1), shall -
- (a) be in such form as the Commission may determine;
- (b) be accompanied by-
- (i) information in support of the application as may be required by the Commission;
- (ii) a non-refundable application fee prescribed by the Commission.
- (iii) evidence of compliance with obligations imposed by -
- (aa) section 12 of the National Revenue Authority Act 2002 (Act No. 5 of 2002)
- (bb) section 25 of the National Social Security and Insurance Trust Act, 2001 (Act No. 5 of 2001); and
- (cc) the Minimum Wage Act, 1997 (Act No1 of 1997) and its amendments

- (c) specify among other things -
- (i) the name of the newspaper, magazine or newsletter; and
- (ii) the name and permanent address of the chief executive, managing director or other chief operating officer of the company or partnership .
- (4) The Commission shall, on receipt of an application under subsection (1) -
- (a) acknowledge receipt of the application, within 5 working days; and
- (b) inform the applicant in writing of its decision in not later than 30 days.
- (5) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than 15 million leones and not exceeding 30 million leones.
30. The Commission shall not register a newspaper or magazine that has -
- (a) the same name as an existing newspaper or magazine; or
- (b) a name closely resembling that of an existing newspaper or magazine.
31. (1) The Commission shall, where it is satisfied that an application under subsection (1) of section 29 has complied with all the registration requirements -
- (a) approve the registration, subject to such conditions as may be specified; and
- (b) issue a certificate of registration to the applicant.

Same or similar names not to be registered.

Approval of registration.

(2) An application under subsection (1) of section 29 shall not be granted by the Commission unless the Commission is satisfied that -

- (a) the particulars contained in the application are correct and sufficient; and
- (b) the application fee has been paid.

(3) The Commission may, in approving an application under subsection (1), specify conditions to which the approval is subject, including the requirement that -

- (a) the proprietor of a newspaper or magazine shall -
 - (i) pay to the Commission, for the duration of the registration, such fees as may be determined by the Commission;
 - (ii) maintain the standard of performance determined by the Commission;
 - (iii) operate the media institution in accordance with such standards of performance as the Commission considers appropriate; and
 - (iv) do or not to do specified things unless written approval is given by the Commission.

(b) the registration is not transferable; and

(c) the registration shall be valid for the period specified in the certificate.

32. (1) Where an application for registration is successful the Commission shall issue a provisional certificate of registration to the successful applicant after payment of a prescribed fee, provided that the Commission shall issue a certificate of final registration where it is satisfied that the applicant fulfilled the requisite registration criteria, not later than 6 months after the issue of a provisional certificate of registration. Certificate of registration.

(2) A certificate of registration issued under subsection (1) shall-

(a) not be transferable; and

(b) be valid for a period of 1 year.

33. (1) Subject to this Act, the Commission may refuse an application for a newspaper or magazine registration where - Refusal of application.

(a) the applicant contravenes this Act;

(b) the application contains false or misleading particulars; and

(c) the applicant has not complied with the application procedure.

(2) The Commission shall, where it intends to refuse an application under subsection (1) -

- (a) inform the applicant in writing of its intention to refuse the application;
- (b) state the grounds for refusal; and
- (c) give the applicant or his solicitor an opportunity to be heard in his defence.

(3) The Commission shall, after a hearing under subsection (2) -

- (a) grant or refuse the application;
- (b) inform the applicant in writing of its decision; and
- (c) where it refuses, it shall state the reason for refusal.

Renewal
of Certificate.

34. (1) A certificate of registration issued to a newspaper or magazine under subparagraph (b) of subsection (1) of section 30 shall be valid for a period of one year and may be renewed.

(2) An application for the renewal of registration shall be made to the Commission not later than 3 months before the expiry of the registration.

(3) The procedure for the renewal of registration shall, be in accordance with the commissions regulatory requirements.

(4) In considering an application for renewal of a registration, the Commission shall have regard to the performance of the person or media institution up to the time of the application for renewal.

35. A person or media institution aggrieved by the refusal of the Commission to grant or renew his registration under this Act, may appeal to the High Court within 30 days of the refusal and the High Court shall within 30 days of receipt of the appeal make a decision thereon. Appeal.

36. (1) Where there is a change in the management of a magazine or newspaper the new management shall submit to the Commission: the name, permanent address and other particulars of the chief executive, managing director or other managing or operating officer of the company, partnership or sole proprietorship in such form as specified in the Second Schedule. Obligation to report change in management.

(2) A person who willfully makes or causes to be made in the form referred to under subsection (1) -

- (a) an insertion of-
 - (i) the name of a person who is not a chief executive, managing director or other managing or operating officer or officers;

- (ii) the incorrect occupation of the chief executive, managing director or other chief managing or operating officer or officers; or
 - (iii) the incorrect address of the chief executive, managing director or other chief managing or operating officer or officers;
- (b) any other misrepresentation;
- (c) an omission of prescribed particulars,

commits an offence and is liable to a fine as the Commission may by statutory instrument prescribe.

Particulars of publishers to appear on newspapers or magazines.

37. (1) A person shall not print, publish or disperse a newspaper or magazine unless there is in legible characters on the front of that newspaper or magazine, or upon the first or last leaf the name, permanent address and other particulars of the chief executive, managing director or other chief managing or operating officer or officers of the company, partnership or sole proprietorship.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not less than 15 million leones and not exceeding 30 million leones.

