

ACT

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THE NATIONAL LAND COMMISSION ACT, 2022

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SIGNED this 6th day of September, 2022.

DR. JULIUS MAADA BIO,
President.



No. 19



Sierra Leone

2022

The National Land Commission Act 2022

Short title.

Being an Act to provide for the establishment of the National land Commission, the District Land Commission and other land administrative bodies to secure effective and holistic land administration and to provide for other related matters

[

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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 -

"basic map" means a flat graphic representation of the area of the earth's surface of interest, depicting topologically true, the boundary fabric of landed property with unique identifiers, and sufficient geographic orientation features, produced by para-surveyors in consultation with local stakeholders in the field, and certified by licenced surveyors, applying a general boundary approach, and with adequate levels of geometric accuracy;

"Board" means the Board established under section 4;

"Chairperson" means the Chairperson of the Board;

"Chiefdom Land Committee" means the Chiefdom Land Committee established under section 48;

"Chief Registrar" means the Chief Registrar appointed under section 64;

"Commission" means the National Land Commission established under section 2;

"Commissioner-General" means the Commissioner-General appointed under Section 18;

"Communal or Community land" means land subject to customary law, owned and managed by a community in any of the provinces in Sierra Leone may include-

- (a) wetlands;
- (b) forests;
- (c) grazing lands;

- (d) market areas;
- (e) sacred sites;
- (f) graveyards; and

community" means any settlement of people in a village, chiefdom, town or city;

"community member" means a male or female who is ordinarily resident in a village, town or chiefdom and include persons who-

- (a) were born in the community;
- (b) have married into the community;
- (c) have moved to the community for any other reasons

"customary land" means land owned, governed by, or administered under customary law in the provinces;

"customary land rights" means the full range of primary and secondary rights to land under customary law;

"customary law" means any rule other than a rule of general law having the force of law in Sierra Leone and by which rights and duties are acquired or imposed in accordance with natural justice and equity and in accordance with the provisions of the 1991 constitution or any other law applying to the provinces including any amendment made to customary law by any enactment;

"District Land Commission " means the District Land Commission established under section 35;

"District Registry" means the District Registry established under section 66;

"ecologically sensitive areas" include-

- (a) wetlands;
- (b) wildlife habitats;
- (c) steep slopes;
- (d) virgin or old growth forest; and
- (e) any other area designated as sensitive under formal or customary law;

"family" means a group of persons tracing descent from a common ancestor or persons who have married into the family;

"family land" means land vested in and owned by a family as a unit under customary law and administered by a family head;

"Government land" (also known as State Land) means

- (a) lands belonging to the Government by virtue of any treaty, cession, conventions or agreement;
- (b) lands acquired by or on behalf of the government in the Western Areas, the Provinces or outside the jurisdiction of Sierra Leone for any public purpose;
- (c) land acquired under the Public Land Act which includes-

- (i) shores;
- (ii) beaches;
- (iii) lagoons;
- (iv) creeks;
- (v) rivers;
- (vi) estuaries and
- (vii) other places and waters
belonging to and acquired by
the Government;

"investment" means an enterprise or undertaking for the production of goods and services for commercial purposes;

"land" includes land covered by water, any house, building or structure whatsoever and any estate, interest or right in, to or over land or water;

"lease agreement" means a grant of a specifically defined area of land, in writing, for a term of years, and containing an obligation to give consideration, signed by the landowners as lessors and those renting the land as lessees;

"Minister" means the Minister responsible for land and "Ministry" shall be construed accordingly;

"paralegal" means a person who has completed basic training and acquired key competencies and qualifications in advising clients on the registration of property rights and supporting them in preparation of legal documentation required for land registration, and is authorised by the Commission to work as a paralegal for land registration purposes;

"para-surveyor" means a person qualified by education, training, or work experience to perform cadastral surveying work that requires knowledge

of surveying concepts, mapping techniques and demarcation tools and authorised by the Commission to undertake work as a para-surveyor;

"primary rights" means the right to exclude, transfer, transact, bequeath, manage and make decisions about the land;

"private land" means land vested in and owned by

- (a) a community in the provinces;
- (b) a family;
- (c) an individual;
- (d) group of individuals ;or
- (e) other legal entity

"public land" means land reserved, held or used by the government, local councils or communities for public purposes and includes forest reserves, community forests, national parks, community parks, common grazing fields, wildlife sanctuaries, road reserves and lands carrying public infrastructure and similar land categories which are fully protected in the long-term public and national interest;

"public purposes" means -

- (a) exclusive government use or for general public use;
- (b) in connection with sanitary improvements of any kind including reclamations;
- (c) in connection with the laying out of any new Government station or the extension or improvement of any existing Government station;

- (d) obtaining control over land contiguous to any port or airport;
- (e) obtaining control over land required for defence purposes;
- (f) obtaining control over land required for civil aviation purposes
- (g) obtaining control over land the value of which will be enhanced by the construction of any railway, road or other public work or convenience about to be undertaken or provided by the Government;

"secondary rights" include

- (a) right of way;
- (b) right of access to use natural resources located on land shared by more than one community such as permanent or seasonal access rights which include-
 - (i) right to use the land for pasture or agriculture;
 - (ii) right to use trees or collect firewood in the forest;
 - (iii) the right to travel across the land or water;
 - (iv) the right to drive cattle across an area to obtain water from a river

""survey" means the gathering of data concerning a land parcel in order to determine the relative position of boundary corners or physical and cultural features above, on, or beneath the surface of the Earth, and document property boundaries and to depict them in a usable form known as plan or map, using "fit for purpose" surveying technologies and participatory methodologies ensuring adequate levels of data quality for variations in density of settlement, parcel size and topography, (with generally higher degrees of geometric accuracy for high-value, small size urban parcels, and generally lower degrees of geometric accuracy for lower-value, larger size rural parcels);

"Town or Village Land Committee" means a Town or Village Area Land Committee established under section 55.

