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# LIBERIAN CODES REVISED

*Publication of Acts adopted by the Legislature  
the Republic of Liberia*

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REPUBLIC OF LIBERIA

## *Volume III*

TITLE 9: DOMESTIC RELATIONS LAW  
TITLE 10: EDUCATION LAW  
TITLE 11: ELECTIONS LAW  
TITLE 12: EXECUTIVE LAW  
TITLE 13: FOREIGN RELATIONS LAW  
TITLE 14: GENERAL BUSINESS LAW  
TITLE 15: GENERAL CONSTRUCTION LAW  
TITLE 16: INSURANCE LAW

**LIBERIA LAW EXPERTS  
MONROVIA, LIBERIA**

**AN ACT ADOPTING A NEW EXECUTIVE LAW, REPEALING THE PRESENT EXECUTIVE LAW AND PUBLIC WELFARE LAW, AND AMENDING OR REPEALING OTHER ACTS IN RELATION THERETO**

*It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:*

§ 1. The following acts which were enacted at the First Regular Session of the Forty-Sixth Legislature are hereby repealed:

An Act to amend the Executive Law with respect to the Permanent Claims Commission.

An Act to amend the Executive Law to create a National Museum within the Department of Information and Cultural Affairs.

§ 2. Title 33 of the Liberian Code of Laws of 1956, entitled, "Public Welfare Law," as amended through the Fourth Regular Session of the Forty-Fifth Legislature, is hereby repealed.

§ 3. Sections 1270 through 1275 of the present Executive Law are hereby reenacted as sections 101 through 106 respectively of the Patriotic Observances Law, constituting a new chapter 4 of such title, to be known as "National Festival of Arts and Crafts".

§ 4. Title 13 of the Liberian Code of Laws of 1956, known as the Executive Law, as amended through the Fourth Regular Session of the Forty-Fifth Legislature, is hereby repealed, and there is enacted in lieu thereof a new Executive Law, to be Title 13 of the Revised Code of Laws of the republic of Liberia, as hereinbelow recited word for word.

**TITLE 12**

***The Executive Law***

*Approved: May 11, 1972*

*Published: June 9, 1972*

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## P A R T I

*The Chief Executive***Chapter 1. THE PRESIDENT AND VICE  
PRESIDENT**

- 1.1. Time for Inauguration.
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**1.1. Time for inauguration.**

The inauguration of the President and Vice President shall take place on the first Monday in January after each Presidential election.<sup>1</sup>

**1.2. Salary of President:**

That from and immediately after the passage of this Act, the President of the Republic of Liberia shall receive as salary the sum of Thirty-Six Thousand (\$36,000.00) Dollars per annum.<sup>2</sup>

**1.3. Salary of Vice President.**

That from and immediately after the passage of this Act, the Vice

<sup>1</sup> Prior legislation: 1956 Code 13:1; L. 1914, 54(1st); L.1913-1914, § 2.

<sup>2</sup> Amendment to the Executive Law, approved July 8, 1975, published July 10, 1975, with a stated effective date of January 1, 1976. Prior legislation: 1956 Code 13:2; L. 1950-51, ch. XXX; L. 1927-28, ch. II; L. 1911-12, 26(1st).

President of the Republic of Liberia shall receive as salary the sum of Twelve Thousand (\$12,000.00) Dollars per annum.<sup>3</sup>

**1.4. Annuities for President and Vice president.**

1. *For President.* An ex-President who has honorably retired to private life and who is not in any way employed by the Government shall receive from the Government an annuity of \$12,500. Fifty percent of such annuity shall be paid after his death to his widow, and on the death of the widow, or if there is no widow, in portions to each of his minor children.

2. *For Vice President.* An ex Vice President who has honorably retired to private life or who is not in any way employed by the Government shall receive from the Government annuity of 50% of the salary he received while in office. Fifty percent of such annuity shall be paid after his death to his widow and on the death of the widow, or if there is no widow, in equal portions to each of his minor children.<sup>4</sup>

**1.5. The President's standards.**

1. *The President's Field Flag.* The President's Field Flag shall be six feet, eight inches hoist and twelve feet fly; it shall have the stars and coat of arms of the office of the President superimposed on a navy blue background and flown from the right hand staff or flag pole among other flags being displayed; and the occasions for its use shall

<sup>3</sup> Amendment to the Executive Law, approved July 8, 1975, published July 10, 1975, with a stated effective date of January 1, 1976. Prior legislation: 1956 Code 13:3; L. 1950-51; ch. XXX; L. 1943-44, ch. II, Rev. 1259; L. 1928, ch. XI; L.1917 (E.S.), 19, § 3; L.1913-14, 9(2nd); L. 1908-09, 11(2nd).

<sup>4</sup> Prior legislation: 1957-58 Supp. 13:4; L. 1956-57, ch. XVIII; 1956 Code 13:4; L. 1949-50, XVIII; L. 1948-49, ch. XVIII; L. 1943-44, ch. XXIV; L. 1919-20, ch. XIX; L. 1910-11, 5(1st).



be outdoor ceremonies or activities when the President is in attendance.

2. *The President's Color.* The President's Color shall be four feet, four inches hoist by five feet, six inches fly. It shall be made of silk material with embroidered coat of arms superimposed on a navy blue background, a silk cord of blue, white and red eight feet, six inches in length, and a tassel of silk strands, also red, white and blue, shall be on each end of the cord. There shall be one inch fringe of gold bullion around the President's color and it shall be placed on the left of the National Ensign of the Republic in the office of the President and it shall be carried three paces to his rear when he is performing official outdoor functions such as inspecting troops, laying wreaths, or presenting decorations.

3. *The President's Boat Flag.* The President's Boat Flag shall be made of bunting, and it shall be three feet hoist by four feet fly. This flag shall be flown whenever the President is on board his personal ship, or whenever he is travelling aboard any vessel. It shall be of the same design as described above.

4. *The President's Automobile Flag.* The President's Automobile Flag shall be made of bunting, and it shall be one foot, six inches hoist by two feet, two inches fly. This flag shall be flown whenever the President is in his automobile. It shall be of the same design as described above.<sup>5</sup>

#### § 1.6. Violation of President's Proclamation.

Any person violating a proclamation issued by the President shall be subject to a fine of not more than \$100. If however, the act constituting the violation of the proclamation is also a violation of a

<sup>5</sup> Prior legislation: L. 1960-61, ch. XLIV (13:15).

statute which provides a different penalty, the provision of the statute shall prevail.<sup>6</sup>

## Chapter 2. OFFICE OF THE PRESIDENT

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<sup>6</sup> Prior legislation: 1956 Code 13:13; L. 1916, 6(2nd); L. 1915-16, ch.

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**Subchapter A. GENERAL ORGANIZATION**

**§ 2.1. Minister of State for Presidential Affairs.**

The President by and with the advice and consent of the Senate shall appoint an official within the Office of the President, with the title of Minister of State for Presidential Affairs. He shall be a member of the Cabinet and shall serve as the Principal Assistant to the President. He shall serve at the pleasure of the President, and shall perform the following duties:

- (a) Follow through and coordinate all decisions of the Chief Executive;
- (b) Organize, as the President shall direct, Cabinet Meetings and be responsible for the proper maintenance of all records of such meetings;
- (c) Exercise such operational authority, intrinsic to his office,

as the President may from time to time direct; and

(d) Perform such other duties as may be assigned by the President.

**§ 2.2. Assistants to Minister of State for Presidential Affairs.**

With the advice and consent of the Senate, the President shall appoint such assistants to the Minister of State for Presidential Affairs as the President shall deem necessary for the effective performance of the duties assigned to the Minister of State for Presidential Affairs.

**§ 2.3. Organization of Office of Minister of State for Presidential Affairs.**

The Office of the Minister of State for Presidential Affairs shall be organized in such manner as shall be determined by the President.<sup>7</sup>

**§ 2.4. Bureau of the Budget.**

There is hereby created in the Office of the President a Bureau of the Budget, which shall be headed by a Director of the Budget to be appointed by the President, by and with the advice and consent of the Senate. It is the duty of the Director of the Budget to prepare the annual budget for the Government and any proposals for supplemental or deficiency appropriations, as required by the Revenue and Finance Law. The President shall also appoint, by and with the advice and consent of the Senate, a Deputy Director of the Budget, who shall perform such duties as the director may designate and, during the absence or incapacity of the Director or during a vacancy in the office

<sup>7</sup> Prior legislation: L. 1971-72.

of the Director, act as Director.<sup>8</sup>

### **§ 2.5. Administrative Assistants and Advisers.**

The President is hereby authorized to appoint with the advice and consent of the Senate as many officials as Administrative Assistants and Advisers as the work of his office may require. They shall serve at the pleasure of the President and shall assist the President in such ways as he may direct and advise the President on matters relating to their respective fields.<sup>9</sup>

### **§ 2.6. Division of the Aides-de-Camp.**

Three aides-de-camp shall be attached permanently to the Office of the President and shall be in regular daily attendance on the President in the Capital. One of the permanent aides shall accompany the President when he travels, whether within Liberia or abroad. A local aide-de-camp shall be posted in each county, territory, or chartered district and shall assist the permanent aide accompanying the President when he travels within Liberia. The rank of aides-de-camp to the President shall be that of Brigadier General.<sup>10</sup>

### **§ 2.7. Appointment of other officers and employees.**

In addition to the officers appointed under the authority of the foregoing sections of this chapter, the President is hereby authorized to appoint such other officers and employees to the Office of the

<sup>8</sup> Prior legislation: L. 1962-63, ch. XX; L. 1961-62, ch. XXXIV, § 3; 1956 Code, 13:20-21; L. 1952-53, ch. VIII.

<sup>9</sup> Prior legislation: 1956 Code 13:9; L. 1950 (E.S.), ch. IV.

<sup>10</sup> Prior legislation: 1956 Code 13:8; L. 1954-55, ch. XIX, § 2(5); 1949-50, ch. VIII; L. 1925-2-6, ch. XIV; L. 1894-95, 24, § 10.

President as are necessary to conduct the affairs of that office efficiently and creditably. Included among such appointments may be an Executive Secretary, a Private Secretary, a Press Secretary, a Social Secretary, and a Business Manager.

### **§ 2.8. Liaison and Relations Officers.**

The President is hereby authorized to appoint as many Liaison and Relations Officers in the respective counties, territories, and districts of the Republic as may be required for the prevention of subversive activity and dissemination of dangerous propaganda. The duties and functions of such Officers shall be prescribed and assigned to them by the President.<sup>11</sup>

## **Subchapter B. OFFICE OF NATIONAL SECURITY**

### **§ 2.30. Office established; appointment and duties of Director General; appointment and duties of Deputy Directors General.**

There is hereby created in the Office of the President an office of National Security, which shall be headed by a Director General to be appointed by the President, by and with the advice and, consent of the Senate. It shall be the duty of the Director General to prepare intelligence and security briefs for the President, monitor and give guidance on behalf of the President to the operational activities of the various security services, primarily the presidential security operations and the counter intelligence and counter espionage operations of the security services. He shall coordinate the activities of all security and law enforcement services in all joint operations, and shall prepare and implement rules and regulations pertaining to personnel finance, logistics, training, operations and organizations

<sup>11</sup> Prior legislation. 1956 Code 13:12; L. 1950 (E.S.), ch. III.

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necessary for the efficient operation of the security services, subject to the approval of the President. The President shall also appoint, by and with the advice and consent of the senate, a Deputy Director General who shall be the principal assistant to the Director General and shall perform such duties as shall be delegated to him by the Director General.

### § 2.31. Organization.

The Office of National Security shall be organized in such manner and with such personnel as shall be determined by the Director General, subject to the approval of the President.

## *Subchapter C. SPECIAL SECURITY SERVICE*

### § 2.40. Service established; functions.

There is hereby created and established in the Office of National Security a Service to be known as the Special Security Service. The functions of the Service shall be:

- (a) To protect and secure the President, his immediate family, and other officials and visiting dignitaries who are designated by the President;
- (b) To protect the Executive Mansion and its grounds;
- (c) To protect all documents which are top secret, confidential or informatory material;
- (d) To security check all incoming mail, packages and things addressed to or for use by the President and his household;

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(e) To security check all means of transportation used by the President, his family, and visiting dignitaries;

(f) To check the residences of the President, both temporary and permanent to ensure their security;

(g) To serve as liaison with other security agencies in matters pertaining to the screening of persons to be employed at the Executive Mansion and for other services of the President; and

(h) To perform such other functions as may from time to time be assigned by the President.<sup>12</sup>

### § 2.41. Appointment and duties of Director.

The President with the advice and consent of the Senate shall appoint an administrative head of the Service, who shall be designated as the Director. He shall be responsible to the President through the Director General of National Security for the administration of the Special Security Service but shall report directly to the President should the President so direct. The duties of the Director shall be as follows:

- (a) To report directly to the President on all phases of the operation of the Service and all matters appertaining to the Service, as may be required or as directed by the President;
- (b) To develop all operations required to carry out the functions of the Service;
- (c) To select, investigate, hire and train personnel for the Service; and

<sup>12</sup> Prior legislation: L. 1966-67, ch. (An act to amend the Executive Law to create a Special Security Service) 13:1256, 1257; L. 1960-61, ch. XIII, 2 (13:186).

(d) To call on other security agencies for additional personnel, whenever the need may arise for reinforcement of the Service. Such agents, detectives, policemen and soldiers assigned to the Service in accordance with the request of the Director shall be under the complete command and supervision of the Director.<sup>13</sup>

#### § 2.42. Appointment and duties of Assistant Director.

The President with the advice and consent of the Senate shall appoint an Assistant Director of the Special Security Service who shall be the principal assistant to the Director. He shall perform such duties as may be assigned to him from time to time by the Director.<sup>14</sup>

#### § 2.43. Other officers and employees of the Service.

The Director may appoint all such other officers and employees of the Service as he may deem necessary and assign their duties, subject to the approval of the President.<sup>15</sup>

#### § 2.44. Disclosure of secret information by employees.

Officers and employees of the Special Security Service shall be deemed trustees of unpublished information concerning the private life of the President and members of his family and classified information of the Government. They shall be sworn to maintain the secrecy of such information when entering upon the duties of the

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<sup>13</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create a Special Security Service) (13:1258).

<sup>14</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create a Special Security Service) (13:1259).

<sup>15</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create a Special Security Service) (13:1260).

Service, and any person violating such oath, whether wilfully or not, may be dismissed from office and shall be subject to imprisonment for not more than one year or a fine of not more than \$1,000. or both.<sup>16</sup>

#### § 2.45. Power of officers and members to arrest.

Officers and members of the Special Security Service shall have the power to arrest vested in peace officers by the criminal Procedure Law.

#### § 2.46. Retirement and death benefits.

*1. Retirement benefits.* Any officer or member of the Special Security Service who ---

(a) Has served with good conduct for at least 25 consecutive years; or

(b) Has attained the age of 55, provided such officer or member has served in the Special Security Service with good conduct for at least 15 consecutive years; or

(c) Because of an injury or disability incurred in line of duty is permanently disabled from performing his duties in the Special Security Service may be honorably retired and, if retired, shall receive for the remainder of his life a pension in an amount equal to fifty percent of the compensation he was receiving at the time of his retirement. An officer or member of the Special Security Service shall be given credit toward

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<sup>16</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create a Special Security Service, 13:1261).

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retirement for the time he was employed in the Service prior to the effective date of the retirement system.

2. *Death benefits.* Any dependent or dependents of a deceased officer or member of the Special Security Service shall receive the appropriations from the Ministry of Finance and deposit them to the Service's own checking account in the Bank of Monrovia as the legal depository. The Service is also authorized to develop and maintain its own procurement, accounting and auditing system separate from those of the general Government, but having the same control effect as the systems of the general Government. Its accounts shall be audited yearly by an auditor appointed by the President of Liberia for that specific purpose. Such auditor shall be subject to a full security clearance in accordance with the regulations of the Service.

### § 2.47. Retirement and death benefits.

1. *Retirement benefits.* Any officer or member of the Special Security Service who ---

(a) Has served with good conduct for at least 25 consecutive years; or

(b) Has attained the age of 55, provided such officer or member has served in the Special Security Service with good conduct for at least 15 consecutive years; or

(c) Because of an injury or disability incurred in line of duty is permanently disabled from performing his duties in the Special Security Service may be honorably retired and, if retired, shall receive for the remainder of his life a pension in an amount equal to fifty percent of the compensation he was receiving at the time of his retirement. An officer or member of the Special Security Service shall be given credit toward retirement for the

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time he was employed in the Service prior to the effective date of the retirement system.

2. *Death benefits.* Any dependent or decedents of a deceased officer or member of the Special Security Service shall receive the full amount of any pension being paid to the decedent at the time of his death under the provisions of this section or, if decedent died as result of injuries or disability incurred in line of duty and before the commencement of pension payments, the dependent or dependents shall receive the full amount of the pension to which the decedent would have been entitled under paragraph 1 of this section had he lived. As used in this paragraph, the term "dependent" means the widow of the decedent so long as she remains unmarried; or if there is no widow or the widow remarries, the surviving child or children of the decedent during their minority.<sup>17</sup>

## Subchapter D. EXECUTIVE ACTION BUREAU

### § 2.50. Bureau established; appointment of Director.

There is hereby created and established in the Office of National Security a Security Service to be known as the Executive Action Bureau. The Executive Action Bureau shall be conducted under the direction and general supervision of a Director, who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall be responsible to the President through the Director General of National Security for the administration of the Bureau, but shall report directly to the President should the President

<sup>17</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law to create Special Security Service, (13:1262).

so direct.<sup>18</sup>

### § 2.51. Functions of Bureau.

The functions of the Executive Action Bureau shall be to develop plans and provide all possible means for the adequate protection of the Government and the people of the Republic against subversion, espionage, sedition, adverse propaganda, and sabotage. The President of Liberia is empowered to issue executive orders and regulations with regard to the performance of such functions.<sup>19</sup>

### § 2.52. Duties of Director.

The duties of the Director shall be as follows:

- (a) To report to the President through the Director General of National Security on all matters affecting the work of the Bureau, as circumstances may require or as directed by the President.
- (b) To carry out all operations assigned him;
- (c) To select, investigate, hire and train according to rigid professional standards personnel required for the secure and efficient functioning of the Bureau; and
- (d) To protect intelligence sources and methods of operation from unauthorized disclosure.<sup>20</sup>

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<sup>18</sup> Prior legislation: L. 1960-61, ch. LV (13:1100, 1101).

<sup>19</sup> Prior legislation: L. 1960-61, ch. (13:1101).

<sup>20</sup> Prior legislation: L. 1960-61, ch. LV (13:1102).

### § 2.53. Other personnel.

In addition to the Director, the President may also appoint as many deputies and other persons as he may deem necessary to carry out the functions of the Bureau effectively. Such additional personnel shall also be trained according to rigid professional standards.<sup>21</sup>

### § 2.54. Authority of members of Bureau.

In order to perform their duties effectively, the Director and members of the Executive Action Bureau shall, whenever they shall deem it necessary and subject to the approval of the President, have the authority and access to all officials and employees of the Government, and to all files, records, and documents of any agency of the Government. To avoid duplication of authority and undue publicity, the members of the Bureau shall have no police, subpoena or law enforcement powers except when and where specifically directed by the President or in case of extreme emergency involving the safety of the State where deferred police action would increase the security risk.

### § 2.55. Officers and employees of Bureau as trustees of state secrets.

Every officer and employee of the Executive Action Bureau shall be deemed a trustee of the secrets of the Republic and when entering the duties of the service, shall be sworn by the Director not to divulge any information which has come to his knowledge by reason of his employment with the Bureau except as required in the course of duty. A violation of the oath required by this section shall subject the offender to a fine of up to \$5,000 or up to three years imprisonment

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<sup>21</sup> Prior legislation: L. 1960-61, ch. LV (13:1103).

or both.<sup>22</sup>

**§ 2.56. Independence of Bureau from General Government financial arrangements.**

To preserve the Executive Action Bureau from public disclosure of its operations, the Bureau is authorized to withdraw its yearly appropriations from the Ministry of Finance and deposit them in the Bureau's own checking account in the Bank of Monrovia as the legal depository. The Bureau is also authorized to develop and maintain its own procurement, accounting and auditing system separate from those of the General Government, but having the same control effect as the systems of the general Government. Its accounts shall be audited yearly by an auditor appointed by the President of Liberia, for that specific purpose. Such auditor shall be subject to a full security clearance in accordance with the regulations of the Bureau.

**§ 2.57. Retirement and death benefits.**

*1. Retirement.* Any officer or member of the Executive Action Bureau who ---

- (a) Has served with good conduct for 25 consecutive years; or
- (b) Has attained the age of 55, provided such officer or member has served in the Executive Action Bureau with good conduct for at least 15 consecutive years; or
- (c) Because of an injury or disability incurred in line of duty is permanently disabled from performing his duties in the Executive Action Bureau, may be honorably retired and if retired, shall receive a pension in an amount equal to fifty

<sup>22</sup> Prior legislation: L. 1960-61, ch. LV (13:1105).

percent of the compensation he was receiving at the time of his retirement for the remainder of his life. An officer or member of the Executive Action Bureau shall be given credit toward retirement for the time he was employed in the Bureau prior to the effective date of the retirement system.

*2. Death benefits.* Any dependent or dependents of a deceased officer or member of the Executive Action Bureau shall receive the full amount of any pension being paid to the decedent, at the time of his death under the provisions of this section; or, if the decedent died as a result of injuries or disability incurred in line of duty and before the commencement of pension, payments, the decedent or dependents shall receive the full amount of the pension to which the decedent would have been entitled under paragraph 1 of this section had he lived. As used in this paragraph, the term "dependent" means the widow of the decedent so long as she remains unmarried; or if there is no widow or the widow remarries, the surviving child or children of the decedent during their minority.

