

BILL

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THE SIERRA LEONE COMMISSION ON ARMS AND AMMUNITIONS ACT, 2023

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No.



2023

Sierra Leone

A BILL ENTITLED

**THE SIERRA LEONE COMMISSION ON ARMS
AND AMMUNITIONS ACT, 2023.**

Short title.

Being an Act to repeal and replace the Sierra Leone National Commission on Small Arms Act, 2010 (Act No. 6 of 2010), to provide for the continuing in existence of the Sierra Leone National Commission on Small Arms as the Sierra Leone Commission on Arms and Ammunitions; to regulate and supervise the manufacture, trade and use of arms, ammunition and other related materials and to provide 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-

"Advisory Committee" means the Sierra Leone Commission on Arms and Ammunitions Advisory Committee established under section 13;

"ammunitions" mean devices destined to be shot or projected through the means of firearms including -

- (a) cartridges;
- (b) projectiles and missiles for light weapons;
- (c) mobile containers with missiles or projectiles for anti-craft or anti-tank single action systems;

"attack helicopters" means rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface or air-to-air weapons that are equipped with an integrated fire control and aiming system, including versions of these aircraft that perform specialised reconnaissance or electronic warfare missions;

"armoured combat vehicles" means tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability, either -

- (a) designed and equipped to transport a squad of four or more infantrymen; or
- (b) armed with an integral or organic weapon of at least 125 mm calibre or a missile launcher;

"arms" include conventional arms such as battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, their ammunition and other related materials;

"battle tanks" mean tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high level of self-protection, weighing at least 16.5 t (metric) unladen weight, with a high muzzle velocity direct fire main gun of at least 75 mm calibre.

"brokering" means work carried out as an intermediary between a manufacturer, supplier or distributor of arms and a buyer or user, including the provision of financial support and the transportation of arms;

"Chairman" means the Chairman of the Sierra Leone Commission on Arms and Ammunitions Advisory Committee appointed under subsection (3) of section 13;

"combat aircraft" means fixed-wing or variable-geometry wing aircraft designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of such aircraft that perform specialised electronic warfare, suppression of air defence or reconnaissance missions excluding primary trainer aircraft, unless designed, equipped or modified;

"Commission" means the Sierra Leone Commission on Arms and Ammunitions referred to in section 3;

"Commissioner" means the Commissioner of the Sierra Leone Commission on Arms and Ammunitions appointed under section 4;

"Convention" means the ECOWAS Convention on Small Arms and Light Weapons, their Ammunitions and Other Related Materials, done at Abuja, on 14th June, 2006;

"Deputy Commissioner" means the Deputy Commissioner of the Sierra Leone Commission on Arms and Ammunitions appointed under section 4;

"ECOWAS" means the Economic Community of West African States comprising Heads of State and Government of the Member States to the Convention;

"export" means to -

- (a) take arms or ammunition, licensed or registered out of one country to another country; or
- (b) cause arms or ammunition, licensed or registered to be taken out of a country to another country through any harbour, airport or other place on board a vessel or aircraft, or by any other means of conveyance;

"import" means to bring arms or ammunition, or cause them to be brought into Sierra Leone;

"large-calibre artillery system" includes guns, howitzers, artillery pieces that combine the characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems capable of engaging surface targets by delivering primarily indirect fire and having a calibre of 75mm and above;

"light weapon" includes portable arms designed to be used by several persons working together in a team and which include heavy machine guns, portable grenade launchers, mobile or mounted, portable anti-aircraft cannons, portable anti-tank cannons, non-recoil guns, portable anti-tank missile launchers or rocket launchers, portable anti-aircraft missile launchers and mortars with a calibre of less than 100 millimetres;

"man-portable air-defence system" means a surface-to-air missile system designed to be man-portable, carried and fired by a single individual, as well as other surface-to-air missile systems portable by several individuals and designed to be operated and fired by more than one individual acting as a crew;

"missile and missile launcher" means -

- (a) a guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 km; or
- (b) a device designed or modified specifically for launching missiles or rockets including remotely piloted vehicles with the missiles characteristics capable of delivering a warhead or weapon of destruction to a range of at least 25 km, excluding ground-to-air missiles;

"marking" means inscriptions permitting the identification of arms covered by this Act and the *ECOWAS Convention on Small Arms and Light Weapons*;

"Minister" means the Minister of Internal Affairs.

