

ACT

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THE SIERRA LEONE BROADCASTING CORPORATION ACT, 2009

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SIGNED this 8th day of January, 2010.

DR. ERNEST BAI KOROMA,
President.



No. 1



2010

Sierra Leone

The Sierra Leone Broadcasting Corporation Act, 2009. Short title.

Being an Act to establish the Sierra Leone Broadcasting Corporation 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–
- “Board” means the Board of Trustees referred to in section 3;
- “Corporation” means the Sierra Leone Broadcasting Corporation an autonomous legal entity established by section 2;
- “Minister” means the Minister responsible for Information and Communication;
- “Broadcasting” means radio (audio) and TV (video audio) transmission via terrestrial transmitters, direct home satellite, or cable, using analogue or digital technologies and transmission of multimedia content via internet, mobile phones or using other broadcasting technologies that may be developed in the future transmitted for direct public receiving by an unlimited number of users;
- “Independent Media Commission” means the Independent Media Commission established by the Independent Media Commission Act, 2000 (Act No. 12 of 2000)
- “Sierra Leone Broadcasting Service” means the state owned radio and television service established in 1935 transmitting via terrestrial transmitters using analogue technology to an unlimited number of users.

PART II – ESTABLISHMENT OF CORPORATION

- Establishment of Sierra Leone Broadcasting Corporation. 2. (1) The Sierra Leone Broadcasting Service is hereby transformed into a body corporate to be known as the Sierra Leone Broadcasting Corporation.
- (2) The Corporation shall have perpetual succession and capable of acquiring, holding and disposing of any property, whether

movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Corporation shall have a common seal, the affixing of which shall be authenticated by the signatures of –

- (a) the Chairman or other member of the Board generally or specifically authorised by the Board for that purpose; and
- (b) the Director-General or other officer of the Corporation authorised by the Board for that purpose.

3. (1) The governing body of the Corporation shall be a Board of Trustees consisting of the following members – ^{Board of Trustees.}

- (a) a Chairman, who shall be a person competent and knowledgeable in the operation and management of broadcasting, appointed by the President subject to the approval of Parliament.
- (b) a representative each, of the following bodies, elected by their respective governing bodies
 - (i) Council of Paramount Chiefs;
 - (ii) Inter-Religious Council;
 - (iii) Women’s Forum;
 - (iv) Sierra Leone Bar Association;
 - (v) University of Sierra Leone (Engineering Department);

- (vi) Youth Council;
 - (vii) Sierra Leone Association of Journalists;
and
 - (viii) Civil Society Sierra Leone.
- (c) the Director-General of the Corporation who shall be *ex-officio* and Secretary to the Board.

(2) The members of the Board shall be persons of high personal probity, appointed by the President and subject to the approval by Parliament.

Tenure of members.

4. (1) The Chairman and members of the Board who are not *ex-officio* shall hold office for three years and shall be eligible for re-appointment for not more than two terms.

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

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted of an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause; or
- (f) if he resigns his office by written notice to the President.

Functions of Board.

5. (1) Subject to this Act, the Board shall have control and supervision of the Corporation.

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

6. The Chairman and the other members of the Board and any person co-opted under subsection (5) of section 8, shall be paid such remuneration, fees and allowances and shall be reimbursed by the Corporation for expenses incurred in connection with the discharge of their functions as the Board may determine, with the approval of the Minister .

7. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent from Sierra Leone for a continuous period exceeding three months or by reason of illness unable to perform the functions of his office –

- (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 members, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is elected 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 reappointment.

8. (1) The Board shall meet for the dispatch of its business at such time and place as the Chairman may determine, but shall meet at least once every month.

(2) A special meeting of the Board shall be summoned by the Chairman or at the written request of not less than two other members of the Board.

(3) The Chairman shall preside at meetings of the Board at which he is present and in his absence, a member elected by the members present from among their number, shall preside.

(4) Each member shall have one vote but where there is an equality of votes, the Chairman or other member presiding shall have a casting vote.

(5) All acts, matters or things authorized or required to be done by the Corporation shall be decided at a meeting where a quorum is present and the decision is supported by the votes of a majority of the members.

(6) The quorum for a meeting of the Board shall be 5.

(7) Any proposal circulated among all members and agreed to in writing by a 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 subsection (7) 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 matter for 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 as a public record.

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

Disclosure
of interest.

9. (1) Any member having a personal interest whether pecuniary or otherwise, direct or indirect through any member of his immediate family or business partner, in any matter to be considered by the Board shall disclose the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board, and such member shall take no part in any deliberation or discussion of the Board relating to such matter.

(2) Any member who contravenes subsection (1) shall be guilty of misconduct and shall be liable to removal from the Board.

PART III—FUNCTIONS OF CORPORATION

10. (1) The object for which the Corporation is established is to provide information, education, entertainment and reflect all shades of opinion throughout Sierra Leone. Functions of Corporation.