**Chapter 3. POWERS OF THE PRESIDENT**

- § 3.1. Correction of situations arising out of enforcement of racial discrimination statutes.
- § 3.2. War powers.
- § 3.3. Power during internal emergency.
- § 3.4. Delegation of functions.

**§ 3.1. Correction of situations arising out of enforcement of racial discrimination statutes.**

The President of Liberia is hereby authorized to take the following steps to counteract any harmful economic effects that may result from enforcement of the provisions of the Penal Law prohibiting racial



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segregation and discrimination:

- (a) To adopt such measures as may become necessary to offset any decline in revenues, such as reversal of the budget or reduction of salaries, allowances and other appropriations;
- (b) To float bonds, effect loans and take such other action as may be necessary to ensure the normal operations of the Government and of the development programs;
- (c) To make arrangements with any individual or business establishment for the purchase of products from Liberian producers, the sale of which may be adversely affected by the closing down of any business operating in Liberia that may have been engaged in purchasing such products from Liberian producers, and for this purpose to subsidize such individual or business establishments when necessary, to enable them to purchase products produced in Liberia.<sup>23</sup>

### § 3.2. War powers.

In the event of war or of an attack or imminent attack against the Republic, and a public proclamation by the President of such event, the President shall have the power:

- (a) To call the armed forces of the Republic into active duty in defense of the nation;
- (b) To mobilize by age groups all able bodied male citizens of the ages of 16 to 45 for military service except those who are exempt by law;

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<sup>23</sup> Prior Legislation: 1957-58 Supp. 13:6-A; L. 1957-58, ch. XV.

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- (c) To mobilize all able-bodied members of the civilian population, male and female, over 16 years of age, for social, industrial, and military work necessary for the prosecution of the war or defense of the Republic; employ as many persons as are deemed sufficient to perform such work; and to the extent that sufficient persons are unavailable for employment, to conscript the necessary number to perform such work in return for a fair and just compensation;
- (d) To establish and maintain recruiting centers, military areas, barracks, camps, and compounds, and to declare any area deemed necessary to be a defense area and subject to the orders which the Minister of National Defense or the appropriate military commander may issue applicable to that area for the purpose of national defense;
- (e) To make any monetary arrangement for the Republic which he shall deem necessary for defense purposes, including arrangement to secure such capital sums as may be needed and not available in the public treasury;
- (f) To requisition such materials, supplies, equipment, vehicles, transportation or communication or other public utility installation or equipment or real property as necessary for temporary or permanent use in defense of the nation; provided, that fair and just compensation shall be paid for such property in accordance with the provisions of Chapter III, Article 24 of the Constitution;
- (g) To apprehend, restrain, intern, and if necessary, remove from Liberia as enemy aliens any natives, citizens, denizens, or subjects of a hostile nation or government;
- (h) To evacuate or remove all or some of the population from a dangerous area to a place of safety;

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- (i) To increase the police constabulary of the Republic to such strength as shall be deemed necessary to adequately police all areas;
- (j) To cause the seat of Government to be removed to an area deemed safe, and therefrom to direct the affairs of Government;
- (k) Where necessary for the national defense, to proclaim the Republic or any area or areas thereof subject to martial law; and, to appoint commissions to hold in preventive detection persons who may in any way hinder, obstructs impair or endanger the safety of the nation or the successful prosecution of the war; and to suspend the privilege of the writ of habeas corpus as to such person until the cessation of hostilities or the expiration of one year whichever shall first occur;
- (l) To take all other measures necessary or proper for the protection the Republic or prosecution of the war. The Powers of the President specified in this section shall not be construed as abrogating, limiting or modifying any powers conferred upon him by the Constitution.<sup>24</sup>

### § 3.3. Power during internal emergency.

Whenever there occurs any insurrection, riot, rebellion, lawless violence, or natural disaster sufficient to create an internal emergency, the President is empowered, to the extent necessary to deal with such emergency:

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<sup>24</sup> *Prior legislation:* L. 1966-67, ch. (An act extending the emergency powers of the President); L. 1965-66, ch. (An act to restore, supplement and enlarge the emergency powers granted the President of Liberia); L. 1962-63, ch. I; L. 1959-60, ch. I; L. 1957-58, ch. I; 1956 Code 13:7; L. 1954 I. (E.S.), ch. VIII; L. 1951-52, ch. XXXVII; L. 1950-51, ch. V; L. 1948, ch. XXI; L. 1945-46, ch. XIX; L. 1941-42, ch. XXIII.

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- (a) To establish or designate hospitals, clinics, sanitary, areas, camps, or other public centers to assist, treat, or shelter persons affected by the emergency;
- (b) To requisition such materials, equipment, vehicles, transportation or communication or other public utility, installations or equipment, and real property as are necessary to deal with the emergency; provided, that fair and just compensation shall be paid for such property in accordance with the provisions of Chapter III, Article 24, of the Constitution.
- (c) To summon any able-bodied male of 16 years of age to perform emergency services to suppress, mitigate, overcome, or arrest the spread of the conditions creating the emergency; provided that persons who perform services in obedience to such summons shall be paid in return therefor a fair and just compensation;
- (d) To declare in effect curfews or requirements for compulsory vaccination, evacuation of dangerous areas, quarantines, or other police measures;
- (e) To order any persons involved in activities creating or aggravating the emergency to disperse and retire peaceably to their abodes within a limited time, and, if such order is not obeyed, to direct such units of the armed forces as the President considers necessary to aid the civil authorities in dealing with the emergency. If necessary for the restoration of law and order, the President may proclaim an internal emergency and declare martial law in effect in the area affected by the conditions creating the emergency; and for the duration of such emergency but for a period not exceeding one year, suspend the privilege of the writ of habeas corpus as to persons arrested for violation of

military orders.<sup>25</sup>

### § 3.4. Delegation of functions.

1. *Functions which may be delegated.* The president of Liberia is authorized to designate and empower the head of any ministry or agency in the executive branch of Government, or any official thereof who is required to be appointed by and with the advice and consent of the Senate, to perform such function which is vested in the President by statute or regulation; provided, that nothing contained herein shall relieve the President of his responsibility in office for the acts of any such head or other official designated by him to perform such functions.

2. *Method of delegating; revocability.* Such designation and authorization shall be in writing, shall be published in the Liberian Official Gazette, shall be subject to such terms, conditions, and limitations as the President may deem advisable, and shall be revocable at any time by the President in whole or in part.

3. *Scope of delegation of functions.* The authority conferred by this section shall apply to any function vested in the President by statute or regulation if such statute or regulation does not affirmatively prohibit delegation of the performance of such functions as are herein provided for, or specifically designate the officer or officers to whom it may be delegated. This section shall not be deemed to limit or derogate from any existing or inherent right of the President to delegate the performance of functions vested in him by law, and nothing herein shall be deemed to require express authorization in any case in which such official would be presumed in law to have acted

<sup>25</sup> This provision has been superseded by Article 87(b), Chapter IX of the 1986 Constitution which prohibits the suspension of the writ of habeas corpus during a state of emergency declared by the President.

by authorization or direction of the President.

4. *Definition of "function".* As used in this section, the term "function" embraces every duty, power, responsibility, and authority vested in the President or other officer concerned.

## Chapter 4. PRESIDENTIAL SUCCESSION, DISABILITY, AND ABSENCE

§ 4.1. Vacancy in Office of President.

§ 4.2. Vacancy in Office of Vice President.

§ 4.3. Vacancy in Office of both President and Vice President.

§ 4.4. Disability of the President.

§ 4.5. Disability of the President when office of the Vice President is vacant.

§ 4.6. Temporary disability of President-Elect.

§ 4.7. Succession to Presidency by Vice President-Elect.

§ 4.8. Conduct of Government when President is absent from Country.

### § 4.1. Vacancy in Office of President.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

### § 4.2. Vacancy in Office of Vice President.

When a vacancy occurs in the office of the Vice President, the President shall immediately call a special election to fill such vacancy.

### § 4.3. Vacancy in offices of both President and Vice President.

If a vacancy occurs in the offices of both the President and Vice

President through removal from office, or death, or resignation, then the Speaker of the House of Representatives and the President pro Tempore of the Senate, in this order, and who is not under constitutional disability shall act as President and shall within ninety days call a special election to fill the vacancy in the office of the President.<sup>26</sup>

#### § 4.4. Disability of the President.

Whenever it shall become apparent to two-thirds of the Cabinet that the President is unable to discharge the powers and duties of his office, they shall so advise the Legislature by a Special Message to that effect as signed by each of them; thereupon should the Legislature by a two-thirds vote declare that the President is unfit to continue to hold office the Legislature shall instruct the Minister of Foreign Affairs to publish such declaration in a Special Edition of the Liberian Official Gazette whereupon the Vice President shall immediately assume the powers and duties of the President.

#### § 4.5. Disability of the President when office of the Vice President is vacant.

It case the disability of the President occurs when there is no Vice President, then the official who is higher on the list set forth in section 4.3 of this Chapter, and who is not under constitutional disability to discharge the powers and duties of the office of President, shall assume the powers and duties of the President.

#### § 4.6. Temporary disability of President-Elect.

In case the President-Elect suffers a disability which prevents him from being inaugurated as President, the Vice President shall serve as

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<sup>26</sup> Prior legislation: 1956 Code 13:5(2); L. 1954 (E.S.), ch. V; L. 1920-21, ch. I, §§ 2, 3; L. 1900-1901, 7 (1st); OBB 156, Act fixing the seat of Government, § 3.

President until the disability is removed, and the President-Elect takes the oath of office.<sup>27</sup>

#### § 4.7. Succession to Presidency by Vice President-Elect.

1. *Death, refusal to serve, or disability.* In case of the death, refusal to serve or other disability of the successful Presidential candidate in any general election which prevents him from being declared President-Elect or taking the constitutional oath of office and being inaugurated, the successful Vice President-Elect shall succeed to the Presidency as President for the term for which the President-Elect was elected.

2. *Special Election for Vice President.* After the inauguration of the Vice President-Elect as President, he shall by proclamation call a special election for the election of a Vice President to serve the term for which the President has succeeded to office.<sup>28</sup>

#### § 4.8. Conduct of Government when President is absent from country.

In any case when the President proceeds beyond the limits of the Republic, the Government of the Republic shall be conducted by the Cabinet under the direction of any Minister thereof, whom the President shall designate by letters patent, and the person so designated shall exercise such further and other authority as the President may direct.<sup>29</sup>

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<sup>27</sup> Prior legislation: 1957-58 Supp. 5-A; L. 1955 (E.S. June), ch. XIII; L. 1971-72.

<sup>28</sup> Prior legislation: 1957-58 Supp. 13:5-A; L. 1955 (E.S. June), ch. XIII; L. 1971-72.

<sup>29</sup> Prior legislation: 1956 Code 13:5 (1); L. 1954 (E.S.), ch. V; L. 1920-21, ch. I, §§ 2, 3; L. 1900-01, 7(1st); OBB. 156, Act fixing the seat of Government, § 3; L. 1971-72.

## P A R T II

*Executive Branch Generally***Chapter 10. GENERAL PROVISIONS**

- § 10.1. Composition of Executive Branch; Ministries named.
- § 10.2. Appointment of Cabinet Members from all Counties.
- § 10.3. Appointment of Ministers of State Without Portfolio.
- § 10.4. Annuities for Cabinet Members.
- § 10.5. Regulations by heads of ministries or other agencies.
- § 10.6. Delegation of functions,
- § 10.7. Employment of persons in ministries and agencies.
- § 10.8. Reports by heads of ministries and other agencies.
- § 10.9. Seals of ministries and other agencies.
- § 10.10. Submission of Government legal documents to Minister of Justice.
- § 10.11. Compensation.

**§ 10.1. Composition of executive branch; departments named.**

The executive branch of the Government shall be composed of ministries, and other agencies of the Government independent of the ministries. The ministries shall be the following: Ministry of Foreign Affairs; Ministry of Finance; Ministry of Justice; Ministry of Postal Affairs; Ministry of National Defense; Ministry of Local Government, Rural Development and Urban Reconstruction; Ministry of Education; Ministry of Public Works; Ministry of Agriculture; Ministry of Health and Social Welfare; ministry of Commerce and Industry; Ministry of Information, Cultural Affairs and Tourism; ministry of planning and Economic Affairs; Ministry of Lands Mines

and Energy; Ministry of Labour; Ministry of Youth and Sports.<sup>30</sup>

**§ 10.2. Appointment of Cabinet Members from all Counties.**

As far as practicable, the President shall appoint at least one member of the Cabinet from every county of the Republic.<sup>31</sup>

**§ 10.3. Appointment of Ministers of State Without Portfolio; duties.**

The President is hereby authorized and empowered to appoint, with the advice and consent of the Senate, Ministers of State Without Portfolio who shall be members of the Cabinet and shall serve at the pleasure of the President. The Ministers of State Without Portfolio shall perform such duties as may be assigned them from time to time by the President, and they shall receive annual salaries as shall be provided for in the national budget.<sup>32</sup>

**§ 10.4. Annuities for Cabinet Members.**

Upon honorable retirement to private life, a former member of the Cabinet who is not in any way employed by the Government shall receive from the Government a pension of \$3,000 per annum. Fifty percent of such pension shall be paid after death of the Cabinet member to his widow during her life time or until she remarries; and

30 Prior legislation: L. 1964-65, ch. III; L. 1961-62, ch. XXVII (3:30); 1956 Code 13:30 L. 1971-72.

31 Prior legislation: 1956 Code 13:31; L. 1953-54, ch. XXI, § 8; L. 1947-48, ch. III; L. 1945-46, ch. X, § 1 (approving Presidential Proclamation of Feb. 1, 1945); L. 1944-45, ch. XXI, § 2; L. 1937, ch. VII, § 3; L. 1933-34, ch. III, § 3; Rev. Stat., § 960, 1209 A, 1292 L. 1897-98, 34 (2nd), § 1; L. 1893-94, 4(2nd); L. 1872-73, 3, § 1; L. 1868-69, 12, § 1 OBB 161, Act creating a Post Office, § 1; L. 1971-72.

32 Prior legislation: L. 1971-72.

on the death of the widow or her remarriage, or if there is no widow, in equal portions to each of his minor children.<sup>33</sup>

### **§ 10.5. Regulations by heads of ministries or other agencies; fees.**

*1. Regulations in general.* The head of each ministry or independent agency in the Executive Branch is authorized, subject to the approval of the President, to prescribe regulations not inconsistent with the law of the operation of the ministry or agency, the accomplishment of its lawful functions, the official conduct of its officers and employees, and the distribution and performance of its business.

*2. Fees.* The head of each ministry or independent agency in the Executive Branch is authorized, subject to the approval of the President, to fix just and reasonable fees, not otherwise provided by law, to be charged for issuing and recording documents and performing other administrative services for members of the public in connection with the operation of the ministry or agency. A fee shall be deemed "just and reasonable" which is not more than sufficient to compensate the Government for the cost of rendering the service for which the charge is imposed.<sup>34</sup>

### **§ 10.6. Delegation of functions.**

The head of a ministry or other autonomous agency of the executive branch or, if an agency is headed by more than one person, a majority of such persons, may, unless expressly prohibited by law, from time

<sup>33</sup> Prior legislation: 1957-58 Supp. 13:31-A; L. 1956-57, ch. XVIII.

<sup>34</sup> Prior legislation: L. 1961-62, ch. XXVIII, § 2(13:40); 1956 Code, 13:36; L. 1971-72. Section 10.5 of the Executive Law was amended to the present wording by AN ACT TO AMEND THE EXECUTIVE LAW TO EMPOWER THE HEAD OF A MINISTRY OR INDEPENDENT AGENCY IN THE EXECUTIVE BRANCH TO FIX FEES FOR PERFORMING ADMINISTRATIVE SERVICES, approved 1975.

to time delegate authority to perform any function vested in him or them or in the ministry or agency by law, to any other officer, or to any employee or sub-agency within such ministry or agency and may also grant the authority successively to redelegate any such functions to officers and employees under the same supervision and direction as the officer, employee or sub-agency to whom the first delegation was made. A delegation may at any time be revoked by the head or heads of the ministry or agency who made it. The duty and power of making quasi-judicial decisions may not, however, be delegated unless such delegation is expressly authorized by law.<sup>35</sup>

### **§ 10.7. Employment of persons in ministries and agencies.**

The head of a ministry or other autonomous agency in the executive branch of the Government not otherwise exempted, may, subject to the approval of the President and subject to the provisions of the Civil Service Act, employ for service in such ministry or agency such number of employees, in addition to those appointed by the President by law, as are required effectively to carry out the functions of the ministry or agency and as may be appropriated for by the Legislature from year to year.<sup>36</sup>

### **§ 10.8 Reports by heads of ministries and other agencies.**

The head of each ministry and each independent agency of the Executive Branch shall annually make a report in writing to the regular session of the Legislature, giving an account of all moneys received and disbursed by him and his ministry or agency, describing the work done by the ministry or agency during the preceding year, and making any recommendations deemed necessary for the more

<sup>35</sup> Prior legislation: L. 1971-72.

<sup>36</sup> Prior legislation: L. 1961-62, ch. XXVIII, § (13:33-A); L. 1971-72.

effectual accomplishment of the purposes of the ministry or agency. All such reports except that of the Minister of Foreign Affairs shall be presented to the Legislature within five days after the President has delivered his annual message to that body. The Minister of Foreign Affairs shall report within ten days following the President's message.<sup>37</sup>

#### § 10.9. Seals of ministries and other agencies.

Each ministry or other autonomous agency of the executive branch shall procure a proper seal with suitable inscriptions and devices, to be known as the official seal of the ministry or agency and to be kept and used to verify official documents, under such rules and regulations as the head of the ministry or agency may prescribe. Judicial notice shall be taken of such seals.<sup>38</sup>

#### § 10.10. Submission of Government legal documents to Minister of Justice.

No officer or employee of the executive branch of the Government shall enter into any agreement to which the Government is a party or execute any other legal document affecting the interest of the Government without first obtaining from the Minister of Justice advice concerning its validity and legal effect.<sup>39</sup>

#### § 10.11. Compensation.

The amounts fixed by annual budgetary appropriation shall determine

<sup>37</sup> Prior legislation: 1956 Code 13:32, 55; L. 1944-45, ch. XXI, § 11; Rev. Stat., § 1195; L. 1927-28, ch. X; L. 1911-12, 27, § 9; L. 1902-03, 38, § 3; L. 1971-72.

<sup>38</sup> Prior legislation: 1956 Code 13:37; L. 1971-72.

<sup>39</sup> Prior legislation: L. 1960-61, ch. XI (13:39); L. 1971-72.

the amount of compensation to be paid officials and employees of the executive branch of the Government whose compensation is not fixed by statute.

### Chapter 11. SEAL AND SEAT OF GOVERNMENT

#### § 11.1. Seal of Republic of Liberia.

#### § 11.2. Seat of Government.

#### § 11.1. Seal of Republic of Liberia.

The Minister of Foreign Affairs shall have the custody of the seal of the Republic of Liberia and shall affix the same to all civil commissions for officers of the Republic to be appointed by the President by and with the advice and consent of the Senate, or by the President alone. The seal shall not be affixed to any commission before the same has been signed by the President of Liberia, nor to any other instrument without the special warrant of the President therefor.<sup>40</sup>

#### § 11.2. Seat of Government.

The Commonwealth District of Monrovia in Montserrado County hereby declared the Capital City and seat of Government of the Republic of Liberia.<sup>41</sup>

### Chapter 20. MINISTRY OF FOREIGN AFFAIRS

#### Subchapter A. Organization of the Ministry

#### § 20.1. Ministry authorized; appointment of Minister.

<sup>40</sup> Prior legislation: 1956 Code 13:53; L. 1944-45, ch. XXI, § 1911-12, 27, § 5; L. 1908-09, 56, §§ 1, 3; L. 1971-72.

<sup>41</sup> Prior legislation: 1956 Code 20:4; OBB 156, Act fixing the seat of government, § 1.

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- § 20.2. Organization of the Ministry.
- § 20.3. Duties of Minister of Foreign Affairs.
- § 20.4. Deputy Minister of Foreign Affairs.
- § 20.5. Deputy Minister of Foreign Affairs for Administration.
- § 20.6. Counsellor.
- § 20.7. Assistant Minister of Foreign Affairs.
- § 20.8. Special Assistant to the Minister of Foreign Affairs.
- § 20.9. Foreign Service Inspector General.
- § 20.10. Chief of Protocol.
- § 20.11. Internal organization of Ministry.
- § 20.12. Missions abroad.

### **Subchapter B. National Archives and Records Service**

- § 20.50. Definitions.
- § 20.51. Creation of National Archives and Records Service; Director and Deputy Director.
- § 20.52. Duties of Director.
- § 20.53. Creation of Central National Archives and Local Archives.
- § 20.54. National Archives and Records Council.
- § 20.55. Annual report of Director.
- § 20.56. In service archives and records management training class.
- § 20.57. Preservation of motion picture films, still pictures and sound recordings.
- § 20.58. Registrars of Deeds.
- § 20.59. Registrars of Marriages.

