

THE BANK OF SIERRA LEONE ACT, 2011

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Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

DR. ERNEST BAI KOROMA,  
*President.*



No.



2011

Sierra Leone

THE BANK OF SIERRA LEONE ACT, 2011.

Short title

Being an Act to continue in existence the Bank of Sierra Leone, to ensure price stability, and to provide for other related matters

i Date of commencement.

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

PART 1-PRELIMINARY

Extent. 1. This Act extends, where appropriate, to the operations of the offices and agents, outside Sierra Leone, of the Bank or of any financial institution.

Commence-  
ment. 2. (1) This Act shall come into operation on a date to be fixed by the Minister by statutory instrument.

(2) Subject to subsection (1), different dates may be fixed for the coming into operation of different sections of this Act.

Interpretation. 3. In this Act, unless the context otherwise requires

"Bank" means the Bank of Sierra Leone;

"Board" means the Board of Directors of the Bank established by section 15;

"Deputy Governor" means the Deputy Governor of the Bank;

"financial institution" means an institution licensed and subject to regulation and supervision by the Bank under this Act or any other enactment;

"Governor" means the Governor of the Bank;

"Minister" means the Minister responsible for finance.

PART II-ESTABLISHMENT, OBJECTIVE AND  
FUNCTIONS OF THE BANK

4. The Bank shall, subject to this Act, continue to function as the Central Bank of Sierra Leone. Establishment of Bank.

5. The Bank shall continue to be a body corporate, having perpetual succession and a seal, and may enter into contracts, sue and be sued in its own name, and subject to the limitations contained in this Act, may acquire, hold and dispose of movable and immovable property for the purpose of its functions. Status and powers of Bank.

6. The Bank shall be an autonomous institution, and shall in that respect not be subject to the control or direction of any person or authority. Autonomy of Bank.

7. (1) The objective of the Bank is to achieve and maintain price stability. Objective and functions of Bank.

(2) Without prejudice to subsection (1) the Bank shall-

(a) formulate and implement monetary policy, financial regulation and prudential standards;

(b) act as banker, adviser and fiscal agent of the Government;

(c) formulate and implement the foreign exchange policy of Sierra Leone;

(d) conduct foreign-exchange operations;

(e) own, hold and maintain the official international reserves including the reserves of gold;

- (f) issue and manage the currency of Sierra Leone;
- (g) establish, promote, license and oversee sound and efficient payment and securities settlement systems;
- (h) license, register, regulate and supervise financial institutions as specified in this Act or any other enactment;
- (i) act as a depository for funds from international organizations.

Offices, branches and agents of Bank.

8. (1) The Bank shall have its principal place of business in Freetown.

(2) The Bank may, in accordance with the decision of the Board-

- fa) establish branches within Sierra Leone;
- (b) appoint agents in Sierra Leone and agents and correspondents outside Sierra Leone;
- (c) establish offices abroad.

### PART III-CAPITAL, PROFITS, LOSSES AND RESERVES

Authorised capital.

9. The authorised share capital of the Bank shall be two hundred and fifty billion leones which may be altered by the Board after consultation with the Government.

Paid-up capital.

10. (1) The minimum paid-up capital of the Bank shall be one hundred and twenty-five billion leones and may be altered by the Board after consultation with the Government.

(2) The paid-up capital shall be subscribed and held exclusively by the Government.

(3) There shall be paid up by the Government the amounts that may from time to time be resolved by the Board and approved by the Minister.

(4) The Minister may by warrant authorise the payment from the Consolidated Fund of such sums as may be required for the purpose of subscribing to the paid-up capital of the Bank.

11. (1) The Bank shall establish and maintain a general reserve Reserve account. account.

(2) The general reserve account shall not be used except to cover losses sustained by the Bank and shall be allocated at the end of each financial year of the Bank-

fa) in the case of a financial year at the end of which the general reserve of the Bank does not exceed the minimum paid-up capital of the Bank, one-third of the net profits of the Bank for the financial year; or

(b) in the case of a financial year at the end of which the general reserve of the Bank exceeds the minimum paid-up capital of the Bank but does not exceed four times the paid-up capital of the Bank, one-sixth of the net profits of the Bank for the financial year.

12. (1) The net profits or losses of the Bank for each financial Profits, losses year shall be determined by the Board in conformity with the (able earn and distribu- International Financial Reporting Standards or any subsequent ings. standards as the sum of net operating revenues or losses (including realized gains and losses) and net unrealized valuation gains or losses.

(2) The distributable earnings for distribution under section 13 shall be determined as follows:-

- (a) by deducting from the net profits the total amount of unrealized revaluation gains and by allocating an equivalent amount to the respective unrealized revaluation reserve accounts; and
- (b) by deducting from the unrealized revaluation reserve accounts and adding to the distributable earnings as determined in paragraph (a) the amount of any unrealized profit that was deducted from the net profits for one or more previous financial years and was realized during the current financial year.

Allocation of distributable earnings.

**13.** (1) Within four months after the end of the financial year after appropriate allocations have been made to the general reserve under section 11, the Board shall allocate the distributable earnings as follows:-

- (a) an amount equivalent to at least fifty percent of distributable earnings shall be credited to the general reserve account until the paid-up capital and general reserves equal ten percent of the total monetary liabilities of the Bank;
- (b) any remaining distributable earnings shall be transferred to the Government as revenue for the general budget of the Government.

(2) No distribution shall be made out of retained or current income of the Bank except as provided in subsection (1).

(3) If in a financial year the Bank incurs negative distributable earnings, the earnings shall first be charged to the general reserve account, and subsequently applied to capital.

**14.** (1) In the event that in the audited annual financial statements of the Bank, the value of its assets falls below the sum of its liabilities, its unimpaired authorized capital and general reserves, then- Coverage of shortfall in capital.

- (a) the Board, on the advice of the external auditors of the Bank, shall assess the situation and prepare a report on the causes and extent of the shortfall within a period of not more than thirty days;
- (b) in the event that the Board approves the report, the Bank shall request the Minister for a capital contribution by the Government to remedy the deficit; and
- (c) upon receipt of this request the Government shall, within a period of not more than thirty calendar days, transfer to the Bank the necessary amount in currency or in negotiable debt instruments with a specified maturity issued at market-related interest rates, as determined by the Board.

#### Part IV-ADMINISTRATION

**15.** (1) There is hereby established a Board of Directors of Establishment of the Bank which shall consist of- of Board.