(2) Without prejudice to the generality of subsection (1), the Corporation—

(a) shall provide, as a public service, independent and impartial broadcasting services for general reception throughout Sierra Leone which will include a minimum level of regional programmes broadcast nationally every week;

(b) shall, in collaboration with such institution as may be appropriate, provide external radio and television services through transmission for general reception in countries and places outside Sierra Leone;

(c) shall allow and accept limited sponsorship for programmes and advertisement, except that no sponsorship shall be allowed for news programmes or accepted from political, ethnic or religious groups or institutions;

(d) shall provide, in the minimum,—

(i) one free-to-air television channel for general reception throughout Sierra Leone, including any number of satellite, cable or other services;

(ii) one free-to air radio channel;

(e) shall acquire bands for specific channels using names that do not include Sierra

Leone Broadcasting Corporation, but are clearly identified as owned by Sierra Leone Broadcasting Corporation;

- (f) shall establish and maintain broadcasting archive of materials that is likely to be of historical interest and make such material available on the internet;
- (g) shall broadcast programmes in Sierra Leonean languages, English and in such other foreign languages as may be determined;
- (h) shall erect, maintain and operate transmitting and receiving stations;
- (i) shall acquire copyrights;
- (j) shall enter into arrangements with the competent authorities for the purpose of obtaining rights, privileges and concessions in connection with broadcasting;
- (k) shall establish and maintain facilities for training and education for the purpose of –
 - (i) advancing the skills of persons employed by the Corporation; and
 - (ii) Carrying out research for the purpose of improving the physical and operational efficiency of any of the equipment of the Corporation;
- (l) may outsource its advertising component to ensure reliable funding and sustainably;
- (m) shall produce, manufacture, purchase or otherwise acquire films for television, information and communication technologies and other mechanical or electronic materials and apparatus associated with broadcasting and to use them in connection with broadcasting;
- (n) shall ensure the diffusion of important public announcements;

- (o) shall provide appropriate coverage of the proceedings of key decision making bodies, including Parliament;
- (p) shall adhere at all times to the Independent Media Commission Code of Practice for Journalists; and
- (q) shall adhere at all times to the Code of Practice adopted by the Board containing its broadcasting policies and programme content, including a full complaints procedure for viewers and listeners.

11. (1) In the discharge of its functions under section 9, the Corporation shall be guided by principles geared toward the development of free and educated opinion, the respect for the rule of law, human rights and with due regard to issues of public interest and fair play. Guiding Principles

(2) Without prejudice to the generality of subsection (1), the discharge of its functions of the Corporation under section 9, shall be guided by –

- (a) Sierra Leone's constitutional guarantees of freedom of expression;
- (b) the principles enshrined in the Media Code of Conduct adopted by Sierra Leone's Independent Media Commission;
- (c) promotion of fair competition based on internationally accepted principles for a public broadcaster, which include independent management, public service ethos and representation of all viewpoints and sectors of society in a non-partisan and objective manner;

- (d) accountability to the public through an independent board, protected against interference of a political or economic nature, with editorial independence and adequately funded in a manner that protects it from arbitrary interference;
- (e) transmission covering the whole country and politically balanced programmes.

Independence of Corporation.

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

PART IV – STAFF OF CORPORATION

Director-General.

13. (1) The Corporation shall have a Director-General appointed by the President on the recommendation of the Board of Trustees and subject to the approval of Parliament.

(2) The Director-General shall be the Chief Executive Officer of the corporation and shall hold office for a period of four years renewable for one term only.

(3) The Director-General shall be responsible to the Board for –

- (a) the day-to-day management of the Corporation;
- (b) the administration, organisation and control of the other staff of the Corporation;
- (c) the management of the funds of the Corporation;
- (d) The performance of such other functions as the Board may determine.”

Deputy Director-General.

14. (1) The Corporation shall have a Deputy Director-General who shall be appointed by the Board and shall hold office on such terms and conditions as may be determined by the Board.

(2) The Deputy Director-General shall have the competence and experience that will enable him, subject to this Act,

to perform the duties of the Director-General and shall be charged with the performance of any of the functions of the Director-General when the Director-General is absent from Sierra Leone or is otherwise incapacitated from performing his functions under this Act and who shall otherwise assist the Director-General in the performance of his functions and perform such functions as the Director-General may delegate to him.

15. (1) There shall be appointed by the Board on such terms and conditions as the Board may determine such other employees as the Corporation may require for the efficient discharge of its functions under this Act. Other staff and employees of the Corporation.

(2) Public officers may be seconded or otherwise give assistance to the Corporation.

(3) The Corporation may engage the services of such consultants and advisers as it considers necessary for the efficient discharge of its functions.

PART V – FINANCIAL PROVISIONS

16. (1) The activities of the Corporation shall be financed by a fund consisting of – Funds of Corporation.

- (a) moneys appropriated by Parliament for the purposes of the Corporation;
- (b) moneys accruing to the Corporation in the course of its operations, including moneys paid for services rendered by the Corporation;
- (c) any investment revenue;
- (d) loans, and
- (e) gifts or donations from any person or authority.

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

Accounts. **17.** (1) The Corporation shall keep proper and audited books of account and proper records in relation to them in a form approved by the Auditor-General.

(2) The books of account kept under subsection (1) shall within three months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

Financial year of Corporation. **18.** The financial year of the Corporation shall be the same as the financial year of Government.

Annual report. **19.** (1) The Corporation shall, as soon as possible but not later than three months after the end of each financial year, submit to the Minister a report of the activities, operations, undertakings, property and finances of the Corporation for that year, including the Auditor-General's report and a list of persons granted licences in that year.

(2) The Minister shall, within thirty days of the receipt of the report referred to in subsection (1), lay a copy before Parliament.

PART VI—MISCELLANEOUS

Transfer of assets. **20.** There is hereby transferred to the Sierra Leone Broadcasting Corporation, without more, the property and other assets of the Sierra Leone Broadcasting Service which shall cease to exist in that name in the coming into force of this Act.

Transitional provisions. **21.** Any act or thing done by the Sierra Leone Broadcasting Service prior to the commencement of this Act, shall if consistent with this Act, be deemed to have been done or made under this Act.

Regulations. **22.** The Minister may, by statutory instrument, make regulations for the effective implementation of this Act.

Passed in Parliament this *17th* day of *December*, in the year of our Lord two thousand and Nine.

VICTOR A. KAMARA,
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.

VICTOR A. KAMARA,
Clerk of Parliament.