### **Subchapter A. ORGANIZATION OF THE MINISTRY**

#### **§ 20.1. Ministry authorized; appointment of Minister.**

There shall be in the executive branch of the Government a Ministry of Foreign Affairs to be headed by the Minister of Foreign Affairs,

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who shall be appointed by the President by and with the advice and consent of the Senate.<sup>42</sup>

#### **§ 20.2. Organization of the Ministry.**

The Ministry of Foreign Affairs shall be organized to include the following:

- (a) Office of the Minister of Foreign Affairs
- (b) Office of the Deputy Minister of Foreign Affairs
- (c) Office of the Deputy Minister of Foreign Affairs for Administration
- (d) Office of the Counsellor
- (e) Office of the Assistant Minister of Foreign Affairs
- (f) Office of the Special Assistant to the Minister of Foreign Affairs
- (g) Office of the Foreign Service Inspector General
- (h) Office of the Chief of Protocol
- (i) Bureau of Asian and African Affairs
- (j) Bureau of European Affairs
- (k) Bureau of American Affairs
- (l) Bureau of International Organizations Affairs
- (m) Bureau of Economic Affairs
- (n) National Archives and Records Management Service
- (o) Division of Administrative Services
- (p) Division of Finance
- (q) Division of Passports and Visas
- (r) Division of Publication

The Minister of Foreign Affairs is authorized to determine the internal organization of each of the agencies listed above, subject to

<sup>42</sup> Prior legislation: 1956 Code 13:50; L. 1944-45, ch. XXI, § 2; L. 1911-12, 27, § 1; L. 1971-72.



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the provisions of this chapter.

**§ 20.3. Duties of Minister of Foreign Affairs.**

It shall be the duty of the Minister of Foreign Affairs, under the direction of the President to ---

- (a) Formulate and implement the foreign policy of the Government of Liberia;
- (b) Promote beneficial intercourse between Liberia and other countries;
- (c) Protect Liberian rights and interests throughout the world;
- (d) Direct the conduct of the Foreign Service;
- (e) Issue regulations governing the activities of foreign diplomatic and consular missions accredited to the Republic of Liberia;
- (f) Issue passports and visas;
- (g) Act as custodian of archives of the Republic of Liberia;
- (h) Promote, in cooperation with other Government ministries and agencies, improved records management practices and supervise the preservation, storage, and disposal of Government records;
- (i) Oversee the publication of all papers and documents required by law to be published and required for the use of any of the agencies of Government;
- (j) Publish an official newspaper;

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- (k) Act as custodian of the seal of the Republic;
- (l) Certify public documents in the custody of the Minister and authenticate the signatures of public officials;
- (m) Inform elected officials of Government of their election;
- (n) Issue certificates of incorporation to business corporations formed in Liberia and register foreign corporations doing business there;
- (o) Register patents, copyrights, and trademarks.<sup>43</sup>

**§ 20.4. Deputy Minister of Foreign Affairs.**

The President, by and with the advice and consent of the Senate, shall appoint to the Ministry of Foreign Affairs an official to be known as the Deputy Minister of Foreign Affairs. He shall assist the Minister of Foreign Affairs in the discharge of his duties; and in the event of the absence, death, resignation, or removal of the Minister of Foreign Affairs, he shall perform the duties of the Minister of Foreign Affairs as Acting Minister of Foreign Affairs until a successor is appointed or the Minister of Foreign Affairs resumes his duties.<sup>44</sup>

**§ 20.5. Deputy Minister of Foreign Affairs for Administration.**

The President, by and with the advice and consent of the Senate, shall appoint to the Ministry of Foreign Affairs, a Deputy Minister of

<sup>43</sup> Prior legislation: 1956 Code 13:51-54; L. 1944-45, ch. X, §§ 2, 6, 7, 8, 10, 12; L. 1911-12, 27, §§ 4, 5, 6, 8; L. 1908-09, 56, §§ 1, 3, 5; L. 1971-72.

<sup>44</sup> Prior legislation: L. 1963-64, ch. VII (13:57); 1956 Code 13:57; L. 1950-51, ch. XXVIII, § 2; L. 1944-45, ch. XXI, § 3; L. 1911-12, 27, §§ 2, 11; L. 1971-72.

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Foreign Affairs for Administration who shall assist and advise the Minister of Foreign Affairs in providing the administrative services for the Ministry and perform such other duties as may be assigned to him by the Minister.<sup>45</sup>

### § 20.6. Counsellor

The President, by and with the advice and consent of the Senate, shall appoint for the Ministry of Foreign Affairs, a Counsellor, who shall have the rank of Deputy Minister of Foreign Affairs, whose duty it shall be to

(a) Advise the Minister of Foreign Affairs on problems relating to international law and diplomacy and on all matters of a legal nature with which the Minister is concerned;

(b) Provide legal services with regard to treaties, conventions, protocols, and other international agreements with which the Minister of Foreign Affairs is concerned.<sup>46</sup>

### § 20.7. Assistant Minister of Foreign Affairs.

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of Foreign Affairs who shall assist the Minister of Foreign Affairs and the Deputy Minister of Foreign Affairs for Administration in providing the administrative services for the Ministry of Foreign Affairs.<sup>47</sup>

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<sup>45</sup> Prior legislation: L. 1963-64, ch. XIII (13:57-A); L. 1971-72.

<sup>46</sup> Prior legislation: 1956 Code 13:59; L. 1951-52, ch. XVIII; L. 1971-72.

<sup>47</sup> Prior legislation: 1956 Code 13:56; L. 1950-51, ch. VIII, § 3; L. 1971-72.

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### § 20.8. Special Assistant to the Minister of Foreign Affairs.

The president, by and with the advice and consent of the Senate, shall appoint a Special Assistant to the Minister of Foreign Affairs, who shall have the rank of an Assistant Minister of Foreign Affairs. The Special Assistant shall assist the Minister of Foreign Affairs in coordinating the work of the office of the Minister of Foreign Affairs and of the Deputy Minister of Foreign Affairs, and the carrying out the other activities of the Ministry of Foreign Affairs. The Special Assistant shall also assist the Minister of Foreign Affairs in maintaining liaison with other ministries and agencies of the Government.<sup>48</sup>

### § 20.9. Foreign Service Inspector General.

The President, by and with the advice and consent of the Senate, shall appoint in the Ministry of Foreign Affairs, a Foreign service Inspector General. It shall be the duty of the Inspector general to conduct inspections and audits of missions abroad established by the Foreign Service. He shall have the rank of an Assistant Minister of Foreign Affairs.<sup>49</sup>

### § 20.10. Chief of Protocol.

The President, by and with the advice and consent of the Senate, shall appoint an official in the Ministry of Foreign Affairs as Chief of Protocol, who shall have the rank of Ambassador Extraordinary and Plenipotentiary. It shall be the duty of the Chief of Protocol to

(a) Be responsible for observance of protocol in connection with official and ceremonial functions;

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<sup>48</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law to provide for a Special Assistant to the Secretary of State); L. 1971-72.

<sup>49</sup> Prior legislation: 1956 Code 14:20; L. 1950-51, ch. VIII, § 9.

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(b) Provide liaison with foreign diplomatic missions and personnel accredited to the Republic of Liberia;

(c) Prepare executive commissions, diplomas, letters of credence, and other documents required by diplomatic custom.<sup>50</sup>

**§ 20.11. Internal organization of Ministry.**

1. *Bureaus.* There shall be established in the Ministry of Foreign Affairs a Bureau of Asian-African Affairs, a Bureau of European Affairs, a Bureau of American Affairs, a Bureau of International Organizations Affairs, and a Bureau of Economic Affairs. Each Bureau shall be headed by an official bearing the title of Assistant Minister or Director, who shall be recommended by the Minister of Foreign Affairs, subject to the approval of the President. The Assistant Ministers or Directors of the Bureau of Asian-African Affairs, the Bureau of European Affairs, and the Bureau of American Affairs shall be immediately in charge of supervising and conducting foreign affairs in their respective geographical areas. The Assistant Minister or Director in charge of the Bureau of International Organizations Affairs shall be immediately responsible for the general conduct of the affairs pertaining to international organizations. The Assistant Minister or Director of the Bureau of Economic Affairs shall be immediately responsible for

(a) formulating foreign economic policy in consultation with other responsible officials of the Ministry;

(b) advising other agencies in the Ministry with regard to activities and programs relating to financing, resources, commodities,

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<sup>50</sup> *Prior legislation:* L. 1958-59, ch. XI, §§ 2, 3, (13:63-A); 1956 Code 13:63; L. 1950-51, ch. XXVIII, §§ 3, 4; L. 1944-45, ch. XXI, § 4(b); L. 1971-72.

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transportation, and communications; and

(c) representing the Ministry in inter-departmental relationships in connection with foreign economic matters.

2. *Divisions.* There shall be established in the Ministry of Foreign Affairs a Division of Administrative Services, a Division of Finance, a Division of Passports and Visas, and a Division of Publications. The head of each division, who shall be known as the Chief or Director of such division, and who shall be responsible directly to Deputy Minister of Foreign Affairs for Administration shall be recommended by the Minister of Foreign Affairs, subject to the approval of the President. The duties of the chiefs or directors of the above-named divisions shall be as follows:

(a) The Chief or Director of Division of Administration Services shall provide communications, records, personnel, building, and maintenance services for the Ministry;

(b) The Chief or Director of the Division of Finance shall maintain all ministerial accounting and fiscal records, provide purchasing and supply services and be responsible for preparation and administration of the Ministry budget;

(c) The Chief or Director of the Division of Passports and Visas shall be charged with the determination of eligibility of all applicants to receive passports or to be registered as citizens of Liberia in Liberian consulates abroad; the preparation of passports; the detection and prevention of fraud in the securing of passports and visas; the taking of appropriate action in connection with requests for visas, either in Liberia or abroad; the issuance of instruction to Liberian diplomatic and consular officers concerning matters relating to nationality, passports, visas, registration and protection of Liberians in foreign count-

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ries; and the preparation of reports on births, deaths and marriages of Liberian citizens abroad.

(d) The Chief or Director of the Division of Publications shall be in charge of printing all Government documents or other matters for which the Minister of Foreign Affairs is responsible under the law or which he is directed to publish by the Minister of Foreign Affairs.<sup>51</sup>

### § 20.12. Missions Abroad.

There shall be established abroad such embassies, legations, and consular offices as the President shall approve. All missions abroad shall be subject to the authority and direction of the Minister of Foreign Affairs. The selection and assignment of members of the diplomatic and consular corps shall be governed by the provisions of the Foreign Relations Law.

## Subchapter B. NATIONAL ARCHIVES AND RECORDS SERVICE

### § 20.50. Definitions.

1. *Archives*. The term "archives" as used in this subchapter means those official records that have been determined by the Director of National Archives and Records Service to have sufficient historical or other value to warrant their indefinite preservation by the Government for purposes of research, historical investigation, or patriotic inspiration, or because of other national significance.

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51 *Prior legislation*: L. 1958-59, ch. XIX; 1957-58 Supp. 13:67; L. 1957-58, ch. XVII; L. 1955-56, ch. XXXI; 1956 Code 64, 65; L. 1944-45, ch. XXI, § 4(c), (f), (g); L. 1971-72.

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2. *Records*. The term "records" as used in this subchapter means books, papers, maps, photographs, or other documentary materials regardless of physical form or characteristics, made or received by any Government agency in pursuance of law or in connection with the transaction of public business and preserved by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data therein contained. Library and museum material, made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience or reference, and stocks of publications and of processed documents are not included within the definition of "records" as used herein.

3. *Director*. The term "Director" as used in this subchapter refers to the Director of National Archives and Records Service.

### § 20.51. Creation of National Archives and records service; Director and Deputy Directors.

There is hereby established in the Ministry of Foreign Affairs the National Archives and Records Service, which shall be headed by a Director who shall be appointed by the President. The Director shall be assisted by a Deputy Director who shall be appointed in the same manner as the Director.<sup>52</sup>

### § 20.52. Duties of Director.

1. *As to archives*. All archives belonging to the Government or to the counties or territories or chartered districts of Liberia shall be under the charge and superintendence of the Director, who shall act subject to authority and direction of the Minister of Foreign Affairs. In

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52 *Prior legislation*: L. 1958-59, ch. XIVIII, §§ 1, 2, 3 (13-81, 82).

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furtherance of that function, the Director shall have the duty and power to ---

- (a) Inspect the records of any agency of the Government, including the records of the legislative and judicial branches, and requisition the transfer to the Central National Archives of any such records which have been in existence for more than 20 Years and which the National Archives and Records Council determines to constitute archives of the Republic; provided, that such records may not be requisitioned if the head of the agency certifies in writing to the Director that they must be retained in his custody for use in the conduct of the regular current business of such agency;
- (b) Supervise the making of periodic inspections of both the Central National Archives and Local archives;
- (c) Take all necessary steps for preservation of the archives and make them available for use of government officials and the public to the extent required by the public interest;
- (d) Accept for deposit and direct and effect the transfer to the National Archives of
  - (i) the papers and other historical materials of any President or former President of Liberia or of any other official or former official of the Government, and
  - (ii) documents, including motion picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

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2. *As to records.* The Director shall be responsible for performing the following duties with regard to Government records, subject to the authority and direction of the Minister of Foreign Affairs:

- (a) Make provisions for the economical and efficient management of Government records by developing standards, procedures, and techniques designed to improve the management of records, and to insure the maintenance and security of records deemed appropriate for preservation;
- (b) Establish standards for selective retention of records of continuing value, and assist Government agencies in applying such standards to records in their custody;
- (c) Inspect or survey personally or by deputy the records of any Government agency, and keep informed with regard to records management and disposal practices in such agencies; provided that records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Director, subject to the approval of the head of the custodial agency;
- (d) Establish, maintain, and operate records centers for the storage, processing, and servicing of records for Government agencies pending their deposit with the National Archives or their disposition in any other manner authorized by law;
- (e) Establish, maintain, and operate centralized micro-filming services for Government agencies;
- (f) Oversee the disposition of records of Government agencies in accordance with regulations to be issued by the Minister of Foreign Affairs.

3. *As to Registrars of Deeds and Registrars of Marriages.* The Director, subject to the authority and direction of the Minister of Foreign Affairs, shall have the immediate responsibility for overseeing the Registrars of Deeds and Registrars of Marriages in the performance of their duties.<sup>53</sup>

### **§ 20.53. Creation of Central National Archives and Local Archives.**

There shall be created in the Commonwealth District of Monrovia a repository for archives of the central Government of the Republic of Liberia which shall be known as the Central National Archives. Repositories, to be known as Local Archives, shall be established in each of the several counties, territories, and chartered districts for deposits of archives originating in such local subdivisions of government.<sup>54</sup>

### **§ 20.54. National Archives and Records Council.**

There is hereby created a National Archives and Records Council which shall advise and consult with the Director with a view to carrying out the purpose of this subchapter and chapter 31 of this title. The Council shall be composed of 13 members, consisting of four from each of the three branches of the Government and the Director

<sup>53</sup> *Prior legislation:* Par. L. 1958-59, ch. XLVIII, § 4 (1st 2nd sents.); Par. 3 (Registrars of Deeds) L. 1963-63, ch. XIV, §§ 1, 2; L. 1961-62, ch. V (13:150); L. 1960-61, ch. XLII, § 2; 1956 Code 13:161; L. 1933-34, ch. III, § 12; Rev. Stat., § 1304, 1305; L. 1857, 4 § 3; OBB 113, Judiciary art. II, § 2; 1841 Digest pt. I, Judiciary Act, § 9, 2 Hub. 1464 Par. 3 (Registrars of Marriages); 1956 Code 10:23; L. 1951-52, ch. XVI, §§ 1, 2, 3; L. 1935-36, ch. XVII, §§ 12, 19; OBB 157, Act legalizing marriages and legitimating illegitimate children, § 3; 1841 Digest, pt. I, Act legalizing marriages and legitimating illegitimate children, § 3, 2 Hub. 1492; L. 1971-72.

<sup>54</sup> *Prior legislation:* L. 1958-59, ch. XLVIII, § 1.

of National and Records Service, who shall act as chairman. Members of the Council representing the legislative branch shall be designated in equal numbers by the President of the Senate and the Speaker of the House of Representatives. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the Supreme Court. The Minister of Foreign Affairs is authorized to designate from persons nominated by the heads of the executive agencies not more than four persons to represent the executive branch on the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall meet at least twice annually and at all times when convened by the chairman. Seven members shall constitute a quorum.<sup>55</sup>

### **§ 20.55. Annual report of Director.**

The Director shall make an annual report to the Minister of Foreign Affairs for transmission to the Legislature, which report shall include a detailed statement of all acquisitions and all receipts and expenditures on account of the National Archives and Records Service.<sup>56</sup>

### **§ 20.56. In service archives and records management training class.**

When directed by the President, there shall be instituted an archives and records management training class as an in-service training for any employees of the Government whose duties require a knowledge of records management.<sup>57</sup>

<sup>55</sup> *Prior legislation:* L. 1958-59, ch. XLVIII, § 7; L. 1971-72.

<sup>56</sup> *Prior legislation:* L. 1958-59, ch. XLVIII, § 12; L. 1971-72.

<sup>57</sup> *Prior legislation:* L. 1958-59, ch. XLIII, § 15.

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**§ 20.57. Preservation of motion picture films, still pictures and sound recordings.**

The Director may accept, store, and preserve motion picture films, still pictures, and sound recordings pertaining to and illustrative of historical activities of the Republic of Liberia. In connection therewith, he shall maintain a projection room for the showing of such films and the reproduction of the sound recordings for use on commemorative occasions and for study.<sup>58</sup>

**§ 20.58. Registrars of Deeds.**

The President with the advice and consent of the Senate shall appoint for each county a Registrar of Deeds who shall serve under the immediate direction and supervision of the Director. A Registrar of Deeds shall perform the following duties:

- (a) Record in the manner prescribed by the Property Law chattel mortgages and all instruments, including government grants and patents, relating to the title of real property situated in the county for which he is appointed;
- (b) Record all other instruments under seal such as assignments for the benefit of creditors, bills of sale, partnership deeds, articles of incorporation, and other documents which the parties concerned may desire to have recorded or which are required by statute to be registered in the office of the Registrar;
- (c) Countersign and endorse in accordance with the Public Lands Law deeds for public lands in his county which are sold or which are allotted to immigrants;

<sup>58</sup> Prior legislation L. 1958-59, ch. XLIII, § 9.

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(d) Receive from the clerks of the Circuit and Probate Courts papers of record relating to realty and register and file them in alphabetical order so that they may at all times be in keeping in his office and accessible to persons desiring to examine them;

(e) On application of interested persons, furnish certified copies of instruments or public documents held in his custody;

(f) Furnish the Director with regular quarterly reports accompanied by charts showing all transfer of real estate in the county

**§ 20.59. Registrars of Marriages.**

1. *Appointment.* The President, by and with the advice and consent of the Senate, shall appoint a Registrar of Marriages for each county, territory, and chartered district.

2. *Duties.* A Registrar of Marriages shall perform the following duties, subject to the immediate direction and supervision of the Director.

- (a) Furnish application forms for marriage licenses to persons requesting them;
- (b) Publish notice of each marriage license application;
- (c) Issue marriage licenses;
- (d) Record all applications to marry, all marriage licenses, all

<sup>59</sup> Prior legislation: L. 1962-63, ch. XIV, § 2; L. 1961-62, ch. V, 13-160; 1960-61, ch. XLII, § 2 (13:160); 1956 Code 13:161; L. 1933-34, ch. III, § 12; Rev. Stat. § 1304, 1305 L. 1857, 4, § 3; OBB 113, Judiciary, art. II, § 2; 1841 Digest, pt. I, Judiciary Act, § 9, 2 Hub 1464.

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certificates of marriage, and all acknowledgements of foreign marriage in a book especially provided for that purpose;

(e) Deposit into the Bureau of Revenues, Ministry of Finance all fees received by him in the course of his duties;

(f) On application of interested persons, furnish certified copies of instruments or public documents held in his custody;

(g) Send to the Director at the end of every calendar year all record books which have been filled during the year.<sup>60</sup>

### **Chapter 21. MINISTRY OF FINANCE**

§ 21.1. Creation of Ministry; appointment of Minister.

§ 21.2. Duties Minister of Finance.

§ 21.3. Appointment of Deputy Minister of Finance; Assistant Minister of Finance for Fiscal Affairs; and Assistant Minister of Finance for Revenues.

§ 21.4. Duties of Deputy Minister of Finance.

§ 21.5. Duties of Assistant Minister of Finance for Fiscal Affairs.

§ 21.6. Duties of Assistant Minister of Finance for Revenues.

§ 21.7. Comptroller; Director of General Accounting.

§ 21.8. Commissioner of Internal Revenues; Commissioner of Customs.

§ 21.9. Organization of Ministry.

§ 21.1. Creation of Ministry; appointment of Minister.

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<sup>60</sup> Prior legislation: L. 1960-61, ch. XLII, § 2(13:161), § 5; 1956 Code 10:23; L. 1951-52, ch. XVI, §§ 1, 2, 3; L. 1935-36, ch. XVII, §§ 12, 19; OBB 1957, Act legalizing marriages and legitimizing illegitimate children, § 3; 1841 Digest, pt. 1, Act legalizing marriages and legitimizing illegitimate children, § 3, 2 Hub. 1492; L. 1971-72.

