ACT

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THE SIERRA LEONE METEOROLOGICAL AGENCY ACT , 2017

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Passed in Parliament this *20th day of July,* in the year of our Lord two thousand and Seventeen.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.

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GAZETTE NO. 64 OF 28TH SEPTEMBER, 2017.

SIGNED this *21st day of September, 2017.*

DR. ERNEST BAI KOROMA,
President.

LS

No. 8 **2017**

Sierra Leone

The Sierra Leone Meteorological Agency Act, 2017. Short title.

Being an Act to establish the Sierra Leone Meteorological Agency in place of the Department of Meteorology and to provide for other related matters.

[ ] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

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PART 1–PRELIMINARY

Interpretation.

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

"Agency" means the Sierra Leone Meteorological Agency established under section 2;

"Board" means the Board of Directors under section 3;

"Chairman" means the Chairman of the Board appointed under subsection (3) of section 3;

"Climatic change" means a change of climate attributed directly or indirectly to human (anthropogenic) activity that alters the composition of the global atmosphere and which is observed over comparable time periods often leading to extreme climate events such as global warming;

"climatology" means the study of the climate system;

"Director-General" means the Director-General of the Agency appointed under section 15;

"Member" means a member of the Board;

"Meteorology" means the study of the physical and chemical dynamics of the atmosphere together with the associated weather phenomena;

"Minister" means the Minister of Transport and Aviation; and "Ministry" shall be construed accordingly.

PART II- ESTABLISHMENT OF THE SIERRA LEONE METEOROLOGICAL AGENCY

Establishment of Agency.

2. (1) There is hereby established a body to be known as the Sierra Leone Meteorological Agency.

(2) The Agency shall be a body corporate, having perpetual succession and capable of acquiring, holding and disposing of any 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 Agency shall have a common seal, the use of which shall be authenticated by the signatures of –

(a) the Chairman or any other member of the Board authorised either generally or specifically by the Board in that behalf; and

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

Board of Agency.

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

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

(a) the Permanent Secretary, Ministry of Transport and Aviation;

(b) the Financial Secretary, Ministry of Finance and Economic Development;

(c) the Permanent Secretary, Ministry of Agriculture, Forestry and Food Security;

(d) the Permanent Secretary, Ministry of Water Resources;

(e) the Permanent Secretary, Ministry of Defence;

(f) the General- Manager, Sierra Leone Airports Authority;

(g) the Executive-Director, Environment Protection Agency;

(h) the Executive-Director, Sierra Leone Maritime Administration;

(i) the National Security Co-ordinator, Office of National Security;

(j) the Director–General Sierra Leone Civil Aviation Authority

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(k) three other members of whom two shall be women appointed by the President with proven knowledge and expericene in matters relating to the functions of the Agency

(l) the Director- General as ex-officio who shall be the Secretary to the Board.

(3) The Chairman shall, on the advice of the Minister and subject to the approval of Parliament be appointed by the President from among persons with proven knowledge in meteorology, climatology and climate change matters.

Tenure of members.

4. (1) The Chairman and members of the Board referred to in paragraph (k) of sub section (2) of section (3) shall hold office for 3 years and shall be eligible for re-appointment once only.

(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) proven misconduct;

(c) if he becomes bankrupt or insolvent;

(d) if he is convicted of an offence involving fraud or dishonesty;

(e) if he fails to attend three consecutive meetings of the Board without reasonable cause;

(f) if he resigns by written notice to the Board.

Meetings of Board.

5. (1) The Board shall meet for the dispatch of its business at least 3 times a year and at such times 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 three members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within five days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be 6.

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

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of interest.

6. (1) A member of the Board who has any 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 removed from the Board.

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Immunity of members of Board etc.

7. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) No member of the Board shall 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 the control and 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 implementation of the functions of the Agency and enhance the overall performance of the Agency.

Remuneration of members.

10. 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 Agency for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

Filling of Vacancies.

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 three months or is by reason of illness unable to perform the functions of his office for a continuous period of three months–

(a) the members of the Board shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and

(b) in the case of the member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III- FUNCTIONS AND POWERS OF AGENCY

Functions of Agency.

12. (1) The object for which the Agency is established is to serve as the sole authority for the provision of meteorological and climatological services throughout Sierra Leone.