PART II—ESTABLISHMENT OF NATIONAL LAND COMMISSION

Establishment
of National
Land
Commission

2 (1) There is hereby established a commission to be known as the National Land Commission.

(2) The Commission shall be a body corporate with perpetual succession and power to acquire, hold and dispose of property whether movable or immovable, charge fees for services provided, enter into contracts, sue and be sued in its corporate name and subject to this Act do all things which a body corporate may lawfully do.

Common
seal

3. (1) The Commission shall have a common seal the affixing of which shall be authenticated by the signatures of -

- (a) the Chairperson or other member of the Board generally or specifically authorised by the Board for that purpose;
- (b) the Commissioner-General or other officer authorised by him for that purpose.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Commission and to be sealed with the common seal of the Commission authenticated in the manner stated in subsection (1) shall be deemed to be so executed or issued without further proof unless the contrary is proven.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone

4. Subject to the Act the Commission shall perform the following functions-

Functions of
the
Commission.

- (a) take inventory of private, government and public lands;
- (b) maintain a comprehensive and updated register of government and public lands;
- (c) establish and maintain a system of registration of title to land throughout Sierra Leone;
- (d) set rules and standards for conducting examination for persons wishing to be enrolled as pupil surveyors and licensed surveyors;
- (e) set standards for the training and accreditation of para-surveyors and specialist paralegals;
- (f) provide oversight responsibility in monitoring land use planning throughout the country;
- (g) provide recommendation on national land use, planning and capability;
- (h) establish grievance redress mechanisms, including, when necessary, Land Adjudication Tribunals to adjudicate land title disputes prior to registration of title;
- (i) raise funds to support the implementation of the functions of the Commission;

- (j) recognise and support civil society organisations assisting communities to register their land;
- (k) maintain an effective land information system for public and state lands;
- (l) conduct research that informs policy design for the management and administration of land across Sierra Leone; and
- (m) any other function to attain the objects of the Commission.

Board of
Directors.

5. The governing body of the Commission shall be a Board of Directors consisting of the following members

- (a) a Chairperson appointed by the President subject to the approval of Parliament and such person shall possess demonstrable leadership skills; knowledge, integrity and proven practical experience in matters relevant to the functions of the Commission;
- (b) a representative each from the following Ministry or Institution not below the rank of a director-
 - (i) the Ministry of Lands;
 - (ii) ministry responsible for environmental affairs;
 - (iii) ministry responsible for agriculture;
 - (iv) ministry responsible for mining;
 - (v) ministry responsible for trade;

- (vi) ministry responsible for local government;
- (vii) ministry responsible for water resources;
- (viii) ministry responsible for fisheries;
- (ix) ministry responsible for tourism;
- (x) National Council of Paramount Chiefs;
- (xi) Civil Society Organisation dealing with land issues; and
- (xii) private sector dealing with land investment.
- (xiii) the Commissioner General who shall be the secretary to the board.

(2) Members appointed under sub-paragraphs (x) to (xii) of subsection (1) shall be appointed by the President subject to the approval of Parliament.

(3) Each institution shall nominate one man and one woman for consideration as a Board member, the Minister shall select one of the individuals nominated from each institution, ensuring that at least 30% of the Board members are women.

(4) The Board shall update the Minister on the activities of the Commission.

Tenure of
Members of
the Board .

6. (1) The Chairperson and members appointed under sub-paragraph (x) to (xii) of paragraph (b) of sub-section (1) of section 4 shall hold office for a period of 3 years and shall be eligible for reappointment for not more than one term for a period of 3 years.

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

- (a) inability to perform the functions of office by reason of infirmity of mind or body;
- (b) proven misconduct;
- (c) convicted and sentenced for an offence involving fraud or dishonesty ;
- (d) failing to attend three consecutive meetings of the Board without reasonable excuse;
- (e) resignation from office by submitting a written notice to the Chairperson of the Board.

Filling of
Vacancies

7. (1) Where the Chairperson or a member of the Board dies, resigns, is removed from office pursuant to subsection (2) of section 6 or is absent from Sierra Leone for a continuous period exceeding three months-

- (a) in the case of the Chairperson the members of the Board shall elect one of their number to act as Chairperson until such time as the Chairperson resumes his office or another is appointed in her or his stead; and
- (b) in the case of a member of the Board the Chairperson shall arrange subject to this Act to have another person appointed to the Board.

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

8. (1) The Board shall meet for the dispatch of its business Meetings of once every six months at such time and place as the Chairperson the Board may determine.

(2) The Chairperson shall preside at every meeting of the Board if present and in his absence the members present shall appoint a member from among themselves to preside at the meeting

(3) A majority of the members of the Board may by notice in writing signed by them request the Chairperson to summon a special meeting of the Board for the purpose stated in the notice.

(4) The Chairperson or in his absence the member appointed to act on his behalf shall summon a special meeting within 5 days of receipt of the notice referred to under subsection (3)

(5) The quorum at any meeting of the Board shall be 7.

(6) Any question which fails to be determined by the Board at any of its meetings shall be decided by a majority of members with voting right present.

(7) The Chairperson or other member presiding shall have a casting vote where there is a tie.

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

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

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

(10) The Board shall cause minutes of all its meetings to be taken and signed by the Chairperson and Secretary to the Board and kept in a proper form.

(11) Subject to this Act the Board shall regulate its own proceedings.

Disclosure of
Interest.