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There shall be in the Executive Branch of the Government a Minister of Finance, which shall be headed by the Minister of Finance to be appointed by the President, by and with the advice and consent of the Senate.<sup>61</sup>

### **§ 21.2. Duties of the Minister of Finance.**

The Minister of Finance shall be charged with the following duties:

(a) To effectively and efficiently manage the financial resources of the Republic; be depository of Government funds and of a record of title of assets of Government;

(b) To administer the revenue program of the Government including supervision of the collection of the revenues;

(c) To report the financial activities and financial position of the Government to the President and to the Legislature;

(d) To maintain the central accounting records of the Government and prescribe for all Government agencies of accounts reporting and documentation necessary to safeguard the assets of the Government;

(e) To formulate fiscal policies for financial planning;

(f) To disburse Government funds in accordance with legislative appropriations;

(g) Generally to perform all such services relating to the Government finances as are imposed by law;

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<sup>61</sup> Prior legislation: L. 1961-62, ch. XXXIV, § 2(13:100); L. 1960-61, ch. VII; L. 1957-58, Supp. 13:101; L. 1957-58, ch. VIII; 1956 Code 13:101; L. 1872-73, 3, § 1; L. 1971-72.



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(h) To be responsible for the administration of the Government maritime program.<sup>62</sup>

**§ 21.3. Appointment of Deputy Ministers for Administration; Deputy Minister for Fiscal Affairs and Debt Management.**

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Minister of Finance who shall be the principal assistant to the Minister of Finance and who shall act in the absence of the Minister. By and with the advice and consent of the Senate, the President shall also appoint a Deputy Minister of Finance for Fiscal Affairs and an Deputy Minister of Finance for Revenues.<sup>63</sup>

**§ 21.4. Duties of Deputy Minister of Finance for Administration.**

Subject to the authority and direction of the Minister of Finance, the Deputy Minister of Finance shall be responsible for the internal administrative affairs of the Ministry and shall perform such other duties as may from time to time be assigned him by the Minister.<sup>64</sup>

**§ 21.5. Duties of Deputy Minister of Finance for Fiscal Affairs.**

Subject to the authority and direction of the Minister of Finance, the Deputy Minister of Finance for Fiscal Affairs shall be in charge of all matters having to do with fiscal policy and administration, a unified Government accounting system, debt management, banking activities, and in general of all financial matters, which may be delegated to him

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62 Prior legislation: L. 1961-62, ch. XXXIV, § 2(13:101,104); L. 1960-61, ch. VII (13:101); 1957-58 Supp., 13:101; L. 1957-58, ch. VIII; 1956 Code, 13:101; L. 1872-73, 3, § 1; L. 1971-72.

63 Prior legislation: L. 1971-72.

64 Prior legislation: L. 1971-72.

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by the Minister of Finance.<sup>65</sup>

**§ 21.6. Duties of Deputy Minister of Finance for Revenues.**

Subject to the authority and direction of the Minister of Finance, Deputy Minister or Finance for Revenues shall administer the revenue program of the Government, including customs duties and all forms of internal revenues.<sup>66</sup>

**§ 21.7. Comptroller; Director of General Accounting.**

Under the immediate direction of the Deputy Minister for Fiscal Affairs, there shall be a Comptroller and Director of General Accounting, both of whom shall be appointed by the President, and with the advice and consent of the Senate.<sup>67</sup>

**§ 21.8. Commissioner of Internal Revenues; Commissioner of Customs.**

The President, by and with the advice and consent of the Senate shall appoint a Commissioner of Internal Revenues and a Commissioner of Customs to administer the collection of revenues under the immediate direction of the Deputy Minister of Finance for Revenues.<sup>68</sup>

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65 Prior legislation: L. 1961-62, ch. XXXIV, § 2(13:103); L. 1971-72.

66 Prior legislation: L. 1961-62, ch. XXXIV, § 2(13:104); L. 1971-72.

67 Prior legislation: L. 1961-62, ch. XXXIV, § 2(13:106); 1957-58 Supp. 13:132; 1956-57, ch. IX, § 4; 1956 Code 13:105, Rev. Stat. § 979 (3); L. 1872-73, 3, § 1, 6, 1; L. 1971-72.

68 Prior legislation: 1957-58 Supp. 13:121, 122; L. 1955-56, ch. III, § 2; 1956 Code 13:121, 122; L. 1952-53, ch. IV, § 3, 4; L. 1948-49, ch. XIX; L. 1925-26, ch. IX, § 1; L. 1914, 39, §§ 3, 4; L. 1906-07, 21, §§ 3, 4.

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**§ 21.9. Organization of Ministry.**

The Ministry of Finance shall be organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of the President.<sup>69</sup>

**Chapter 22. MINISTRY OF JUSTICE**

**Subchapter A. Organization of Ministry.**

- § 22.1. Creation of ministry; Minister of Justice.
- § 22.2. Duties of Minister of Justice
- § 22.3. Deputy Minister of Justice.
- § 22.4. Solicitor General.
- § 22.5. Assistant Minister of Justice for Litigation.
- § 22.6. Assistant Minister of Justice for Codification.
- § 22.7. Assistant Minister of Justice for Rehabilitation.
- § 22.8. Assistant Minister of Justice for Administration and Public Safety.
- § 22.9. Assistant Minister of Justice for Taxation.
- § 22.10. Assistant Minister of Justice for Commercial Transactions.
- § 22.11. Commissioner of Immigration and Naturalization.
- § 22.12. County, Territorial and District Attorneys.
- § 22.13. Assistant County Attorney for Montserrado County.
- § 22.14. Organization of Ministry.

**Subchapter B. National Bureau of Investigation.**

- § 22.50. Bureau established.
- § 22.51. Duties of Director.
- § 22.52. Personnel.
- § 22.53. Retirement and death benefits.

<sup>69</sup> Prior legislation: L. 1971-72.

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**Subchapter C. National Central Bureau.**

- § 22.60. Bureau created; Director; function.

**Subchapter D. National Police Force.**

- § 22.70. Director
- § 22.71. Headquarters and field posts.
- § 22.72. Personnel,
- § 22.73. Retirement and death benefits.

**Subchapter E. National Police Academy.**

- § 22.90. Establishment; direction.
- § 22.91. Functions.
- § 22.92. Expense of training.

**Subchapter A. Organization of the Ministry.**

**§ 22.1. Creation of Ministry; Minister of Justice.**

There shall be in the Executive Branch of the Government a Ministry of Justice, which shall be headed by the Minister of Justice to be appointed by the President by and with the advice and consent of the Senate.<sup>70</sup>

**§ 22.2. Duties of Minister of Justice.**

It shall be the duty of the Minister of Justice to ---

- (a) Procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the courts in which the

<sup>70</sup> Prior legislation: L. 1960-61, ch. XIII, sec. 2; 1956 Code, 13:151; L. 194,6-47, ch. IV; L. 1933-34, ch. III, § 4; Rev. Stat., § 956; L. 1922-23, ch. V, § I; L. 1882-83, 16, § 1; L. 1971-72.

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Republic of Liberia or any officer thereof, as to such officer, is a party or may be interested.

(b) Institute all legal proceedings necessary for law enforcement;

(c) Furnish opinions as to legal Matters and render services requiring legal skill to the President and other agencies of the executive branch of the Government;

(d) Oversee the codification of Liberian statutory law and the editing and printing of the Supreme Court opinions, and of such of the opinions of the Minister of Justice as he may deem valuable for preservation in book form;

(e) Supervise the correctional system and the commitment and treatment of prisoners;

(f) To the extent stated in the Aliens and Nationality Law, administer the laws relating to the admission, deportation, and naturalization of aliens, and the regulation of aliens within Liberia;

(g) Supervise the activities of the National Bureau of Investigation, the National Central Bureau, and the National police Force;

(h) Oversee all Government activities relating to the prevention and control of fires;

(i) Direct the administration of the Vehicle and Traffic Law.<sup>71</sup>

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<sup>71</sup> *Prior legislation:* L. 1960-61, ch. XLII, § 2; 1956 Code 13:150, 151; L. 1946-47, ch. IV; L. 1933-34, ch. III, § 1, 2, 4; Rev. Stat., § 956; L. 1922-23, ch. V, § 1; L. 1882-83, 16, § 1; L. 1971-72.

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### § 22.3. Deputy Minister of Justice for Administration and Public Safety.

The Deputy Minister of Justice for Administration and Public Safety shall be appointed by the President by and with the advice and consent of the Senate. He shall be the principal assistant to the Minister of Justice and shall perform such specific duties as may be delegated to him by the Minister of Justice. In the event of disability death, resignation or removal of the Minister of Justice, the Deputy Minister of Justice for Administration and Public Safety shall succeed to the duties of Minister of Justice as Acting Minister of Justice until the Minister of Justice shall return or until a successor is appointed.<sup>72</sup>

### § 22.4. Solicitor General.

The President, by and with the advice and consent of the Senate, shall appoint an officer learned in the law to be the Solicitor General. Subject to the direction and control of the Minister of Justice, the Solicitor General shall ---

(a) Prepare and argue before the Supreme Court all cases to which the Government of Liberia or any officer thereof, as such officer, is a party; provided that the Minister of Justice may himself conduct any case if in his opinion the interest of the Government requires him to do so;

(b) Have immediate supervision of the conduct of all litigation involving the Government of Liberia, including the activities of the County, Territorial and District Attorneys.<sup>73</sup>

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<sup>72</sup> *Prior legislation:* L. 1971-72.

<sup>73</sup> *Prior legislation:* L. 1960-61, ch. XLII, § (13:154); 1956 Code 13:152; L. 1933-34, c. III, § 5; (1922-23, ch. VIII; L. 1971-72.

**§ 22.5. Assistant Minister of Justice for Litigation.**

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of Justice for Litigation, who shall have the immediate supervision, under authority and control of the Minister of Justice, assisted by the Deputy Minister of Justice, of the prosecution of criminal proceedings, the conduct of all civil suits to which the Republic is a party, and the supervision of the County, Territorial, and District Attorneys. The Assistant Minister of Justice for Litigation shall also investigate and settle all matters involving misconduct by Justices of the Peace, and shall perform such other duties as may be assigned him by the Minister of Justice.<sup>74</sup>

**§ 22.6. Deputy Minister of Justice for Codification.**<sup>75</sup>

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Minister of Justice for Codification, have the immediate supervision, subject to the control and direction of the Minister of Justice, of the following:

- (a) Review all draft contracts and legal documents referred to the Minister of Justice under section 10.9 of this title;
- (b) Prepare memoranda on legal questions referred by other agencies of the executive branch;

<sup>74</sup> Prior legislation: L. 1960-61, ch. XLII, § 13:156; L. 1971-72.

<sup>75</sup> The position of Deputy Minister for Codification was created by People's Redemption Council (PRC) decree No. 34, issued on March 17, 1981 and published on June 2, 1981. PRC decree No. 34 amended the original section 22.6 of the Executive Law which provided for the position of Assistant Minister of Justice for Codification. Under the amendment the Assistant Minister position was replaced with that of Deputy Minister of Justice for Codification.

(c) Render such other legal services as are requested by other agencies of the Executive Branch;

(d) Be in charge of codification of Liberian statutes and preparation for publication of Supreme Court opinions;

(e) Recommend from time to time such changes and needed reforms in the statutory law as are deemed necessary to modify or eliminate antiquated and inequitable rules of law and defects in practice and procedure.

(f) Supervise and maintain direct control over the affairs of the library of the Ministry of Justice.<sup>76</sup>

**§ 22.7. Assistant Minister of Justice for Rehabilitation.**

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of Justice for Rehabilitation, who, under the direction and control of the Minister of Justice, shall administer the correctional institutions of Liberia and be in charge of the treatment and rehabilitation programs for convicted offenders.<sup>77</sup>

**§ 22.8. Assistant Minister of Justice for Administration and Public Safety.**

*1. Appointment; duties.* The administration of the internal affairs of the Ministry of Justice shall be in charge of an Assistant Minister of Justice for Administration and Public Safety, who shall be appointed by the President by and with the advice and consent of the Senate.

<sup>76</sup> Prior legislation: L. 1960-61, ch. XLII, § 2 (13:172, 174); 1957-58 Supp. 13:156; L. 1955-56, ch. XVI; L. 1971-72. The position of Deputy Minister of Justice for Codification was created by People's Redemption Decree No. 34, issued March 17, 1981.

<sup>77</sup> Prior legislation: L. 1960-61, ch. XLII, § 2(13:176, 177); L. 1971-72.

Administration of the Vehicle and Traffic Law and of Fire Services Bureau shall also be under the general supervision of this official.

2. *Motor Vehicle Bureau.* The Motor Vehicle Bureau shall henceforth function as a sub-agency in the Ministry of Justice. The Bureau shall be under the authority and direction of a Director and direction of a Director of Motor Vehicles, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose duty it shall be, subject to the immediate supervision of the Assistant Minister of Justice for Administration and Public Safety, to oversee the administration of the provisions of the Vehicle and Traffic Law to the extent therein required. The President is also authorized to appoint, by and with the advice and consent of the Senate, a Deputy Director who shall perform such duties as may be assigned to him by the Director.

3. *Fire Services Bureau.* There shall be established in the Ministry of Justice a Fire Services Bureau which shall be under the immediate supervision of a Director who shall be appointed by the President with the advice and consent of the Senate. It shall be the duty of the Director, subject to the authority and control of the Minister of Justice and the immediate supervision of the Assistant Minister of Justice for Administration and Public Safety, ---

(a) to oversee the operation of an efficient firefighting organization and take all necessary measures for fire prevention and control;

(b) Inspect all public and private buildings to determine if they are fire hazards and in so far as possible eliminate hazardous conditions;

(c) Assist the National Police Force in arson investigations;

(d) Establish fire control units throughout the Republic;

(e) Prepare statistical reports on the occurrence and cause of fires.

#### **§ 22.9. Assistant Minister of Justice for Taxation.**

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of Justice for Taxation, who shall, under the direction of the Minister of Justice, be charged with the duty of enforcing the Tax Laws of the Republic and supervising, directing and handling all legal questions and matters arising out of tax delinquencies and prosecutions for violation of the Revenue Laws. The Division of Taxation shall also perform such other services and duties as may be assigned to it by the Minister of Justice.<sup>78</sup>

#### **§ 22.10. Deputy Minister of Justice for Economic Affairs and Assistant Minister of Justice for Commercial Transactions.**

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Minister of Justice for Economic Affairs and an Assistant Minister of Justice for Commercial Transactions, who shall, under the direction of the Minister of Justice, be charged with handling on behalf of the Liberian Government all matters involving all legal questions arising out of Commercial Transactions, including maritime matters, in which the Republic is a party. The Division of Commercial Transactions shall also perform such other services and duties as may be assigned to it by the Minister of Justice.<sup>79</sup>

<sup>78</sup> Prior legislation: L. 1971-72.

<sup>79</sup> Prior legislation: L. 1961-62, ch. XXXIV, § 2(13:104); L. 1960-61, ch. XLII, § 2 (13:162, 163, 164, 165, 170, 171); L. 1971-72.

**§ 22.11. Commissioner of Immigration and Naturalization.**

The President, by and with the advice and consent of the Senate, shall appoint a Commissioner of Immigration and Naturalization, who shall be in immediate charge, under the direction and control of the Minister of Justice for administration of the law relating to naturalization, admission, deportation, and registration of aliens.<sup>80</sup>

**§ 22.12. County, Territorial and District Attorneys.**

1. *Appointment and duties.* The President, by and with the advice and consent of the Senate, shall appoint for each county, territory or chartered district an attorney who shall be the local representative of the Ministry of Justice. Subject to the authority and control of the Minister of Justice, he shall perform the following duties:

- (a) Conduct all civil and criminal actions in his jurisdiction to which the Republic is a party;
- (b) Exercise vigilance in locating all property subject to escheat and prosecute all claims of the Government relating to such property;
- (c) Perform such other duties as may be assigned to him by the Minister of Justice;

2. *Performance of duties in person.* Every County, Territorial and District Attorney shall perform his duties in person. Whenever it becomes necessary to have temporary assistance, he shall apply to the Minister of Justice. Any County, Territorial or District Attorney who shall secure assistance without approval of the Minister of Justice

<sup>80</sup> Prior legislation: L. 1960-61, ch. XLII, § 3, 4(13:200), 3; 1956 Code 3:2, 3; L. 1954-55, ch. XVI, § 2; L. 1941-42, ch. LV, § 2(b), 3; L. 1971-72.

shall be guilty of official misconduct and shall be subject to prosecution under the appropriate provisions of the Penal Law.

3. *Percentage of value of property escheated payable.* Every County Territorial and District Attorney shall in addition to the salary provided by law, receive from Government 7 ½ percent of the value of all property escheated by his efforts regardless of the disposition made of the property.<sup>81</sup>

**§ 22.13. Assistant County Attorney for Montserrado County.**

There shall be appointed by the President, by and with the advice and consent of the Senate, an Assistant County Attorney for Montserrado County who shall assist the County Attorney in the performance of his duties. He shall act for the County Attorney in case of his absence or disability.<sup>82</sup>

**§ 22.14. Organization of the Ministry.**

The Ministry of Justice shall be organized in such manner and with such other competent lawyers and other personnel as shall be determined by the Minister, subject to the approval of the President.

### ***Subchapter B. NATIONAL BUREAU OF INVESTIGATION***

**Sections 22.50 to 22.53 - REPEALED**

<sup>81</sup> Prior legislation: L. 1960-61, ch. XLII, § 2; 1956 Code 13:157, 158; L. 1933-34, ch. § 7; Rev. Stat., § 592; L. 1882-83, 16, § 2, 3; L. 1971-72.

<sup>82</sup> Prior legislation: 1960-61, ch. XLII, § 2(13:159); 1956 Code 13:159; L. 1952-53, XXI.

<sup>83</sup> Prior legislation: L. 1971-72.

### **Subchapter C. NATIONAL CENTRAL BUREAU [INTERPOL]**

#### **§ 22.60. Bureau created; Director, function.**

There is hereby created in the Ministry of Justice a National Central Bureau, which shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be directly responsible to the Minister of Justice and subject to his direction and control. It shall be the function of this Bureau to keep in constant contact with the headquarters office of Interpol in Paris and to exchange with that office information concerning crimes and criminals in Liberia and other countries.<sup>84</sup>

### **Subchapter D. LIBERIAN NATIONAL POLICE**

#### **§ 22.70. Director.**

Subject to the general authority and supervision of the Minister of Justice, the Director of the National Police Force [now the Liberian National Police (LNP)] shall direct all activities of the Liberian National Police. The Director shall be appointed by the President, by and with the advice and consent of the Senate.<sup>85</sup>

#### **§ 22.71. Headquarters and field posts.**

The Liberian National Police shall have its headquarters in the Capital and as many field posts located throughout Liberia as may be

<sup>84</sup> Prior legislation: L. 1960-61, ch. XLII, & 2(13:185).

<sup>85</sup> Prior legislation: L. 1960-61, ch. XLII, & 2(13:192); L. 1971-72.

necessary to carry out its functions.<sup>86</sup>

#### **§ 22.72. Personnel.**

Members of the Liberian National Police shall at all time be subject to rotation from place to place. All members of the Liberian National Police shall receive, as a prerequisite to admission, a basic training course of four months at the National Police Training Academy. A two year probationary period which shall include the period required for basic training shall be required of all Members. Promotions within the Force shall be determined strictly in keeping with time served within grades, performance of duty, and results achieved on a written examination to be administered from time to time for this period.<sup>87</sup>

#### **§ 22.73. Retirement and death benefits.**

1. *Retirement benefits.* Any officer or member of the National Police Force who--

- (a) Has served with good conduct for at least 25 consecutive years; or
- (b) Has attained the age of 55, provided such officer or member has served in the National Police Force with good conduct for at least 15 consecutive years; or
- (c) Because of an injury or disability incurred in line of duty is permanently disabled from performing his duties in the Liberian National Police, may be honorably retired and, if retired, shall receive a pension in an amount equal to fifty percent of the

<sup>86</sup> Prior legislation: L. 1960-61, ch. XLII, & 2(13:193).

<sup>87</sup> Prior legislation: 1960-61, ch. XLII, § 2(13:196, 198).

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compensation he was receiving at the time of his retirement for the remainder of his life. An officer or member of the Liberian National Police shall be given credit toward retirement for the time he was employed in the Police Force prior to the effective date of the retirement system.

2. *Death benefits.* Any dependent or dependents of a deceased officer or member of the Liberian National Police shall receive the full amount of any pension being paid to the decedent at the time of his death under the provisions of this section; or if the decedent died as a result of injuries or disability incurred in line of duty and before the commencement of pension payments, the dependent or dependents shall receive the full amount of the pension to which the decedent would have been entitled under paragraph 1 of this section had he lived. As used in this paragraph, the term "dependent" means the widow of the decedent so long as she remains unmarried; or, if there is no widow or the widow remarries, the surviving child or children of the decedent during their minority.<sup>88</sup>

### ***Subchapter E. NATIONAL POLICE ACADEMY***

#### **§ 22.90. Establishment; direction.**

There shall be established in the Ministry of Justice as a subsidiary of the Liberian National Police a National Police Academy. The Academy shall be under the direction of a Commandant whose rank shall be that of a Deputy Inspector in the National Police Force. The Commandant shall be directly responsible to the Director of the

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<sup>88</sup> Prior legislation: L. 1960-61, ch. XLII, & 1; 1957-58 Supp. 13:182-A; L. 1957-58, ch. XLIII, & 1.

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Liberian National Police.<sup>89</sup>

#### **§ 22.91. Functions.**

The National Police Academy shall have the following functions:

- (a) To train all members of the Liberian National Police in the various phases of law enforcement and crime prevention; and
- (b) To train under special programs to be prescribed by the Academy all members of such agencies as the National Bureau of Investigation, the Bureau of Immigration and Naturalization, the Fire Services Bureau of the Ministry of Justice and other personnel involved in internal security and public safety within the Republic for whom special technical training may be prescribed.<sup>90</sup>

#### **§ 22.92. Expenses of training.**

Except for the use of the physical plant of the Academy, all expenses incurred in the technical training of personnel of any agency shall be borne by that agency.<sup>91</sup>

### ***Chapter 23. MINISTRY OF POST AND TELECOMMUNICATIONS***

#### **§23.1. Ministry established; Minister of Post and Telecommunications**

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<sup>89</sup> Prior legislation: L. 1960-61, ch. XLII, & 2(13:203, 204); L. 1971-72.