(2) Without prejudice to the generality of subsection (1) the Agency shall have responsibility to–

(a) advise Government on all aspects of meteorology, climatology, climate change and other climate related issues;

(b) develop Government policy in the field of meteorology, climatology, climate change and other climate related issues;

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(c) issue weather information and forecasts for the safe operation of air-crafts, ocean going vessels, oil rigs and all other socio-econo mic activities that require meteorological or climatology services;

(d) promote the use of meteorology in agriculture, food monitoring and in the monitoring of flood, drought, desertification and other related activities;

(e) establish, organise and manage both surface and upper air observational station networks throughout Sierra Leone as approved by the Board;

(f) collect, process, store and disseminate meteorological and climatological information both nationally and internationally in accordance with rules and practices and procedures established under the Conventions of the World Meteorological Organization (WMO), the International Civil Aviation Organization (ICAO), International Maritime Organization (IMO), and other relevant conventions of the United Nations system such as the Framework Convention on Climate Change (U N F C C C) , a n d Convention to combat Desertification, Drought etc;

(g) monitor the meteorological and climatological components of environmental impact assessment, pollution, degradation and other concentrations;

(h) ensure that uniform standards of observation and data collection of all meteorological phenomena throughout Sierra Leone are in line with standard World Meteorological Organization principles;

(i) undertake research in the field of agro-meteorology, hydro-meteorology, marine meteorology and other related areas of meteorology, climatology and climate change related issues;

(j) keep in an appropriate and safe archive all meteorological, climatological, climate change data and information for use on future planning, research and implementation of projects as may become necessary;

(k) provide meteorological information, advice and warnings for agriculture, civil and military aviation, surface and marine transport, operational hydrology and management of energy and water resources, in order to mitigate the effects of natural disasters such as floods, storms, droughts and disease outbreak;

(l) provide meteorological service for search and rescue operations during disaster and relief operations as well as during national emergencies;

(m) participate in training and applied research in meteorology and climatology and other related fields in co-operation with other relevant institutions;

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(n) participate on behalf of Sierra Leone in the activities of relevant international organizations to which it belongs, including the World Meteorological Organization (WMO), International Civil Aviation Organization (ICAO), World Weather Watch (WWW), Global Climate Observing System (GCOS), Global Atmosphere Watch (GAW), Inter-Governmental Panel on Climate Change (IPCC), African Center of Meteorological Applications for Development (ACMAD), United Nations Environment Program (UNEP) and any other relevant organisations

(o) regulate and issue licences for weather stations; and

(p) any other functions which the Ministry, in consultation with the Board, may assign from time to time.

Power to enter land for certain purposes.

13. (1) The Agency may enter any land for any of the following purposes-

(a) surveying and taking of meteorological and climatological information;

(b) constructing, erecting, placing, operating or maintaining any meteorological and climatological equipment upon or over any premises, or examining, repairing, altering or removing any equipment so placed;

(c) monitoring meteorological and climatological components of environmental impacts on pollution, degradation and other concentrations;

(d) attaching to any wall, house or building any bracket or other fixture required for the carrying out or support of any equipment; and

(e) any other work connected with its functions under this Act.

(2) The Agency shall when practicable give reasonable notice under section 14 to the occupier of any land on which it intends to enter.

(3) In the exercise of the powers conferred under this section, the Agency shall do as little damage as possible and shall pay compensation for any damage done.

(4) The Agency shall not construct, place, maintain, examine, repair, alter or remove any equipment under, in, upon, over, along or across any land, building, embarkment, dock, harbour or pier under the control of a ministry or authority unless it obtains the approval of the ministry or authority.

(5) Any equipment placed across or over any road shall be placed so as not to interfere with the passage along the road and the Agency shall make good any road opened or broken up for the purposes referred to in subsection (1).

Notice of intention to enter.

14. (1) The Agency shall serve a written notice on the occupier of any land or building of its intention to enter and construct a meteorological and climatological equipment or to attach a fixture to the building.

(2) The notice referred to in subsection (1) shall give a description of the nature of the work to be carried out and the manner in which it is to be done.

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(3) If within thirty days after service of the notice, the occupier fails to lodge a written objection with the Agency, the Agency may proceed with the work.

(4) If within thirty days after service of the notice the occupier lodges a written objection with the Agency, the work shall not be undertaken by the Agency unless the Agency obtains written approval of the Minister.

PART IV – ADMINISTRATIVE PROVISIONS

Appointment of Director-General.

15. (1) The Agency shall have a Director-General who shall be appointed by the Board upon such terms and conditions as the Board shall after consultation with the Minister, determine.

