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THE JUSTICE SECTOR COORDINATION OFFICE ACT, 2015

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No.

2015



Sierra Leone

A BILL ENTITLED

The Justice Sector Coordination Office Act, 2015.

Short title.

Being an Act to provide for the establishment of the Justice Sector Coordination Office, to provide for support to the reform and resource mobilization of the justice sector and 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

“Coordinator” means the Coordinator of the Justice Sector Coordination Office appointed under section 12;

“Justice Sector Coordination Office” means the Justice Sector Coordination Office established by section 2;

“justice sector institution” means any institution established to promote and protect justice and human rights;

“Minister” means the Minister responsible for Justice.

PART II – ESTABLISHMENT OF THE JUSTICE SECTOR COORDINATION OFFICE

Establishment of Justice Sector Co-ordination Office. 2. (1) There is hereby established a body to be known as the Justice Sector Coordination Office.

(2) The Justice Sector Coordination Office shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of 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 Justice Sector Coordination Office shall have a common seal, the use of which shall be authenticated by the signature of –

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

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

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

(2) The Board shall consist of the Vice President who shall be Chairman and the following other members -

- (a) The Chief Justice;
- (b) Minister of Justice;
- (c) Minister of Internal Affairs;
- (d) Minister of Social Welfare, Gender and Children's Affairs;
- (e) Minister of Local Government and Rural Development;
- (f) National Security Coordinator;
- (g) Inspector General of Police;
- (h) Director, Sierra Leone Correctional Services;
- (i) Chairman, Independent Police Complaints Board;
- (j) Chairman, Law Reform Commission;
- (k) Ombudsman;
- (l) Chairman, Legal Aid Board;

- (m) Chairman, Human Rights Commission;
- (n) Commissioner Anti-Corruption Commission;
- (o) representatives of such other institutions that may be established to promote and protect justice and human rights in Sierra Leone; and
- (p) the Coordinator, as ex-officio, who shall be the Secretary to the Board.

Meetings of Board.

4. (1) The Board shall meet for the dispatch of its business at least once every three months at the offices of the Justice Sector Coordination Office or at such other place and time as the Chairman may determine.

(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 seven.

(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 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.

5. (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.

Disclosure of conflict of interest.

(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.

6. (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.

Immunity of members of Board, etc.

(2) No member of the Board shall be personally liable for any debt or obligation of the Justice Sector Coordination Office.

Committees
of Board.

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

(2) A committee appointed under subsection (1), shall consist of members of the Board or non-members or both as the Board may determine.

(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 Coordinator, 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.

Functions of
Board.

8. Subject to this Act, the Board shall have the control and supervision of the Justice Sector Coordination Office, including—

- (a) providing policy guidance and advice;
- (b) ensuring sound and proper financial management; and
- (c) mobilising resources for the implementation of policy.

Remuneration
of members.

9. The Chairman and other members of the Board and any person co-opted by the Board under subsection (8) of section 4 shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Justice Sector Coordination Office 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.

10. (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—

(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 THE JUSTICE SECTOR COORDINATION OFFICE

11. (1) The object for which the Justice Sector Coordination Office is established is to promote sustainable development of justice sector institutions, to effectively and efficiently manage and coordinate activities and programmes within the justice sector, to ensure the development and effective implementation of strategic plans and the most efficient use of resources in justice sector institutions.

Functions
of Justice
Sector.
Coordination
Office.

(2) Without prejudice to the generality of subsection (1) the Justice Sector Coordination Office shall have responsibility to—

- (a) provide support to justice sector institutions in the development and implementation of activities in their respective strategic plans;
- (b) ensure that reforms in the various justice sector institutions are effectively linked, sequenced and managed;

- (c) ensure the timely and appropriate monitoring and evaluation of strategic performance within the justice sector and the communication of such performance to stakeholders;
- (d) effectively and efficiently coordinate reform activities in justice sector institutions;
- (e) establish and maintain cooperation between justice sector institutions and the security sector;
- (f) establish and maintain cooperation between justice sector institutions, civil society and other stakeholders; and
- (g) carry out such other functions as are necessary for the attainment of the object stated in subsection (1).

PART IV – ADMINISTRATIVE PROVISIONS

Appointment
of Co-
ordinator.

12. (1) The Justice Sector Coordination Office shall have a Coordinator who shall be appointed by the President on the recommendation of the Board.

