

BILL

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THE NATIONAL COUNCIL FOR CIVIC EDUCATION AND DEMOCRACY ACT, 2022

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No.

2022



Sierra Leone

A BILL ENTITLED

The National Council for Civic Education and Democracy Act, 2022 Short title.

Being an Act to provide for the establishment of the National Council for Civic Education and Democracy for the purpose of continuous nationwide civic education on the roles and responsibilities of citizens, the duty of patriotism and nationalism, to provide development communication for Government and partner programmes to the people of 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

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

"Council" means the National Council for Civic Education and Democracy established under section 3;

"Executive-Director" means the Executive-Director appointed under subsection (1) of section 15;

"Minister" means the Minister responsible for Planning and Economic Development.

Application. 2. This Act shall apply to all matters pertaining to operations or transactions carried out in or connected with formal and non-formal civic education, community engagement, nationalism and patriotism and awareness raising throughout Sierra Leone.

PART II—ESTABLISHMENT OF THE NATIONAL COUNCIL FOR CIVIC EDUCATION AND DEMOCRACY

Establishment of National Council for Civic Education and Democracy. 3. (1) There is hereby established a body to be known as the National Council for Civic Education and Democracy.

(2) The Council 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 Council 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.

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

(2) The Board shall consist of a Chairman and the following other members -

- (a) the Development Secretary, Ministry of Planning and Economic Development;
- (b) the Chairman, Human Rights Commission of Sierra Leone;
- (c) the Chairman, National Commission for Persons with Disability;
- (d) the Secretary General, Sierra Leone Teachers' Union;
- (e) the Permanent Secretary, Ministry of Basic and Senior Secondary Education;
- (f) the Chairman, Council of Paramount Chiefs;
- (g) a representative from the Ministry of Finance;
- (h) a representative from the Ministry of Youth Affairs;
- (i) a representative from the Ministry of Information and Communications;
- (j) a representative from the Ministry of Political and Public Affairs;
- (k) a representative from the Ministry of Gender and Children's Affairs;
- (l) 4 other members, 2 of whom shall be women, appointed by the President subject to the approval of Parliament; and
- (m) the Executive-Director, who shall be secretary to the Board.

(3) The Chairman and the 4 other members of the Board appointed under paragraph (h) shall be appointed from among persons with proven knowledge in civic education.

Functions
of Board.

5. (1) Subject to this Act, the Board shall supervise the Council, including overseeing the sound and proper financial management of the Council.

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

Tenure of
members.

6. (1) The Chairman and 4 other members of the Board appointed under paragraph (1) of subsection (2) of Section 4, shall hold office for a period of 3 years and shall be eligible for re-appointment for a further term of 3 years 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 3 consecutive meetings of the Board without reasonable cause;
- (f) if he resigns his office by written notice to the Minister.

Meetings
of Board.

7. (1) The Board shall meet for the dispatch of its business at least once every 3 months and at such 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 3 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 3 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be 7

(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 meeting procedure.

Disclosure of interest.

8. (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.

9. (1) Action or other proceedings shall not lie or be instituted against a member of the Board or a member of a committee of the Board for or in respect of an act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the Board shall not be personally liable for any debt or obligation of the Council.

Committees of Board.

10. (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 of the Board 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 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.

Remuneration of members.

11. (1) 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 Council for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

(2) Notwithstanding subsection (1), a member of the Board who receives salary from the consolidated fund shall be entitled only to a sitting fee.

12. (1) Where the Chairman or a member of the Board 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-

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—OBJECT AND FUNCTIONS OF COUNCIL

13. (1) The object for which the Council is established is to inculcate, in the public, a strong sense of civic responsibility, patriotism and nationalism.

Functions
of Council.

(2) Without prejudice to the generality of subsection (1), it shall be the responsibility of the Council to-

- (a) create and sustain awareness of the principles and objectives of the Constitution of Sierra Leone as the fundamental law of the people of Sierra Leone;
- (b) educate and encourage the public to defend, uphold and protect the Constitution of Sierra Leone at all times against all forms of abuse and violation;

- (c) formulate programmes, at national, regional and district level, aimed at -
 - (i) realising the objectives of the Constitution of Sierra Leone;
 - (ii) bringing government closer to the citizens through community outreach engagements and the media;
- (d) collaborate with relevant ministries, departments and agencies to develop and periodically review civic education curriculum for schools;
- (e) collaborate with and support relevant ministries, departments and agencies to develop effective implementation of civic education and democracy communication;
- (f) perform such other functions as the Board may, subject to this Act, from time to time assign to it.

Independence
of Council.

14. In the discharge of its functions under this Act, the Council shall not be subject to the direction or control of any other person or authority.