"National Register of Arms" means the National Register of Arms referred to in section 19;

"other related materials" means all components, parts or spare parts for arms or ammunition necessary for its functioning or any chemical substance serving as active material used as propelling or explosive agent;

"public restricted place or private restricted place" means a place prescribed as a private restricted place or public restricted place as the case may be;

"re-export" means to send previously imported arms to another state or territory other than that from which they were originally imported;

"Registrar" means the Registrar of Arms referred to in section 19; and

"small arms" mean arms used by one person and which include firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine, revolvers and pistols with automatic loading, rifles and carbines, machine guns, assault rifles, light machine guns;

"transfer" includes import, export, transit, transshipment and transport or any other movement whatsoever of arms,ammunition and other related materials from, to or through Sierra Leone.

"transit" means when conventional arms that have been dispatched from their place of export by the exporting state have not yet been received by the importing state;

"arms-in-transit" includes arms entering and leaving an intermediary state prior to entering the territory of the recipient state, and typically takes place under the supervision of the intermediate state's customs authority;

"transshipment" means the act of trans-shipment, transfer of conventional arms from the exporting state to the importing state through other destinations, and involves a change or changes in transport type during the transfer process;

"warship" means a vessel or submarine armed and equipped for military use with a standard displacement of 500 metric tons or above, and those with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 kilometres or torpedoes with similar range.

2. This Act shall apply to all conventional arms, ammunitions, Application.
components and other related materials within the following categories

- (a) small arms and light weapons;
- (b) battle tanks;
- (c) armoured combat vehicles;
- (d) large-calibre artillery systems;
- (e) combat aircrafts;
- (f) attack helicopters;
- (g) warships; and
- (h) missiles and missile launchers.

PART II—THE SIERRA LEONE COMMISSION ON ARMS AND AMMUNITIONS

3. (1) There shall continue in existence, the body known as the Sierra Leone National Commission on Small Arms as the Sierra Leone Commission on Arms and Ammunitions.

The Sierra.
Leone
National
Commission
on Arms

(2) The Commission shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, 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 seal, the use of which shall be authenticated by the signatures of -

- (a) the Commissioner;
- (b) the Deputy Commissioner, or
- (c) any other officer of the Commission authorised, either generally or specifically, by the Commission in that behalf.

(4) A document purporting to be an instrument executed or issued by or on behalf of the Commission 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 Commission may be affixed to documents outside Sierra Leone.

Appointment
of
Commissioner
and Deputy
Commissioner.

4. The Commission shall have a Commissioner and Deputy Commissioner, one of whom shall be female, appointed by the President, from among persons with the professional and other qualifications relevant to the functions of the Commission, subject to the approval of Parliament.

Tenure of
Commissioner
and Deputy
Commissioner.

5. (1) The Commissioner and Deputy Commissioner shall each hold office for a term of 5 years and shall be eligible for re-appointment for a further term of 5 years only.

(2) The Commissioner or Deputy Commissioner may be removed from office by the President only for inability to perform the functions of his office, whether arising from infirmity of body or mind or for stated misconduct.

(3) The Commissioner or Deputy Commissioner may resign his office by written notice addressed to the President.

(4) A resignation notice submitted by the Commissioner or Deputy Commissioner is effective upon being received by the President or by a person authorised by the President to receive it.

6. (1) The Commissioner shall be responsible for -

Functions of
Commissioner
and Deputy
Commissioner.

- (a) the day-to-day administration of the Commission;
- (b) management of funds and other property of the Commission;
- (c) implementing the policies of the Advisory Committee and carrying out the functions of the Commission;
- (d) the supervision and discipline of the other staff of the Commission;
- (e) providing safe and effective management, storage and security of arms stockpiles, ammunitions and other related materials;
- (f) regulating the transfer, manufacture, sale, possession and use of arms from, to or through Sierra Leone; and
- (g) performing such other functions as the Advisory Committee may assign to him.