- (2) No person shall be appointed as Coordinator unless he—
 - (a) holds a post-graduate degree in a field of study relevant to the operations or functions of the justice sector;
 - (b) has a minimum of five years experience in the public or private sector; and
 - (c) has proven managerial and administrative skills.

13. The Coordinator shall be responsible for -

Functions of
Coordinator.

- (a) providing guidance and support to justice sector institutions in the implementation of their strategic plans;
- (b) collaborating with external partners in supporting justice sector reform;
- (c) the day-to-day administration of the Justice Sector Coordination Office;
- (d) the supervision and discipline of other staff of the Justice Sector Coordination Office;
- (e) the execution of the policies of the Justice Sector Coordination Office; and
- (f) carrying out such other functions as may be assigned to him by the Board.

14. (1) The Justice Sector Coordination Office shall have a Deputy Coordinator who shall be appointed by the Public Service Commission.

Appointment
of Deputy
Coordinator.

(2) No person shall be appointed Deputy Coordinator unless he-

- (a) holds a post-graduate degree in a field of duty relevant to the operations or functions of the justice sector;
- (b) has a minimum of five years experience in the public or private sector; and
- (c) has proven managerial and administrative skills.

Functions of Deputy Coordinator. 15. The Deputy Coordinator shall assist the Coordinator in the performance of his functions under this Act.

Other Staff 16. The Justice Sector Coordination Office shall have such other administrative staff as may be required for the efficient performance of its functions under this Act.

Consultants and experts. 17. The Justice Sector Coordination Office may engage the services of consultants or experts as it may consider necessary for the proper and efficient performance of its functions.

Protection of officers. 18. No officer or employee of the Justice Sector Coordination Office shall be liable in respect of any matter or thing done by him in good faith in the performance of his functions under this Act.

PART V – FINANCIAL PROVISIONS

Funds of Justice Sector Coordination Office. 19. (1) The activities of the Justice Sector Coordination Office shall be financed by funds consisting of–

(a) any moneys appropriated from time to time by Parliament for the purposes of the Justice Sector Coordination Office; and

(b) all other moneys which may, from time to time accrue to the Justice Sector Coordination Office.

(2) The funds of the Justice Sector Coordination Office shall be applied only for the purposes of the approved budget of the Justice Sector Coordination Office.

20. (1) The Justice Sector Coordination Office shall keep proper books of account and other records in relation to its activities, property and finances 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 Justice Sector Coordination Office 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 Justice Sector Coordination Office and to require such information and explanation thereon as he may think fit.

(4) The Justice Sector Coordination Office 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 Justice Sector Coordination Office.

(5) The Auditor-General or the auditor appointed by him shall submit to the Justice Sector Coordination Office 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 of the Justice Sector Coordination Office;
- (b) any matters that are likely to adversely affect the operations of the Justice Sector Coordination Office ; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Justice Sector Coordination Office.

Financial Year. 21. The financial year of the Justice Sector Coordination Office shall be the same as the financial year of the Government.

Annual report. 22. (1) The Justice Sector Coordination Office shall, within three months after the end of the financial year, submit to the Attorney-General and Minister of Justice a report on the performance of its functions during that year and on its policy and programmes.

(2) The annual report shall include the accounts and annual financial statement prepared under section 20 and the report of the audit thereon.

(3) The Attorney-General and Minister of Justice shall lay copies of the annual report before Parliament within two months of receipt of the report.

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

PART VI—MISCELLANEOUS PROVISIONS

Regulations. 23. The Attorney-General and Minister of Justice may by statutory instrument make regulations as he considers necessary or expedient for giving effect to the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to provide for the establishment of the Justice Sector Coordination Office, to provide for support to the reform and resource mobilisation of the justice sector and for other related matters.

Part I provides for the interpretation of certain terms and expressions in the Bill.

Part II deals with the establishment of the Justice Sector Coordination Office and provides for the functions of the Office.

Part III deals with the functions of the Justice Sector Coordination Office

Part IV sets out the administrative provisions of the Justice Sector Coordination Office including the appointment and functions of the Coordinator, Deputy Coordinator and other staff of the Justice Sector Coordination Office.

Part V deals with the financial provisions .It provides for the funding of the Justice Sector Coordination Office.

Part VI gives the Attorney-General and Minister of Justice the power to make regulations as it considers necessary or expedient for giving effect to the provisions of the Act

FRANKLYN BAI KARGBO,
Attorney-General and Minister of Justice.

FREETOWN,
SIERRA LEONE,
FEBRUARY, 2015.