38. (1) The editor and publisher of a newspaper or magazine shall, on each day on which the newspaper or magazine is published deliver to the Commission 5 copies of the newspaper or magazine published and of every supplement thereto, signed by the editor or publisher thereof and where the publisher is a company, the copies shall be signed by a director or the secretary of the company and in the case of partnership or sole proprietorship the managing partner of sole proprietor.

Delivery of signed copies.

(2) The signed copies of every newspaper or magazine delivered to the Commission under subsection (1) shall be submitted on day of publication and shall be filed and kept by the Commission.

(3) An editor and publisher of a newspaper or magazine who contravenes subsection (1) commits an offence and is liable to a fine not less than 3 million leones and not exceeding 5 million leones.

PART VII - OBLIGATION TO EMPLOY REGISTERED EDITORS AND STATION MANAGERS.

39. A person or media institution shall not employ or otherwise engage a person as an editor or station manager in the business of-

Obligation to employ registered media practitioner.

(a) radio, television or digital satellite television broadcasting;

(b) a newspaper or magazine publication.

unless that person is registered as a media practitioner.

Obligation to employ qualified editors and station managers.

40. (1) A person or media institution shall not employ or otherwise engage a person as an editor or station manager in the operation of a radio, television or digital satellite service broadcasting or a newspaper or magazine publication, unless that person -

- (a) is a journalist with a minimum of 5 years experience; and
- (b) has obtained a diploma in journalism, mass communication or media studies or a University Degree from a recognised Institution.

(2) Subsection (1) shall not apply to a person who, before the commencement of this Act, has had 10 years experience as an editor or station manager in a media institution.

PART VIII - MISCELLANEOUS PROVISIONS

Register of Licences and Registrations.

41. (1) There shall be a Register of Licences and Registrations maintained by the Executive-Secretary, in such form as the Commission may determine.

(2) The register maintained by the Executive-Secretary under subsection (1), shall contain entries of -

- (a) television or digital satellite television broadcasting licences issued by the Commission;

(b) newspaper and magazine registered with the Commission;

(c) the names and address of the chief executive, managing director or other management or operating officer or officers of media institutions that are registered with the Commission; and

(d) licences and registrations suspended or cancelled by the Commission.

(3) A person may upon the payment of the prescribed fee inspect the register or request an extract from a part of the register.

42. A person who owns or operates a media institution in Sierra Leone immediately before the coming into force of this Act and who intends to continue shall, subject to this Act, within 6 months from the date of the coming into operation of this Act, apply to the Commission for the grant of a licence or a registration certificate. Existing media institution.

43. The Minister may, by statutory instrument, after consultations with the Commission and the Sierra Leone Association of journalists, make regulations for giving effect to this Act. Regulations.

44. (1) The Independent Media Commission Act, 2000 (Act No.12 of 2000) is hereby repealed. Repeal and savings.

- (2) Notwithstanding subsection (1)-
 - (a) a licence granted under the repealed Act, which is in force at the coming into operation of this Act shall continue in force as if granted under this Act;
 - (c) all regulations, rules, guidelines, orders, notices, directives and instruments prescribed or issued under the repealed Act and in force at the coming into operation of this Act shall, unless they are inconsistent with any provision of this Act or until they are expressly revoked, remain in force.

FIRST SCHEDULE (Section

19(4)

COMPLAINTS COMMITTEE

Summons / Subpoena

To.....

.....

.....

.....

You are hereby required to attend a hearing of the Complaint Committee on the day of _____, 20__ at 9,30am.

At the suit of;

.....

.....

.....

Who alleges that on the _____ day of _____ 20__ your newspaper/radio station Broadcasted/Published the following words against him/her:

Attach additional page(s) if necessary)

Signed-----

(Section 36 (1))

SECOND SCHEDULE

Return made pursuant to section 36

Title of Newspaper	Name of person who ceased to be	Name of person who becomes	Occupation of new	Place of Business of new	Place of Residence of new
	chief executive, managing director or other chief managing or operating officer or officer	chief executive, managing director or other chief managing or operating officer or officer	chief executive, managing director or other chief managing or operating officer or officer	chief executive, managing director or other chief managing or operating officer or officer	chief executive, managing director or other chief managing or operating officer or officer

Signature of Person making the return

This return was received by me on the 20 day of 20

Registrar-General

MORANDUM OF OBJECTS AND REASONS

The object of this Bill is to provide for the continuation of the Independent Media Commission, to provide for the registration and regulation of mass media institutions in Sierra Leone and to provide for other related matters.

The Bill is divided into 8 parts-

Part 1 - Preliminary provides for the interpretation of certain terms and expressions in the Bill.

PART 11- provides for the continuation of the Independent Media Commission, its new composition, terms of its membership, meetings, remuneration and immunity of its members.

PART III - outlines the objects, functions and powers of the Commission, procedure of suspension and cancellation of licences and registration certificates of media institutions and enforcement ,

PART - 1V- establishes a Secretariat and the appointment of staff of the Commission and special committees.

PART V- financial provisions, deals with the funds of the Commission including accounts and audit.

PART V1- provides for the licensing of radio, television and digital satellite television and for the registration of newspapers, magazines and newsletters.

PART VI1 - imposes an obligation on media institutions to employ journalists registered with the Sierra Leone Association of Journalists as editors and station managers.

PART VIII1 - contains provisions for registers of licences and registration certificates, repeal and savings and for the Minister to make regulations for giving effect to the Act.

MADE this 4th day of June, 2020

FREETOWN,
SIERRA LEONE

MOHAMED RAHMAN SWARAY
Minister of Information and Communications