

SIGNED this 6th day of June, 2000.

ALHAJI AHMAD TEJAN KABBAH,
President.

LS

No. 12



2000

Sierra Leone

The Independent Media Commission Act, 2000.

Short title.

Being an Act to establish an autonomous body for the regulation of mass media institutions and for other matters connected therewith.

[22nd June, 2000] 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—

“Chairman” means Chairman of the Commission appointed under subsection (1) of section 4;

“Commission” means the Independent Media Commission established by section 2;

“Media institution” means an institution engaged in the provision of print or electronic media facilities, including newspapers, magazines, radio, television and other such services in Sierra Leone;

“Minister” means the Minister responsible for information;

“SLAJ” means the Sierra Leone Association of Journalists.

PART II — ESTABLISHMENT OF COMMISSION.

Establishment
of
Commission.

2. (1) There is hereby established a body to be known as the Independent Media Commission.

(2) The Commission shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether moveable 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 Commission shall have a common seal the use of which shall be authenticated by the signatures of the Chairman and one other member of the Commission designated in that behalf by the Commission.

Independence
of
Commission.

3. Except as otherwise provided in this Act or by any other law not inconsistent with the Constitution, the Commission shall not be subject to the direction or control of any person or authority in the performance of its functions.

4. (1) The Commission shall consist of a Chairman and ten other members all of whom shall be appointed by the President acting on the advice of SLAJ and subject to the approval of Parliament.

Composition
of
Commission.

(2) The Chairman shall serve on a full-time basis and shall be either a person with wide experience as a media practitioner or a legal practitioner qualified to hold office as a Judge of the High Court of Sierra Leone and the other members who shall serve on part-time basis, comprising—

- (a) two legal practitioners each of whom is qualified to hold office as a Judge of the High Court of Sierra Leone;
- (b) two experts in the field of telecommunications;
- (c) two experts in the field of radio or television;
- (d) two experts in the field of print journalism;
- (e) a representative of the Minister responsible for information who shall be an *ex-officio* member; and
- (f) a representative of SLAJ who shall be an *ex-officio* member.

5. (1) The Chairman and the other members of the Commission shall hold office for three years and shall be eligible for reappointment to a second term, except that the members appointed to serve first after the establishment of the Commission shall serve terms ranging between one and three years and not more than one-third of the members of the Commission may be changed in any one year.

Tenure of
office of
members of
Commission.

(2) The Chairman or a member of the Commission may resign his office in writing addressed to the Minister and may be removed from office by the President if—

- (a) he is absent from three or more consecutive meetings of the Commission without reasonable grounds;

- (b) he is guilty of any misconduct under this Act and such misconduct is certified in writing by not less than eight members of the Commission; and
- (c) he is unable to perform his duties because of ill-health.

Remuneration
and
allowances of
members.

6. The Chairman and members of the Commission shall be paid such remuneration and allowances commensurate with those paid to members of similar statutory bodies as Parliament may determine.

Meetings of
Commission.

7. (1) The Commission shall ordinarily meet for the despatch of business at such times and places as the Chairman may determine but shall meet at least once every three months.

(2) A special meeting of the Commission shall be held upon a written request of not less than three members of the Commission.

(3) At every meeting of the Commission at which he is present the Chairman shall preside and in his absence a member elected by the members present from among their number shall preside.

(4) Every question before a meeting of the Commission shall be determined by a simple majority of the votes of the members present and where there is an equality of votes, the Chairman or the person presiding shall have a second or casting vote.

(5) The quorum for a meeting of the Commission shall be five.

(6) The Commission may co-opt any person it considers fit to attend any of its meetings, except that a person co-opted shall not be entitled to vote on any matter for decision by the Commission.

(7) The validity of the proceedings of the Commission shall not be affected by a vacancy in its membership or any defect in the appointment or qualification of a member.

(8) A member of the Commission who has any interest in any agreement or contract proposed to be entered into by the Commission shall disclose in writing to the Commission the nature of his interest and shall be disqualified from participating in any deliberation of the Commission in respect of that agreement or contract.

(9) The Commission shall make regulations governing the conduct of the members of the Commission in relation to issues of conflict of interest and misconduct of members in respect of their duties under this Act as it deems fit.

(10) Any member who contravenes subsection (8) shall be guilty of misconduct and liable to removal from the Commission.