- (a) the Governor who shall be Chairman;
- (b) the Deputy Governor; and
- (c) five non-executive Directors,

all of whom shall be appointed by the President subject to approval by Parliament.

(2) The Governor and Deputy Governor shall each be appointed under the public seal for a term of five years and shall be eligible for reappointment for another term only.

(3) The Governor and Deputy Governor shall be answerable to the Board for their acts and decisions.

(4) The five other members of the Board shall hold office for a term of three years and shall be eligible for reappointment for another term only.

(5) Members of the Board, including the Governor and Deputy Governor shall be persons-

- (a) of proven integrity; and
- (b) having qualification and considerable experience in economics, finance, banking, accounting or law.

(6) The Governor and Deputy Governor shall be appointed on the terms and conditions as may be stated in their letters of appointment which shall not be altered to their disadvantage.

(7) The other members of the Board shall be entitled to allowances recommended by the Board and approved by the President.

**16.** (1) No person shall be eligible to be appointed as ineligibility Governor or Deputy Governor or other member of the Board if the <sup>10 serve on</sup> person is- Board etc.

- (a) a Member of Parliament;
- (b) an officer or employee of a financial institution operating in Sierra Leone or any other institution whose activities are regulated by the Bank; or
- (c) a public officer.

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

- (a) for inability to perform the functions of the office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if the person is bankrupt, suspends payment or compounds with his creditors;
- (d) if the person is convicted of an offence involving fraud or dishonesty;
- (e) if being a member of a professional body the person is suspended or disqualified from practising the profession by the competent body of the profession;

- (f) if the person fails to attend three consecutive meetings of the Board without reasonable cause;
- (g) if the person resigns from office by written notice to the President; or
- (h) for gross breach of duty.

(3) Subject to this Act, the Governor shall not be removed from office by the President before the expiration of his term of office unless a resolution is passed by Parliament supported by two thirds of all its members recommending his removal.

(4) The President, acting on a report by the Board that a temporary absence or incapacity of a Director other than the Governor or Deputy Governor has occurred, may appoint a substitute to serve until the Board determines that that state has ceased.

Functions of 17. The Board shall-  
Board.

- (a) determine the organization of the Bank, including the establishment and location of branches, representative offices and operations facilities;
- (b) determine the general policies and adopt internal rules applicable to the administration and operations of the Bank;
- (c) approve the annual budget of the Bank;
- (d) approve the audited accounts, annual reports and other formal reports and financial statements of the Bank;

- (e) determine denominations and design of banknotes, coins and their issuance and handling;
- (f) appoint committees consisting of members of the Board or members of the Bank's staff and determine their responsibilities;
- (g) assess risks and formulate contingency plans for the ongoing operations and security of the Bank;
- (h) adopt the rules of procedure for meetings of the Board;
- (i) exercise all powers that are not specifically reserved for the Governor; and
- (j) perform other functions prescribed by this Act.

18. (1) The Governor shall be the chief executive officer of Powers and functions of the Bank and shall be responsible for the implementation of the Governor and Deputy Governor. policies of the Bank.

(2) The Governor shall be responsible to the Board for the execution of its decisions and for the direction and control of the administration and operations of the Bank.

(4) Within the limitations of his powers, the Governor, or in his absence or temporary incapacity, the Deputy Governor, shall be in charge of the day-to-day management of the Bank and shall be answerable to the Board for his acts and decisions.

(5) The Governor shall have the authority to take all actions required or deemed advisable for the administration or operations of the Bank, including the procurement of goods and services, entering into contractual commitments on behalf of the Bank, appointing the staff and agents of the Bank, and generally representing the Bank.

(6) The Governor may, within the rules prescribed by the Board, delegate any of his powers or functions to other members of the Board or to senior staff, but shall remain accountable for the proper execution of the functions.

(7) The Governor shall report, not less than six times each year, to the Board on-

fa) the conduct of the Bank's operations and policies;

(b) the soundness of the financial system, and on the state of the money, capital and foreign exchange markets, including all events and conditions that have or are expected to have a significant effect on the administration or operations of the Bank, on the conduct of its policies, on the financial system, or on the markets referred to in this paragraph.

(8) The Governor shall approve the issuance of licences for clearing, payment and securities settlement systems;

(9) The Governor shall approve the issuance of licences and permits for financial institutions, and to revoke licences and permits of these institutions.

(10) The Governor shall have power to take enforcement measures, including cease and desist powers, instruct any supervised bank or other financial institution, or overseen clearing, payment and security settlement system, to take remedial actions, appointing a receiver for such entities, or imposing administrative penalties, as provided by this Act, or any other enactment.

(11) The Deputy Governor shall assist the Governor in the performance of his duties under this Act and the Governor may in writing, delegate to the Deputy Governor, subject to the conditions and limitations, if any, that he may specify, such of the functions exercisable by him under this Act or any other enactment as he thinks necessary for the efficient administration of the Bank.

**19.** (1) The Governor or in his absence the Deputy Governor shall preside at meetings of the Board.

Meetings of Board.

(2) Meetings of the Board shall be called by the Governor and shall take place as often as may be required.

(3) Approval of notice of a Board meeting and its agenda shall be given by the Governor.

(4) Five members of the Board of whom one shall be the Governor or Deputy Governor shall form a quorum at a meeting.

(5) Each member of the Board shall have one vote and in the event of an equality of votes, the Chairman shall have a casting vote.

(6) The Board may invite other officers and employees of the Bank to attend its meetings to assist the Board in its deliberations whenever it considers it necessary, but these persons shall not vote on any matter for decision by the Board.



(7) Any three members of the Board may require the Governor to convene a special meeting of the Board.

(8) A member of the Board who has an interest in any matter that is a subject for the Board to consider shall disclose to the Board the nature of the interest and shall not participate in a discussion or decision of the Board on the matter.

(9) When a member fails or refuses to disclose the interest as required by under subsection (8), the Board may recommend his removal from the Board to the President.

Monetary  
policy.

**20.** (1) In promoting price stability, the Bank shall pursue a monetary policy which serves the interest of Sierra Leone in accordance with the objective of the Bank.

(2) The monetary policy of Sierra Leone shall be formulated and implemented autonomously by the Bank.

Monetary  
Policy  
Committee.

**21.** (1) There shall be a Committee of the Bank to be known as the Monetary Policy Committee which shall have the responsibility for formulating the monetary policy and the policies for the conduct of monetary policy operations.