<sup>90</sup> Prior legislation: L. 1960-61, ch. LXII, & 2(13:205); L. 1971-72.

<sup>91</sup> Prior legislation: L. 1960-61, ch. XLII, & (13:206).



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- § 23.2. Duties of the Minister of Postal Affairs.
- § 23.3. Deputy Minister of Postal Affairs.
- § 23.4. Postal Service Bureau; Assistant Minister of Postal Affairs.
- § 23.5. Administrative Services Bureau; Director.
- § 23.6. Postal Inspector.
- § 23.7. Postal Convention.
- § 23.8. Special Postal Commission.
- § 23.9. Organization of Ministry.

### **§ 23.1. Ministry established; Minister of Post and Telecommunications.**

There shall be in the Executive Branch of the Government, a Ministry of Post and Telecommunications, which shall be headed by a Minister of Post and Telecommunications, to be appointed by the President, by and with the advice and consent of the Senate.<sup>92</sup>

### **§ 23.2. Duties of the Minister of Post and Telecommunications.**

The Minister of Post and Telecommunications shall be responsible for performing the following duties:

- (a) To investigate postal offenses and cooperate with the Minister of Justice in prosecuting such violations;
- (b) To see that mail routes are established and make arrangements for transportation of mail, both within Liberia and between Liberia and foreign countries; provided, that any contracts made by the Minister of Postal Affairs for establish-

<sup>92</sup> Prior legislation: L. 1961-62, ch. XLV (13:210, 211); 1957-58, Supp. 13:210; L. 1959-60, ch. XXIV, § 1; 1956 Code, 3:210; L. 1946-47, ch. XXVI; Rev. Stat., § 1234; L. 1902-03, 29; L. 1896-97, 21, §§ 1, 3; L. 1971-72.

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ment of an overseas or overland transport service for carriage of mail shall be subject to the approval of the President;

(c) From time to time to establish post offices or branch post offices at such points as he deems expedient and discontinue or consolidate post offices when efficiency of the service requires;

(d) For the purpose of making better postal arrangements with other countries, to negotiate and conclude, subject to the approval of the President, postal conventions with foreign Governments;

(e) To ascertain and state in his annual report to the Legislature the revenues derived from and the cost of carrying and handling the several classes of mail matter and performing special services;

(f) To issue appropriate stamps in such denominations, form and design, and at such times as he deems necessary for use in payment of postage or fees for special services; and

(g) In general to maintain and improve the postal service system of the Republic of Liberia.<sup>93</sup>

### **§ 23.3. Deputy Minister of Post and Telecommunications.**

A Deputy Minister of Post and Telecommunications shall be appointed by the President by and with the advice and consent of the Senate. The Deputy Minister of Postal and Telecommunications shall

<sup>93</sup> Prior legislation: L. 1961-62, ch. XLV (13:210, 211); 1956 Code 13:211; L. 1949 ch. IX, § 2; L. 1937, ch. XXI, & 2; ch. XXII, § 3; ch. XXV, art. 8, § 3; Rev. Stat., § 1240; L. 1896-97, 21, § 1; L. 1895-96, 9 (2nd) §§ 4, 5; L. 1889-90, 20(3rd), §§ 3, 7 1887-88, 5 (2nd), §§ 5, 9; OBB, 161, Act creating Post Offices and Postmasters in the country, §§ 1, 2, 3, 6; 1841 Digest, par. 1, Act Regulating a Post Office Department, Hub. 1500; L. 1971-72.

be the principal assistant to the Minister of Postal Affairs and shall perform such specific duties as may be delegated to him by the Minister of Post and Telecommunications. In the event of the disability death, resignation or removal of the Minister of Postal Affairs, the Deputy Minister of Postal Affairs shall succeed to the duties of the Minister of Post and Telecommunications until the Minister of Post and Telecommunications shall return or until a successor is appointed.<sup>94</sup>

#### **§ 23.4. Postal Service Bureau; Assistant Minister of Post and Telecommunications.**

There shall be established in the Ministry of Post and Telecommunications Affairs a Postal Service Bureau, which shall be headed by an Assistant Minister of Post and Telecommunications, who shall be appointed by the President, by and with the advice and consent of the Senate. It shall be the duty of the Assistant Minister of Post and Telecommunications, subject to the authority and direction of the Minister of Post and Telecommunications, to supervise the operation of the postal service system.<sup>95</sup>

#### **§ 23.5. Administrative Service Bureau; Director.**

There shall be established in the Ministry of Post an Administrative Services Bureau, which shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Administrative Services Bureau shall be responsible, subject to the authority and direction of the Minister of Post and Telecommunications, for the internal business management and operations of the Ministry, including matters pertaining to

<sup>94</sup> *Prior legislation:* L. 1962-63, ch. XL (13:211-A); L. 1971-72.

<sup>95</sup> *Prior legislation:* L. 1962-63, ch. XL, § 2 (13:212); L. 1961-62, ch. XLV, § (13:212); 1956 Code 13:212; L. 1946-47, ch. XXIII; L. 1971-72.

personnel, budgeting, accounting, and auditing, space and supplies, files, records, printing, and other related functions of the internal management.<sup>96</sup>

#### **§ 23.6. Postal Inspector.**

The President, by and with the advice and consent of the Senate, shall appoint a Chief Postal Inspector, whose duty it shall be to see that post offices are regularly inspected and that they are operated in compliance with the law. He shall also be responsible for investigating offenses against the postal and communications laws and assist the Minister of Justice in securing convictions of offenders. The President shall appoint a sufficient number of other inspectors to assist the Chief Inspector and ensure the proper administration of the law.

#### **§ 23.7. Postal Convention.**

The Minister of Post and Telecommunications shall organize a Liberian Postal Convention which shall consist of all Postmasters within the Republic. The Convention shall meet bi-annually in the Capital for a period of two weeks; but the Minister of Post and Telecommunications may extend the time of its session, if in his opinion, such extension is warranted. The purpose of the meeting shall be to discuss all matters and problems affecting the operation of the postal service. The Postal Convention may from time to time suggest to the President of Liberia for submission to the Legislature statutes for improved operation of the postal service.<sup>97</sup>

<sup>96</sup> *Prior legislation:* L. 1961-62, ch. XLV, § 2; 1956 Code, 13:213; Rev. Stat., § 1237; L. 1902-03, 29.

<sup>97</sup> *Prior legislation:* L. 1960-61, ch. XXX.

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### § 23.8. Special Postal Commission.

There shall be within the Ministry of Post and Telecommunications a commission to be known as the "Special Postal Commission", which shall be composed of three persons with experience and training in the postal service who shall be recommended by the Minister of Post and Telecommunications, subject to the approval of the President. The function of the Special Postal Commission shall be to collect, compile and edit postal data and regulations and publish such material bi-annually in a postal guide to be known as the "Liberian Postal Guide" for use of postal employees.<sup>98</sup>

### § 23.9. Organization of Ministry.

The Ministry of Post and Telecommunications shall be organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of President.

## Chapter 24. MINISTRY OF NATIONAL DEFENSE

§ 24.1. Establishment of Ministry; appointment of Minister.

§ 24.2. Duties of Minister of National Defense; annual report

§ 24.3. Deputy Minister for Administration.

§ 24.4. Assistant Minister of National Defense for Coast Guard Affairs.

§ 24.5. Assistant Minister of National Defense for Militia Affairs

§ 24.6. Organization of Ministry.

### § 24.1. Establishment of Ministry; appointment of Minister.

There is hereby established in the Executive Branch of the Govern-

<sup>98</sup> *Prior legislation:* L. 1960-61, ch. XV.

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ment a Ministry of National Defense. The immediate control of the Ministry, subject to the authority and direction of the President as Commander-in-Chief, shall be vested in the Minister of National Defense, who shall be appointed by the President, by and with the advice and consent of the Senate.<sup>99</sup>

### § 24.2. Duties of Minister of National Defense: annual report.

1. *Authority over Ministry.* Subject to the authority and direction of the President as Commander-in-Chief, the Minister of National Defense shall have complete authority over the armed forces of Liberia, including all matters relating to their training, operation administration, logistic support and maintenance, development, welfare, preparedness and effectiveness. The President shall however, make all military appointment.

2. *Report.* The annual report by the Minister of National Defense to the Legislature shall contain abstracts of reports from each reporting unit commander.<sup>100</sup>

### § 24.3. Deputy Minister of National Defense for Administration.

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Minister of National Defense for Administration who shall be the principal assistant to the Minister and who shall perform such duties as the Minister of National Defense may prescribe. In the case of the absence, death, resignation, or removal

<sup>99</sup> *Prior legislation:* 1956 Code 13:300; L. 1899-1900, 47, §§ 1, 2, 5; L. 1898-99, 4(2nd); L. 1897-98, 20(1st), L. 1971-72.

<sup>100</sup> *Prior legislation:* 1957-58 Supp. 13:301-A; L. 1956-57, ch. X; 1956 Code 13:300 (1st sent.), 301, 302; L. 1949-50, ch. XXXII, & 2; L. 1939-40, ch. XIX, § 12 (ch. II); L. 1899-1900, 47, § 1, 2, 3, 5, 8; L. 1898-99, 4(2nd); L. 1897-98, 20 (1st); Rev. Stat., § 982; L. 1893-94, 4(2nd), L. 1971-72.

of the Minister of National Defense, the Deputy Minister shall, unless otherwise directed by the President, perform the duties of the Minister until a successor is appointed or until the Minister resumes his duties.<sup>101</sup>

**§ 24.4. Assistant Minister of National Defense for Coast Guard Affairs.**

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of National Defense for Coast Guard Affairs. It shall be the duty of the Assistant Minister, subject to the authority and direction of the Minister of National Defense, to supervise the operation of the Coast Guard and coordinate its activities with other branches of the armed forces and perform such other duties as the Minister of National Defense may prescribe.<sup>102</sup>

**§ 24.5. Assistant Minister of National Defense for Militia Affairs.**

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of National Defense for Militia Affairs. Such official shall have the following duties:

- (a) To supervise the operation of the Militia and coordinate its activities with the national defense program;
- (b) To perform such other duties as may be assigned by the Minister of National Defense.<sup>103</sup>

<sup>101</sup> Prior legislation: L. 1959-60, ch. XI, §§ 1, 2, 4; L. 1971-72.

<sup>102</sup> Prior legislation: 1957-58 Supp. 13:303-A; L. 1957-58, ch. X, L. 1971-72.

<sup>103</sup> Prior legislation: L. 1959-60, ch. X; L. 1971-72.

**§ 24.6. Organization of Ministry.**

The Ministry of National Defense shall be organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of the President.

**Chapter 25. MINISTRY OF INTERNAL AFFAIRS\***

**§ 25.1. Ministry Created.**

**§ 25.2. Duties of the Minister.**

**§ 25.3. Liaison officer for Liberian Tribal Societies.**

**§ 25.4. Organization of the Ministry.**

**§ 25.1. Ministry Created.**

There is hereby created and established in the Executive Branch of the Government a Ministry of Internal Affairs to be headed by a Minister who shall be appointed by the President with the advice and consent of the Senate. The President shall appoint with the advice and consent of the Senate a Deputy Minister who shall be the principal assistant to the Minister of Internal Affairs and who shall act in the absence of the Minister. The President may also appoint, with the advice and consent of the Senate, such Assistant Ministers as would be required for the effective operation of the Ministry.<sup>104</sup>

\* The Ministry of Internal Affairs was originally created as the Ministry of Local Government, Rural Development and Urban Reconstruction, which functioned rather similarly as the Ministry of Public Works. The Executive Law was however amended and a separation was made creating the Ministry of Internal Affairs and Rural Development as separate Ministries within the Executive Branch of Government.

<sup>104</sup> Prior legislation: 1956 Code 13:260; Rev. Stat. Secs. 949, 950 (1), (2); L. 1914, 16, § 8, L. 1971-72.

**§ 25.2. Duties of the Minister.**

The duties of the Minister shall include:

- (a) The successful conduct and improvement of local government through supervision and direction of the activities of the political subdivisions of the central government;
- (b) Managing of tribal affairs and all matters arising out of tribal relationships;
- (c) Coordinating and implementing Government services rendered through the units of Local Government;
- (d) Reviewing proposed budgets, taxes, projects, and programs proposed by local government units, and making recommendations and taking steps necessary for the implementation of the proposed activities;
- (e) Being represented at meetings of the consultative Boards of the County Superintendents; reporting at such meetings on progress made in the counties, and suggesting means for making government service programs more effective. He shall see that each member of the Board, other than honorary member, performs his duties diligently, and may remove from office or otherwise discipline any member who is remiss, or if such member is an officer or employee of another government agency, may recommend disciplinary measures to the head of that agency;
- (f) Determining the readiness of a county or other unit of local government for increased responsibility; consulting with local leaders to work out the form and amount of local responsibilities to be allowed, and where a local government unit petitions for

a charter, advising the Legislature through the President of the form, powers and duties which in his opinion should be granted the petitioner;

- (g) Assisting County, Territorial and District Superintendents drafting orders for administering their local government, and reviewing such orders after they come into effect;
- (h) Overseeing the selection, training, and efficient performance of administrative personnel of local government;
- (i) Overseeing the orderly functioning of tribal government and drafting rules and regulations to effectuate this purpose. The rules and regulations shall include provisions relating to tribal domestic relations, regulating and setting procedures in tribal trials, regulating cultural institutions and societies, and stating the schedules of fees to be allowed in tribal courts;
- (j) Supervising the elections of Paramount, Clan Chief and Town Chiefs in cooperation with the Elections Commission;
- (k) Reviewing the budget of tribal treasurers and supervising tribal authorities in the keeping of proper records;
- (l) Administering the system of tribal courts;
- (m) Exercising administrative supervision over the Poro, Sande and other tribal societies through the Liaison Officer for Tribal Societies;
- (n) Overseeing the collection and publication of the laws and customs of the Liberian tribes;
- (o) Initiating and organizing programs for rural community

developmentt with emphasis on housing and other facilities designed to transform rural communities into viable towns;

(p) Initiating and organizing programs for the planned growth of urban areas with emphasis on projects to provide for adequate and satisfactory housing accommodation and other facilities;

(q) Coordinating plans and programs for self-help project;

(r) Performing such other duties as shall be assigned him from time to time by the President.<sup>105</sup>

### § 25.3. Liaison Officer for Liberian Tribal Societies.

The President, with the advice and consent of the Senate, shall appoint in the Bureau of Tribal Affairs of the Ministry a Liaison Officer for Liberian Tribal Societies whose duty shall be, subject to the direction and control of the Minister, to investigate and report conditions relating to Liberian Tribal Societies, including the Poro and Sande Societies.<sup>106</sup>

### § 25.4. Organization of the Ministry.

The Minister of Internal Affairs shall be organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of the President.<sup>107</sup>

<sup>105</sup> Prior legislation: 1956 Code, 13:260; L. 1914, 16, & 8; Rev. Stat. § 950 (1), (2) ; L. 1971-72.

<sup>106</sup> Prior legislation: L. 1971-72.

<sup>107</sup> Prior legislation: L. 1971-72.

## Chapter 26. MINISTRY OF EDUCATION

### Subchapter A. Organization of the Ministry

- § 26.1. Minister as head of Ministry
- § 26.2. Duties of Minister of Education.
- § 26.3. Deputy Minister of Education
- § 26.4. Organization
- § 26.5. Assistant Minister of Education for Instructions
- § 26.6. Assistant Minister of Education for Administration
- § 26.7. Assistant Minister of Education for Science and Technical Education
- § 26.8. Assistant Minister of Education for Planning and Research
- § 26.9. Director of Higher Education and Textbooks Research.
- § 26.10. Educational Consultant
- § 26.11. National Board of Education
- § 26.12. Committee on Science Education.
- § 26.13. Bureau of Adult Education.
- § 26.14. Textbook Evaluation Committee.

### Subchapter B. National Commission for UNESCO

- § 26.50. Establishment of National Commission for UNESCO
- § 26.51. Functions of Commission.
- § 26.52. Members of Commission.
- § 26.53. Operation of Commission.
- § 26.54. Salary of Secretary of Commission and other expenditure.

## Subchapter A. ORGANIZATION OF THE MINISTRY

### § 26.1. Minister as head of Ministry.

The Ministry of Education which has been established in th

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Executive Branch of the Government shall be continued, and shall be headed by a Minister of Education who shall be appointed by the President by and with the advice and consent of the Senate.<sup>108</sup>

### § 26.2. Duties of Minister of Education.

The Minister of Education is charged with the following duties;

- (a) He shall have full supervision of all public schools and of all private schools and institutions of higher learning to the extent provided by law and permitted by their charters;
- (b) He shall be informed concerning the condition and operation of all schools and educational institutions, public and private, and of the general state of education in Liberia;
- (c) He shall plan for, and to the fullest extent possible establish a modern, sound, nation-wide educational system;
- (d) He shall visit all schools in each county at least once a year;
- (e) He shall administer funds appropriated by the Government for financial assistance to individual students for study at home and abroad;
- (f) He shall work for eradication of illiteracy among peoples of all ages and all origins;
- (g) He shall oversee the implementation of the technical assistance agreements between the Government of Liberia and

<sup>108</sup> Prior legislation: 1956 Code 13:330; L. 1937, ch. VII, § 3; L. 1971-72.

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the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to in this chapter as UNESCO, shall be responsible for dealing with the personnel of the organization;

(h) To the extent authorized by the Legislature, he shall oversee the establishment of public libraries accessible to the people of all areas of Liberia.<sup>109</sup>

### § 26.3. Deputy Minister of Education.

The Deputy Minister of Education shall be appointed by the President by and with the advice and consent of the Senate. He shall be the principal assistant to the Minister of Education and shall perform such specific duties as may be delegated to him by the Minister of Education. In the event of disability, death, resignation or removal of the Minister of Education, the Deputy Minister of Education shall succeed to the duties of the Minister of Education as Acting Minister until the Minister of Education shall return or until a successor is appointed.

### § 26.4 Organization.

The Ministry of Education shall be organized into four major bureaus with each bureau headed as stated in the following sections by an Assistant Minister appointed by the President with the advice and consent of the Senate. The internal organization of each bureau shall be as determined by the Minister to carry out most efficiently the exercise of its functions.

<sup>109</sup> Prior legislation: 1956 Code 13:331, 332, 339; L. 1951-52, ch. XIII, § 1; L. 1946-47, ch. VIII (ch. XXXV same); L. 1943-44, ch. X, § 11; L. 1941-42, ch. XIV, § 1(a); L. 1937, ch. VII, §§ 4-11, 55; L. 1971-72.

**§ 26.5. Assistant Minister of Education for Instruction.**

Subject to the direction and control of the Minister of Education, the Assistant Minister of Education for Instruction shall be responsible for effectuating the basic purpose of the Ministry, the development and direction of elementary and secondary education which includes, more specifically, planning of curriculum, preparation or selection of instructional materials, determination of professional qualifications of teaching personnel and their training, setting of standards of pupils' completion of courses, and analysis of needs for special educational services and facilities.

**§ 26.6. Assistant Minister of Education for Administration.**

Subject to the direction and control of the Minister of Education, the Assistant Minister of Education for Administration shall be responsible for the internal administrative affairs of the Ministry of Education, including the providing of technical staff services; conduct of all fiscal affairs of the Ministry; management of all physical properties of the Ministry; procurement, custody, and distribution of supplies and equipment; and providing a service for use of the Ministry in the collection, analysis, and reporting of information on Ministerial activities.

**§ 26.7. Assistant Minister of Education for Science and Technical Education.**

The Assistant Minister of Education for Science and Technical Education under the direction and control of the Minister of Education shall carry out some of the activities of the Ministry that are supplemental to its basic educational program; i.e., conducting the adult education and literacy services, administration of scholarship funds, supervising a national sports and athletic program in the public schools, acting as the coordinating agency to assist in implementation of the technical

assistance agreement with UNESCO, and promotion of programs for cultural development.

**§ 26.8. Assistant Minister of Education for Planning and Research.**

Subject to the direction and control of the Minister of Education, the Assistant Minister of Education for Planning and Research shall perform the following duties---

- (a) Prepare a master plan for development of an improved educational system for Liberia and propose priorities that will most advance such development;
- (b) Be in charge of the formulation of programs and projects designed to further the purposes of the Ministry, provide guidance to the officials who implement such programs and projects
- (c) Assist in preparing the annual budget for the Ministry;
- (d) Review and evaluate proposals of foreign aid agencies;
- (e) Maintain liaison between the Ministry of Education and the Ministry of Planning and Economic Affairs.

**§ 26.9. Director of Higher Education and Textbooks Research.**

The President is hereby empowered to appoint an official in the Ministry of Education to be known as the Director of Higher Education and Textbooks Research. Such official shall be responsible directly to the Minister of Education for performance of the following duties:

- (a) Supervision, coordination, and standardization of the work



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of all colleges and other degree-granting institutions of higher learning insofar as such supervision, coordination, and standardization do not conflict with the provisions of their respective charters;

(b) Collection, compilation, and production of materials and other data for the preparation of textbooks for elementary, junior high, and high school classes in accordance with syllabi and curricula approved by the Assistant Minister of Education for Instruction; and

(c) Performance of such other duties as may be assigned by the Minister of Education.<sup>110</sup>

### § 26.10. Educational Consultant.

The President, by and with the advice and consent of the Senate, is authorized to appoint an officer in the Ministry of Education to be known as the Educational Consultant. His duties shall be:

(a) To advise the minister of Education concerning the establishment of a model educational system;

(b) To indicate on a map the location of all schools and educational institutions throughout the country;

(c) To supervise the construction of school buildings with a view to meeting modern educational requirements and installing requisite equipment;

(d) To revise the general curricula for all schools in the educational system of the country;

<sup>110</sup> Prior legislation: 1957-58 Supp. 13:337-A; L. 1955-56, ch. XXXV; L. 1971-72.