(2) Notwithstanding the generality of subsection (1), the Commissioner shall be responsible for -

- (a) inventory management and registration of all stocks of arms, ammunitions and other related materials;
- (b) ensuring physical security measures of storage facilities and stockpiles;
- (c) staff training;
- (d) maintaining security during manufacture and transportation;
- (e) imposing sanctions for theft or loss of arms, ammunitions and other related materials.

(3) The Minister shall, subject to the recommendation of the Commission, by statutory instrument, establish effective standards and procedures for management, storage and security of stockpiles.

(4) The Deputy Commissioner shall, subject to the approval of the President, perform the functions of the Commissioner, whenever the Commissioner is absent on leave and in the absence of the Commissioner and Deputy Commissioner, the President may appoint a senior officer of the Commission to perform the functions of the Commissioner.

Remuneration
of
Commissioner
and Deputy
Commissioner.

7. The Commissioner and Deputy Commissioner shall be entitled to such salaries, allowances and other benefits as may be determined by the President subject to the approval of Parliament, but such salaries, allowances and other benefits shall not be varied to their disadvantage.

Other staff
of Commission

8. (1) In addition to the Commissioner and Deputy Commissioner, the Commission shall have such other technical and administrative staff including the Internal Auditor, as may be required for the efficient performance of the functions of the Commission.

(2) The staff of the Commission shall be appointed by the Commission, subject to such terms and conditions as the Advisory Committee shall determine.

(3) The Commission shall, -

- (a) in the appointment of staff under subsection (2), appoint a minimum of 30% of each gender;
- (b) in relation to training, education and scholarship provide equal opportunity for male and female employees;
- (c) male and female shall be granted equal pay for the same work or work of equal value without discrimination of any kind.

9. The Commissioner may, subject to the approval of the Advisory Committee, engage the services of such consultants or experts as it may consider necessary for the proper and efficient performance of the functions of the Commission. Consultants and experts.

10. In the performance of its functions under this Act, the Commission shall not be subject to the direction or control of any person or authority. Independence of Commission.

11. (1) The Commission shall, for the purpose of carrying out its functions under this Act, have such Directorates as the Advisory Committee may, on the recommendation of the Commissioner, approve. Directorates of Commission.

(2) A Directorate approved by the Commission under subsection (1) shall be headed by a Director and shall include -

- (a) Directorate of Technical Affairs;
- (b) Directorate of Programmes;
- (c) Directorate of Finance;
- (d) Directorate of Administration;
- (e) Directorate of Communications;
- (f) Directorate of Monitoring and Evaluation;
- (g) Directorate of Information Technology; and
- (h) Directorate of Human Resources.

Regional and district offices of Commission.

12. (1) The Commission may establish offices in the administrative regions of Sierra Leone and in such district as the Commission may determine.

(2) A regional or district office established under subsection (1), shall be provided with such officers and staff as may be necessary for the proper and effective performance of the functions of the Commission.

(3) A regional or district office shall perform the functions of the Commission in the region or district except for the issuance of licence.

PART III—SIERRA LEONE COMMISSION ON ARMS AND AMMUNITIONS ADVISORY COMMITTEE.

Advisory Committee.

13. (1) The Commission shall have an advisory committee to be known as the Sierra Leone Commission on Arms and Ammunitions Advisory Committee which shall be the governing body of the Commission, vested subject to this Act, the control and supervision of the Commission.

(2) The Advisory Committee shall in addition to its functions under subsection (1), be responsible to -

- (a) advise the Commission on any aspect of the mandate and functions of the Commission; and

- (b) monitor and evaluate the work of the Commission.

