

BILL

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THE NATIONAL MONITORING AND EVALUATION AGENCY ACT, 2023

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No.



2023

Sierra Leone

A BILL ENTITLED

THE NATIONAL MONITORING AND EVALUATION AGENCY Short title.
ACT, 2023

Being an Act to make provision for the establishment of the National Monitoring and Evaluation Agency as a semi-autonomous body with authority to ensure greater accountability and transparency in the disbursement and use of public funds, to provide for the promotion of efficiency and effectiveness in the delivery of programmes and projects 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 1-PRELIMINARY

- Interpretation. 1. In this Act unless the context otherwise requires -
- "advantage" includes-
- (a) a gift, loan, fee, reward or Agency, consisting of money or of any valuable security or other property or interest in property;
 - (b) any office, employment or contract;
 - (c) any payment, discharge or liquidation of any loan; and
 - (d) any other benefit or favour other than entertainment;
- "Agency" means the National Monitoring and Evaluation Agency under section 2;
- "development partner" means any institution or country that supports the government of Sierra Leone, in cash or kind, grant or loan to achieve its development aspirations;
- "document" includes any text produced on paper in hard or soft copy, tape-recording, any form of computer input or output and any other material, whether produced mechanically, electronically, manually, or otherwise;
- "local council" means a body of people elected to manage the affairs of a city or district rather than the country;
- "official income" means salaries, wages, allowances, pensions, gratuities and other moneys paid to a public officer by virtue of his appointment as public officer

"Minister" means the Minister designated by the President for the administration of this Act;

"public sector" includes-

- (a) the Government;
- (b) Parliament;
- (c) Ministry, Department, Agency, the District and City Council and any other local authority;
- (d) a company in which the Government is a shareholder;
- (e) a committee or other body of persons, whether paid or unpaid, appointed by or on behalf of the Government or local authority;
- (f) an educational or similar institution financed wholly or partly from public funds; and
- (g) an organisation, whether local or foreign, established to render voluntary social service to the public or for other charitable purposes, which receives funds or other donation for the benefit of the people of Sierra Leone or a section thereof;

"public corporation" means a corporation established by an Act of Parliament or out of moneys provided by Parliament and includes a company which is wholly owned by the Government or in which the Government is a major shareholder;

"public officer" means a holder of a public office;

"public office" means an office in the service of the Government of Sierra Leone, and includes service in the offices of President, Vice-President, Minister, Deputy Minister, Attorney-General and Minister of Justice, member of Parliament, Magistrate, Judge of the Superior Court of Judicature, and offices in the Armed Forces, the Police Force, a public corporation or on the board thereof; a local authority, an Agency or committee established by or under the Constitution or by or under any law or by the Government;

"private sector" means the non-governmental part of the economy of Sierra Leone which consists of industries and commercial companies that are run by individuals or corporations for profit or not for profit.

PART II - ESTABLISHMENT OF THE NATIONAL MONITORING AND EVALUATION AGENCY

National
Monitoring
and
Evaluation
Agency.

2. (1) There shall continue in existence, the National Monitoring and Evaluation Directorate, established by the Finance Act, 2019 (Act No. 2 of 2019), as the Monitoring Evaluation Agency.

(2) The Agency shall be a body corporate having perpetual succession, a common seal 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 Agency shall have a common seal, the use of which shall be authenticated by the signatures of-

- (a) the Chairman or other member of the Agency authorised either generally or specially by the Board for that purpose; or

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

(4) Every document purporting to be an instrument executed or issued by or on behalf of the Agency and to be sealed with the common seal authenticated in the manner stated in subsection (3) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(5) In appropriate cases the common seal of the Agency may be affixed to documents outside Sierra Leone.

3. (1) The governing body of the Agency shall be the Monitoring and Evaluation Agency Board in which shall be vested, subject to this Act, the supervision of the Agency.

National
Monitoring
and
Evaluation
Agency
Board.

(2) The Board shall consist of a Chairman, who shall be a person with considerable knowledge and experience in monitoring and evaluation matters, and the following other members -

- (a) The Financial Secretary or his representative, not below the rank of a Director;
- (b) The Development Secretary or his representative, not below the rank of a Director;
- (c) The Director or his representative, not below the rank of a Director;
- (d) The Statistician General or his representative, not below the rank of a Director;
- (e) 2 representatives with proven knowledge in development management, at least, one of whom must be female, appointed by the President on the recommendation of the Board;

(f) The Director General, who shall serve as the Secretary to the Board.

(3) The Chairman shall be appointed by the President subject to the approval of Parliament.

Tenure of members.

4. (1) The Chairman and other members appointed under subsection (2) of section 3, shall hold office for a term of 3 years and shall be eligible for re-appointment.

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

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) 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.

5. (1) The Board shall meet for the dispatch of its business at least once every 3 months at the offices of the Agency and at such time as the Chairman may determine.

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

(3) A minimum of 4 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 on his behalf shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at a meeting of the Board shall be 4.

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

(7) A 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.