(11) Except as otherwise provided in this Act, the Commission shall regulate the procedure of its meetings.

PART III — FUNCTIONS OF COMMISSION

8. The objects for which the Commission is established are— Functions of Commission.
- (a) to promote a free and pluralistic media throughout Sierra Leone;
 - (b) to ensure that media institutions achieve the highest level of efficiency in the provision of media services;
 - (c) to promote fair competition among media institutions and persons engaged in the provision of media services;
 - (d) to protect the interest of the public against exploitation or abuse by media institutions; and
 - (e) to promote technological research and the development of adequate human resources for the advancement of the medial industry throughout Sierra Leone.

(2) Without prejudice to subsection (1), it shall be the function of the Commission to—

- (a) advise the Minister on media policy formulation and development;
- (b) ensure strict compliance with this Act and regulations made under it;
- (c) establish categories of licences and grant such licences to electronic media institutions in Sierra Leone;
- (d) prescribe minimum percentage of total broadcast hours to be devoted to public service programmes by various types and categories of electronic media institutions;
- (e) maintain a register of media institutions, newspapers and magazines published in Sierra Leone;
- (f) establish clear limits on media ownership, including cross-media ownership in the interest of diversity;
- (g) ensure that every person shall have, irrespective of that person's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status, access to fair coverage in the broadcast media;
- (h) compile and adopt a comprehensive media Code of Practice, in consultation with SLAJ, and any other media practitioners' association, and to monitor the implementation of that Code throughout Sierra Leone;
- (i) do all such things as may contribute to the attainment of the objects of the Commission.

9. (1) The Commission shall, for the effective performance of its functions under this Act, appoint such committees as it may consider necessary, including the following specialized committees: Committees of Commission.

(a) an Applications Committee which shall receive and screen applications for the licensing and registration of media institutions;

(b) a Complaints Committee which shall be responsible for inquiring into complaints against the contravention of the media Code of Practice and for the settlement of disputes between the public and media institutions; and

(c) an Advisory Committee which shall be responsible for studying development in the media and making appropriate recommendations for media policy formulation and legislation as well as promoting professionalism in the media industry throughout Sierra Leone, including research and training.

(2) A Committee appointed under subsection (1) shall consist of qualified members of the Commission and the general public.

(3) The Committees appointed under subsection (1) shall in the pursuance of their respective functions hold public hearings and receive petitions.

10. (1) The Commission shall have a permanent secretariat for the efficient discharge of the functions of the Commission.

Secretariat
and staff of
Commission.

(2) The secretariat shall be headed by an Executive Secretary who shall be appointed by the Commission upon such terms and conditions as the Commission may determine.

(3) The Executive Secretary shall be a person with wide experience in media matters and shall be responsible to the Commission for—

- (a) the day-to-day administration of the affairs of the Commission;
- (b) the supervision and discipline of the staff of the Commission;
- (c) the recording and keeping of minutes of the meetings of the Commission; and
- (d) the performance of such other functions as the Commission may determine.

(4) The Commission shall also employ in the secretariat such other staff and upon such terms and conditions as it may determine.

Protection of
officers and
other
employees of
Commission.

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

Funds of
Commission.

12. (1) The activities of the Commission under this Act shall be financed by a fund which shall include—

- (a) moneys appropriated by Parliament for the purposes of the Commission;
- (b) any loans raised by the Commission;
- (c) grants or gifts from any person or organisation; and
- (d) moneys accruing to the Commission in the course of its operations, including licence and registration fees, fines and other penalties payable under this Act.

(2) All moneys received on account of the Commission shall be paid into such bank account as the Commission may determine, but the Commission may invest as it considers fit, any moneys not required for immediate use by the Commission.

13. (1) The Commission shall keep proper books of account and proper records in relation to the funds of the Commission and the books of accounts and records shall be in such form as the Auditor-General may approve. Accounts and audit.

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

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

PART IV — LICENSING AND REGISTRATION OF MEDIA INSTITUTIONS

A. RADIO AND TELEVISION BROADCASTING

15. A radio and television broadcasting licence shall be granted only to— Qualification for radio and television broadcasting licence.

(a) a citizen of Sierra Leone;

(b) a body corporate established by an Act of Parliament or registered under the Companies Act; or

Cap. 249.