9 (1) A member of the Board who has any interest whether direct or indirect in any matter to be considered by the Board shall disclose the nature of his interest to the Board and such disclosure shall be recorded in the minutes of the Board and the member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes this section commits an offence and shall be liable to be removed from the Board.

Immunity of
Members of
Board.

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

(2) No member of the Board shall be personally liable for any debt or obligation of the Commission emanating from transactions expressly done in good faith in the exercise of the member's functions under this Act.

Remuneration
and
allowances of
Members of
the Board.

11. Members of the Board shall receive Board sitting fees as the Board may determine subject to the approval of the Minister based on sitting fees of other Boards in the public sector.

12. (1) The Board may for the discharge of its functions ^{Committees of Board.} appoint one or more committees to perform functions determined by the Board.

(2) A committee shall consist of members of the Board or non-members or both as the Board may determine.

(3) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

(4) Non-members of the Board appointed to committees under subsection (3) shall be entitled to be paid sitting fees as the Board may determine subject to the approval of the Minister for each committee meeting they attend and shall be reimbursed for expenses incurred in connection with the discharge of their functions.

(2) The Secretary shall perform the following functions-

(a) the day-to-day affairs of the Board under the general supervision of the Commissioner-General;

(b) arranging the business of the Board including meetings and recording of minutes;

(c) performing any other duties as the Board may determine.

13. Subject to this Act, the Board may make standing orders ^{Standing Orders.} regulating the following-

(a) holding of meetings, the notices to be given for meetings and the conduct of proceedings at the meetings;

(b) keeping of minutes of meetings and the custody production and inspection of the minutes;

- (c) custody and the use of the common seal;
- (d) the manner in which cheques shall be issued on behalf of the Commission;
- (e) any other matter pertaining to the internal operations or management of the Commission.

PART III-ROLE OF THE MINISTER AND THE MINISTRY

Role of the
Minister

14. (1) The Commission shall be under the general supervision of the Minister.

(2) The Minister shall provide policy guidance and advice to the Commission to ensure that the Commission implements its functions efficiently.

Role of the
Ministry

15. The Ministry shall carry out the following functions to ensure that the functions of the Commission are efficiently implemented-

- (a) ensure the devolution of land administration and management functions to the land administrative bodies established under this Act;
- (b) undertake policy making and coordination on land tenure administration.;
- (c) support the commission to mobilise resources for the sector;
- (d) provide policy advocacy, political leadership, and public accountability;
- (e) facilitate the implementation of the land policy reform programme to its logical conclusion;

- (f) monitor and evaluate sector performance, especially with regard to enhanced accountability; and
- (g) oversee, through the various statutory bodies created for the purpose, the regulation of the land-related professions.

PART IV—THE SECRETARIAT

16. The Commission shall have a Secretariat which shall be headed by a Commissioner- General.

17. (1) The Commissioner-General referred to under section 16 shall be appointed by the President on the recommendation of the Minister subject to the approval of Parliament.

(2) No person shall be appointed as a Commissioner-General unless that person-

- (a) is a formally trained and qualified professional of at least 10 years standing in a profession or discipline relevant to the functions of the Commission;
- (b) has considerable knowledge and experience in land administration matters; and
- (c) has at least a master's degree in Public Administration and Management or other related Social Sciences from an accredited university with at least 5 years working experience;

(3) The Commissioner-General shall hold office for a term of four years and may be re-appointed for not more than one additional term of four years.

(4) The Commissioner-General shall be responsible for the-

- (a) implementation of decisions of the Board;
- (b) control and management of the day-to-day business of the Commission;
- (c) administration, organisation and control of the other officers and staff of the Commission; and
- (d) management of the funds, property and business of the Commission.

(5) Two months prior to the commencement of the financial year the Commissioner General shall prepare an annual business plan outlining the investments required, income to be generated and services to be provided in the coming year and shall submit the plan to the Board for its approval.

Removal or
Suspension
of Commiss-
ioner-General

18. The Commissioner-General shall be removed from office for any of the following reasons;

- (a) inability to perform the functions of his office due to negligence or infirmity of mind or body;
- (b) proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend 3 consecutive meetings of the Board without reasonable excuse or
- (f) if he resigns from office by forwarding a written notice to the Chairperson.

19. (1) The Commission shall have a Deputy Commissioner-General who shall be appointed by the President on the recommendation of the minister subject to the approval of Parliament

Deputy
Commissioner-
General.

(2) The qualification of the Commissioner-General, the tenure and the removal provisions shall apply to the Deputy Commissioner-General

(3) The Deputy Commissioner-General shall be the principal assistant to the Commissioner-General.

20. Either the Commissioner-General or the Deputy Commissioner-General shall -

Additional
requirements
for
Commissioners
General and
Deputy.

(a) be a woman; and

(b) have considerable knowledge and experience in customary land matters.

21. (1) The Commission shall have commissioners who shall be recruited through a process that is transparent and merit based.

Commissioners.

(2) A commissioner shall head any department established by the Commission

22. (1) The Commission shall have the following departments-

Departments.

(a) Title registry department;

(b) Legal department;

(c) Cadastral index mapping department;

(d) Monitoring and evaluation department

(e) Corporate communication and advocacy department;

(f) Administration department; and

- (g) any other departments the Commission deems necessary for the efficient performance of its functions.

Title
Registry
Department

23. (1) The Title Registry Department shall be headed by a Commissioner who shall be a professional of at least 10 years standing with proven experience on matters relating to land.

(2) The Title Registry Department shall carry out the following functions-

- (a) operate a land title registry throughout Sierra Leone;
- (b) maintain an inventory of public and government lands;
- (c) maintain a depository (electronic or manual) of all registers, instruments, records and copies creating rights and interests in land across the country as well as encumbrances in or over land;
- (d) permit searches to be made in the records, instruments and registers or copies and provide certified copies of extracts from the instruments, records, registers or copies when required, on payment of a prescribed fee;
- (e) undertake any other functions that may be assigned to it by the Board.