(3) The Advisory Committee shall consist of a Chairman who shall be appointed by the President subject to the approval of Parliament and the following other members -

- (a) a representative of the Ministry of Foreign Affairs and International Co-operation, not below the rank of Director;
- (b) a representative of the Ministry of Internal Affairs, not below the rank of Deputy Secretary;
- (c) a representative of the Ministry of Local Government, not below the rank of Deputy Secretary;
- (d) a representative of the Ministry of Finance, not below the rank of Director;
- (e) a representative of the Sierra Leone Armed Forces, not below the rank of Lieutenant Colonel;
- (f) a representative of the Sierra Leone Police, not below the rank of Chief Superintendent;
- (g) a representative of the Attorney-General's Office not below the rank of Principal State Counsel;
- (h) a representative of the National Revenue Authority (Customs & Excise) not below the rank of Principal Collector;

- (i) a representative of the Office of National Security not below the rank of Director;
- (j) a representative of the Civil Society of Sierra Leone appointed by the Coalition of Civil Society Movements in Sierra Leone;
- (k) a representative of the National Council of Paramount Chiefs appointed by that body;
- (l) a representative of the National Youth Commission appointed by that body;
- (m) a representative of the Women's Forum of Sierra Leone appointed by that body; and
- (n) the Commissioner, who shall be secretary to the Committee.

(4) The Chairman shall hold office for a term of 5 years and shall be eligible for reappointment for a further term of 5 years only.

PART IV—FINANCIAL PROVISIONS

Funds of
Commission.

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

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

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

15. (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 -

Accounts and
audit of
Commission.

- (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) irregularities in the accounts;
- (b) matters that are 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.

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

Annual
report.

17. (1) The Commission 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 shall include the accounts and annual financial statement prepared under section 15 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 30 days upon receipt of the report.

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

PART V—FUNCTIONS OF THE COMMISSION

Functions of
Commission.

18. (1) The object for which the Commission is established is to regulate and supervise the manufacture, trade and use of arms, ammunitions and other related materials.

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

- (a) set programmes of action to prevent, combat and eradicate the illicit manufacture, trade and use of arms in all its aspects;
- (b) educate and sensitize the public and provide information on the dangers associated with the illicit manufacture, trade and use of arms;
- (c) ensure that obligations under the ECOWAS Convention are complied with;
- (d) establish and maintain an Arms Register for transmission to the ECOWAS Secretariat;
- (e) provide appropriate recommendation to the ECOWAS Secretariat on exemptions to be granted under the Convention;
- (f) mobilize resources for programme activities of the Commission;
- (g) inspect arms and ammunitions;
- (h) advise the Minister on the formulation of policies and strategies as contained in the Convention and any other relevant international conventions to which Sierra Leone is a party; and
- (i) perform any other functions related to the object of the Commission.

PART VI - NATIONAL REGISTER OF ARMS

National
Register of
Arms.

19. (1) There shall be a National Register of Arms kept by the Commissioner who shall also be the Registrar of Arms responsible for recording in the National Register of Arms or cause to be recorded and permanently kept, information relating to the licence, transfer, manufacture, sale, possession and use of arms.

(2) Information relating to arms recorded in the National Register of Arms under subsection (1) shall comprise -

- (a) a description of the type, model, calibre and quantity of each batch, lot or serial number;
- (b) details relating to marking;
- (c) date of manufacture;
- (d) name of manufacturer and contact details;
- (e) details of export licence such as date of issue, licence number, country of export, port of export, port of import, country of import, end-user certificate and route of transfer;
- (f) names and addresses of former and current owners and, where applicable, successive owners;
- (g) sale, possession and use of arms; and
- (h) date of registration.

(3) Notwithstanding subsection (2), the Registrar shall record in the National Register of Arms information relating to -

- (a) its issuance of export authorisations or its actual exports of arms;
- (b) arms that are transferred to its territory as the final destination or that are authorised to transit or trans-ship territory under its jurisdiction;
- (c) the quantity, value, model or type, authorised international transfers of arms, arms actually transferred, details of exporting State, importing States, transit and trans-shipment State and end users, as appropriate.