Act No. 13 of 1983. (c) a partnership registered under the Business Registration Act.

16. (1) An application for a radio or television broadcasting licence shall be made to the Commission and shall be in such form and supported by such documents and on such conditions including fees and charges as the Commission shall determine. Application for radio or television broadcasting licence.

(2) The Commission shall, within five working days of the receipt of an application under subsection (1) acknowledge receipt of the application and shall within a reasonable period after the acknowledgement of the receipt, but not later than sixty days thereafter, inform the applicant in writing of the decision of the Commission regarding the application.

Grant or refusal of radio or television broadcasting licence.

17. (1) The Commission shall grant a radio or television broadcasting licence where it is satisfied that the media institution in respect of which the application is made is technically suitable for the service intended to be rendered and that the service is in the interest of the public.

(2) For the purposes of subsection (1), "the interest of the public" means access to plurality of views and variety of programming.

(3) An application under subsection (1) shall not be granted by the Commission if—

- (a) it is not in the public interest; and
- (b) there are compelling reasons for refusal founded on technical data, national security, and public safety.

(4) The Commission shall, on refusing an application under subsection (3), notify the applicant in writing of such refusal and the reasons thereof.

Conditions of radio or television broadcasting licence.

18. (1) A licence granted by the Commission under section 17 shall be subject to such conditions as may be specified in the licence having regard to the objects and functions of the Commission.

(2) Without prejudice to subsection (1), a licence granted under section 17 may include conditions requiring a licensee to—

- (a) pay to the Commission for the duration of the licence such fees as may be determined by the Commission;
- (b) provide the Commission, in such manner and at such times as may be reasonably required, such documents, accounts, estimates, returns or other information as the Commission may require for the purpose of performing its functions under this Act;
- (c) operate the media institution in accordance with such standards of performance as the Commission considers appropriate pursuant to section 23; and

- (d) do or not to do such things as are specified in the licence, unless written approval is given by the Commission.

(3) Where the Commission grants a radio or television broadcasting licence, it shall forward its decision to the body responsible for allocating broadcasting frequencies with a request for a suitable frequency to be allocated to the successful applicant.

19. A radio or television broadcasting licence granted under this Act shall not be transferable.

Non-transferability of radio and television broadcasting licence.

20. (1) A radio or television licence granted under this Act shall be for such period as shall be specified therein and may be renewed.

Renewal of radio and television broadcasting licence.

(2) A radio or television licence granted under this Act shall be renewed on application by the person holding the licence, on payment of the prescribed renewal fees, unless there is clear evidence of the breach by him of the conditions under which the licence was originally granted.

(3) Where there has been such a breach as is referred to in subsection (2), the procedure for the renewal of a radio or television broadcasting licence granted under this Act shall be the same as that applicable to the grant of the original licence.

21. (1) The Commission may, where it is satisfied that a radio or television broadcasting institution has not complied with any of the conditions of a licence granted under this Act, either suspend or cancel that licence.

Suspension or cancellation of radio or television broadcasting licence.

(2) No suspension or cancellation shall be made under subsection (1) unless the Commission has given a written notice to the media institution concerned specifying the conditions of the licence which have not been complied with, giving directions for the rectification of the breach and the action proposed to be taken by the Commission in the event of non-compliance with the notice.

(3) Subject to subsection (2), the Commission shall not suspend or cancel a licence unless the media institution has been given an opportunity to comply with the directions of the Commission and to rectify the breach.

(4) The Commission may also suspend or cancel a radio or television license in respect of which there has been a second or subsequent contravention of the media code of practice.

Appeals.

22. A person aggrieved by the refusal of the Commission to grant or renew his licence under this Act or by the suspension or cancellation of a licence granted under this Act may appeal to the High Court within thirty days of the refusal, suspension or cancellation, as the case may be and the High Court shall within thirty days of receipt of the appeal make a decision thereon.

Standards of performance.

23. The Commission may determine such standards of over-all performance or specific standards of performance in relation to the provision of radio or television broadcasting services by a media institution as in the opinion of the Commission ought to be achieved by that media institution.

B. REGISTRATION OF NEWSPAPERS AND MAGAZINES

Obligation to register newspapers and magazines.

24. Subject to this Act, no person shall publish any newspaper or magazine in Sierra Leone unless the newspaper or magazine has been registered under this Act.

