

(5) Civil proceedings shall not be instituted against any person involved in the seizure of any property pursuant to the Act or any other legislation.

Vesting of Forfeited Property.23

13. (1) Where a property is forfeited pursuant to the Act, the property shall vest in the state free from any right, interest or encumbrance of any person unless an interest is held by a purchaser in good faith and for valuable consideration and the interest is not void pursuant to any law.

(2) Where there is a dispute as to validity of an interest held by a purchaser in good faith and for valuable consideration the Attorney-General and Minister of Justice may apply to court to determine the matter.

MADE this day of 2021

ANTONY Y. BREWAH,
Attorney-General and Minister of Justice.

STATUTORY INSTRUMENT

*Supplement to the Sierra Leone Gazette Vol. CXLXII, No. 7
dated 11th February, 2021*

STATUTORY INSTRUMENT NO. 1 OF 2021

Published 11th February, 2021

*THE NATIONAL DRUGS CONTROL ACT
(ACT NO. 10 OF 2008)*

THE NATIONAL DRUGS CONTROL (ARREST AND SEIZURE)
REGULATIONS, 2021

In exercise of the powers conferred on the Attorney-General and Minister of Justice by section 25 of the National Drugs Control Act 2008, the Attorney-General and Minister of Justice hereby makes the following regulations-

1. In these Regulations unless the context otherwise requires Interpretation.

"Act" means the National Drugs Control Act 2008;

"authorised officer " means an officer , servant or agent of the National Drug Law Enforcement Agency authorised by the Executive-Director to exercise any power or to perform any specified duties under the Act;

2. For the purpose of carrying out or enforcing the provisions of the Act, authorised officers involved in the enforcement of the provisions of the Act shall have the same powers , authority and privileges as that of members of the Sierra Leone Police Force. Powers of the Police force.

3. The Agency shall have powers to prosecute any matter relating to an offence under the Act after obtaining the approval of the Attorney-General and Minister of Justice. Prosecutorial Powers.

Identification. 4. An authorised officer in the execution of his duties under the Act shall produce on demand his official identification card.

Powers of arrest. 5. (1) An authorised officer may arrest without warrant any person whom he reasonably suspects to have committed or to be committing an offence under the Act.

(2) The authorised officer referred to under sub-regulation (1) shall take the person arrested to a police station where the person may be examined and detained.

(3) For the purpose of this regulation "examine" means an external and internal medical examination of a person by a medical practitioner.

(4) A person who is to be searched under this regulation shall be searched by a person of the same gender.

Powers of entry etc. 6. (1) An authorised officer may at any time-

(a) with or without a warrant enter and search any place or premises in which he reasonably suspects there is to be found-

(i) any prohibited drugs, drugs specified under the Schedule to the Act and any article liable to be seized;

(ii) any vehicle, aircraft, vessel, boat or any mode of transportation which is or has been used in the commission of or in connection with an offence under the Act;

(iii) any person who has committed or is reasonably suspected to have committed an offence under the Act

(b) search any person found in that place or premises;

(c) seize any of the following which may be found in that place or premises-

(i) any prohibited drugs, drugs specified under the Schedules to the Act or substance containing a prohibited drug

(ii) any article liable to be seized;

(iii) any vehicle, aircraft or mode of transportation which is or has been used in the commission or in connection with an offence under the Act

(2) For the purpose of exercising his powers under this regulation, an authorised officer may with any assistance as he considers necessary break open any door, window, lock, fastener, floor, wall, ceiling, compartment, box, container or any other thing.

(3) An authorised officer may require any person found in the place or premises under sub-regulation (1) to provide him with any information relating to the activities carried on in the place or premises and the names of the persons carrying out the activities.

Search of
vehicle etc.

7. (1) An authorised officer may-

- (a) stop, board and search any vehicle , aircraft, vessel , boat or any mode of transportation if he has reasons to suspect that there is a prohibited drug, drug specified under the Schedule to the Act or any article liable to be seized within the vehicle, aircraft, vessel , boat or any mode of transportation;
- (b) search any person found in the vehicle, aircraft, vessel, boat or any mode of transportation .

(2) An authorised person may seize any vehicle, aircraft, vessel, boat or any mode of transportation which has been used in the commission of or in connection with an offence under the Act .

Obstruction.

8. A person who-

- (a) prevents an authorised person from-
 - (i) gaining access to any place or premises;
 - (ii) entering or searching any place or premises.
- (b) assaults, obstructs, hinders or delays an authorised person in the execution of his duties imposed on him by the Act;

- (c) fails to comply with the lawful demand of an authorised person in the execution of his duties imposed on him by the Act;
- (d) refuses or neglects to give to an authorised person any information which may reasonably be required of him and which he has power to give;
- (e) furnishes an authorised officer with information which he knows or has reason to believe to be false;
- (f) fails to produce, conceals or attempts to conceal any article or document liable to be seized under the Act and there is reasonable ground for suspecting that an offence has been or is being committed under the Act;
- (g) before or after any seizure breaks or destroys any object to prevent the seizure or securing of that object commits an offence and is liable on conviction to a fine not less than Le10,000,000.00 or to a term of imprisonment for a term of 5 years or to both the fine and imprisonment.

9. (1) Where an authorised officer reasonably suspects that a moveable property-

Seizure of
movable
property.

- (a) is the subject matter of an offence under the Act or

- (b) has been used for the commission of that offence

the authorised officer may seize the moveable property.

(2) Where the owner of a moveable property and his location are known the authorised officer effecting seizure of a moveable property under sub-regulation (1) shall as soon as practicable after the seizure serve a written notice on the owner of the moveable property stipulating the grounds for the seizure of the moveable property.

(3) The written notice referred to under sub-regulation (2) shall not be required to be served where the seizure is made in the presence of the owner or agent of the movable property.

Seizure of immovable property.

10. Where an authorised officer reasonably suspects that an immovable property is the subject matter of an offence under the Act, the authorised officer may affix a notice of seizure in a conspicuous place outside the immovable property where the notice can easily be seen and read.

Validity of seizure etc.

11. Where any property is seized pursuant to the Act the validity of the-

- (a) seizure;
- (b) sale;
- (c) destruction; or
- (d) disposal

shall not be affected by any omission or failure to conform to any procedural provisions of the Act or any other law.

12. (1) Where a property is seized pursuant to the Act and- release of seized property.
- (a) prosecution for any offence relating to the property is not instituted;
 - (b) the Attorney-General and Minister of Justice does not commence proceedings for the forfeiture of the property;

a person claiming to be the lawful owner of the property shall within six months from the date of seizure of the property submit a written claim to the Agency.

(2) After receipt of the written claim referred to under sub-regulation (1) an authorised officer may release the property to the claimant if he is satisfied that there is no dispute as to the ownership of the property and the person making the claim is the lawful owner of the property.

(3) Where there is a dispute as to the ownership of the seized property the matter shall be referred to the Attorney General and Minister of Justice.

(4) Where no claim is made by any person within the six months period referred to under sub-regulation (1) the property shall be forfeited to the State after going through the required legal procedure.