20. (1) The Registrar shall register, securely store and destroy Collection and destruction of arms.
- (a) surplus and obsolete arms and ammunitions;
 - (b) seized arms and ammunitions;
 - (c) unmarked arms and ammunitions;
 - (d) illicitly held arms and ammunitions; and
 - (e) arms collected in the implementation of peace accords or programmes for the voluntary handing in of weapons.

(2) The Minister may, by statutory instrument, prescribe rules and procedures for the storage and destruction of arms and ammunitions under subsection (1).

PART VII - LICENSING OF ARMS

21. (1) A person shall not have arms, ammunitions and other related materials in his possession, custody or control. Possession custody or control of arms prohibited.

(2) Notwithstanding subsection (1), an authorised armed officer on duty shall have arms, ammunitions and other related materials in his possession, custody or control in a public or private restricted place.

(3) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not less than 10,000.00 Leones or to imprisonment for a term not less than 5 years or to both the fine and imprisonment.

Application to own, control or use small arm and light weapon.

22. (1) Notwithstanding subsection (1) of section 21, a person shall own, control or use small arm and light weapon, its ammunitions and other related materials on a valid licence issued by the Commissioner for that purpose.

(2) A person who wishes to own, control or use small arm and light weapon, its ammunition and other related materials under subsection (1) shall make an application, in writing, to the Commissioner for a licence for that purpose.

(3) The Commissioner may upon receipt of an application under subsection (2), issue a licence to the applicant, if he is satisfied that the applicant -

- (a) is above the age of 21 years;
- (b) has not been convicted of a crime of violence to the person, drug trafficking or human trafficking;
- (c) does not have a history of family violence, whether or not it resulted in a criminal conviction;
- (d) is medically certified as mentally fit;
- (e) is physically fit;
- (f) has a record of good behaviour duly testified by a person of note in his community, and in the case of an applicant in the provinces, by the Paramount Chief of the Chiefdom to which the application relates;

- (g) has been cleared, by both the Sierra Leone Police and the Office of National Security, as a fit and proper person to be issued a licence to possess arm;
 - (h) intends to use arm for hunting, whether professionally, for sport or pleasure or that the applicant has a legitimate reason to possess, carry or use arm;
 - (i) has undergone safety and competency training as may be prescribed by the Registrar;
 - (j) has proof that the arm will be stored in a safe place and separately from its ammunition;
 - (k) will not endanger public safety or public interest; and
 - (l) has paid the prescribed fees of 250.00 Leones per round and 100.00 Leones for any addition round.
- (4) A licence issued under subsection (3), shall -
- (a) be in such form as may be prescribed and shall specify-
 - (i) the conditions and restrictions subject to which the licence is held;
 - (ii) the nature and number or other identification marks on the arm;
 - (iii) the quantity of ammunition authorised to be held at any one time; and
 - (iv) such other matters as may be prescribed;

(b) unless revoked or cancelled, be valid for a period of 12 months from the date on which it was issued and may be renewed by the Registrar on such terms and conditions as may be prescribed.

(5) The particulars of a licence issued or renewed shall be entered in the National Arms Register in such form as may be prescribed.

(6) Where the Commissioner refuses an application under subsection (2), he shall notify the applicant in writing of his decision and state the reason for the refusal.

(7) A person aggrieved by the decision of the Commissioner under subsection (6) may appeal to the High Court whose decision shall be final.

(8) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not less than 10,000.00 Leones or to imprisonment for a term not less than 5 years or to both the fine and imprisonment.

Revocation
of licence.

23. The Commissioner may revoke a licence issued under subsection (3) of section 22 if -

- (a) the licensee is convicted of an offence under this Act;
- (b) he is satisfied that the licensee is of intemperate habits, unsound mind or is otherwise unfit to be trusted with arms;
- (c) the licensee is convicted of a crime of violence to the person or under investigation for a domestic violence related offence; and

- (d) the licensee has refused to make backlog payment of renewal fees.

24. Where a licence issued under this Act is lost or stolen, the holder of the licence shall inform the Commissioner and report to the nearest police station of such loss or theft within 7 days of the discovery of the loss or theft.