(2) No person shall be appointed a Director-General unless he has-

(a) a Masters degree in meteorology or a Masters degree in applied meteorology and climate with at least three years proven experience and expertise and

(b) proven ability in public administration and management.

Functions of Director-General.

16. The Director- General 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 Agency;

(b) to initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the operations of the Agency;

(c) to monitor and supervise the preparation of the annual budgets and reports of the Agency for the review and approval of the Board;

(d) to oversee the work and discipline of the other staff of the Agency;

(e) to carry out such other functions as may be assigned by the Board or necessary for the purposes of the Agency; and

(f) serve as Secretary to the Board.

Deputy Director-General.

17. (1**)** The Agency shall have two Deputy Director-Generals, one of whom shall be responsible for administration and the other for operations,appointed by the Board on such terms and conditions as the Board may determine.

(2) The Deputy- Director Generals shall have a Bachelors degree in administration or operations and at least seven years proven experience and expertise in the field of study as the case may be.

Departments of Agency.

18. The Agency shall have the following departments or administrative divisions-

(a) aviation meteorology department;

(b) agro-meteorology department;

(c) marine meteorology department;

(d) hydro-meteorology department; and

(e) finance and administration department.

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Other staff of Agency.

19. (1) The Agency shall have, in addition to the Director-General and Deputy Director- Generals, a secretariat consisting of a Secretary, Finance Officer, Administrative Officer and such other additional technical and administrative staff including a Legal Adviser, who shall be responsible to provide legal advice to the Board and the Agency, as may be required for the efficient performance of the functions of the Agency.

(2) The Secretary and other staff of the Agency shall be appointed by the Board subject to such terms and conditions as the Board shall determine.

(3) The Agency may delegate to the Director-General-

(a) the power for the appointment of such grade or categories of staff as the Agency may require;

(b) the power to enter into an agreement with an independent body or agency for the purpose of carrying out the functions of the Agency for and on behalf of the Agency.

Secondment of public officers

20. Public officers may at the instance of the Agency, be seconded 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.

Protection of officers.

21. No officer or employee of the Agency or any person acting on the directions of an officer or employee of the Agency shall be liable in respect of any matter or thing done by him in good faith under this Act.

Consultants and experts.

22. The Agency may engage the services of such consultants or experts as it may consider necessary for the proper and efficient performance of the functions of the Agency.

PART V – FINANCIAL PROVISION

Funds of Agency.

23. The activities of the Agency shall be financed by a fund consisting of –

(a) moneys appropriated by Parliament for the purposes of the Agency;

(b) gifts or grants from donors;

(c) all other moneys which may, from time to time, accrue to the Authority.

Account and Audit of Agency.

24. (1) The Agency shall keep proper books of accounts and other records in relation to the activities, properties and finances of the Agency and the books, accounts and records shall be in such form as approved by the Auditor–General and the Agency shall prepare in respect of each financial year a financial statement which shall include-

(a) Balance Sheet accounts;

(b) Income and Expenditure accounts; and

(c) Source and application of funds.

(2) The books of account shall be audited by the Auditor-General or an auditor appointed by him within three months after the end of each financial year.

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

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(4) 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.

(5) The Agency shall provide the Auditor-General or the auditor appointed byhim with all necessary and appropriate facilities for the examination of the accounts and records of the Agency.

(6) The Auditor-General or the auditor appointed by him 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) any irregularities in the accounts;

(b) any 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 theAgency.

Annual report.

25. (1) The Agency shall submit to the Minister a report on the performance of its functions during that year and on its policy and programmes within 4 months after the end of the financial year.

(2) The annual report shall include the accounts and a statement of annual financial position prepared under section 24 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 4 months after he has received the report.

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

Financial year of Agency.

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

PART VI - MISCELLANEOUS

Transfer of assets and liabilities.

27. Upon commencement of this Act:

(a) all rights, liabilities, assets, obligations and privileges of Sierra Leone Meteorological Department are hereby transferred, conferred or imposed on the Agency;

(b) a reference in any deed, contract, bond, security or other legal document to the Sierra Leone Meteorological Department shall have full force and effect and be enforceable as fully and effectually as if the Agency has been named therein and has been a party thereto.

Regulations.

28. (1) The Agency may by statutory instrument make Regulations as it considers necessary or expedient for giving effect to the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the Agency may make Regulations for the purpose of imposing fees and charges for the issuance of licences under this Act and for services provided under this Act.

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