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(e) To undertake any research required by the Minister of Education and to supply him statistics of school operation in the public and private institutions in the country;

(f) To make suggestions for improving the various educational and cultural activities in schools and institutions of learning in Liberia;

(g) To perform all other duties which may be assigned him by the Minister of Education.<sup>111</sup>

### § 26.11. National Board of Education.

1. *Establishment.* There shall be established a National Board of Education to act as an advisory council to the Minister of Education in the administration of the public schools. As part of its duties, it shall assist with the planning for the erection and maintenance of school buildings and for the use of lands, monies, or other property devoted to the object of public education.

2. *Organization.* The National Board of Education shall be composed of nine members to be divided into three groups of three members each, the members of only one group to take office in any one year. All members shall hold office for three years. The President shall appoint the three members of one group annually. All vacancies created by death or resignation shall be filled by appointment needed from time to time to fill out an unexpired term. The Minister of Education shall be the chairman of the Board ex officio.

3. *Compensation; travelling expenses.* All Members of the Board shall serve without pay; but travelling expenses incurred by an individual or members of a committee appointed by the Minister of Education shall be paid.

<sup>111</sup> Prior legislation: 1956 Code 13:337; L. 1947-48, ch. XX; L. 1971-72.

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Education to inspect schools shall be paid out of the budget of the Ministry of Education.<sup>112</sup>

### § 26.12. Committee on Science Education.

The UNESCO science teachers at the University of Liberia shall, in addition to their regular duties constitute a Committee on Science Education which shall, at request of the Minister of Education, make recommendations for improvement in the methods and program for teaching science in the University and high schools throughout the country. In accordance with the provisions of the Constitution of UNESCO prohibiting interference of that organization in the internal affairs of member states, recommendations by the Committee on Science Education shall be made only in answer to solicitation for advice by the Minister of Education.<sup>113</sup>

### § 26.13. Bureau of Adult Education.

1. *Establishment.* The President is hereby empowered to establish within the Ministry of Education a Bureau of Adult Education which shall be responsible for the promotion of a literacy campaign and determining the techniques for advancing literacy in all communities.

2. *Direction of Bureau.* The Bureau of Adult Education shall be headed by a Director assisted by an Associate Director and an Assistant Director, all of whom shall be appointed by the President of Liberia with the advice and consent of the Senate and shall perform their duties subject to the direction and control of the Minister of Education.<sup>114</sup>

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112 *Prior legislation:* 1956 Code 13:338; L. 1937, ch. VII, § 13; L. 1971-72.

113 *Prior legislation:* 1956 Code 13:340; L. 1951-52, ch. XIII, §§ 4, 5; L. 1971-72.

114 *Prior legislation:* 1956 Code 13:370, 371; L. 1956-57, ch. XXXII, § 1, 2; L. 1971-72.

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### § 26.14. Textbook Evaluation Committee.

There shall be created in the Ministry of Education a board to be known as the Textbook Evaluation Committee, which shall consist of qualified personnel of the Ministry appointed by the Minister of Education. It shall be the function of the Committee to evaluate and approve all books and other reading material used as textbooks or books of reference in the elementary and secondary schools. Members of the Committee shall serve without compensation other than the salaries provided for their respective positions in the Ministry.<sup>115</sup>

## *Subchapter B. NATIONAL COMMISSION FOR UNESCO.*

### § 26.50. Establishment of National Commission for UNESCO.

The President is hereby empowered to constitute and appoint a National Commission for UNESCO. Such Commission shall function under the supervision of the Assistant Minister of Education for Science and Technical Education as chairman.<sup>116</sup>

### § 26.51. Functions of Commission.

The National Commission for UNESCO shall perform the following functions:

- (a) Dissemination of information on the objectives and activities of UNESCO;

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115 *Prior legislation:* L. 1961-62, ch. LI; L. 1971-72.

116 *Prior legislation:* L. 1950-51, ch. XXII, §§ 1, 2.

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(b) Execution at the national level of certain activities inspired by UNESCO's objectives;

(c) Liaison between UNESCO and educational, scientific, cultural and journalistic circles.<sup>117</sup>

### § 26.52. Members of the Commission.

The Commission shall be composed of the following members:

- (a) A chairman
- (b) A vice chairman
- (c) A secretary
- (d) A representative of the Ministry of Foreign Affairs
- (e) A representative of the Ministry of Local Government, Urban Reconstruction, and Rural Development
- (f) A representative of the Ministry of Agriculture
- (g) A representative of the Ministry of Public Works
- (h) A representative of the Ministry of Health and Social Welfare
- (i) Montserrado County:
  - 1 representative of elementary education
  - 1 representative of secondary education
  - 1 representative of higher education

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<sup>117</sup> Prior legislation: 1956 Code 11:351; L. 1950-51, Ch. XXII, § 3.

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- 1 prominent educationists
- 1 representative each of radio, press and films

### (j) Maryland County:

- 1 representative of elementary education
- 1 representative of secondary education
- 1 representative of higher education
- 2 prominent educationists
- 1 representative each of radio and films

### (k) Grand Bassa County:

- 1 representative of elementary education
- 1 representative of secondary education
- 2 prominent educationists

### (l) Sinoe County:

- 1 representative of elementary education
- 1 representative of secondary education
- 1 representative of radio and films
- 2 prominent educationists

### (m) Grand Cape Mount County:

- 1 representative of elementary education
- 1 representative of secondary education
- 1 representative of films and radio
- 2 prominent educationists

### (n) Grand Gedeh County:

- 1 representative of elementary education

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- 1 representative of secondary education
- 2 prominent educationists

### (o) Nimba County:

- 1 representative of elementary education
- 1 representative of secondary education
- 2 prominent educationists

### (p) Bong County:

- 1 representative of elementary education
- 1 representative of secondary education
- 2 prominent educationists

### (q) Loffa County:

- 1 representative of elementary education
- 1 representative of secondary education
- 2 prominent educationists

### (r) A representative of each of the following:

International non-governmental organization holding  
consultative status with UNESCO  
World's Alliance of YMCA  
World YWCA  
World's Confederation of Organization of the Teaching  
Profession  
World Youth Movement through their respective national  
branches.<sup>118</sup>

<sup>118</sup> Prior legislation: 1956 Code 11:352; L. 1952-53, ch. XIX, § 3; L. 1950-51, ch. XXII, § 4.

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### § 26.53. Operation of Commission.

1. *Permanent Secretariat.* It shall be the duty of the chairman assisted by the secretary of the Commission, to organize and direct the Permanent Secretariat for the purpose of executing and coordinating the functions and activities of the Commission.

2. *Implementation in special areas.* The representatives of the various counties and of the national bodies of the international non-governmental organizations referred to in the previous section of this title shall be responsible for executing and implementing the UNESCO program in their respective areas.

3. *Meetings.* The meeting of the Commission shall be held annually at a place and time to be designated by the chairman of the Commission.<sup>119</sup>

### § 26.54. Salary of Secretary of Commission and other expenditures.

With the exception of the secretary of the Commission, all members shall serve without compensation. The Legislature shall from time to time fix the salary of the secretary and shall appropriate in the annual budget of the Ministry of Education funds for the implementation of UNESCO's authorized activities.<sup>120</sup>

<sup>119</sup> Prior legislation: 1956 Code 11:353; L. 1953-54, ch. XIX, § 4; L. 1950-51, ch. XXII, § 5.

<sup>120</sup> Prior legislation: 1956 Code 11:354; L. 1953-54, ch. XIX, §§ 5, 6; L. 1950-51, XXII, §§ 6, 7; L. 1971-72.

## Chapter 27. MINISTRY OF PUBLIC WORKS

- § 27.1. Establishment of Ministry.
- § 27.2. Duties of Minister of Public Works.
- § 27.3. Appointment of Deputy Minister of Public Works
- § 27.4. Appointment of Assistant Ministers of Public Work;  
Organization

### § 27.1. Establishment of Ministry.

There shall be in the Executive Branch of the Government a Ministry of Public Works which shall be headed by a Minister of Public Works to be appointed by the President, by and with the advice and consent of the Senate.<sup>121</sup>

### § 27.2. Duties of Minister of Public Works.

The Minister of Public Works shall have the duty---

- (a) To design, construct, improve and maintain, directly or by contract, all highways, streets, roads, bridges and storm sewers;
- (b) To be in charge of, either directly or by contract, the construction of sanitary sewers, hospitals, public buildings, and other public works which are built for other Ministries or agencies of the Government, exclusive of public authorities, and to cooperate with the representatives of such Ministries or agencies in planning and carrying out such construction.
- (c) To provide engineering and architectural services for all Ministries or agencies of the Government;

<sup>121</sup> Prior legislation: L. 1961-62, ch. XXXVIII, § 2(13:400); 1957-58 Supp. 13:400; L. 1956-57, ch. XXVI, 1956 Code, 13:400; L. 1945-46, ch. X; L. 1971-72.

- (d) To carry out and administer urban and town planning and land use rezoning;
- (e) To plan, in conjunction with the Ministry of Planning and Economic Affairs and the Public Utilities Authority, public works facilities and public utilities systems;
- (f) To enforce construction standards for non-governmental buildings;
- (h) To administer the law with regard to issuance of licenses to electricians, plumbers and any other persons who are required by law to obtain licenses from this Ministry to carry on their occupations.<sup>122</sup>

### § 27.3. Appointment of Deputy Minister of Public Works.

The President, by and with the advice and consent of the Senate shall appoint a Deputy Minister of Public Works who shall be the principal assistant to the Minister of Public Works and shall perform such specific duties as may be delegated to him by the Minister of Public Works. In the event of the disability, death, resignation, or removal of the Minister of Public Works, the Deputy Minister of Public Works shall, unless otherwise directed by the President, perform the duties of the Minister until the Minister resumes his duties or until a successor is appointed.<sup>123</sup>

<sup>122</sup> Prior legislation: L. 1966-67, ch. (An act to amend section 401 of the Executive Law with respect to the functions of the Department of Public Works) 13:401; L. 1961-62, ch. XXXVIII, § 2(13:401); L. 1959-60, ch. LVI; 1957-58 Supp. 13:400; L. 1956-57, ch. XXV, 1956 Code 13:400; L. 1945-46, ch. X; L. 1971-72.

<sup>123</sup> Prior legislation: L. 1961-62, ch. XXXVIII, § 2(13:402); L. 1971-72.

#### § 27.4. Appointment of Assistant Ministers of Public Works.

The Ministry of Public Works shall be subdivided into four bureaus to be known as the Bureau of Construction; Technical Services; Operations; and Administrative Services. Each Bureau shall be headed by an Assistant Minister of Public Works to be appointed by the President with the advice and consent of the Senate. The internal organization of each bureau and the allocation of functions among the bureaux shall be determined by the Minister, subject to the approval of the President.

### Chapter 28. MINISTRY OF AGRICULTURE

#### § 28.1. Establishment.

#### § 28.2. Duties of Minister of Agriculture.

#### § 28.3. Appointment of Deputy Minister of Agriculture

#### § 28.4. Appointment of Assistant Ministers of Agriculture.

#### § 28.5. Organization of Ministry.

#### § 28.1. Establishment.

There shall be in the Executive Branch of the Government a Ministry of Agriculture, to be headed by a Minister of Agriculture who shall be appointed by the President by and with the advice and consent of the Senate.<sup>124</sup>

#### § 28.2. Duties of Minister of Agriculture.

The Minister of Agriculture shall be responsible for performing the following duties, except as otherwise assigned by law:

<sup>124</sup> Prior legislation: L. 1961-62, ch. XXIX (13:500); 1956 Code 13:460; L. 1947-48, ch. XVII, § 1, 2; L. 1971-72.

(a) To acquire and disseminate useful information on agricultural subjects to farmers and to the public in general;

(b) To collect information and statistics with regard to the condition, prospect, harvesting and marketing of the principal crops and forest products;

(c) To oversee the conservation and judicious use of the soil, the forests, and the fish and wildlife resources of the nation;

(d) To work for the development of agriculture and rural areas of the nation, and improvement of the economic well being and general welfare of the farmer;

(e) To recommend measures of crop control and marketing of agricultural products where necessary for the protection of the national economy, and administer any such measures that are enacted by the Legislature, provided, however, that commodity standards for agricultural products shall be fixed by the Minister of Commerce and Industry;

(f) To supervise the extension of credit to farmers by any public agencies created for that purpose;

(g) To administer all laws relative to agricultural subjects or rural improvement, including regulatory laws designed to protect the farmer or agricultural means of production or farm commodities.<sup>125</sup>

<sup>125</sup> Prior legislation: L. 1961-62, ch. XXIX (13:501); 1956 Code 13:401; L. 1953-54, ch. XI; L. 1952-53, ch. XX; L. 1951-52, ch. XXIV; L. 1947-48, ch. XVII; L. 1911-12, 52(2nd); L. 1903-04, 29(2nd); L. 1971-72.

### § 28.3. Appointment of Deputy Minister of Agriculture.

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Minister of Agriculture who shall be the principal Assistant to the Minister of Agriculture and shall perform such specific duties as may be delegated to him by the Minister of Agriculture. In the event of the disability, death, resignation, or removal of the Minister of Agriculture, the Deputy Minister of Agriculture shall, unless otherwise directed by the President, perform the duties of the Minister until the Minister resumes his duties or until a successor is appointed.<sup>126</sup>

### § 28.4. Appointment of Assistant Ministers of Agriculture,

The President, by and with the advice and consent of the Senate, shall appoint such Assistant Ministers of Agriculture as may be required to effectively carry out the function of the Ministry. The Assistant Ministers shall perform such specific duties as may be delegated to them by the Minister of Agriculture.

### § 28.5. Organization of Ministry.

The Ministry of Agriculture shall be organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of the President.

## Chapter 29. MINISTRY OF COMMERCE AND INDUSTRY

### § 29.1. Ministry created.

### § 29.2. Duties of Minister of Commerce and Industry

<sup>126</sup> Prior legislation: L. 1964-65, ch. XX; L. 1961-62, ch. XXIX 13:500 (last sent); L. 1971-72.

### § 29.3. Deputy Minister of Commerce and Industry

### § 29.4. Organization of bureaus; appointment of Assistant Ministers

### § 29.1. Ministry created.

There is hereby established in the Executive Branch of the Government a Ministry of Commerce and Industry to be headed by the Minister of Commerce and Industry who shall be appointed by the President with the advice and consent of the Senate.<sup>127</sup>

### § 29.2. Duties of the Minister of Commerce and Industry.<sup>128</sup>

Except as otherwise provided by law, the Minister of Commerce and Industry shall be responsible for the promotion, development, regulation, control, operation and expansion of commercial and industrial enterprises and activities in the Republic. In performing the functions of the Ministry, the Minister shall exercise broad powers with respect to protection of the public interest and the achievement of national goals through the establishment and enforcement of standards for commodities and for trade; and provide such services as are required by the public and Government agencies in pursuit of these objectives. The duties of the Minister shall include---

- (a) Establish and regulate commodity and trade standards;
- (b) Collect, evaluate, and publish data pertaining to commerce and industry;

<sup>127</sup> Prior legislation: L. 1961-62, ch. XXXIII, § 1 (13:650); 1956 Code 13:460; L. 1948, ch. XVII, §§ 1, 2; L. 1971-72.

<sup>128</sup> Parts of the duties of the Minister of Commerce and Industry which related to transportation and specified in section 29.2 were transferred to the Minister of Transportation upon separation of that agency from the Ministry of Commerce and Industry.

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- (c) Establish and enforce standards of business practices;
- (d) Promote the sound development of foreign and domestic commerce; ...
- (f) Develop plans for the movements of goods and people within and without the Republic; ...
- (h) Conduct the registration of business enterprises; and
- (i) Perform such other duties as may be assigned from time to time by the President.<sup>129</sup>

### § 29.3. Deputy Minister of Commerce and Industry.

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Minister of Commerce and Industry who shall be the principal assistant to the Minister of Commerce and Industry in the direction of ministerial affairs and shall perform such specific duties as may be delegated to him by the Minister. In case of the absence, death, resignation or removal of the Minister the Deputy Minister shall, unless otherwise directed by the President, perform the duties of the Minister until a successor is appointed or, until the Minister resumes his duties.

### § 29.4. Organization into bureaus; appointment of Assistant Minister.

The Ministry of Commerce and Industry shall be organized into such bureaus and with such personnel as shall be determined by the

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<sup>129</sup> Prior legislation: L. 1961-62, ch. XXXIII, sec. 1(13:651); 1956 Code 13:461; L. 1953-54, ch. XI; L. 1952-53, ch. XX; L. 1951-52, ch. XXIV; L. 1947-48, ch. XVII, § 1; L. 1911-12, 52(2nd); L. 1903-04, 29(2nd); L. 1971-72.

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Minister, subject to the approval of the President. Each bureau shall be headed by an Assistant Minister, who shall be appointed by the President by and with the advice and consent of the Senate. The internal organization of each bureau shall be determined by the Minister, subject to the approval of the President.<sup>130</sup>

## Chapter 30. MINISTRY OF HEALTH AND SOCIAL WELFARE

- § 30.1. Establishment of Ministry.
- § 30.2. Duties of Minister of Health and Social Welfare.
- § 30.3. Deputy Minister of Health and Social Welfare
- § 30.4. Assistant Ministers of Health and Social Welfare
- § 30.5. Organization of Ministry
- § 30.6. Advisory Councils.

### § 30.1. Establishment of Ministry.

There is hereby established in the Executive Branch of the Government a Ministry to be known as the Ministry of Health and Social Welfare. There shall be at the head of the Ministry a Minister of Health and Social Welfare who shall be appointed by the President, by and with the advice and consent of the Senate.<sup>131</sup>

### § 30.2. Duties of Minister of Health and Social Welfare.

The Minister of Health and Social Welfare shall be charged with the

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<sup>130</sup> Prior legislation: L. 1961,62, ch. XXXIII (13:652); L. 1971-72.

<sup>131</sup> Prior legislation: L. 1961-62, ch. XXXVII, (13:600); 1956 Code 13:600, 601; L. 1953-54, ch. XXI, §§ 7(1), 8(2); L. 1952-53, ch. XXIV, §§ 1, 2, 3(a); L. 1930-31, ch. IV, §§ 3, 4; L. 1927-28, ch. XXV, § 11; L. 1936, ch. VI, § 7; L. 1971-72.



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responsibility of administering governmental activities pertaining to the protection and improvement of public health and social welfare.

More specifically, the duties of the Minister shall include--

- (a) Prevention of the introduction and spread of communicable, infectious, and preventable diseases within the Republic;
- (b) Provision of medical care and treatment through public hospitals, clinics, mental institutions and rehabilitation centers for alcoholic and narcotic addicts;
- (c) Licensing and supervision of medical practitioners and facilities;
- (d) Promotion and conduct of research in the prevention and treatment of human diseases and the collection and compilation of pertinent statistical data;
- (e) Prevention and abatement of conditions hazardous to the public health.
- (f) Supervise the collection of data relating to births, deaths, and burials;
- (g) Supervise and regulate the sanitary aspects of hotels, boarding houses, public eating and drinking establishments, bathing establishments, and other businesses and activities affecting public health;
- (h) Overseeing the just, humane and economic administration of all Government-operated welfare institutions exclusive of those expressly within the purview of other agencies of Government;

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- (i) Supervising the distribution of all relief and welfare funds granted by the Government to the needy and underprivileged;
- (j) Cooperate with the judicial system in its administration of the law relating to juvenile delinquency; and with any other agencies of the Government authorized to administer institutions or activities concerned with social welfare;
- (k) Under authority of statute or executive order, to render assistance to persons in need because of public disaster;
- (l) Originate and participate in programs for promotion of child welfare and for prevention of juvenile delinquency;
- (m) To the extent provided by law, to oversee the care of juvenile delinquencies and homeless children in foster homes, hostels, and vocational institutions;
- (n) Improve rehabilitation knowledge and its application, increase the nation's service supply of trained rehabilitation manpower and to promote public understanding about the need and ability of handicapped people;
- (o) Promote research, experiments, investigation and studies for the development of scientific methods for the diagnosis and prevention of social problems;
- (p) Offer assistance in the management of charitable organizations established within the Republic so as to provide maximum benefit to the public and ensure that their funds are utilized for the purposes for which they were established; and
- (q) Perform such other functions as may from time to time be

assigned by the President.<sup>132</sup>

### § 30.3. Deputy Minister of Health and Social Welfare.

There shall be in the Ministry of Health and Social Welfare a Deputy Minister of Health and Social Welfare who shall be appointed by the President by and with the advice and consent Senate. The Deputy Minister shall be the principal assistant to the Minister and shall perform such specific duties as may be delegated to him by the Minister. In case of the absence, death, resignation, or removal of the Minister of Health and Social Welfare, the Deputy Minister of Health and Social Welfare shall, unless otherwise directed by the President, perform the duties of the Minister until a successor is appointed or until the Minister resumes his duties.<sup>133</sup>

### § 30.4. Assistant Ministers of Health and Social Welfare.

The President, by and with the advice and consent of the Senate, may appoint such Assistant Ministers of Health and Social Welfare as would be required for the effective operation of the Ministry.<sup>134</sup>

### § 30.5. Organization of Ministry.

The Ministry of Health and Social Welfare shall be organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of the President.<sup>135</sup>

<sup>132</sup> Prior legislation: L. 1961-62, ch. XXXVII (13:601); 1956 Code 13:600, 602; L. 1953-54, ch. XXI, § 8 (1), (3), (4); L. 1952-53, ch. XXIV, § 1; L. 1936, ch. VI, § 8; L. 1930-31, ch. IV, § 1; L. 1927-28, ch. XXV, § 11; L. 1971-72.