Duty to report loss of licence.

25. The Commissioner may, after being satisfied as to the loss, destruction or misplacement of a licence issued to an applicant under subsection (3) of section 22, issue another licence, subject to such terms and conditions as may be prescribed in replacement thereof, upon the payment of the prescribed fee.

Replacement of licence.

26. (1) A person who is in possession of an arm which -

- (a) belonged to a deceased person;
- (b) licence has expired, suspended or revoked;
- (c) has become unserviceable or that person no longer wishes to retain;
- (d) belongs to a convicted person; or
- (e) has been found but the owner has not been identified,

Deposit of arm to National Arms Registry.

shall, within such time as may be prescribed, deposit the arm at the National Arms Registry or the nearest police station.

(2) An arm which is deposited at the National Arms Registry under paragraph (a) of subsection (1), shall not be transferred from the National Arms Registry to another person, unless on the written consent of the person administering the estate of that deceased person.

(3) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not less than 10,000.00 Leones or to imprisonment for a term not less than 5 years or to both the fine and imprisonment.

PART VIII—TRANSFER OF ARMS FROM, TO OR THROUGH
SIERRA LEONE

Licence to transfer arms from, to or through Sierra Leone.

27. (1) A person shall not transfer arms or their manufacturing materials from, to or through Sierra Leone, except on a valid licence issued by the Commissioner for that purpose.

(2) A person who wishes to transfer arms or their manufacturing materials from, to or through Sierra Leone shall make an application, in writing, to the Commissioner for a licence for that purpose.

(3) The Commissioner may, upon receipt of an application under subsection (2), issue a licence to the applicant, if the application

- (a) is accompanied by an exemption certificate for arms transfer issued by the ECOWAS Commission;
- (b) specifies details of the arms to be transferred including details of -
 - (i) the quantity;
 - (ii) type and kind of arms, its serial numbers and other marks;
 - (iii) the supplier; the name, address and other contact details of all companies, individuals, representatives, brokers or agents involved;

- (iv) the supply process; the number and period of shipments, the routes, transit locations, type of transport to be used, all companies involved in importing, freight forwarding and handling, details of the storage and management of the weapons whilst being transferred;
 - (v) the time period covered by the activity for which the application is made;
 - (vi) the final end user; the name of individual, company, institution or representative responsible;
- (c) is accompanied by written confirmation from relevant national authority that the end user is authorised to import arms; and
- (d) contains details stating that the quantity of ammunition to be imported is not more than 50 rounds.

(4) A licence issued under this section shall be valid for a period of 12 months from the date on which it was issued, and may be renewed by the Commissioner on such terms and conditions as may be prescribed.

(5) The particulars of licence issued or refused under this section shall be entered in the National Arms Register and in such form as may be prescribed.

(6) This section shall not apply to arms intended for use by the Government of Sierra Leone or which are required for any purpose which may be specified by order of the President.

(7) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not less than 10,000.00 Leones or to imprisonment for a term not less than 5 years or to both the fine and imprisonment.

Restriction
on issue of
licence to
transfer arm.

28. Notwithstanding subsection (3) of section 27, the Commissioner shall not issue a licence to transfer arms or their manufacturing materials from, to or through Sierra Leone unless -

- (a) a written authorisation relating to the export, import, transit, trans-shipment or brokering of the arms or their manufacturing materials has been obtained from all states directly concerned with the transfer;
- (b) all required information relating to the export, import, transit, trans-shipment or brokering of arms or their manufacturing materials have been supplied to the Commission;
- (c) the arms or their manufacturing materials have been marked as required under this Act;
- (d) there is evidence that the arms or their manufacturing materials are not to be used -
 - (i) for the violation of international humanitarian law or infringement of human and peoples' rights and freedoms, or for the purpose of oppression;
 - (ii) for the commission of serious violations of international humanitarian law including, genocide or crimes against humanity and war crimes;

- (iii) to worsen the internal situation in the country of final destination, in terms of provoking or prolonging armed conflicts, or aggravating existing tensions;
- (iv) to carry out terrorist acts or support or encourage terrorism;
- (v) other than, for the legitimate defence and security needs of the beneficiary country;
- (vi) to facilitate the commission of violent or organised crime;
- (vii) to adversely affect regional security; endanger peace, contribute to destabilising or uncontrolled accumulations of arms or military capabilities into a region, or otherwise contribute to regional instability;
- (viii) to hinder or obstruct sustainable development and unduly divert human and economic resources to armaments, of the states involved in the transfer;
- (ix) for corrupt practices at any stage, from the supplier, through any middlemen or brokers, to the recipient.