(2) The Monetary Policy Committee shall consist of the Governor, the Deputy Governor, three persons appointed by the Governor and two other persons appointed by the Minister with knowledge or experience relevant to the functions of the Monetary Policy Committee and who shall be persons of probity and sound judgment.

**22.** (1) All appointments of officers and other employees of the Bank shall be only to positions created by a decision of the Board and on such terms and conditions as shall be determined by the Board.

(2) The Governor shall appoint staff, agents and correspondents of the Bank, within the limits and in accordance with the general terms and conditions of employment approved by the Board.

(3) In the employment of staff, the Bank shall apply non-discriminatory personnel policies.

(4) The staff shall devote the whole of their professional services to the Bank, and shall not occupy any other office of employment, whether remunerated or not, except as nominee of the Bank or for educational and civic endeavors provided these do not conflict with the ability to serve the Bank, or unless the Board decides otherwise.

(5) No salary, fee, wage or other remuneration or allowance paid by the Bank shall be computed by reference to the net or other profit of the Bank.

(6) The Board may establish and maintain departments that it considers necessary for the proper and efficient conduct of the business of the Bank.

(7) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by a court or under the provisions of an enactment, no Director, officer, employee or agent of the Bank shall disclose to any person, information relating to the affairs of the Bank or of any licensed institution or other person, firm, company or organization or of a customer of the Bank acquired in the performance of his duties or the exercise of his functions.

## PARTV-CURRENCY

Currency of  
Sierra Leone.

**23.** (1) The monetary unit of Sierra Leone shall continue to be the leone.

(2) Prices for all transactions in Sierra Leone shall be indicated in leones.

(3) The leone shall be prefixed by the sign "Le".

(4) The leone shall be the currency for all accounting, financial reporting and official purposes in Sierra Leone.

Issuance of  
currency.

**24.** (1) The Bank shall have the sole right of issuing notes and coins in Sierra Leone and neither the Government nor any other person shall issue bank notes or coins without the permission of the Bank.

(2) The Bank shall arrange for the printing of banknotes and the minting of coins and for all other related matters including the security and safe keeping of un-issued banknotes or coins and the custody and destruction, as may be necessary, of dies and retired banknotes or coins.

(3) Banknotes or coins issued by the Bank shall be in denominations, composition, form and design as shall be approved by the President upon the recommendation of the Board.

(4) The characteristics of banknotes and coins issued by the Bank shall be published in the *Gazette*.

Exchange of  
currency.

**25.** (1) The Bank shall exchange on demand and without charge, Sierra Leone currency of any denomination for Sierra Leone notes and coins of any other denomination requested.

(2) In the event of a temporary unavailability of a requested denomination, the Bank may discharge this obligation by delivering notes and coins of available denominations which shall nearly approximate that requested.

**26.** The Bank may appoint, on the terms and conditions as Agencies may be agreed, one or more financial institutions or other agents in <sup>of Bank</sup> Sierra Leone to act in an agency capacity for the issue, exchange and withdrawal of notes and coins.

**27.** (1) Bank notes issued by the Bank shall be legal tender in Legal tender. Sierra Leone at their face value for the payment of any amount.

(2) Coins issued by the Bank shall, if the coins have not been tampered with, be legal tender in Sierra Leone at their face value to an amount to be determined by the Bank.

(3) Notwithstanding subsections (1) and (2), the Bank may on giving not less than three months notice in the *Gazette* and in one newspaper of general circulation in Sierra Leone, call in any of its notes and coins, on payment of the face value of the notes; and the bank notes and coins, with respect to which a notice has been given, shall, on the date specified in the notice, cease to be legal tender.

(4) The Bank may, by notice published in the same manner as notice given under subsection (3), specify a period during which bank notes or coins which have ceased to be legal tender may, nevertheless be exchanged at the Bank.

**28.** (1) The Bank shall, on giving notice in the *Gazette* and Withdrawal of <sup>banknotes and</sup> in at least one newspaper of general circulation in Sierra <sup>coins</sup> Leone, withdraw from circulation, any banknotes or coins issued by the Bank or the circulation of which it has otherwise authorized, on payment of the face value thereof.

(2) Any banknotes or coins so withdrawn shall, in accordance with the terms of the notice, cease to be legal tender; but the holders of the banknotes or coins shall be entitled, at any time within the period designated in the notice, to claim payment from the Bank in accordance with such regulations as the Bank may make.

(3) The Bank may decline to exchange banknotes or coins if their designs are illegible, misshaped or perforated and the banknotes or coins shall be withdrawn and destroyed without indemnity to the owner.

Tampering  
with coins.

**29.** (1) No person shall tamper with a coin.

(2) A coin shall be deemed to have been tampered with if the coin has been impaired, diminished or lightened otherwise than by fair wear and tear or has been defaced by stamping, engraving or piercing, whether the coin has or has not been thereby diminished or lightened.

Recovery of  
damaged  
currency etc.

**30.** No person shall as of right be entitled to recover from the Bank, the value of a lost, stolen, mutilated or imperfect bank notes or currency coins, except under the provisions, if any, of an enactment or at the Bank's discretion.

Counterfeit  
currency.

**31.** (1) A person who-

- (a) falsely makes, forges, counterfeits or alters a bank note or coin that is legal tender, whether in Sierra Leone or abroad, or any cheque, security or payment card, whether denominated in Leones or in another currency;

- (b) possesses, transports or issues any banknote, coin, cheque, security or payment card with the knowledge that it was falsely made, forged, counterfeited or altered;

- (c) or manufactures, possesses or transports any plate, stone, paper, die or other object or substance knowing that it was destined to be used in falsely making, forging, counterfeiting or altering a bank note, coin, cheque, security or payment card,

commits an offence and is liable on conviction to a fine not less than one hundred million leones or to a term of imprisonment not less than five years.

(2) Banknotes and coins presented to financial institutions denominated in legal tender, whether in Sierra Leone or abroad, which are suspected to be forgeries or counterfeits, when at licensed banks and other financial institutions and other entities authorized to carry out exchange operations within the scope of their activity, shall be withheld and forthwith sent to the authorities appointed and in compliance with any other relevant regulation of the Bank.

(3) The Bank shall seize all notes presented to it which are suspected to be counterfeited, forged or changed in value, and shall draw up a writ with the identification of the notes, their bearer, and the Bank's grounds for suspicion.

(4) The Bank may resort directly to any authority or agent for the purposes envisaged in this section.

(5) The writ shall be forwarded to the police for the purpose of the relevant proceedings and on conclusion it shall be returned to the Bank.