<sup>133</sup> Prior legislation: L. 1961-62, ch. XXXVII (13:600); L. 1971-72.

<sup>134</sup> Prior legislation: L. 1971-72.

<sup>135</sup> Prior legislation: L. 1971-72.

### § 30.6. Advisory Health Councils.

There shall be an Advisory Health Council and an Advisory Social Welfare Council each to consist of five or more members to be appointed by the President from among persons having knowledge and interest in public health and social welfare. The members shall receive no compensation for their services and shall hold no position in the Ministry of Health and Social Welfare. The Council shall have no permanent staff, and shall advise the Minister on matters referred by him relating to public health, medical care, social welfare programs and policies, and may undertake on their own initiative studies or inquiries relative thereto.<sup>136</sup>

## Chapter 31. MINISTRY OF INFORMATION TOURISM AND CULTURAL AFFAIRS

- § 31.1. Ministry created; duties of Minister.
- § 31.2. Deputy Minister of Information, Tourism and Cultural Affairs.
- § 31.3. Assistant Minister of Information, Tourism and Cultural Affairs.
- § 31.4. Bureau of Press and Publications.
- § 31.5. Bureau of Cultural and Touristic Affairs.
- § 31.6. Bureau of Audio-Visual Aids.
- § 31.7. Overseas Press Bureau.
- § 31.8. National Tourist Board.
- § 31.9. Motion Picture and Television Review Board.
- § 31.10. Organization of Ministry.
- § 31.11. National Historical Publications Commission.
- § 31.12. National Museum.

<sup>136</sup> Prior legislation: L. 1961-62, ch. XXXVIII, § 2(13:603); L. 1971-72.

**§ 31.1. Ministry created; duties of Minister.**

There shall be established in the Executive Branch of the Government a Ministry of Information, Tourism and Cultural Affairs to be administered by a Minister of Information, Tourism and Cultural Affairs who shall be appointed by the President by and with the advice, and consent of the Senate and who shall serve at the pleasure of the President. The Minister of Information, Tourism and Cultural Affairs shall be charged with the responsibility, direction and supervision of all matters relating to the information, tourist and cultural programs of the Government of Liberia. For this purpose he shall:

- (a) Select in accordance with prevailing policies subject to be broadcast or covered by articles, features, news stories, releases, slides, films, filmstrips, postcards, calendars and other means for distribution locally and abroad;
- (b) Maintain close contacts with all Ministries and agencies of Government, and all national and private institutions and organizations for the purpose of gaining information and keeping the public informed of national programs, projects and developments;
- (c) Counter unfavorable propaganda by disseminating a wide range of informative material that presents a true picture of Liberia's national image, its aims and aspirations, policies, programs, institutions and progress to a worldwide audience;
- (d) Maintain contacts with Liberian diplomatic and consular missions abroad; organize regional information centers in Liberia, and plan, promote, coordinate, supervise and direct information programs and projects for these missions centers in pursuance of Liberia's national and international objectives;

(e) Organize, foster and promote a tourist industry for which purpose he shall inquire into, collect and publicize information pertaining to historical sites, landmarks, and places of natural scenic beauties, wherever found throughout country, to be developed as tourist attractions;

(f) Provide efficient administration, direction and coordination for the activities of the National Tourism Board and National Picture and Television Review and issue regulations governing the establishment and operation of all cinema houses in Liberia;

(g) Organize, supervise and encourage the mass production, improvement and popularization of Liberia's indigenous arts and handicrafts; establish, operate and maintain a National Culture Center and an Ethnographical Museum; and plan and execute programs for the preservation of the folklore, mores and indigenous culture of the nation; and

(h) Perform such other duties as may be assigned to him by the President of Liberia.<sup>137</sup>

**§ 31.2. Deputy Minister of Information, Tourism and Cultural Affairs.**

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Minister of Information, Tourism and Cultural Affairs, who shall be the principal assistant to the Minister of Information, Tourism and Cultural Affairs in all matters affecting the operation of the Ministry and shall perform such specific duties as

<sup>137</sup> Prior legislation: L. 1965-66, ch., An act to amend the Executive Law to create a Department of Information and Cultural Affairs, (13:657); L. 1962-63, ch. XIX, § 2(13:89); 1957-58 § 13:890, 891; L. 1957-58, ch. XVII, §§ 1, 2, 3; 1956 Code 13:890; L. 1953-54, ch. X, § 2; L. 1944-45, ch. XXI, § 4(e); L. 1971-72.

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may be delegated to him by the Minister. In the event of the absence, resignation, removal, inability or death of the Minister Information, Tourism and Cultural Affairs, the Deputy Minister shall, unless otherwise ordered by the President, administer the affairs of the Ministry and perform the duties of the Minister of Information, Tourism and cultural Affairs until a successor is appointed or until the Minister resumes his duties.<sup>138</sup> [\*Note: There is also created in the Ministry of Information, Cultural Affairs and Tourism the position of Deputy Minister for Information. The original position of Deputy Minister for Information, Tourism and Cultural Affairs is now Deputy Minister for Administration.]

### § 31.3. Assistant Minister of Information, Tourism and Cultural Affairs.

The President, by and with the advice and consent of the Senate may appoint such Assistant Ministers of Information, Tourism and Cultural Affairs as would be required for the effective operation of the Ministry.<sup>139</sup>

### § 31.4. Bureau of Press and Publications.

There shall be a Bureau of Press and Publications in the Ministry of Information, Tourism and Cultural Affairs. The Chief of the Bureau shall be appointed by the President upon the advice and consent of the Senate, and shall be responsible for the writing, adapting, editing, revising and re-writing of manuscripts for press bulletins, press releases, pamphlets, handbooks and other material for dissemination to the public. He shall supervise and direct the operation of the Division of Research and Reference and all regional information

<sup>138</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law to create the Department of Information and Cultural Affairs (13:658); L. 1971-72.

<sup>139</sup> Prior legislation: L. 1971-72.

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centers, and shall be responsible for the publication of the *Lil Official Gazette*.<sup>140</sup>

### § 31.5. Bureau of Culture.

The Chief of the Bureau of Culture shall be appointed by President upon the advice and consent of the Senate. It shall be duty to plan and initiate programs in Liberia for the product improvement and popularization of Liberia's indigenous arts handicrafts; to execute programs for the preservation of the folk mores and indigenous culture of the nation; to operate the National Cultural Center and Ethnographical Museum.

#### § 31.5-A. Bureau of Tourism.

The Chief of the Bureau of Tourism shall be appointed by President upon the advice and consent of the Senate. It shall be duty to encourage development of the tourist industry by conducting continuous surveys and advertising tourist potentials such as scenic historical and recreational sites.<sup>141</sup>

### § 31.6. Bureau of Audio-Visual Aids.

The President shall appoint by and with the advice and consent of the Senate the Chief of the Bureau of Audio-Visual Aids whose duty shall be to plan, develop and produce all documentary films, film strips, slides, cartoons, posters, photographs, illustrations, exhibits and pictorialization of various aspects of life and activities in Liberia.

<sup>140</sup> Prior Legislation: L. 1965-66, ch. (An act to amend the Executive Law to create the Department of Information and Cultural Affairs) 13:660; 1957-58 Supp. 13:894; L. 1958, ch. XVII, § 7; 1956 Code 13:82; L. 1953-54, ch. X, §§ 4, 5, 6; L. 1971-72.

<sup>141</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law to create the Department of Information and Cultural Affairs), 13:661; L. 1971-72.

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and supervise their utilization and display for the benefit of the public.<sup>142</sup>

### § 31.7. Overseas Press Bureau.

The Chief of the Overseas Press Bureau shall be appointed by the President upon the advice and consent of the Senate. It shall be his duty to plan, supervise, coordinate and evaluate the programs of all press attaches and public relations officers at Liberian diplomatic and consular missions abroad and keep them adequately supplied with the latest factual data on the country, including feature articles, photographs, monographs, films, filmstrips, posters, slides and booklets which are produced by the Ministry. He shall serve as liaison between the Ministry and all resident correspondents of foreign news agencies and visiting foreign journalists. He shall be responsible for answering all inquiries and countering all adverse publicity from abroad about Liberia and perform such other duties as may be assigned him by the Minister of Information, Tourism and Cultural Affairs.<sup>143</sup>

### § 31.8. National Tourist Board Established.

There shall be established within the Ministry of Information, Tourism and Cultural Affairs a board to be known as the National Tourist Board to be constituted by the President. The Board shall consist of the Minister of Information, Tourism and Cultural Affairs as Chairman, and representatives of the Ministries at Justice; Internal Affairs; Commerce and Industry as well as representatives of airlines, travel agencies, transportation companies, hotels and such other

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<sup>142</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law to create the Department of Information and Cultural Affairs), 13:662.

<sup>143</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law to create the Department of Information and Cultural Affairs) L. 1971-72.

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persons as the President may direct as members. The Chief Bureau of Cultural and Touristic Affairs in the Ministry of Information, Tourism and Cultural Affairs shall serve as Executive Secretary.

As an advisory body the Board shall recommend measures to stimulate the development of the tourist industry in the country; it shall recommend rules and regulations for the preservation, protection and operation of tourist attractions and centers all over the country to ensure the safety and comfort of tourists.

### § 31.9. Motion Picture and Television Review Board.

The Chairman of the Motion Picture and Television Review Board shall be appointed by the President upon the advice and consent of the Senate. It shall be his duty to censor or ensure the censoring of all movie films for cinemas and television imported into the Republic or produced in Liberia prior to their screening for information and amusement. He shall also ensure that no cinema house is established and no mobile cinema unit is operated anywhere in the Republic without a permit issued by the Minister of Information, Tourism and Cultural Affairs; and no film shall be screened in any cinema house or by any mobile unit operator unless the owners have exhibited on the screen prior to the showing of the film a document to the effect that it has received the approval of the Board. He shall perform such other duties as may be assigned by the Minister of Information, Tourism and Cultural Affairs.<sup>144</sup>

### § 31.10. Organization of Ministry.

The Minister of Information, Tourism and Cultural Affairs shall

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<sup>144</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law to create the Department of Information and Cultural Affairs) 13:664, 1956 Code 13:820; L. 1954-55 XXXV, § 1; L. 1971-72.

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organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of the President.

### § 31.11. National Historical Publications Commission.

There is hereby created a National Historical Publications Commission which shall make plans, estimates and recommendations for the publication or other recording at public expense of historical works and collections of sources. The Commission shall consist of the Deputy Minister of Information, Tourism and Cultural Affairs, who shall be its chairman, and two members of the history department of the University of Liberia, who shall be appointed by the President of Liberia. The Commission shall meet at least once each year. The members shall serve without compensation except for the repayment of expenses actually incurred by them in attending the meetings of the Commission.<sup>145</sup>

### § 31.12. National Museum.

There shall be established within the Ministry of Information, Tourism and Cultural Affairs a National Museum, which shall be headed by a Director to be appointed by the President, by and with the advice and consent of the Senate. It shall be the duty of the Director of the National Museum, subject to the authority and direction of the Minister of Information, Tourism and Cultural Affairs to---

(a) Collect and preserve and in so far as possible arrange for public exhibition, all historical and traditional art objects and monuments in the country; and

(b) Take all lawful measures necessary to protect historical monuments and prevent the exportation from Liberia or

<sup>145</sup> Prior legislation: L. 1953-59, ch. XLVIII, § 6.

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destruction or damaging of rare objects of art.<sup>146</sup>

## Chapter 32. MINISTRY OF PLANNING AND ECONOMIC AFFAIRS

§ 32.1. Definitions.

§ 32.2. Ministry created.

§ 32.3. Functions of Ministry.

§ 32.4. Program Planning Officers.

§ 32.5. Power to collect information.

§ 32.6. Information furnished to be confidential.

§ 32.7. Organization.

### § 32.1. Definitions.

As used in this Chapter, unless the context otherwise requires:

(a) "Economic Planning" includes the planning of:

(i) Those Government programs and projects which are designed to increase national production and to improve the well being of the people, including nutrition, health, education, housing, transportation, communication, and activities contributing thereto;

(ii) external assistance programs designed to promote the purposes stated in (a)(1) of this section;

(iii) Foreign investment programs involving Government concessions or Government participation in such programs.

<sup>146</sup> Prior legislation: L. 1967-68, ch. (An act to amend the Executive Law to create a National Museum) (13:666, 667); L. 1971-72.

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(b) "Agencies" means ministries and other agencies of the executive branch of the Government and corporations and other business enterprises in which the Government owns fifty percent or more of the total capital.

(c) "Program" means a plan to carry out one phase of economic planning, such as education, health, agriculture improvement, transportation, power development, or industrial development; and

(d) "Project" means a particular undertaking within a period such as establishment of a school, hospital or a road.<sup>147</sup>

### § 32.2. Ministry created.

There shall be created in the executive branch of the Government the Ministry of Planning and Economic Affairs, to be headed by a Minister of Planning and Economic Affairs, who shall be appointed by the President with the advice and consent of the Senate. The President shall appoint, with the advice and consent of the Senate, a Deputy Minister who shall be the principal assistant to the Minister in the direction of the affairs of the Ministry and who shall act in the absence of the Minister. The President may also appoint with the advice and consent of the Senate such Assistant Ministers as would be required for the effective operation of the Ministry.<sup>148</sup>

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<sup>147</sup> Prior legislation: L. 1965-66, ch. (An Act to amend the Executive Law to create the Department of Planning and Economic Affairs) (13:681); L. 1962-63, ch. XXXVI; L. 1961-62, ch. XVII; L. 1971-72.

<sup>148</sup> Prior legislation: L. 1965-66, ch. (An Act to amend the Executive Law to create the Department of Planning and Economic Affairs) (13:682); L. 1962-63, ch. XXXVI; L. 1961-62, XVIII, L. 1971-72.

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### § 32.3. Functions of the Ministry.

The functions of the Ministry of Planning and Economic Affairs shall include the following:

(a) undertake economic studies required for planning and policy purposes;

(b) Prepare long-range and intermediate-range economic development plans;

(c) Identify, develop and prepare suitable development programs and projects, both for the public and private sectors;

(d) Analyze the interrelationship and internal consistency of various proposed programs and projects;

(e) Give technical guidance to all government agencies in the preparation of development programs and projects;

(f) In consultation with the Ministry of Finance, review, coordinate, process and record all external aid and assistance programs and report on progress made in those programs;

(g) Undertake all staff activities incidental to the National Planning Council deliberations;

(h) Review progress made on programs and projects which have been adopted, initiating special investigation into the execution of those programs and projects, and report findings and recommendations to the Executive Committee of the National Planning Council; and

(i) Perform such other functions as may be prescribed by the

President.<sup>149</sup>

#### § 32.4. Program Planning Officers.

The head of each agency of the Government in consultation with the Minister of Planning and Economic Affairs shall designate in his Agency an Assistant Minister or other official of appropriate rank to act as Program Planning Officer. Those officers shall be responsible within their own agencies to prepare programs and projects and report on progress made on such programs and projects under the responsibility of their respective agency heads in a manner prescribed by the Minister of Planning and Economic Affairs.<sup>150</sup>

#### § 32.5. Power to collect information.

The Ministry of Planning and Economic Affairs shall have the power to request, demand and collect from any person, natural or legal, residing in the Republic, and from any Ministry, Bureau or Agency of the Government of the Republic, all information it may deem necessary to effectively carry out its functions as outlined in section 3 of this Chapter. Any responsible person in the private sector (natural or legal), or Minister, head of Bureau, or Agency of the Government who receives from the Ministry of Planning and Economic Affairs a request for information which it is empowered to collect, and fails or refuses to give reasonable compliance to such request shall upon authorization of the President be penalized under provision of the Penal Law. Where the information given is

149 *Prior legislation* L. 1965-66, ch. (An Act to amend the Executive Law to create the Department of Planning and Economic Affairs) (13:683); L. 1962-63, ch. XXXVI; L. 1961-62, ch. XVII; L. 1971-72.

150 *Prior legislation*: L. 1965-66, ch. (An Act to amend the Executive Law to create the Department of Planning and Economic Affairs) (13:691); L. 1962-63, ch. XXXVI; L. 1961-1962, ch. XVII; L. 1971-72.

discovered to be intentionally false, the persons, (legal or natural) who furnishes the false information shall be prosecuted in accordance with provision of the Penal Law.<sup>151</sup>

#### § 32.6. Information furnished to be confidential.

All information furnished to the Ministry of Planning and Economic Affairs pursuant to the provision of Section 5 of this Chapter shall be absolutely confidential and shall be disclosed or published by the Ministry of Planning and Economic Affairs only in the form of a general economic or statistical report without specific reference to source of such information. Any official or employee of the Ministry of Planning and Economic Affairs who shall violate the provision of this Section shall be immediately dismissed from office and shall be prosecuted under provision of the Penal Law. In addition, the information obtained from this source may not be used by any individual or judicial tribunal in any proceeding in which the person (legal or natural) is a party.<sup>152</sup>

#### § 32.7. Organization.

The Ministry of Planning and Economic Affairs shall be organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of the President.<sup>153</sup>

151 *Prior legislation*: L. 1971-72.

152 *Prior legislation*: L. 1971-72.

153 *Prior legislation*: L. 1971-72.



### **Chapter 33. MINISTRY OF LANDS, MINES AND ENERGY**

§ 33.1. Ministry created; appointment of Minister, Deputy Minister, Assistant Ministers.

§ 33.2. Functions of Ministry.

§ 33.3. Organization of Ministry.

#### **§ 33.1 Ministry created; appointment of Minister, Deputy Minister, Assistant Ministers.**

There is hereby created and established in the Executive Branch of the Government a Ministry of Lands, Mines and Energy to be headed by a Minister who shall be appointed by the President with the advice and consent of the Senate. The President shall appoint, with the advice and consent of the Senate, a Deputy Minister who shall be the principal assistant to the Minister of Lands, Mines and Energy and who shall act in his absence. The President may also appoint, with the advice and consent of the Senate, such Assistant Ministers as would be required for the effective operation of the Ministry.<sup>154</sup>

#### **§ 33.2. Functions of Ministry.**

The Ministry of Lands, Mines and Energy shall be charged with the administration of the Mining and Survey Laws of the Republic. It shall

(a) Pursuant to applicable regulations, review, and in the proper cases grant or deny, applications for prospecting, exploration, and mining rights except concessions;

(b) Collect and distribute information about the mineral and

<sup>154</sup> Prior legislation: L. 1971-72.

water resources of the nation;

(c) Conduct research and exploration in geology and related fields for new sources of supply and evolution of mineral resources and prepare topographic and mineral maps;

(d) Promote safety in mineral industries, investigate problems of mining and the preparation and utilization of minerals; and control the use of mineral resources according to approved conservation practices;

(e) Approve or deny applications for permission to prospect for, mine, purchase, sell, import, export or otherwise deal with diamonds in accordance with the provisions of Chapter 6-A of the Natural Resources Law;

(f) With the approval of the President, request participation of experts in any matter which may be deemed necessary and appropriate for the more efficient solution of matters submitted to the Ministry;

(g) To suspend operations of mining concessionaires for violations of the Mining Law or regulations issued thereunder and to impose fines on such concessionaires;

(h) To authorize the abandonment of a claim or concession on the request of the concessionaire, or to order cancellation on ground stated in section 176 of the Natural Resources Law;

(i) Propose to the President the tariffs relating to mineral substances, except diamonds; and

(j) Perform such other functions as may from time to time be assigned by the President.

(k) To coordinate the exploration, exploitation and production of hydrocarbon activities in Liberia;

(l) To supervise, coordinate and conduct research in developing conventional alternatives, new or renewable energy sources;

(m) To promulgate all regulations affecting lands, mines and energy in Liberia;

(n) To monitor compliance with, as well as enforce, all laws and regulations affecting lands, mines and energy;

(o) To formulate, in conjunction with relevant ministries and agencies, and in accordance with prevailing conditions and national requirements, a comprehensive national energy policy for submission to the Government of Liberia.<sup>155</sup>

### § 33.3. Organization of Ministry.

The Ministry of Lands, Mines and Energy shall be organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of the President.<sup>156</sup>

## Chapter 34. MINISTRY OF LABOR

§ 34.1. Ministry created; appointment of Minister, Deputy Minister, Assistant Minister.

§ 34.2. Functions of Ministry.

<sup>155</sup> Sub-sections (k) to (o) of section 2 were added to Chapter 33 of the Executive Law by People's Redemption Council decree No. 55, issued on October 21, 1981. *Prior legislation:* L. 1942-43, L. 1948-49; L. 1951-52; L. 1955-55; L. 1971-72.

<sup>156</sup> *Prior legislation:* L. 1971-72.

§ 34.3. Organization of Ministry.

§ 34.4. Permanent Committee.

§ 34.5. Framework of Activities.

§ 34.6. Program of Training for Youths.