6. (1) A member of the Board who has an interest, whether direct or indirect, in a 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 a deliberation or decision of the Board relating to that matter. Disclosure of interest.

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

Immunity of members.

7. (1) An action or other proceedings shall not lie or be instituted against a member of the Board or 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 Agency.

Committees of Board.

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.

(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 Director-General, 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.

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

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

Remuneration of members.

10. The Chairman and the other members of the Board and any person co-opted by the Board shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Agency for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

11. (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 sittings or is by reason of illness unable to perform the functions of his office for a continuous period of 6 sittings, in the case of - Filling of vacancies.

- (a) the Chairman, the members of the Board shall elect one of their member to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) a member, the Chairman shall, subject to this Act, 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 AGENCY.

12. (1) The Agency shall be responsible to -

Functions of Agency.

- (a) monitor and evaluate -
 - (i) Government policies including the National Development Plan; and
 - (ii) Government, local government, and donor funded programmes and projects.
- (b) design and implement a national monitoring system that links the Agency to the monitoring units in Government, local government and donor funded project units for data collection and reporting;

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- (c) serve as the lead technical supervisory agency for monitoring and evaluation units in government, local government and donor funded projects;
 - (d) ensure that Government, local government and donor funded programmes and projects are compatible with established monitoring and evaluation procedures and processes and aligned with the National Development Plan;
 - (e) develop monitoring and evaluation guidelines and manuals for capacity building in Government, local government and donor funded programmes and projects;
 - (f) provide technical leadership for the introduction of simplified, streamlined, and harmonized procedures for monitoring and evaluation by Governments and local government;
 - (g) apply modern and appropriate technology for monitoring and recording progress of implementation of the National Development Plan, Government, local government and donor funded programmes and projects;
 - (h) undertake periodic development expenditure tracking and reviews to assess correlation of public capital spending with planned outputs and outcomes of development projects;
 - (i) develop and implement a management information system, that is geographic information system supported, that shall provide -

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- (i) reports on development interventions of Government, local government and donor funded programmes and projects;
 - (ii) access to data, ongoing and completed Government, local government and donor funded programmes and projects, and knowledge products;
 - (iii) links to other management information systems for monitoring activities of contractors in Government, local government and donor funded programmes and projects;
 - (j) conduct independent mid-term and final evaluation of National Development Plan, local government and donor funded programmes and projects, assessing their relevance, effectiveness, efficiency, impact and sustainability;
 - (k) conduct special studies on various aspects of public sector policies, programmes and projects;
 - (l) establish and maintain a database and repository on all completed and on-going government, local government and donor funded programmes and projects;
 - (m) support the recruitment, deployment, capacity building and career growth of monitoring and evaluation personnel to serve in Government and local government.

Powers of
Agency.

13. The Agency shall have, for the performance of its functions under this Act, the power to -

- (a) request information from Government agencies, local government authorities and donor funded programmes and projects;
- (b) request the submission of documents and data including expenditure of project finances by Government, local government authorities and donor funded programmes and projects;
- (c) require Government, local government authorities and donor funded programmes and projects to provide reports, data, financial estimates or returns, contract documents, procurement documents in such form and manner and within such time as may be specified in the correspondence;
- (d) interview a person or organisation and require that person or organisation to furnish such particulars relating to a Government, local government authority or donor funded programme or project as the Agency may require;
- (e) require a person or organisation to permit staff of the Agency, access to premises or

records relating to a government, local government authority or donor funded programme or project, in order to obtain the required information;

- (f) require a person or organisation to complete a digital or hard template contained in a correspondence with particulars relating to a Government, local authority or donor funded programme or project and to return it in such manner and within the time specified;
- (g) require a Government, local government authority and donor funded programme or project to implement recommendations emanating from monitoring, evaluation, and special studies undertaken by the Agency.

PART IV -ADMINISTRATIVE PROVISIONS

14. (1) The Agency shall have a Director-General who shall be appointed by the President, subject to the approval of Parliament. Director-General.

(2) A person shall not be appointed Director-General under subsection (1), unless he is a Sierra Leonean who has -

- (a) proven technical knowledge and ability in monitoring and evaluation or development related field;

- (b) proven experience in the area of project planning and management.
- (c) at least 8 years' experience as a Director, manager or head of a department in a Government, local government or an international organisation.

(3) The Director-General shall be responsible for -

- (a) the day-to-day administration of the Agency;
- (b) the supervision and discipline of other staff of the Agency;
- (c) the management of the funds, property, and business of the Agency.
- (d) serve as the official representative of the Agency.

Deputy
Director
General.

15. (1) The Director General shall be assisted by a Deputy Director-General who shall be appointed by the President, subject to the approval of Parliament.

(2) A person shall not be appointed Deputy Director-General under subsection (1), unless he has formal qualification and experience in a profession relevant or appropriate to the functions of the Agency.

16. (1) The Agency shall have, in addition to the Director General and Deputy Director-General, other staff, including a administrative and technical staff, as the Board may, for the efficient performance of the functions of the Agency, appoint. Other staff of Agency.