Reproduction of bank notes etc.

**32.** (1) A reproduction of bank notes, coins, cheques, securities or payment cards, whether legal tender in Sierra Leone or abroad and the creation of the objects that by their design imitate any banknotes, coins, cheques, securities or payment cards, shall be authorized by the Bank in writing.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than one hundred million leones or to a term of imprisonment not less than five years.

(3) The Bank may authorize the publication of photographs of bank notes and coins.

Enforcement relating to counterfeiting.

**33.** The Bank shall assist in the enforcement of any enactment relating to the counterfeiting of the currency of Sierra Leone or any foreign currency; and a certificate of a duly authorised officer of the Bank that a document or token in question is or is not a genuine note or coin shall be *prima facie* evidence of the fact in any judicial proceeding in Sierra Leone.

#### PARTVI-PAYMENTS, SUPERVISION AND STATISTICS

Provision of facilities.

**34.** (1) The Bank may provide facilities to ensure sound and efficient clearing, payment and securities settlement systems.

(2) The Bank shall organize, participate in and operate clearing, payment and securities settlement systems.

**35.** The Bank shall license, regulate and monitor payment and securities settlement systems and may for these purposes take of payment remedial measures and impose sanctions.

**36.** The Bank shall be responsible for the regulation, licensing, Supervisory registration and supervision, including the imposition of remedial measures and administrative sanctions, of commercial banks and other financial institutions in accordance with this Act or any other enactment.

**37.** The Bank shall-

(a) collect, compile, analyse, abstract and publish statistics and information relevant to the carrying out of its functions;

(b) determine the statistical information so required and the form in which the information is to be provided to the Bank, the persons subject to reporting requirements, the applicable confidentiality regime and the administrative penalties that may be imposed on entities operating in breach of these statistical requirements or which fail to provide the required statistical information;

(c) collaborate with Government departments and agencies in the collection, compilation and publication of statistics and other relevant information; and

Collection of statistics and information.

- (d) coordinate with bilateral and multilateral agencies the adoption of international data dissemination standards with the aim of achieving consistency and efficiency in the organization of statistics and information.

Publication of information.

38. The Bank shall publish-

- (a) statistics and information subject to the regulations on confidentiality;
- (b) the documentation on the methodology applied to its compilation; and
- (c) relevant statistical data and concepts that will allow making external verification of the statistics produced by the Bank.

#### PARTVII-FOREIGN EXCHANGE REGIME. EXCHANGE RATE POLICY, INTERNATIONAL RESERVES AND EXCHANGE CONTROL

Foreign exchange regime.

39. (1) The foreign exchange regime of Sierra Leone shall be determined by the Government after consulting the Bank and shall be consistent with the obligations of any international treaty to which Sierra Leone is a party or which it has ratified.

(2) The Government may declare the external value for the leone and any change of its value.

(3) Where the Government does not declare the external value of the leone or any other exchange system, the exchange rates for the leone against other currencies shall be determined in the market.

40. (1) The exchange rate policy of Sierra Leone shall be formulated and executed by the Bank.

Exchange rate policy.

(2) The Bank may issue guidelines for the purpose of regulating the purchase, sale, holding or transfer of foreign exchange.

(3) The Bank may, in order to achieve its primary objective under subsection (1) of section 7 or to avert a foreign exchange crisis, temporarily restrict the purchase, sale, holding or transfer of foreign exchange.

(4) Any restrictions under subsection (3) shall initially be for a period not exceeding twelve months and may be extended for another period not exceeding twelve months only with the approval of the Board.

(5) Whenever the Bank imposes a restriction, it shall submit a report to the Minister within seven days and every three months after that containing the causes which have led to the imposition of the restrictions and the actions the Bank intends to take to remedy the situation.

(6) Any restriction imposed under this section shall be consistent with any obligations acquired by Sierra Leone under an international agreement to which it is a party.

41. Without prejudice to section 51. the Bank shall-

Foreign exchange market operations.

- (a) make rules regulating foreign exchange market operations;
- (b) set limits on open foreign exchange positions of financial institutions;

- (c) buy, sell or deal in gold coins or bullion or other precious metals;
- (d) buy, sell or deal in foreign exchange, using for these purposes quality financial instruments commonly used by bankers;
- (e) contract, purchase and market financial instruments, debt obligations rated in one of the two highest rating categories recognized by reputable international credit rating agencies, and other securities issued or guaranteed by foreign central banks, governments or international financial institutions;
- (f) open and maintain foreign exchange accounts abroad;
- (g) open and maintain accounts and appoint agents or correspondents to or at foreign central banks, foreign financial institutions and international financial institutions.

Clearing and payment agreements.

**42.** The Bank may, either on its account or by order of the Government, enter into clearing and payments agreements or any other contracts for the same purpose with public and private central clearing institutions domiciled abroad.

International reserves.

**43.** (j) The Bank shall own, maintain and manage the international reserves which shall consist of all or any of the following assets:-

- (a) foreign exchange in the form of notes and coins or bank balances held abroad in convertible foreign currencies;
- (b) gold;
- (c) any other internationally recognized reserve asset in convertible foreign currencies, including-
  - (i) the entitlement to make reserve tranche purchases from the International Monetary Fund or other international financial institution;
  - (ii) the holding by Sierra Leone of Special Drawing Rights of the International Monetary Fund;
- (d) bills of exchange and promissory notes, payable in convertible foreign currencies; and
- (e) debt securities issued or guaranteed by, and forward purchase or repurchase agreements concluded with or guaranteed by, foreign States or Central Banks or international financial institutions denominated and providing for payment in convertible foreign currencies.

(2) The Bank shall use its best endeavours to maintain the international reserves in a secure and liquid manner at a level which, in the Bank's opinion, shall be adequate for the execution of its monetary and exchange rate policies and for the prompt settlement of the country's international transactions.

(3) If the international reserves have declined or, in the opinion of the Bank, are in danger of declining to such an extent as to jeopardize the execution of the monetary or exchange rate policies or the prompt settlement of the country's international transactions, the Bank shall submit to the Minister a report on the international reserves position and the causes which have led or may lead to such a decline, together with recommendations that it considers necessary to remedy the situation, and the Minister shall lay the report before Parliament.

(4) Until such time as, in its opinion the situation has been rectified, the Bank shall make such further reports and recommendations public as it thinks necessary or desirable.

Open foreign  
exchange  
positions.