29. (1) Where an application to transfer arm or their manufacturing materials from, to or through Sierra Leone is refused, the Registrar shall notify the applicant stating the reasons for his refusal.

Refusal of application to transfer arm.

(2) Where an applicant is aggrieved by the decision of the Registrar under subsection (1), he may appeal to the High Court whose decision shall be final.

Brokering.

30. (1) A person, including a company incorporated in Sierra Leone, a financial agent or transportation agent shall not be engaged in the brokering of arms unless he is registered with the Commission.

(2) A person, brokering company or agent registered under subsection (1) shall -

- (a) obtain a licence for each transaction in which he is involved irrespective of where the arrangements took place; .
- (b) provide full disclosure or relevant import or export licences or associated documents, including the names and locations of all brokering and shipping agents involved in the transaction, transit routes and points of shipments.

(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not less than 10,000.00 Leones or to imprisonment for a term not less than 5 years or to both the fine and imprisonment.

**PART IX—MANUFACTURE AND SALE OF ARMS WITHIN
SIERRA LEONE**

**Licence to
manufacture
or sell arm
within Sierra
Leone.**

31. (1) A person shall not manufacture or offer for sale arms or their manufacturing materials within Sierra Leone except on a valid licence issued by the Commissioner for that purpose.

(2) A person who wishes to manufacture or offer for sale arms or their manufacturing materials within Sierra Leone shall make an application, in writing, to the Commissioner for a licence for that purpose.

(3) An application for a licence under subsection (2), shall be issued to an applicant, if the applicant provides adequate information to the Commissioner, including the quantity, exact type and kind of arms or their manufacturing materials to be manufactured, sold or offered for sale, including evidence of the manufacturer or dealer's commitment to adhere to the use of the marking and classification system prescribed under this Act in every arm or their manufacturing materials manufactured, sold or offered for sale, including all serial numbers and other markings.

(4) A licence to manufacture, sell or offer for sale, arms or their manufacturing materials within Sierra Leone issued by the Commissioner under subsection (3), shall -

- (a) state -
 - (i) the name and address of the licensee;
 - (ii) the place of business in respect of which it is granted and the conditions and restrictions subject to which the licence is to be held;
 - (iii) the procedure for marking;
 - (iv) the procedure for entering details of each arm into the National Arms Register; and
 - (v) information on the storage and management of the weapons after manufacture;
- (b) be valid for a period of 12 months from the date on which it was issued, and may be renewed by the Commissioner on such terms and conditions as may be prescribed.

(5) The particulars of a licence granted under this section shall be entered in the National Arms Register.

(6) This section shall not apply to arms intended for use by the Government of Sierra Leone or which are required for any purpose which may be specified by order of the President.

(7) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not less than 10,000.00 Leones or to imprisonment for a term not less than 5 years or to both the fine and imprisonment.

Refusal of application to manufacture.

32. (1) Where the Commissioner refuses an application to manufacture arms within Sierra Leone under section 31, he shall issue a written statement to the applicant stating the reasons for his decision.

(2) Where an applicant is aggrieved by the decision of the Commissioner under subsection (1), he may appeal to the High Court whose decision shall be final.

Revocation of licence.

33. The Commissioner may in his discretion revoke a manufacturer's licence granted under this Act if-

- (a) the licenced manufacturer is convicted of an offence under this Act;
- (b) he is satisfied that the licensed manufacturer is of intemperate habits or unsound mind or is otherwise unfit to be entrusted with an arm manufacturer's licence; or
- (c) the licenced manufacturer has been convicted of any crime of violence to the person or under investigation for any domestic violence related offences.