Legal
Department

24. (1) The Legal Department shall be headed by a Commissioner who shall be a legal practitioner with at least 10 years standing with proven experience on matters relating to land.

(2) The Legal Department shall carry out the following functions-

- (a) provide oral and written legal advice and opinion primarily to the Board and the Commission;
- (b) represent the Commission in legal or administrative proceedings in which the commission is involved;
- (c) procure and oversee with the approval of the Board, outside legal services as needed from time to time;
- (d) undertake any other functions that may be assigned to it by the Board.

25. (1) The Cadastral Index Mapping Department shall be headed by a Commissioner with at least 10 years proven experience in land mapping, land management and land administration

Cadastral
Index
Mapping
Department

(2) The Cadastral Index Mapping Department shall carry out the following functions-

- (a) develop guidelines for undertaking cadastral mapping throughout Sierra Leone;
- (b) maintain a depository of cadastral index maps;
- (c) permit searches to be made in the cadastral records and provide certified copies of extracts from such records on payment of a prescribed fee;
- (d) undertake any other functions that may be assigned to it by the board.

26. (1) The Monitoring and Evaluation Department shall be headed by a Commissioner who shall be-

Monitoring
and
Evaluation
Department

- (a) a trained and qualified monitoring and evaluation specialist having at least 10 years experience in project or programme monitoring and evaluation; or
- (b) a trained and qualified land economist with at least 10 years experience in land management and land administration

(2) The Monitoring and Evaluation Department shall carry out the following functions-

- (a) develop programme goals for the commission;
- (b) assist the various departments and units in the preparation of yearly work plans;
- (c) provide ongoing monitoring of District Land Commissions, Chiefdom Land Committees and Village or Town Area Land Committees;
- (d) prepare departments and units for periodic evaluations of their programmes;
- (e) undertake research on any area of the Commission's mandate or functions;
- (f) undertake any other functions that may be assigned to it by the Board

Corporate
Communication
and Advocacy
Department.

27. (1) The Corporate, Communication and Advocacy Department shall be headed by a Commissioner who is a qualified communication strategist and policy advocate with at least 10 years experience in communication strategy and policy advocacy.

(2) The Corporate Communication and Advocacy Department shall carry out the following functions -

- (a) develop a communication and advocacy strategy;
- (b) lead public education and sensitisation programmes;
- (c) interface with the media; and
- (d) undertake any other functions that may be assigned to it by the Board.

28. Subject to the approval of the Board, the Commissioner-General shall recruit other staff as he deems necessary for the efficient functioning of the Commission. Other Staff

29. (1) Public officers may at the instance of the Commissioner-General be seconded or otherwise render assistance to the Commission subject to the approval of the Board. Secondment of public officers

(2) The Commissioner-General subject to the approval of the Board may request the withdrawal of the seconded officer who is unable to carry out assigned functions in the manner satisfactory to the Commissioner-General.

30. The Commissioner-General may engage the services of Experts etc experts or advisors to support the work of the Commission.

31. No officer, 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 in good faith under this Act. Protection of Officers

PART V—DISTRICT LAND COMMISSION

District land
Commission

32. (1) The Commission shall provide its services in each district and based on the availability of funds establish branch offices to be known as District Land Commissions.

(2) The secretariat referred to in section 17 shall provide any services required in any district without a District Land Commission.

Composition
of District
Land
Commission.

33. (1) Each District Land Commission shall consist of the following officers who shall reside in their respective Districts.

(a) a District Land Officer who shall be the head of the District Land Commission and shall be a person with adequate knowledge in land related matters;

(b) heads of units of the District Land Commission; and

(c) support staff.

(2) The District Land Officer and heads of the units of the District Land Commission shall be appointed by the Board.

(3) The support staff shall be appointed by the Commissioner-General subject to the approval of the Board.

(4) At least 30% of the officers of the District Land Commission shall be women.

Functions of
the District
Land
Commission.

34. (1) The object for which the District Land Commission is established is to provide technical support to Chiefdom and other land committees in the management and administration of customary land in the respective districts.

(2) Notwithstanding the generality of subsection (1) the District Land Commission shall perform the following functions-

- (a) set up and maintain a comprehensive register of government and public lands in the district;
- (b) set up and maintain a customary land title registry for the district which shall contain records of rights held by communities, families and individuals to land in the district and records of land transactions in the district;
- (c) issue customary land title or other certificates in the appropriate form to holders of registered rights to land in the district;
- (d) supervise para-surveyors and specialist paralegals in the district or accredit persons wishing to operate as para-surveyors or specialist paralegals;
- (e) deploy para-surveyors and specialist paralegals in each chiefdom through the chiefdom land committees to train and assist communities and families undertaking land registration;
- (f) undertake administrative matters in the district relating to-
 - (i) education and sensitization on environmental issues;
 - (ii) any other functions devolved by the ministry to the localities under the law relating to local government

- (g) provide land information services and other administrative functions necessary to facilitate land transactions;
- (h) coordinate and oversee the work of the Chiefdom Land Committees;
- (i) co-manage foreshores with the Town or Village Area land Committee in the particular area; and
- (j) perform any other functions assigned to it by the National Land Commission.

Meetings.

35. (1) The District Land Officer shall preside at every meeting of the District Land Commission if present and in his absence one of the Unit heads shall preside.

(2) The District Land Commission may co-opt any person to attend and provide technical assistance or advice to the District Land Commission on any matter.