**44.** Financial institutions may be required by the Bank to report periodically to the Bank their open foreign exchange positions on a currency-by-currency basis or overall open position; and the Bank shall prescribe the reporting forms and supporting documents that shall be submitted.

#### PART VIII -MONETARY AND OTHER OPERATIONS

General  
powers of  
Bank.

**45.** (1) The Bank may-

fa) issue demand drafts and effect other kinds of remittances payable at its own principal place of business, branches and offices or at those of its agencies or correspondents;

(b) import, export, refine, hold, sell, purchase, transfer or otherwise deal in gold, gold coins and bullion, silver and such other precious metals as the Board may determine;

(c) open accounts for, accept deposits from and make credit available only to the Government, funds and institutions controlled by Government, statutory bodies and licensed institutions in Sierra Leone as approved by the Board and act as banker to those funds, licensed or other institutions;

(d) pursuant to paragraph (c) purchase, sell, discount and rediscount inland bills of exchange and promissory notes arising out of *bona fide* commercial transactions;

(e) purchase with or without a resale agreement, sell, discount and rediscount treasury bills and bonds of the Government forming part of a public issue;

(f) purchase and sell other securities of the Government maturing in not more than twenty years which have been publicly offered for sale or form part of an issue which is being made to the public at the time of acquisition; but the funds shall be deployed in financing projects with a gestation period of not more than seven years and which are self-amortising;

(g) invest in securities of the Government for any amount and to mature at any time, on behalf of staff funds and superannuation funds and other internal funds of the Bank;

- (h) grant to a licensed institution advances for fixed periods not exceeding three months against publicly issued treasury bills of the Government maturing within ninety-three days;
- (i) grant to a licensed institution advances for fixed periods not exceeding three months against promissory notes secured by pledge with the Bank in-
  - (i) gold coin or gold bullion;
  - (ii) securities of the Government which have been publicly offered for sale and are to mature within a period of twenty years; but no advance so secured shall at any time exceed seventy-five per cent of the market value of the security pledged and that the total of the securities held by the Bank (whether under this sub-paragraph or otherwise) is within the limitations imposed by paragraph (f);
  - (iii) such bills of exchange and promissory notes as are eligible for purchase, discount or rediscount by the Bank; but no advance so secured shall exceed seventy-five percent of the nominal value of the instrument so pledged;

- (iv) warehouse warrants or other documents of title to goods as defined in section 2 of the Sale of Goods Act in respect of staple commodities or other goods, duly insured and with a letter of hypothecation from the owner; but no advance shall exceed sixty percent of the current market value of the commodities in question; Cap 225.
- (v) assets other than those specified in the sub-paragraphs, (i) to (iv) and on terms and conditions which the Bank may determine; but no advance shall be made available under this paragraph to a licensed institution for an amount in excess of twenty percent of its deposit accounts,
- (j) purchase and sell external currencies and purchase, sell, discount and rediscount bills of exchange and treasury bills drawn and payable in freely convertible foreign currencies and maturing within ninety days, exclusive of days of grace, from the date of acquisition;
- (k) purchase and sell securities issued and expressed in the currency of any country other than Sierra Leone whose currency is freely convertible and is issued or guaranteed by the Government of that country, and securities issued or guaranteed by international financial institutions;



- (1) maintain accounts with central banks and other banks abroad and act as correspondent, banker or agent for central or other bank or other monetary authority and for an international financial institution of which Sierra Leone is a member;
- (m) undertake the issue and management of loans publicly issued in Sierra Leone by the Government or by public bodies on such terms and conditions as may be agreed;
- (n) accept from customers for custody securities and other articles of value;
- (o) undertake on behalf of customers and correspondents the purchase, sale, collection and payment of securities, currencies and credit instruments at home and abroad, and the purchase and sale of gold and silver;
- (p) promote the establishment of a licensed institution clearing system and provide facilities for it;
- (q) issue, place, buy and sell its own securities on the terms and conditions determined by the Board after consultation with the Government; but any securities issued by it which are purchased or redeemed by the Bank shall not be included among its assets and shall be immediately retired and cancelled;

- (r) with the permission of the Government, make contribution of capital or advances to any foreign financial institution or undertake exchange clearing transactions with the foreign financial institution;
- (s) with the approval of the Government, participate in and promote growth of any currency union, and undertake exchange clearing or other financial transactions or make contribution of capital or any other dues payable by Sierra Leone as a member of that institution;
- (t) with the approval of the Minister, borrow from institutions and pledge assets or create lien over assets held by it as security for the repayment of the loan.

(2) Notwithstanding anything contained in this Act or any other enactment, the Bank may contribute or donate funds to an institution or body corporate in Sierra Leone for the study or promotion of, or research in, banking, economics and allied subjects.'

(3) A donation or contribution made under subsection (2) shall not exceed five percent of the estimated surplus distributable profits of the Bank for the current year after making full provision for the statutory and customary funds, charges and obligations of the Bank.

(4) The validity of a loan or advance granted by the Bank in pursuance of this Act shall not be called in question merely on the ground of non-compliance with the requirements of some other enactment or of any resolution, contract, Memorandum, Articles of Association or other instrument.

Management of monetary system.

**46.** Without prejudice to any other provision of this Act or in the Banking Act, the Bank shall, for the purpose of efficient monetary management-

- fa) impose a ceiling on the level of bank credit;
- (b) expand or contract credit facilities to licensed institutions;
- (c) determine the maximum lending period by licensed institutions, the kind of collateral and amount of loan against the collateral;
- (d) alter the minimum ratio of reserve to deposits or the minimum capital adequacy ratio which every licensed institution shall maintain;
- (e) impose special requirements on deposits with licensed institutions as it may determine.

Opening of accounts.

**47.** (1) In order to conduct its operational and financial activities, the Bank may open and maintain cash deposit accounts on its books for-

- (a) banks and other financial institutions made subject to the supervision of the Bank by this Act or any other enactment and public entities;
- (b) foreign banks, central banks, international financial institutions and, where appropriate, foreign governments, international organizations and donor organizations.

(2) The Bank shall not open accounts on its books for individuals or enterprises except for its own staff.

(3) The Bank may determine the conditions for opening accounts on its books.

(4) The Bank may open and maintain cash and security accounts on the books of-

- (a) banks and other financial institutions made subject to the supervision of the Bank by this Act or any other enactment;
- (b) central banks, foreign banks, depositories and international organizations.

(4) The Bank may open accounts for, accept deposits from and make credit available only to the Government, funds and institutions controlled by the Government, statutory bodies and licensed financial institutions in Sierra Leone approved by the Board and act as banker to those funds, licensed financial institutions and the other institutions.