34. A manufacturer shall, for identification purposes, assign a unique and specific marking on all arms, their ammunition and other materials in such manner as may be prescribed, including the following

Marking
of arms.

- (a) "classic marking" shall consist of a legible unique serial number, including the manufacturer's identity, country and year of manufacture, information on the purchaser's identity and the country of destination, expressed alphanumerically and featured in a maximum number of essential or important parts of the arms;
- (b) "security marking" which shall be applied to all weapons produced after the entry into force of this Act, for the identification of arms in the event that classic markings have been destroyed or falsified, made on component parts that are not easily manipulated after the arm's manufacture, and the falsification of which would render the arm unusable.

35. A manufacturer shall, for identification purposes, assign a unique and specific marking on all ammunition or explosives, a unique lot number expressed alphanumerically, including the manufacturer's identity and year of manufacture, information on the purchaser's identity and the country of destination, featured at least once on the jacket or cartridge containing the powder or liquid used in the ammunition or explosive in such manner as may be prescribed.

Marking of
ammunition.

36. A person shall not wilfully obliterate, deface, alter, counterfeit or forge a mark which is used for the identification of arms by the manufacturer or dealer or by which arms may be identified in accordance with a licence issued under this Act.

Obliteration.

- Manufacturer to keep record.** 37. A licenced manufacturer shall keep books and records in such manner and containing such particulars as may be prescribed by the Registrar and shall on demand produce the same for inspection.

PART X-MISCELLANEOUS

- Regulations.** 38. (1) The Minister may by statutory instrument, after consultation with the Commission make regulation as he considers necessary or expedient for giving effect to this Act.

- Repeal and saving.** 39. (1) The Sierra Leone National Commission on Small Arms and Light Weapon Act, 2010 (Act No.6 of 2010) and the Arms and Ammunition Act, 2012 (Act No. 9 of 2012) are hereby repealed.

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

MEMORANDUM OBJECTS AND REASONS

The purpose of this Bill is to provide for the continue in existence of the Sierra Leone National Commission on Small Arms as the Sierra Leone Commission on Arms and Ammunitions; to regulate and supervise the manufacture, trade and use of arms, ammunition and other related materials and to provide for other related matters.

The bill is divided into 10 parts -

Part I - makes provision for the interpretation and definition of words used throughout the bill and application of the bill.

Part II - provides for the continue in existence of the Sierra Leone National Commission on Small Arms as the Sierra Leone Commission on Arms and Ammunitions including the appointment of the Commissioner and Deputy Commissioner, functions and remuneration of the Commissioner and Deputy Commissioner and employment of such other staff as may be required for the efficient performance of the functions of the Commission.

Part III - stipulates that the Advisory Committee shall be entrusted, subject to this Act, the control and supervision of the Commission.

Part IV- Financial Provisions deals with the funds, accounts and audit, financial year and Annual report of the Commission.

Part V - provides that the object for which the Commission is established is to regulate and supervise the manufacture, trade and use of arms, ammunition and other related materials.

Part VI- provides for the establishment of the National Register of Arms, outlines the functions of the Registrar and the procedure for the collection and destruction of arms.

Part VI - prohibits the use of arms, ammunition and other related materials in Sierra Leone, unless on a valid licence issued by the Commissioner for that purpose.

Part VII- provides for the licensing of arms and light weapons.

Part VIII- restrict the transfer of arms or their manufacturing materials from, to or through Sierra Leone, except on a valid licence issued by the Commissioner for that purpose.

Part IX - forbids the sale of arms or their manufacturing materials within Sierra Leone except on a valid licence issued by the Commissioner for that purpose.

Part X - Miscellaneous provisions contain repeal and savings and vests the power to make Regulations on the Minister.

MADE this 17th day of January, 2023

DAVID PANDA-NOAH
Minister of Internal Affairs

FREETOWN
SIERRA LEONE.