PART IV—ADMINISTRATIVE PROVISIONS

Executive -
Director and
Deputy
Executive-
Director

15. (1) The Council shall have an Executive-Director and a Deputy Executive-Director both of whom shall be appointed by the President subject to the approval of Parliament.

(2) A person shall not be appointed as Executive-Director unless he has proven knowledge and experience in civic education.

(3) 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 Council;

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- (b) to initiate and maintain high-level contact with stakeholders, both local and international, in relevant areas of the operations of the Council;
- (c) to supervise the preparation of the annual budgets and report of the Council for the review and approval of the Board;
- (d) to oversee the work and discipline of the other staff of the Council;
- (e) to carry out such other functions as may be necessary for the purposes of the Council assigned to him by the Board.
- (4) The Council may delegate to the Executive Director, the power to -
- (a) recruit such grades or categories of staff as the Council may determine;
- (b) enter into agreement, for the purpose of carrying out the functions of the Council, for and on behalf of the Council.
- (5) In the performance of his functions under subsection (1), the Executive-Director shall be assisted principally by the Deputy Executive-Director who shall also act for the Executive-Director in his absence.
16. (1) The Council shall have, in addition to the Executive Director, such other technical and administrative staff as may be required for the efficient performance of the functions of the Council. Other staff of Council.
- (2) The other technical and administrative staff of the Council under subsection (1) shall be appointed by the Board subject to such terms and conditions as the Board shall determine.
17. Public officers may, at the instance of the Council, be seconded or otherwise render assistance to the Council but the Council may request the withdrawal of such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Council. Secondment of public officers.

Protection of
officers.

18. An officer or employee of the Council or a person acting on the directions of an officer or employee of the Council shall not be liable in respect of any matter or thing done by him in good faith under this Act.

Directorates
of Council.

19. (1) The Board shall, on the recommendation of the Executive-Director, create such directorates, as may be necessary for the performance of the functions of the Council, including -

- (a) Directorate of Administration, Finance and Human Resources;
- (b) Directorate of Curriculum Development and Training;
- (c) Directorate of Programme, Research, Monitoring and Evaluation and Learning;
- (d) Directorate of Communications, Education and Outreach.

(2) A Directorate of the Council shall be headed by a Director and shall have such divisions as may be necessary for the performance of the functions of the Council.

Regional and
district offices
of Council.

20. (1) There shall be established in each of the administrative regions and districts of Sierra Leone, such regional and district offices of the Council as the Board may determine,

(2) A district office established under subsection (1) shall be under the supervision of the regional office in the region within which the district office is located.

(3) A regional and district Office established under subsection (1) shall perform such functions as the Board may determine.

PART V - FINANCIAL PROVISIONS

Funds of
Council.

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

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- (a) monies appropriated by Parliament for the purposes of the Council;
 - (b) monies given to the Council by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of the Council;
 - (c) all other monies which may, from time to time, accrue to the Council.

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

22. (1) The Council shall keep proper books of account and other records in relation to the activities, property and finances of the Council in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Council an annual financial statement which shall include - Accounts and audit of Council.

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Council kept under subsection (1) shall, not later than 3 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

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

(4) The Council 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 Council.

(5) The Auditor-General or the auditor appointed by him shall submit to the Council, 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 Council; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Council.

Financial
year of
Council.

23. The financial year of the Council shall be the same as year of the financial year of the Government of Sierra Leone.

Annual
report.

24. (1) The Council shall, within 3 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.

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

(3) The Minister shall lay copies of the annual report before Parliament within 3 months after receipt of the annual report.

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

PART VI – MISCELLANEOUS PROVISIONS

Regulations.

25. The Minister may, by statutory instrument, after consultation with the Council, make Regulations as he considers necessary or expedient for giving effect to the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to provide for the establishment of the National Council for Civic Education and Democracy, to provide national civic education on civic responsibilities, nationalism, patriotism and democracy throughout Sierra Leone, to provide development communication for Government and partner programmes to the people of Sierra Leone and to provide for other related matters.

The Bill is divided into 6 parts -

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

Part II - provides for the establishment of the National Council for Civic Education and Democracy and the Board of Council

Part III - provides for the functions of the National Council for Civic Education and Democracy.

Part IV - deals with administrative provisions and includes the appointment of the Executive-Director and Deputy Executive-Director and other staff of the Council. It also provides for the establishment of directorates of the Council and regional and district offices.

Part V - deals with financial provisions of the Council which includes funds of Council, accounts and audit of Council, financial year of the Council and annual report.

Part VI - includes miscellaneous which vests the power to make regulations in the Minister.

MADE this 13th day of September, 2022

DR. FRANCIS MUSTAPHA KAI-KAI,
Minister of Planning and Economic Development,

FREETOWN
SIERRA LEONE.