**48.** (1) The Bank may provide, upon payment of reasonable Custodial fees to cover its costs, custodial facilities to financial institutions <sup>facilities</sup> and the public at large for banknotes, coins and in currencies that it determines, and for securities.

(2) The Bank may determine the conditions for providing custodial facilities.

**49.** (1) In order to achieve the objective of the Bank and to carry out its functions, the Bank may-

Open market and credit operations.

- (a) operate in the financial markets by buying and selling outright (spot or forward) or under repurchase agreement and by lending or borrowing claims and marketable instruments, as well as precious metals; and

- (b) conduct credit operations with banks operating in Sierra Leone, with lending based on adequate collateral.

(2) If the Bank engages in open market operations as mentioned in subsection (1) the Board shall determine the specification of the instruments and operations used for open market and credit operations, including the announcement of conditions under which the Bank stands ready to enter the transactions.

Minimum reserves.

**50.** (1) The Bank may require financial institutions to hold minimum reserves in Leones or in foreign currencies, on account with the Bank in pursuance of its objective of determining monetary policy.

(2) The required reserves shall be the same for all banks for each category of liabilities and may be remunerated.

(3) The Bank shall, by order, directive or guidelines establish the calculation and determination of the required minimum reserves, established in subsection (2).

(4) In cases of non-compliance with the requirements established under subsection (3), the Bank may levy penalty interest or impose sanctions to comparable effect.

**51.** The Bank may determine the use of other operational methods of monetary control as it thinks fit.

Other instruments of monetary control.

**52.** (1) Except as otherwise specifically authorized by law, Prohibited the Bank shall not- operations.

- (a) grant any credit or make any non-nugatory monetary or financial gift;

- (b) engage in commerce, purchase the shares of any corporation, including the shares of a financial institution, or otherwise have an ownership interest in a financial, commercial, agricultural, industrial or other undertaking; or

- (c) acquire by purchase, lease, or otherwise any real rights in or to immovable property, except as it considers necessary or expedient for the provision of premises for the conduct of its administration and operations or similar requirements incidental to the performance of its functions.

(2) Notwithstanding subsection (1), the Bank may-

- fa) make adequately secured loans to, or have an ownership share or otherwise participate in, any organization that is engaged in activities that are required or useful for the proper discharge of the Bank's functions and responsibilities;

- (b) acquire, in the course of satisfaction of debts due to it, any interests or rights referred to in this Act; but all the interests or rights so acquired shall be disposed of at the earliest suitable opportunity; and
- (c) establish staff retirement funds or similar arrangements for the benefit or protection of its staff.

(2) An activity mentioned in subsection (2) shall be published by the Bank in the report referred to in paragraph (b) of subsection (1) of section 60

#### PART IX-RELATIONS WITH GOVERNMENT

Bank to act as  
banker to  
Government.

**53.** (1) The Bank shall be the banker, fiscal agent and advisor to the Government on monetary and financial matters and shall be the depository of all Government funds.

(2) The Bank may, after consultation with the Minister, act in such capacities to Government institutions, agencies and local government bodies as the Minister may determine.

(3) The Government may, on the advice of the Bank operate working balances and generally use the services of financial institutions as may be designated by the Bank from time to time.

(4) As banker to the Government the Bank shall-

- (a) receive, collect, pay and remit money, bullion and securities on behalf of the Government;

- (b) accept custody of all securities and other valuable objects belonging to the Government;
- (c) pay no interest on amounts deposited in any Government account;
- (e) except as otherwise determined after consultation with the Minister, receive any remuneration from the Government for services rendered by it under this section.

(5) The Government may request the Bank to render advice and to furnish information on matters relating to the object and functions of the Bank.

(6) It shall be the duty of the Bank to inform and advise the Government, through the Minister, concerning any matter, which in the opinion of the Bank is likely to affect the achievement of the objective of the Bank.

**54.** (1) The Bank shall serve as the depository and fiscal agent of, and the institution through which dealings shall be conducted with international financial institutions of which Sierra Leone is a member.

Bank as  
depository  
and fiscal  
agent for  
international  
financial  
institutions.

(2) The Governor or Deputy Governor or their designees shall represent the Bank in dealing with regional and international financial and monetary institutions.

(3) Without limiting the generality of section 53, the Bank may, on the terms and conditions it shall agree with the Minister, act as fiscal agent for the account of the Government and Government agencies, in the following matters :-

- (a) distribution of debt securities issued by them, or as registrar and transfer agent of the debt securities;
- (b) payment of principal and interest and other charges on such securities;
- (c) execution of payment transactions concerning their accounts at the Bank; and
- (d) such other matters as shall be consistent with the object for which the Bank is established.

Cooperation with Government etc.

**55.** (1) The Bank shall cooperate with the Government and any other public body in achieving its object.

(2) The Governor may hold regular meetings with the Minister on monetary and fiscal policies and other matters of common interest.

(3) The Bank shall submit periodic reports on the state of the economy to the Minister which may include recommendations for the attainment of the macro-economic objectives of the Government.

(4) The Bank shall within three months after the submission of the report under subsection (3), publish the report in the *Gazette*.

(5) The Bank may render advice to the Government on any matter which in its opinion is likely to affect the attainment of the object of the Bank.

(6) The Bank shall, at the request of the Minister, provide the Government information with respect to the functions of the Bank, with the exception of specific information relating to supervised entities.

(7) The Bank shall, at the request of the Minister, provide the Minister with data on the receipt by the Bank of funds from any source.

(8) The Government shall, at the request of the Bank, provide the Bank information and documents for the purpose of carrying out the functions of the Bank.

(9) The Government shall before enacting any legislation concerning a matter that relates to the objective and functions of the Bank, consult the Bank.

**56.** (1) The Bank shall not, except as provided in this section, grant any direct or indirect credit to any Government agency or state-owned entity with the exception of intra-day credits, to secure the smooth functioning of the payment system.

Limit on lending to Government.

(2) The intra-day credit shall be fully repaid before the end of the same day on which it is granted.

(3) Subsection (1) shall not apply to publicly-owned banks and other supervised publicly-owned entities, which shall be given the same treatment as privately-owned banks and other supervised privately-owned entities.

(4) The Bank may purchase Government securities strictly for monetary policy purposes but the purchases shall only be made in the secondary markets.