(3) The District Land Commission shall cause minutes of all its meetings to be taken and signed by the District Land Officer and kept in a proper form.

(4) Subject to this Act the District Land Commission shall regulate its own proceedings.

**Secretariat of
District Land
Commission**

36. Each District Land Commission shall have a secretariat.

Units.

37. The District Land Commissioner shall establish within the Secretariat the following units-

- (a) Title Registry Unit;
- (b) Alternative Dispute Resolution Unit;
- (c) Cadastral Index Mapping Unit;

- (d) any other units the Board deems necessary for the efficient performance of its functions in the district.

38. (1) The Title Registry Unit shall carry out the following functions- Title Registry Unit.

- (a) maintain an inventory of public and government lands;
- (b) maintain a depository (electronic or manual) of all registers, instruments, records and copies creating rights and interests in land as well as encumbrances in or over land;
- (c) permit searches to be made in the records, instruments and registers or copies and provide certified copies of extracts from the instruments, records, registers or copies when required, on payment of a prescribed fee;
- (d) undertake any other functions that may be assigned to it by the Commission.

(2) The Title Registry Unit shall be headed by the District Land Commissioner.

39. (1) The Alternative Dispute Resolution Unit shall be responsible for settling disputes within the district Alternative Dispute Resolution Unit

(2) The Alternative Dispute Resolution Unit shall be headed by a legal practitioner of at least 5 years standing with proven experience in alternative dispute resolution.

40. (1) The Cadastral Index Mapping Unit shall carry out the following functions- Cadastral Index Mapping Unit

- (a) maintain a repository of cadastral index maps for the district;

- (b) permit searches to be made in the cadastral records and provide certified copies of extracts from such records on payment of a prescribed fee;
- (c) train and supervise para-surveyors;
- (d) undertake any other functions that may be assigned to it by the Commission.

(2) The Cadastral Index Mapping Unit shall be headed by a person with at least 5 years proven experience in land mapping land management and land administration .

Report

41. The District Land Commission shall submit a report to the Commissioner-General every six months outlining activities undertaken by the District Land Commission and any other relevant matters to ensure the efficient implementation of its functions in the District

PART VI—CHIEFDOM LAND COMMITTEES

Chieftom Land Committee.

42. There shall be in each chieftom a committee to be known as the Chieftom Land Committee

Composition of Chieftom land Committee.

43. (1) Each Chieftom Land Committee shall consist of the following members who shall be resident in the Chieftom-

- (a) the Paramount Chief of the Chieftom or his representative who shall be the Chairperson of the Chieftom Land Committee;
- (b) one land owner from each section of the Chieftom nominated by the Town or Village Area Land Committee in accordance with customary law; and

- (c) one land user from each section of the Chiefdom nominated by the Town or Village Area Land Committee in accordance with customary law;

(2) At least 30% of the members of a Chiefdom Land Committee shall be women.

44. Subject to this Act a Chiefdom Land Committee shall perform the following functions

Functions of the chiefdom land committee.

- (a) manage communal chiefdom lands in the chiefdom;
- (b) enforce rules for the sustainable use of natural resources, such as forests, grazing lands, rivers and swamps within the chiefdom;
- (c) obtain and maintain a facsimile of registered customary land rights for land in the chiefdom from the District Title Registry;
- (d) prior to the registration of title, adjudicate land title disputes at chiefdom level through the Land Adjudication Tribunal established under section 85;
- (e) levy and facilitate collection of, and manage all land tax revenues levied by chiefdom authorities; and
- (f) perform such other functions as the Commission may determine.

45. Ownership and title to communal land in the chiefdom shall be vested in the people of that chiefdom as a community to be managed and administered by the Chiefdom Land Committee.

Vesting of communal Chiefdom land.

Accountability
for
Community
land.

46. (1) Members of the Chiefdom Land Committee shall be accountable to the members of the community for any decision taken in respect of the community's land holdings.

(2) The Chiefdom Land Committee shall publish and disseminate reports of its activities and finances on a quarterly basis.

Meetings.

47. (1) The Chiefdom Land Committee shall determine the frequency and place of meetings but shall meet at least once every three months.

(2) Notice of each meeting including the proposed agenda shall be widely circulated throughout the chiefdom at least two weeks in advance of the meeting.

(3) The Paramount Chief or his representative shall preside at every meeting of the Chiefdom Land Committee if present and in his absence one of the members shall preside.

(4) Each Member shall have one vote and in the case of equality of votes the Paramount Chief or his representative or other member presiding shall have a casting vote.

(5) Any question failed to be determined by the Chiefdom Land Committee at any of its meetings shall be decided by two thirds majority of members present

(6) The Chiefdom Land Committee may co-opt any person to attend and provide technical assistance or advice to the Committee on any matter but such person shall not be entitled to vote on any issue for decision by the Chiefdom Land Committee.

(7) The quorum of a meeting shall be not less than two third of its members present and voting

(8) The Chiefdom Land Committee shall cause minutes of all its meetings to be taken and signed by the Paramount Chief or his representative and kept in a proper form.

(9) Subject to this Act the Chiefdom land Committee shall regulate its own proceedings.

(10) The minutes of each meeting shall be made publicly available at an easily accessed location to ensure transparency.

48. A party that is dissatisfied with a decision of the Chiefdom Land Committee may after exhausting all other available conflict resolution mechanisms, appeal to the District Land Commission.

Appeal to
District Land
Commission.