Application for registration of newspapers and magazines.

25. (1) An application for the registration of a newspaper or magazine shall be made by the proprietor in such form as may be prescribed.

(2) An application under subsection (1), shall be made to the Commission and shall state the name of the newspaper or magazine and the permanent business address of the proprietor of the newspaper or magazine and shall be accompanied with a non-refundable processing fee of Le25,000.00.

(3) A proprietor shall not submit for registration the name for a newspaper or magazine which is the same as the name of an existing newspaper or magazine or which so closely resembles the name of an existing newspaper or magazine as to be likely to mislead members of the public.

26. (1) Upon receipt of an application for the registration of a newspaper or magazine, the Commission shall, if satisfied that— Decision to grant application.

- (a) the particulars contained in the application are correct and sufficient;
- (b) the application is accompanied by the processing fee and all other relevant documents; and
- (c) the provisions of this Act with regard to registration have been otherwise complied with,

grant the application and inform the proprietor in writing of its decision.

(2) Where the Commission grants an application it shall cause a copy of its decision to be forwarded to the Registrar-General for the registration of the proprietor in a book to be called "Register of Newspaper and Magazine Proprietors".

(3) Upon the notification of the decision granting the application, the proprietor shall be entitled to obtain a certificate of registration upon the payment of the prescribed fee to the Commission.

27. (1) The Commission may refuse an application for the registration of a newspaper or magazine if the application— Decision to refuse application.

- (i) contravenes any provision of this Act; or
- (ii) contains any false particulars.

(2) Before the Commission refuses an application for the registration of a newspaper or magazine, it shall —

- (a) inform the applicant in writing of its intention to refuse the application stating the grounds of the refusal; and
- (b) give the applicant or any legal practitioner representing him the opportunity to be heard.

(3) Where, after a hearing under subsection (2) the Commission refuses to grant the application, it shall, by notice in writing inform the applicant of its decision.

(4) An applicant who is aggrieved by the decision of the Commission in refusing to grant his application, may appeal to the High Court within thirty days of being notified under subsection (3) and the High Court shall within thirty days of the receipt of the appeal make a decision thereon.

Renewal of registration of newspapers and magazines.

28. Upon application therefore, the registration of a newspaper or magazine may be renewed annually by the Commission subject to this Act and the payment of the prescribed renewal fee.

Right of party acquiring interest in newspapers or magazines.

29. Any party to a transfer or transmission of, or dealing with, any share or interest in any newspaper or magazine whereby any person ceases to be a proprietor, or any new proprietor is introduced may at any time make, or cause to be made to the Registrar-General a return according to the Form prescribed in the Schedule and containing the particulars therein indicated.

Penalty for wilful misrepresentation or omission from return.

30. Any person—

(a) who wilfully makes, or causes to be made any return required or, as the case may be, permitted to be made by this Act—

(i) in which is inserted the name of any person as proprietor of a newspaper or magazine who is not such proprietor: or

(ii) in which there is any other misrepresentation: or

(iii) from which there is made any omission of any of the prescribed particulars,

whereby such return is misleading; or

(b) who being a proprietor, wilfully permits any return referred to paragraph (a) to be made which is misleading as to any of the particulars regarding his own name, occupation, or business or residential address,

commits an offence and is liable, on summary conviction, to a fine not exceeding Le100,000.00.

31. (1) Every return made in conformity with this Act shall be registered by the Registrar-General in the Register of Newspaper and Magazine Proprietors referred to in section 26.

Registrar-General to enter returns in register.

(2) Any person may search and inspect the register referred to in subsection (1) during the hours of business at the office of the Registrar-General and may, on payment of a fee of Le1,000.00, require a copy of any entry in, or an extract from that register to be certified by the Registrar-General.

(3) Any fee collected by the Registrar-General under subsection (2) shall be paid into the Consolidated Fund.

32. (1) Any person who produces any newspaper or magazine intended to be published or dispersed shall print in legible characters on the front of that newspaper or magazine, if the newspaper or magazine is printed on one side only, or upon the first or last leaf of the newspaper or magazine, if it consists of more than one leaf, his name and business or residential address.

Particulars of printers and publishers to appear on newspaper and magazines.

(2) Any proprietor and any person who publishes or distributes any newspaper or magazine on which the name and business or residential address of the proprietor or publisher is not printed contrary to the requirement of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le50,000.00.