(5) The Bank may, if required to temporarily cover a deficit of the Government's current yearly budget make advances and loans to the Government on overdraft or in such other form as the Board may determine, and the total of the loans and advances shall, at no instance, exceed five percent of the Government's actual domestic revenue excluding privatization receipts in the previous year's budget.

(6) Treasury bills and Government securities held by the Bank against repurchase agreements entered into with it by financial institutions shall be excluded from the total holdings of Government securities of the Bank where the repurchase is required to be effective within ninety-three days from the date of the agreement.

(7) An advance made under subsection (5) shall be repaid within ninety-three days from the end of the Government's financial year to which it relates; and where the advance remains unpaid after the due date, the Bank may not make further advances in any subsequent financial year unless the amounts due in respect of outstanding advance have been repaid.

(8) The Bank shall charge interest on advances granted under this section at prevailing market rates or as may be determined by the Board.

#### PART X-FINANCIAL STATEMENTS, REPORTS AND AUDIT

Accounts of  
Bank.

**57.** The Bank shall maintain accounts and records in accordance with the International Financial Reporting Standards to reflect its operations and financial conditions.

Financial year  
of Bank.

**58.** The financial year of the Bank shall begin on the first day of January and end on the last day of December of the same year.

**59.** The accounts, records and financial statements of the <sup>Annual</sup> audits. Banks shall at least annually be audited in accordance with International Standards of Auditing by the Auditor-General or by an independent auditor appointed by the Auditor-General, who shall be of good repute and with recognized experience in the auditing of major international financial institutions.

**60.** (1) The Bank shall, within three months from the end of Annual financial statements and reports. each financial year submit to the Minister-

(a) a copy of the annual financial statements, approved by the Board, signed by the Governor and certified by the Auditor-General or an external auditor appointed by the Auditor-General;

(b) a report approved by the Board on-

(i) its operations during that year, in particular in relation to its policy objectives and the events that affected the economy of Sierra Leone; and

(ii) the state of the economy during the previous financial year, including an outlook for the economy for the coming year, with emphasis on its policy objectives and the condition of the financial system of Sierra Leone,

(2) The report shall also include a review and assessment of the Bank's policies which was followed during the last financial year and a description and explanation of the Bank's policies to be followed during the next financial year.

(3) The report submitted under subsection (1) shall be published in the *Gazette*.

(4) The Minister shall as soon as possible after receipt of the report and the financial statements lay it before Parliament.

(5) The Bank shall also publish the reports and the financial statements on its website.

(6) The Bank shall, not later than twenty-one days after the last working day of each month publish on its website a *pro-forma* balance sheet as of the end of that month and copies of the balance sheets shall be submitted to the Minister who shall publish them in the *Gazette*.

Other  
publications.

**61.** (1) The Bank shall not less than twice a year or when necessary, inform Parliament and the public of its monetary policy, the achievement of its objectives and its vision on the real variables of the economy.

(2) The Bank may publish on its website or by other means, reports and studies on financial and economic matters as it thinks fit.

Audit  
Committee.

**62.** (1) The Board shall appoint an Audit Committee.

(2) The members of the Audit Committee shall be appointed from among the non-executive Board members and external experts.

(3) At least one member of the Audit Committee shall be an external expert that has competence in accounting or auditing.

(4) Upon invitation of the Audit Committee, any of the non executive members of the Board or member of staff may attend the meetings of the Audit Committee, without the right to vote.

(5) The Audit Committee's responsibilities shall include-

(a) overseeing the internal audit function;

(b) providing the opportunity for auditors to meet and discuss findings; and

(c) reviewing with the external auditors the year-end financial statements.

(6) The Audit Committee shall submit its report to the Board.

(7) Subject to this Act and to any directions given by the Board in that behalf, the Audit Committee may regulate its proceedings.

(8) The Board shall determine the allowances to be given to external members of the Audit Committee.

**63.** (1) Where an independent external auditor is appointed External by the Auditor-General under section 59, this section shall apply to <sup>audit</sup> the external auditor.

(2) No external auditor shall be appointed consecutively for a cumulative period exceeding five years, after which the audit firm is to be replaced.

(3) The external auditor shall report to the Audit Committee on key matters arising from the audit and in particular on material weaknesses in internal control in relation to the financial reporting process.

(4) The external auditors shall examine all books and accounts of the Bank and obtain all information about its transactions.

#### PART XI -MISCELLANEOUS

Bye-Laws and internal rules.

**64.** (1) The Board may by statutory instrument make bye-laws to provide for all matters for which bye-laws are necessary or convenient for the efficient operation of any provision of this Act and for good order and management of the Bank.

(2) Bye-laws made under subsection (1) shall be authenticated by the Bank's seal and be published in the *Gazette*

Bank to issue orders etc.

**65.** (1) The Bank shall issue orders, directives or guidelines to bodies, institutions or organisations under the regulatory authority of the Bank and the bodies, institutions or organisations shall comply with them.

(2) The orders, directives or guidelines shall be published in the *Gazette* and shall take effect on the day of publication.

(3) The Bank shall maintain records of any orders, directives or guidelines it issues.

Bank to impose penalties.

**66.** Bye-laws made by the Board shall provide for such penalties as the Board may provide.

**67.** The Bank shall in performing its functions under this Act <sup>Standards of</sup> use its authority equitably, justly, impartially and in accordance with <sup>good admim-</sup> stration. sound administrative practices.

**68.** (1) Members of the Board and staff shall avoid any situation which is likely to give rise to a conflict of interest. <sup>Conflict of interest and fiduciary duty.</sup>

(2) A conflict of interest arises where members of the Board or staff have private or personal interests, which may influence or appear to influence the impartial and objective performance of their duties.

(3) In subsection (2) private or personal interests of members of the Board or staff mean any potential advantage for themselves, their families, their other relatives up to the second degree, or their friends or acquaintances.

(4) No member of the Board and staff shall receive or accept from any source any benefit, reward, remuneration or gifts in excess of a customary or negligible amount, whether financial or otherwise, which are connected in any way whatsoever with their activities within the Bank.

(5) A breach of this section by staff shall, notwithstanding the value given or received, constitute a serious breach, and may at the discretion of the Governor constitute grounds for disciplinary measures, including dismissal without compensation.

(6) Members of the Board and staff shall not use confidential information to which they have access, for the purpose of carrying out private financial transactions, whether directly or indirectly through third parties or whether conducted at their own risk and for their own account, or at the risk and for the account of a third party.