PART VII—TOWN OR VILLAGE AREA LAND COMMITTEE

49. There shall be in each town or village in the provinces the established Town or Village Area Land Committee

Town or
Village Land
Committee

50. (1) Each Town or Village area Land Committee shall consist of the following members who shall reside in their respective towns or villages-

Composition
of Town or
village Land
Committee

(a) town or village chief who shall be the Chairperson or a representative of the chief;

(b) 4 resident land owners in the town or village;
and

(c) 2 resident non-land owners in the town or village

(d) Section Chiefs;

(2) Members referred to under paragraphs (b) and (c) of subsection (1) shall be elected by a majority vote of two-thirds of the residents of the community aged 18 years and above.

(3) A least 30% of the members of a Town or Village Area Land Committee shall be women.

Functions of
the town or
village land
committee.

51. (1) Subject to this Act the Town or Village area Land Committee shall perform the following functions -

- (a) manage communal lands in the town or village on behalf of the community ;
- (b) enforce rules adopted by the town or village for the sustainable use of land and natural resources;
- (c) resolve land tenure disputes arising within the community;
- (d) perform any other function assigned by the Commission

Vesting of
communal
Village land

52. Ownership and title to communal land in the town or village shall be vested in the people of the town or village as a community to be managed and administered by the Town or Village Area Land Committee.

Accountability

53. (1) Members of the Town or Village Area Land Committee shall be accountable to the members of the community for decisions taken in respect of the community's landholding.

(2) The Town or Village Area Land Committee shall provide to the community on a quarterly basis a written report on its activities and finances.

Meetings

54. (1) The Town or Village Area Land Committee shall determine the frequency and place of meetings but shall meet at least once every three months.

(2) Notice of each meeting including the proposed agenda shall be widely circulated throughout the town or village at least two weeks in advance of the meeting .

(3) The town or village chief or his representative shall preside at every meeting of the Town or Village Area Land Committee if present and in his absence one of the members shall preside.

(4) Each Member shall have one vote and in the case of equality of votes the town or village chief or his representative or other member presiding shall have a casting vote.

(5) Any question failed to be determined by the Town or Village Area Land Committee at any of its meetings shall be decided by two thirds majority of members present.

(6) The Town or Village Area Land Committee may co-opt any person to attend and provide technical assistance or advice to the Committee on any matter but such person shall not be entitled to vote on any issue for decision by the Town or Village Area Land Committee.

(7) The quorum of a meeting shall be not less than two third of its members present and voting

(8) The Town or Village Area Land Committee shall cause minutes of all its meetings to be taken and signed by the Town or Village chief or his or her representative and kept in a proper form.

(9) Subject to this Act the Town or Village Area land Committee shall regulate its own proceedings.

(10) The minutes of each meeting shall be made publicly available at an easily accessed location to ensure transparency.

55. The Town or Village Area Land Committee shall develop and adopt rules or bye-laws to govern the use of their land and natural resources including rules for the protection of the environment

Community
Rules

Appeal to
the District
Land
Commission.

56. A party that is dissatisfied with a decision of the Town or Village Area Land Committee may after exhausting all other available conflict resolution mechanism appeal to the District Land Commission.

PART VIII—THE NATIONAL LAND REGISTRY

National land
Registry.

57. The Commission shall establish a National Land Registry.

Land Title
Registration.

58. Title to Land in Sierra Leone shall be registered with the National Land Commission.

Chief
Registrar.

59. (1) The Commissioner in charge of the Title Registration Department referred to under section 24 shall be the Chief Registrar and Head of the National Land Registry.

(2) The Chief Registrar shall perform the following functions-

- (a) operates a land title registry throughout Sierra Leone;
- (b) maintain an inventory of public and government lands;
- (c) maintain a depository (electronic or manual) of all registers, instruments and records and copies thereof creating rights and interests in land across the country as well as encumbrances in or over land;
- (d) permit searches to be made in the records, instruments and registers or copies thereof and provide certified copies of extracts from such instruments, records, registers or copies thereof when required, on payment of a prescribed fee.

- (e) any other functions assigned by the Board

60. (1) The Chief Registrar shall maintain a register to be known as the National Land Register which shall contain all State, Private and Customary Land in Sierra Leone. Register

- (2) The national land register shall be-

- (a) linked to the modern unified cadastral system;
- (b) in electronic and paper form; and
- (b) publicly accessible and searchable.

(3) Each Registry shall maintain a register which shall contain a record of land tenure rights held under general or customary law including but not limited to the following-

- (a) ownership;
- (b) leasehold and other possessory interests;
- (c) mortgages and other liens;
- (d) encumbrances; or
- (e) other proprietary, possessory, or use rights recognised under customary law.

(2) The format of the register shall be determined by the Commission.

61. (1) The Commission shall set up a registry covering each District Land district based on the availability of funds and demand for services Registries.

(2) The registry established under subsection (1) shall be known as the District Registry

(3) Western Area Urban and Western Area Rural shall be covered by the Commission's registry in Freetown.

(4) The Commission shall by statutory instruments make regulations relating to requirement for the registration of customary land rights in the District Registry

Registrar of
District Land
Registry

62. (1) The District Land Commissioner shall be the Registrar of the District Land Registry

(2) Where a District Land Commissioner is yet to be appointed the Chief Registrar shall provide the services required

(3) The functions of the Registrar of the District Land Registry shall include the following:

- (a) managing the District Land Registry;
- (b) Issuing title deeds, customary land title certificates or other documentation that serves as proof of a person's land right;
- (c) permitting searches to be made in the records, instruments and registers or copies thereof and provide certified copies of extracts from such instruments, records, registers or copies thereof when required, on payment of a prescribed fee.
- (d) any other functions assigned by the Board.

Public access
to the
Register.

63. Subject to this Act information contained in the register shall be made accessible to the public by electronic or any other means as the Commission may determine

Seal of
registry.

64. Each registry shall have an official seal issued by or under the direction of the Registrar

PART IX—REGISTRATION OF CUSTOMARY LAND

65. The requirements for registration of customary land shall include the following—

Registration
of land subject
to customary
law.