(2) The Board may delegate to the Director-General, the power to appoint such grade or category of staff as it may deem fit for the proper functioning of the Agency.

(3) The staff of the Agency shall not be subject to the authority of the Public Service Commission.

(4) The Board shall, on the advice of the Director-General, determine the remuneration and other terms and conditions of service of other staff of the Agency.

(5) Public officers may be seconded to the Agency or otherwise render assistance to the Agency but the Agency may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Agency.

17. (1) The Agency shall, for the purpose of carrying out its functions under this Act, establish and maintain such departments, divisions, sections, units, branches and field offices, reflective of the sectors of the National Development Plan, as the Board may, on the recommendation of the Director-General, approve. Departments of Agency.

(2) A department, division, section, unit, branch and field office under subsection (1) shall be headed by a person appointed by the Board on advice of the Director General.

(3) The Agency shall make such other administrative arrangements, as it may consider necessary or expedient for the efficient performance of its functions under this Act.

PART V - FINANCIAL PROVISIONS

Funds of
Agency.

18. (1) The activities of the Agency shall be financed by funds consisting of -

- (a) moneys appropriated from time to time by Parliament for the purposes of the Agency;
- (b) moneys given to the Agency by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Agency; and
- (c) any other moneys which may, from time to time, accrue to the Agency.

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

Accounts and
audit Agency.

19. (1) The Agency shall keep proper books of account and other records in relation to the activities, property and finances of the Agency in of a form approved by the Auditor-General and shall prepare, in respect of each financial year of the Agency, 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 Agency 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 Agency and to require such information and explanation thereon as he may think fit.

(4) The Agency shall provide the Auditor-General or an auditor appointed by him under subsection (2), with all necessary and appropriate facilities for the examination of the accounts and records of the Agency.

(5) The Auditor-General or an auditor appointed by him under subsection (2), shall submit to the Agency a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Agency; and

- (c) any other matter which, in his opinion, ought to be brought to the notice of the Agency.

Financial
year of
Agency.

20. The financial year of the Agency shall be the same as the financial year of the Government.

Annual
report.

21. (1) The Agency shall, within 6 months after the end of the financial year to which the report relates, submit a copy of the annual report approved by the Board to the President and the President shall, as soon as possible, but not later than one month after the receipt of the report, cause the report to be laid before Parliament.

(2) The Agency shall make copies of the report available to the public.

Internal audit.

22. (1) There shall be established an Internal Audit Control Unit within the Agency which shall be responsible for -

- (a) carrying out internal audits on the operations of the Agency; and
- (b) coordinating the implementation of all audit recommendations arising from both internal and external audits conducted on the Agency.

PART VI - MISCELLANEOUS PROVISIONS

23. A person who -

Offence and
penalty.

- (a) denies or obstructs access of an officer of the Agency to a record or information in exercise of its powers under this Act;
- (b) obstructs compliance by a Government, local government and donor funded programmes or project in the exercise of the powers conferred under this Act;
- (c) interferes with the work of the Agency or an officer of the Agency in the discharge of its functions under this Act;
- (d) destroys a record with intent to deny access to a request made by the Agency in exercise of its functions under this Act; or
- (e) conceals or falsifies records or provides false, misleading, incomplete or inaccurate information in response to a request made by the Agency in exercise of its functions under this Act,

commits an offence and is liable on conviction, in the case of-

- (a) an individual, to a fine not exceeding 20,000.00 Leones or to a term of imprisonment not exceeding one year or both the fine and imprisonment; and
- (b) a body corporate, to a fine of not less than 100,000.00 Leones.

Regulations.

24. (1) The Minister may, after consultation with the Board, by statutory instrument, make Regulations as he considers necessary or expedient for giving effect to this Act.

Repeal
and savings.

25. (1) Section 30 of the Finance Act, 2019 is hereby repealed.

(2) Notwithstanding subsection (1), orders, rules or statutory instrument made under the repealed Act, in force immediately before the commencement of this Act, shall continue to be in force until revoked.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to make provision for the establishment of the National Monitoring and Evaluation Agency as a semi-autonomous body with authority to ensure greater accountability and transparency in the disbursement and use of public funds, to provide for the promotion of efficiency and effectiveness in the delivery of programs and projects and to provide for other related matters.

- Part I** - makes provision for the interpretation and definition of words used throughout the Bill.
- Part II** - provides for the establishment of the National Monitoring and Evaluation Agency and the National Monitoring and Evaluation Agency Board.
- Part III** - specifies the functions of the Agency.
- Part IV** - contains administrative provisions deals with the appointment of a Director-General, Deputy Director-General and other staff of the Agency.
- Part V** - contains financial provisions including, funds, accounts and audit of the Agency.
- Part VI** - Miscellaneous provisions contains provisions dealing with offence and penalty, the power to make regulations and repeal and savings.

MADE THIS 28TH DAY OF MARCH, 2023.

JACOB JUSU SAFFA

Chief Minister

FREETOWN

SIERRA LEONE