(7) Each member of the Board shall before the last day of January of each year, disclose to the Minister in full, significant financial interests which that member or any person with whom that member has family, business, or financial connections may directly or indirectly possess and the disclosures shall comply with the internal rules adopted by the Board.

(8) Whenever a matter related to that interest is before the Board, the member concerned shall disclose his interest without undue delay and at the latest at the beginning of the discussion and shall not participate in the discussion and decision on the matter; but the members present shall be counted for the purpose of constituting a quorum.

(9) Members of the Board and staff have a fiduciary duty to the Bank and to the Bank's customers to place the Bank's and its customers' interests before their own pecuniary interest.

(10) The Board may make internal rules to implement the requirements of this section.

Fees and charges.

**69.** The Bank may charge reasonable fees and charges for the services it provides to cover its costs and shall publish them on its website or other media.

Immunity from taxation.

**70.** (1) The Bank shall not be liable to the payment of any stamp duty under the Stamp Duty Act.

(2) The Bank shall not be liable to the payment of customs duty on the importation of gold, silver, coins, notes, and security papers.

(3) The profits of the Bank shall not be liable to income tax.

(4) The Bank shall be exempt from all other taxes, duties and levies from which Government ministries and other public agencies are exempted by law.

**71.** When on the date this Act comes into operation, a provision of this Act conflicts with any other enactment, the provision of this Act prevails. Conflict with other enactments.

**72.** (1) No person who serves or has served as a member of the Board or staff of the Bank shall, except when necessary for the Confidentiality, fulfillment of any function or duty imposed by this Act or any other enactment, permit access to, disclose or publicise non-public information which the person has obtained in the performance of his duties or use the information or allow the information to be used, for personal gain.

(2) Notwithstanding subsection (1), the person may disclose information outside the Bank, in accordance with procedures established by the Bank, but only if it is-

- (a) in accordance with the express consent of the person about whom the information relates;
- (b) for the fulfillment of a duty to disclose as required by law, including to assist law enforcement or on the order of a court;
- (c) given to the external auditor of the Bank;

- (d) given to regulatory and supervisory authorities or to public international financial institutions, in the performance of their official duties; or

- (e) in the interest of the Bank itself in legal proceedings that require disclosure.

(3) The Board shall determine the classification and accessibility of documents held by or drawn up by the Bank.

(4) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than one hundred million leones, or to a term of imprisonment not less than three years.

Preferential rights.

**73.** (1) The Bank shall have a first ranking unconditional preferential right to satisfy each of its claims arising from the execution of its functions from any cash balances, securities and other assets that it holds for the account of a debtor concerned, whether as collateral to secure its claims or otherwise, at the time that the claim becomes due and payable.

(2) The Bank may exercise its preferential right only by appropriating the cash balances by way of compensation and by selling securities and other assets without undue delay against a reasonable price and paying itself from the proceeds of the sale after deducting the costs associated with the sale.

(3) No court action shall be required, and no competing claim shall be permitted, to delay the exercise by the Bank of its preferential right in accordance with this section.

Immunity from pre-judgment attachment.

**74.** (1) No attachment or execution shall be issued against the Bank or its property, including gold, special drawing rights, currency, credits, deposits or securities, and any proceeds thereof, before the issuance of a final judgment in any legal action brought before a court.

(2) The Bank may, in whole or in part, waive this protection, explicitly and in writing, except for its gold and the special drawing rights.

**75.** In a court or arbitration proceeding against the Bank, a Judicial member of the Board or staff or agent of the Bank in the fulfillment of their duties to the Bank-<sup>review.</sup>

fa) the court or arbitration court in determining its decision may examine whether the defendant acted unlawfully, or in an arbitrary or capricious manner in considering the facts and the relevant law;

(b) a member of the Board, staff, or agent of the Bank, including a person previously holding such a position, shall not be liable for damages or acts or omissions in the course of their duties and responsibilities unless it is proven that the acts or omissions constitute intentional wrongful conduct or gross neglect;

(c) the action in question shall continue without restriction during the period of an appeal and any further appeal or other judicial proceedings related to the appeal; and

(d) the court or arbitration court shall be authorized, in appropriate cases, to award monetary damages to injured parties, but shall not enjoin, stay, suspend or set aside the actions of the Bank.

Indemnification from legal costs. **76.** The Bank shall indemnify a member of the Board or staff, or agent of the Bank against legal costs incurred in the defence of legal action brought against the person in connection with the discharge or purported discharge of official functions within the scope of his employment or engagement under this Act; but the indemnification shall not apply if the person has been convicted of an offence arising out of the activities that are covered by the legal action.

Liquidation. **77.** The Bank shall not be placed in liquidation except pursuant to an enactment passed in that behalf and in the manner that the enactment directs.

Supply of information. **78.** (1) In performing its functions under this Act or any other enactment, the Bank may require a person to furnish such information and the format of that information as the Bank may specify.

(2) The Bank may request that the information provided by the person under subsection (1) be verified by a suitably qualified third party approved by the Bank.

International co-operation. **79.** The Bank may participate in an arrangement, scheme, programme or initiative with any other Central Bank, monetary authority or international financial institution or authorities outside Sierra Leone to promote bilateral regional and international monetary, financial or economic co-operation.

## PART XII-TRANSITIONAL PROVISIONS

Repeal of Act No. 3 of 2000. **80.** The Bank of Sierra Leone Act, 2000 is hereby repealed.

Minimum paid-up capital etc. **81.** The minimum paid-up capital referred to in Part III shall be fully subscribed within five years of the coming into operation of this Act.

Existing bye-laws notices etc. **82.** Bye-laws, rules, notices, prescriptions or other instruments or directives issued under the repealed Act and in force immediately before the coming into operation of that Act, shall continue in operation until their express revocation or cancellation.

**83.** (1) On the coming into operation of this Act, all members Appointments of the Board shall be deemed to have been appointed as members of of members of the Board in accordance with this Act and shall continue to serve their respective remaining terms.

(2) At the end of the terms mentioned in subsection (1), any new appointment to the Board shall be made in accordance with this Act, except that the initial terms of office shall be-

- (a) for the Governor, five years;
- (b) for the Deputy Governor, five years;
- (c) for the other members of the Board, three years.

**84.** A person holding or deriving office by appointment under Officials and the repealed Act shall be deemed to have been appointed or derive other staff of office under this Act. Bank

Passed in Parliament this day of , in the year of our Lord two thousand and eleven.

IBRAHIM S. SASAY,  
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. SASAY,  
Clerk of Parliament.