(a) for family land the following shall be complied with—

- i. preparation of a basic map of the land area;
- ii. signed boundary harmonisation agreement with neighbouring land owners;
- iii. the planting of trees or other natural physical markers to delineate the land;

(b) for community land the following shall be complied with—

- i. adoption of community rules to govern the use of the land area, including rules for the protection of the environment and rules relating to governance and decision-making, including negotiations with outsiders;
- ii. preparation of a basic map of the land area;
- iii. establishment of a Village Area land Committee;
- iv. signed boundary harmonisation agreement with neighbouring communities;
- v. the planting of trees or other natural physical markers to delineate the land

(c) for land acquired by individuals the following shall be complied with-

i. preparation of a basic map of the land area;

ii. two signed copies of the signed instrument of transfer

Instrument
of transfer.

66. (1) The instrument of transfer referred to under subparagraph (ii) of paragraph (c) of section 72 shall be endorsed by an authorised member of the Chiefdom Land Committee and the Chief Administrator of the District Council.

(2) An instrument of transfer that is not signed and endorsed as stipulated under subsection (1) shall not be registered by the District Land Commission.

(3) The Commission shall establish the maximum fee that an authorised member of the Chiefdom Land Committee and the Chief Administrator of the District Council may charge for endorsement of the instrument of transfer.

Land tenure
rights.

67. (1) The following registered instruments may serve as prima facie evidence of a land tenure right-

(a) a title deed;

(b) a customary land title certificate;

(c) a lease agreement;

(d) a mortgage deed; or

(e) any other document memorialising a proprietary or use right under general or customary law.

(2) Where the instruments referred to under subsection (1) are unavailable the Commission shall determine types of oral or landscape based evidence which may serve as prima facie evidence of a land tenure right.

(3) Except where the right or its registration was obtained by fraud or dishonesty, earlier registered rights shall be considered superior to later registered rights.

(4) The Commission shall by Statutory Instrument make regulations setting out the processes for challenging a land right claim or registration of the right on the basis that it was obtained by fraud or dishonesty.

68. Any family or community wishing to register its land may request the assistance of a community specialist paralegal or para-surveyor. Assistance to register Land

69. Non-registration of any land subject to customary law shall not invalidate title or ownership of the land. Non registration of Land

70. (1) The Commission shall determine the cost of registration and the manner and time frame within which title and the various rights and interest in or over customary land shall be registered. Cost of registration

(2) The cost of registration of customary land shall not be prohibitive.

(3) The registration fee shall be reduced or waived for persons whose monthly income does not exceed the minimum monthly wage.

(4) The Commission shall determine and periodically review the amount of the fee collected from registrants of title to land in Sierra Leone, as well as criteria for fee waivers on the basis of financial need with the approval of the Board.

(5) The Commission shall determine the fee for land title registration in the Western Urban and Western Rural Areas with approval of the board.

Submission of
Application
etc.

71. The Chiefdom land Committee shall serve as a conduit for-

- (a) submission of application to the District Land Commission;
- (b) receiving registered title documents from the District Land Commission ;and
- (c) obtaining information contained in the National Land Registry .

Part X - Management of Communal Lands and Natural Resources

Public land

72. Communal land in a town or village that falls under the category of public land shall be administered by the authorised institution.

Benefits of
Communal
land

73. All the benefits of communal land and natural resources shall belong to the community.

Rules or bye
Laws.

74. (1) Rules or bye-laws adopted by the Chiefdom Land Committee shall apply to all villages within the chiefdom that have not adopted their own bye-laws.

(2) Rules or bye-laws adopted by a Town or Village Area Land Committee on land , natural resources and the environment shall have priority of application and enforcement within the particular village

Non-
establishment
of Town or
Village Area
Committee

75. Towns or Villages that have not established a Town or Village Area Land Committee shall have their land and natural resources managed and administered by the Chiefdom Council.

76. (1) The Chiefdom Land Committee and the Town or Village Area Committee shall have the power to bring and defend legal action in respect of their land and natural resources.

(2) The Town or Village Area Land Committee shall have the first option to bring a legal action.

(3) Where multiple towns or villages are affected, they may institute legal action individually, jointly or through the chiefdom.

PART XI—LAND DISPUTE

77. (1) The Commission shall establish a grievance redress mechanism whereby a person can challenge decisions of the Commission in respect of land for which he has a right or claim.

Grievance
redress
Mechanism

(2) Any grievance redress mechanism established by the Commission shall be effective, accessible and affordable to all, and provide prompt resolution of and enforcement of outcomes of disputes over tenure rights.

(3) Where a person is deprived of a land tenure right by the government for a public purpose, compensation shall be provided to that person irrespective of the resolution provided by any grievance redress mechanism established by the Commission.

78. (1) The Commission shall set up within each Chiefdom Land Committee a sub-committee to be known as the Land Adjudication Tribunal.