33. (1) The editor and publisher of every newspaper or magazine shall, on each day on which the newspaper or magazine is published, deliver to the Commission one copy of the newspaper published and of every supplement thereto, signed by the editor or publisher thereof, and such copy shall be filed and kept by the Commission.

Delivery of signed copies.

(2) When the proprietor or publisher is a company, the copies referred to in subsection (1) shall be signed by a director or the secretary of the company.

(3) A proprietor or publisher who contravenes this section commits an offence and shall be liable, on summary conviction for each such contravention, to a fine not exceeding Le50,000.00.

Power to
suspend or
cancel
registration.

34. The Commission may suspend or cancel the registration of a newspaper or magazine in respect of which there has been a second or subsequent contravention of the media Code of Practice.

Repeal of
Cap. 111.

35. (1) The Newspapers Act is hereby repealed.

PART V — MISCELLANEOUS PROVISIONS

Complaints
against media
institution.

36. (1) Any complaint, whether made by a member of the public or otherwise, against a media institution or a person engaged in the provision of media services in which it is alleged that the institution or person—

- (a) is in contravention of the media Code of Practice; or
- (b) has contravened the terms and conditions of a radio or television broadcasting licence or registration granted under this Act,

may be referred to the Commission.

(2) Where a complaint is referred to the Commission under subsection (1), the Complaints Committee appointed under section 9, shall inquire into the complaint and make recommendations to the Commission for the imposition of penalty by the Commission, where the complaint has been proved.

(3) Where no penalty is prescribed by or under this Act for any complaint inquired into by the Commission, the Commission may censure or impose on the media institution concerned a fine not exceeding Le500,000.00.

(4) The procedure to be followed in an inquiry into any complaints referred to the Commission under this section shall be determined by the Commission.

Establishment
of register.

37. (1) The Commission shall establish and keep a register in such form as the Commission may determine and shall record in it—

- (a) licences and any registration granted under this Act and the relevant terms and conditions of such licences and registrations; and
- (b) suspension and cancellations of licences and registrations.

(2) The register shall be open for public inspection during such hours and subject to the payment of such fees as the Commission may determine.

(3) Any person may upon the payment of the prescribed fee require the Commission to supply him with an extract from any part of the register.

38. (1) The Commission may by statutory instrument make regulations for the purpose of giving effect to this Act and may in particular, make regulations in relations to the following— Regulations.

- (a) the issue, conditions, duration, suspension or cancellation of any media licence or registration;
- (b) radio and television broadcasting; and
- (c) anything required to be prescribed under this Act.

(2) The Commission shall only make regulations under subsection (1) after due consultation with SLAJ and any other media practitioners' associations.

39. Any person who owns or operates a media institution in Sierra Leone immediately before the coming into force of this Act and who intends to so continue shall, subject to this Act, apply within six months from the date of the coming into operation of this Act for the grant of a relevant licence. Existing media institution.

40. Any person who—

Offences and penalties.

- (a) operates a media institution without a licence from or registration by the Commission as provided under this Act; or
- (b) uses any media licence when it has not been issued or granted to him by the Commission under this Act,

commits an offence and shall be liable on summary conviction to a fine of not less than Le1 million or to a term of imprisonment not exceeding two years.

Annual
report of
Commission.

41. (1) The Commission shall prepare and submit to the Minister, not later than three months after the end of each financial year, a report dealing generally with the activities of the Commission during the financial year to which the report relates, including the Auditor-General's report and the number and types of media institutions granted licences and registration in that year.

(2) The Minister shall table the report submitted under subsection (1) before Parliament as soon as practicable.

SCHEDULE

(Section 29)

Return made pursuant to section 29 of the Independent Media Commission Act, 2000.

Title of News paper	Name of Person who ceased to be Proprietor	Name of Person who becomes Proprietor	Occupation of new Proprietor	Place of Business of new Proprietor	Place of Residence of new Proprietor

.....
(Signature of person making the return)

This return was received by me on the day of 2000.

.....
Registrar-General
(or Deputy Registrar-General)

Passed in Parliament this *23rd* day of *May*, in the year of our Lord two thousand.

J. A. CARPENTER,
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 correctly printed copy of the said Bill.

J. A. CARPENTER,
Clerk of Parliament.