Land
Adjudication
Tribunals

(2) The Land Adjudication Tribunal shall adjudicate land title disputes between the following parties prior to the registration of title-

- (a) members of the same family;
- (b) two or more landowning families;

- (c) landowning families and the Town or Village Area Land Committee; or
 - (d) two or more Town or Village Area Land Committees.
- (3) Where the dispute involves Chiefdom Land Committees, the District Land Commission shall serve as the adjudicating body.
- (4) The Land Adjudication Tribunal shall consist of the following three persons-
- (a) one member of the Chiefdom Land Committee who shall serve as the Chairperson; and
 - (b) two other persons selected by the Chiefdom Land Committee.
- (5) At least one of the members referred to under subsection (3) shall be literate and responsible for keeping records of the tribunal's proceedings and decisions.
- (6) At least one of the members referred to under subsection (3) shall be a woman.
- (7) The Land Adjudication Tribunal shall gather the necessary information from the parties to the dispute and issue its findings on the validity of a land right within one month from the date the matter is lodged with the Chiefdom Land Committee by either party.
- (8) Any party dissatisfied with the findings of the tribunal on the grounds of abuse of rules or procedure may appeal to the local court within one week of the tribunal's issuance of its findings.
- (9) Where the tribunal finds a land right to be valid, upon the expiration of the time period for appeal, the right shall be entered into the registry by the authorised office and the title document issued to the lawful owner

79. (1) Land tenure disputes arising within the community shall be referred to the Town or Village Area Land Committee or the Chiefdom Land Committee for resolution.

Land Tenure
Disputes.

(2) The Town or Village Area Land Committee and the Chiefdom Land Committee shall address disputes in accordance with their byelaws and shall comply with constitutional guarantees on fair hearing and the principles of natural justice.

(3) A party that is dissatisfied with the outcome of a land tenure dispute before a Town or Village Area Land Committee or Chiefdom Land Committee may appeal to the District Land Commission.

(4) A party to a dispute before the District Land Commission that is dissatisfied with the outcome may appeal to the Magistrate Court.

(5) Any party to a dispute may apply directly to the Local Court or any other appropriate court for redress.

80. (1) An investor shall set up a field level grievance redress mechanism to address complaints relating to his operations.

Field-level
grievance
Redress

(2) An investor shall-

- (a) appoint a grievance officer;
- (b) maintain a grievance register; and
- (c) adopt diversified means of receiving complaints

(3) Where a member of the community is not satisfied with the result of the mechanism set up by an investor he shall take the same complaint to another redress mechanism.

(4) An investor shall cooperate with all community-level land tenure dispute resolution bodies when implicated in complaints before these bodies.

(5) Members of a community shall be free to make a choice as to which forum to submit their complaints.

Approaching
another
Grievance
mechanism.

81. (1) Where a complaint is before a particular grievance mechanism for redress it shall not at the same time be enquired into by another mechanism unless the complaint is discontinued or withdrawn.

(2) No adverse inference shall be drawn against a party which discontinues or withdraws a complaint from one grievance mechanism and files the same complaint to another grievance mechanism.

Decisions in
writing.

82. Decision of any grievance mechanism shall be in a written form and may be enforced by a party through legal action in court or complaint to the industry regulator.

Operational
grievance.

83. The Commission shall establish appropriate grievance redress mechanisms, other than Land Adjudication Tribunals, to address grievances that may arise in the course of its operations.

Complaints.

84. Complaints relating to environmental issues, mining issues or any issue that is regulated by a specific body may be directed to the industry regulator for redress.

PART XII—FINANCIAL PROVISIONS

Funds of the
Commission

85. (1) The funds of the Commission shall consist of the following-

- (a) monies appropriated by Parliament for the purposes of the Commission;
- (b) grants, gifts or donations to the Commission granted or donated with the approval of the Board;

- (c) any revenue derived from the sale of property, movable or immovable by or on behalf of the Commission ;
- (d) any other money or assets received by or made available to the Commission for the purpose of performing its functions under the Act

86. (1) The Commissioner-General shall not later than one month before the end of each financial year prepare and submit to the Board for its approval, estimates of the income and expenditure of the Commission for the next ensuing financial year and may at any time before the end of each financial year, prepare and submit to the Board for approval any estimates supplementary to the estimates for the financial year.

Estimates of
income and
expenditure
of
Commission

(2) The annual budget of the Commission shall primarily be prepared based on the strategic and annual work plan of the Commission.

(3) No expenditure shall be made out of the funds of the Commission unless the expenditure is part of the expenditure approved by the Board under subsection (1)

87. (1) The Commission shall keep proper books of account and other records in relation to the activities, property and finances of the Commission in a form approved by the Auditor-General and shall prepare in respect of each financial year of the Commission a financial statement which shall include .

Books of
account

- (a) balance sheet accounts;
- (b) income and expenditure accounts;
- (c) source and application of funds; and
- (d) financial estimates, particularly of the amount of revenue to be collected in the ensuing year

(2) The accounts of the Commission kept under subsection (1) shall be audited by the Auditor General or any auditor appointed by him.

(3) For the purposes of subsection (2) the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Commission and to require any information and explanation as he may think fit.

(4) The Commission shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Authority.

(5) The Auditor-General or the auditor appointed by him shall submit to the Commission a report on the audited accounts and the financial statement referred to in subsection (1) and shall in his or her report draw attention to-

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Commission; and
- (c) other matter which in his or her opinion ought to be brought to the notice of the Commission.

Financial
year of
Commission

88. (1) The financial year of the Commission shall be the same as the financial year of the Government.

89. (1) The Commission shall, within 3 months after the end of the financial year submit to the Minister a report on the performance of its functions including policies and programme development during that year of reporting. Annual Report

(2) The annual report referred to under subsection (1) shall include the accounts and annual financial statements prepared under subsection (1) of section 94 and the report of the audit referred to under subsection (5) of section 94.

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

PART XIII—MISCELLANEOUS PROVISIONS

90. The Commission after consultation with the Minister may by Statutory Instrument make rules and regulations to give effect to this Act. Regulations

91. The following Acts are hereby repealed Repeal

(a) the Provinces Land Act Cap 122;

(b) the Concessions Act Cap 121.

Passed in Parliament this 8th day of August, in the year of our Lord two thousand and twenty two.

PARAN UMAR TARAWALLY

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.

PARAN UMAR TARAWALLY

Clerk of Parliament.