### § 34.1. Ministry created; appointment of Minister, Deputy Minister, Assistant Ministers.

There is hereby created and established in the Executive Branch of the Government a Ministry of Labor to be headed by a Minister who shall be appointed by the President with the advice and consent of the Senate. The Minister shall be charged with the administration, promotion, development, direction and supervision of all Government programs and activities relating to Labor. The President shall appoint by and with the advice and consent of the Senate, a Deputy Minister who shall be the principal assistant to the Minister of Labor and who shall act in the absence of the Minister. The President may also appoint, with the advice and consent of the Senate, such Assistant Ministers as would be required for the effective operation of the Ministry.<sup>157</sup>

### § 34.2. Functions of Ministry.

The functions of the Ministry shall include the promotion, administration, development, regulation, control of the Labor Law and Labor Practices Law of the Republic. To the achievement of these objectives, it shall:

(a) Regulate, in the public interest, relations between employer and employees in the Republic;

<sup>157</sup> *Prior legislation:* L. 1971-72.

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- (b) Provide employment services in pursuit of development and exploitation of all resources and the furtherance of commerce;
- (c) Provide for the classification, registration, and licensing of tradesmen and craftsmen;
- (d) Conduct manpower studies;
- (e) Protect the rights of labor and management in the Republic;
- (f) Perform such other functions as may from time to time be assigned by the President.<sup>158</sup>

## ARTICLE I

### **EXTENSION OF THE ADMINISTRATIVE POWERS AND PROCEDURE OF THE MINISTRY OF LABOUR**

*1. Power of the Ministry to Fine.* The Minister of Labour shall have the power to fine any persons, enterprise or other legal entity not less than \$450.00 (Four Hundred Fifty and 00/100 dollars) or not more than \$2,000.00 (two thousand and 00/100 dollars) who fails to respond to its citations. Such fine shall be deposited into the Government's revenue by the person fined and a copy of the Revenue receipt shall be furnished to the Ministry of Labour.

If any person, enterprise or other legal entity refuses to pay such fine, the fine shall be enforced by the Board of General Appeals who shall have the power to imprison such delinquent person/persons,

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<sup>158</sup> *Prior legislation:* L. 1996-67 (Acts creating the National Labor Affairs and the Bureau of Youth); L. 1971-72. The Ministry of Labour was created as a separate Ministry from Youth and Sports by People's Redemption Council decree No. 35 which amended Chapter 34 of the Executive Law. Decree No. 35 was issued on March 17, 1981 and published on May 7, 1981.

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representative of an enterprise or a legal entity until such fine is fully paid.

*2. Power of the Ministry to issue regulations.* The Ministry of Labour in keeping with Chapter 34.2(a) of the Executive Law, shall issue necessary regulations adapted to the needs of the country which will realize the Government's goal to establish a system of sound labor relations in Liberia.

*3. Jurisdiction of Hearing Officers.* Hearing Officers of the Ministry of Labour shall have territorial jurisdiction over cases arising in the respective counties or territories in the Republic of Liberia where their offices are located. The Minister of Labour, however, may assign a case of importance if essential interests of the Government are involved, irrespective of where it originates, to a Hearing Officer at the Central Office of the Ministry of Labour in Monrovia, Montserrado County.

*4. Powers of Hearing Officers.* Hearing Officers shall have the power, in connection with the hearing and determination of labor cases, to:

- (a) Administer oaths;
- (b) Issue subpoenas to compel the attendance of witnesses and parties to the case, or to produce books, papers, documents and other evidence;
- (c) Examine witnesses;
- (d) Require depositions to be taken; and
- (e) Have contempt proceedings instituted before the National Labour Court against any person who resists any order.

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process, or who misbehaves during a hearing or so near the place thereof as to obstruct its progress.

5. *Exhaustion of Grievance Committee.* Prior to filing a complaint with the Ministry of Labour, an employee of an enterprise, where a Grievance Committee has been established in accordance with section 2001 of the Labour Practices Law, shall submit his complaint to the Grievance Committee for settlement. A Grievance Committee, when notified of a complaint, shall attempt by conferring informally with the parties to effect a settlement within two weeks after the receipt of such notice as required by section 2002 of the Labour Practices Law. If the employee is dissatisfied with the settlement of the Grievance Committee, he may then file a complaint with the Ministry of Labour. Hearing Officers shall not investigate the complaint of any employee which has not been previously submitted to a Grievance Committee where such a committee has been established in an enterprise.

6. *Time limitation for filing of action.* All labour actions shall be commenced within seven years of the time the right of relief accrues; otherwise, such actions shall not be entertained by the Ministry of Labour. The right to relief shall accrue on the day that the employee incurs a grievance. An aggrieved employee shall commence a labour action by filing a complaint with the Ministry of Labour in the county or territory where the matter originates.

7. *Time limitation for taking an appeal.* Any party dissatisfied with the decision of a Hearing Officer may take an appeal by filing a petition for review with the Board of General Appeals within 30 days after receipt of the Hearing officer's decision. Copies of the petition shall be served promptly on the Hearing officer who rendered the decision, and all parties on record. The decision of a Hearing Officer shall become final and conclusive upon the expiration of the 30 days after copies of his ruling have been received by the parties to a

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case.<sup>159</sup> [\*Note: Board of General Appeals no longer exist.]

8. *Default judgment.* If a defendant in a labour case fails to appear, plead or proceed to trial, or if the Hearing Officer or the Board of General Appeals orders a default for any other failure to proceed, the complainant may seek a default judgment against the defendant. On an application for a default judgment, the applicant shall file proof of service of the summons and complaint and give proof of the facts constituting the claim, the default judgment. The Ministry of Labour is hereby empowered to enforce such judgment by imprisonment until said default judgment is fully complied with.

9. *Abandonment of action.* Any action which is abandoned for 12 days after a complaint has been filed shall be null and void.

## ARTICLE II

### EXTENSION OF THE DUTIES OF THE LABOUR SOLICITOR<sup>160</sup>

It shall be the duty of the Labour Solicitor to conduct and represent employees in all labour matters before the Board of General Appeals and the National Labour Court, when such employees have declared under oath their inability to retain counsel because of financial destitution.

### § 34.3. Organization of Ministry.

The Ministry of Labor shall be organized in such manner and with

<sup>159</sup> NOTE: The Board of General Appeals was abolished by subsequent Act of the Legislature. All references to the Board are therefore inapplicable. Appeals from the decision of a Hearing Officer now go directly to the National Labour Court.

<sup>160</sup> Articles I and II were added to Chapter 34 of the Executive Law by Interim National Assembly decree No. 21 which was issued on December 24, 1985.

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such personnel as the Minister shall deem fit, subject to the approval of the President.<sup>161</sup>

**Chapter 37. MINISTRY OF TRANSPORT**

- §37.1. Ministry created
- §37.2. Organization of the Ministry
- §37.3. Functions of the Ministry
- §37.4. Transfer of the Bureau of Transportation, Civil Aviation and Insurance
- §37.5. Transfer of the Bureau of Maritime Affairs
- §37.6. Transfer of the Liberia Shipping Corporation Board Chairmanship

**§ 37.1. Ministry Created.**

There is hereby created and established in the Executive Branch of Government a Ministry of Transport to be headed by a Minister who shall be appointed by the President with the consent of the Senate. To assist the Minister in the administration of the affairs of the Ministry, the President shall appoint, with the consent of the Senate, a Deputy Minister for Administration/Insurance who shall be the principal Deputy to the Minister and who shall act in the absence of the Minister. The President shall also appoint, with the consent of the Senate, a Deputy Minister for Maritime Affairs/Shipping, a Deputy Minister for Civil Aviation, a Deputy Minister for Land/Rail Transport, and a Deputy Minister for Legal Affairs, as well as such other Deputy Ministers and Assistant Ministers as shall be necessary and required for the effective operation of the Ministry.

<sup>161</sup> Prior legislation: L. 1971-72.

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**§37.2. Organization of the Ministry.**

The Ministry of Transport shall be divided into five major Divisions, namely, the Division of Administration/Insurance, the Division of Maritime Affairs/Shipping, the Division of Civil Aviation, the Division of Land/Rail Transport, and the Division of Legal Affairs, each to be headed by a Deputy Minister, as well as such Divisions and Bureaux as shall be established by the Minister, subject to the approval of the President and legislative enactment.

**§37.3. Functions of the Ministry.**

The functions of the Ministry of Transport shall include:

- (a) To administer and implement the Transportation Law, Insurance Law, and the Maritime Law, and to plan and execute policies relating to all modes of land, rail, sea and air transport services within the Republic of Liberia and abroad.
- (b) To represent the Government's interest in all negotiations in connection with Government participation in shipping and to represent the Government's interest in international shipping and maritime conferences.
- (c) To collect, collate, evaluate and periodically publish data relating to land, rail, sea and air transport services as well as insurance, as well as the maintenance of meteorological services.
- (d) To establish rules and procedures and enforce standard transport services of private and public common carriers, whatever nature and, in general, to develop, regulate, coordinate and monitor vehicles, boats, ships, fishing vessels, railroads, aviation, ferries, canoes, rural and urban mass transit, and

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inspection and safety of highways, the seas, railroads and civil aviation.

(e) To enforce the Compulsory Liability Insurance Law of 1972 as contained in Volume VI of the Liberian Code of Laws Revised, Chapter 4 of Title 38.

(f) To establish and implement the overall transportation policy of the Republic, and develop plans for the movements of goods and people within and without the Republic.

(g) To regulate the use of inland waterways and rivers, ships flying the Liberian flag in domestic and foreign commerce, as well as all modes of watercrafts for civil transport.

(i) To regulate the use of ports and harbours, domestic airports and vehicle parking lots as they affect shipping, civil aviation, and motor and rail transport.

#### **§37.4. Transfer of Bureaux of Transportation, Civil Aviation and Insurance.**

The Bureau of Transportation, the Bureau of Civil Aviation and the Bureau of Insurance are hereby detached from the Ministry of Commerce, Industry and Transportation and are herewith transferred to the Ministry of Transport together with their staffs and operating budgets respectively. With the detachment of the said Bureaux, the nomenclature of the Ministry of Commerce, Industry and Transportation shall henceforth be known as the Ministry of Commerce and Industry.

#### **§37.5. Transfer of the Bureau of Maritime Affairs.**

The Bureau of Maritime Affairs is hereby detached from the Ministry

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of Finance and is herewith transferred to the Ministry of Transport together with its staff and operating budget.

#### **§37.6. Transfer of Liberia Shipping Corporation Board Chairmanship.**

The management of the Liberia Shipping Corporation, as contained in Section 56.7 of Chapter 56 of the New Executive Law, shall be vested in a Board of Directors, consisting of the Minister of Transport who shall act as Chairman of the Board.

## P A R T IV

### *Autonomous Agencies*

#### **Chapter 50. NATIONAL PLANNING COUNCIL**

- § 50.1. National Planning Council created.
- § 50.2. Functions of the Council.
- § 50.3. Power to appoint Committees and Commissions.
- § 50.4. Executive Committee established
- § 50.5. Functions of the executive Committee.
- § 50.6. Meeting of the National Planning Council and the Executive Committee.
- § 50.7. Technical Sub-Committee of the Executive Committee established.
- § 50.8. Staff Activities-Secretariat.

#### **§ 50.1. National Planning Council created.**

There shall be created in the Executive Branch of the Government the National Planning Council, which shall be composed of the President of Liberia as chairman, all Cabinet Ministers, the Director General of the General Services Agency, the Director General of Action for Development and Progress and the Director of the Budget. The Minister of Planning and Economic Affairs shall serve as Executive Secretary of the Council. The President may also appoint other persons as members of the National Planning Council and may invite other Government officials or private citizens to attend its meetings from time to time.<sup>162</sup>

<sup>162</sup> *Prior legislation:* L. 1965-66, ch. (An Act to amend the Executive Law to create the National Planning Council (13:1130); L. 1962-63, ch. XXXVI (13:1132); L. 1961-62, ch. XVII (1132); L. 1971-72.

#### **§ 50.2. Functions of the Council.**

The functions of the National Planning Council shall be:

- (a) To provide general policy guidance to all agencies of the Government in the formulation of plans for national development;
- (b) To review for its approval or disapproval recommendation made by the heads of the various ministries and agencies of Government or by committees and commissions of the Council on
  - (i) External assistance programs and investment proposals: both foreign and domestic, involving Government concessions or Government participation in such programs;
  - (ii) Allowances for development programs and projects to be included in the budget for the ensuing year;
  - (iii) Proposals for new development programs and projects or changes in existing programs and projects;
- (c) To approve the annual development budget to be included in the national budget for submission to the Legislature;
- (d) To require that special investigation and evaluation of programs and projects be made by appropriate agencies of the Government or Non-Government organization; and
- (e) To establish economic development priorities.<sup>163</sup>

<sup>163</sup> *Prior legislation:* L. 1965-66, ch. (an Act to amend the executive Law to create the National Planning Council) (13:1131); L. 1962-63, ch. XXXVI (13:1136); L. 1961-62, ch. XVII (13:1136); L. 1971-72.

### § 50.3. Power to appoint Committees and Commissions.

The National Planning Council may establish such standing and/or ad hoc committees and commissions as shall be necessary to carry out its functions.<sup>164</sup>

### § 50.4. Executive Committee established.

An executive Committee is hereby established as a subsidiary of the National Planning Council. The Executive Committee shall report to the Council. The Executive Committee shall consist of the following members: A Minister of State Without Portfolio, who shall be appointed by the President as Chairman of the Committee, the Minister of Planning and Economic Affairs, the Minister of Finance, the Minister of Foreign Affairs, the Minister of Justice, the Director of the Budget, and the Director General of the General Services Agency.<sup>165</sup>

### § 50.5. Functions of the executive Committee.

The Executive Committee shall exercise all the powers of the National Planning Council between meetings of the Council, subject to the approval of the President. All recommendations made by the heads of the various Ministries and Agencies of Government or by committees and commissions of the National Planning Council shall be submitted to the Executive Committee through its Chairman for review and action. The Executive Committee shall make its recommendations or report on its actions to the National Planning Council.<sup>166</sup>

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<sup>164</sup> Prior legislation: L. 1971-72.

<sup>165</sup> Prior legislation: L. 1971-72.

<sup>166</sup> Prior legislation: L. 1971-72.

### § 50.6. Meetings of the National Planning Council and the Executive Committee.

The National Planning Council shall meet at least once during every quarter and the Executive Committee shall meet at least once every month.<sup>167</sup>

### § 50.7. Technical Sub-Committee of the Executive Committee established.

(a) A Technical Sub-Committee is hereby established as a subsidiary of the Executive Committee of the National Planning Council. The Technical Sub-Committee shall report to the executive Committee.

(b) The Technical Sub-Committee shall assist the Executive Committee in the performance of its work, as directed by the Chairman of the Executive Committee;

(c) The Technical Sub-Committee shall consist of personnel representing and designated by the Ministers and heads Agencies of Government that are members of the Executive Committee. The representative of the Minister of Planning and Economic Affairs shall be the Chairman of the Technical Sub-Committee.

(d) The Sub-Committee shall call for the active participation at other Ministries and Agencies of Government not included on the Executive Committee as the need shall arise or when any matter concerning such Ministries or Agencies is before the Sub-Committee.

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<sup>167</sup> Prior legislation: L. 1971-72.



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(e) The heads of Ministries and Agencies shall designate appropriate technical personnel from their Ministries and Agencies to participate in the meetings of the Technical Sub-Committee from time to time as determined by the subjects for discussion.

(f) The Technical Sub-Committee may meet at any time upon call of its chairman or upon directive of the Executive Committee; provided nevertheless that the Technical Sub-Committee shall meet once a month prior to the meeting of the Executive Committee.<sup>168</sup>

### § 50.8. Staff Activities-Secretariat.

(a) All staff activities necessary for the functioning of the Council shall be provided by a Secretariat, which shall be the Ministry of Planning and Economic Affairs;

(b) The Secretariat shall, in consultation with the Executive Committee, prepare the annual development budget and submit it to the National Planning Council for approval to be included in the National budget for submission to the Legislature.<sup>169</sup>

## Chapter 51. GENERAL SERVICES AGENCY

§ 51.1. Agency established.

§ 51.2. Duties of the Director General.

§ 51.3. Organization.

§ 51.4. Bureau of Procurement and Supply.

<sup>168</sup> Prior legislation: L. 1971-72.

<sup>169</sup> Prior legislation: L. 1971-72.

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§ 51.5. Bureau of Government Housing and Real Property.

§ 51.6. Bureau of Mobile Equipment and Vehicles.

§ 51.7. Bureau of Data Processing.

### § 51.1. Agency established.

There is hereby established in the Executive Branch of Government an autonomous agency which shall be known as the General Services Agency. The Agency shall be headed by a Director General of General Services who shall be appointed by the President with the advice and consent of the Senate. The President shall appoint, by and with the advice and consent of the Senate, a Deputy Director General who shall be the principal assistant to the Director General and shall act in the absence of the Director General.<sup>170</sup>

### § 51.2. Duties of Director General.

The Director General shall, in respect to all branches of Government and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, service, and with due regard to the functions of the agency concerned:

(a) exercise control over procurement and supply of personal property; central warehousing; distribution of all material parts, equipment and supplies; development of standards and specifications; and inspection of purchases;

(b) Develop policies and regulations to promote maximum utilization of excess property of Government agencies; and

<sup>170</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the executive Law to establish the General Services Agency) 13:700. Section 51.1 was amended to the present wording by Act of the Legislature, approved July 2, 1973 and published August 30, 1973.

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direct the disposal of surplus property through donation, sale, destruction or abandonment;

(c) Secure buildings and to fulfill requirements of all agencies necessary to discharge their lawful functions;

(d) Manage, maintain, operate, alter, remodel, repair, improve and protect buildings, public lands, and other real property which are owned or leased by and for the Government;

(e) Manage and control all Government mobile equipment and vehicles, depots and service facilities therefor;

(f) Administer central automatic data processing facilities.<sup>171</sup>

### § 51.3. Organization.

The Agency shall be organized into four bureaux, as follows:

- (a) Bureau of Procurement and Supply;
- (b) Bureau of Government Housing and Real Property;
- (c) Bureau of Mobile Equipment and Vehicles;
- (d) Bureau of Data Processing.

Each bureau shall be headed by a Director appointed by the President with the advice and consent of the Senate. The President shall also appoint as many Assistant Directors as may be deemed necessary. The Directors shall perform their duties under the authority and

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<sup>171</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law to establish a General Services Agency), 13:701.

## EXECUTIVE LAW

control of the Director General.<sup>172</sup>

### § 51.4. Bureau of Procurement and Supply.

The Director of Procurement and Supply shall be responsible for procuring, storing, distributing, disposing of, and selling all Government materials, equipment, and supplies, and shall act as custodian of such Government property until delivered to another Government agency for its use or until otherwise disposed of. The Director shall be responsible for correlating the development of and standardize specifications for all equipment, material and supplies; implementation of an equipment standardization program; and maintenance of central current inventory records of all Government movable property and fixed assets. The Director shall prepare and make available to all Government agencies a manual setting forth policies, rules, and regulations, governing standard contracting, procurement, and supply procedures.<sup>173</sup>

### § 51.5. Bureau of Government Housing and Real Property.

*1. Supplying housing and other realty needs.* The Director of Government Housing and Real Property shall acquire by purchase, condemnation, or otherwise such sites, additions to sites, or buildings as he may deem necessary in order to provide suitable accommodations to house all agencies of the Government, assign and reassign space therein for all agencies, and supply all agencies with land or buildings necessary to carry out their lawful functions.

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<sup>172</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law to establish a General Services Agency) 13:702; further amendment approved July 2, 1973, published August 30, 1973.

<sup>173</sup> Prior legislation: L. 1966-67, ch. (An act to amend the Executive Law to Establish a General Services Agency) 13:703.

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2. *Custody and maintenance.* The Director of Government Housing and Real Property shall be responsible for the custody and management of all lands and buildings used as accommodations for Government agencies or owned or leased by the Government; for establishing policies, rules, and regulations relating to the use, occupancy, and disposition thereof; and for providing the maintenance and prescribing maintenance standards for such properties.

3. *Leases.* The Director of Government and Real property shall negotiate on behalf of the Government all leases of lands or buildings and direct the termination of leases for properties no longer needed or usable. Lease agreements shall be signed by the Director General and cosigned by the Minister of Finance.

4. *Occupants of Government property.* With respect to occupant of Government-owned or renewed real property, the Director of Government Housing and Real Property is vested with complete and final responsibility for enforcing such policies as will protect and promote the Government's interests, and for seeking any legal remedies available to the Government for negligent or willful abuse or other wrongful use of the property.<sup>174</sup>

### § 51.6. Bureau of Mobile Equipment and Vehicles.

1. *Duties of Director in general.* The Director of Mobile Equipment and Vehicles shall exercise administrative control over the Government's mobile equipment and vehicle management program, including development and standardization of specifications in conjunction with the Bureau of Procurement and Supply, supervision of repair and servicing centers, provision of spare parts and supplies, assignment of equipment and delegation of equipment-related

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<sup>174</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law to establish a General Services Agency) 13:704; L. 1971-72.

## EXECUTIVE LAW

responsibilities to other agencies, operation of equipment pools and common transport systems, and equipment cost accounting.

2. *Repair and service facilities.* The Director shall operate repair and service facilities either directly through the Bureau or by private contract, whichever is most effective in achieving the efficient and economic conduct of the over-all equipment and vehicle program.

3. *Assignment of automotive equipment.* Automotive equipment shall be assigned to agencies for their use according to their demonstrated need for such equipment. Equipment so assigned shall be operated under the immediate administrative control of the assignee but under the control of the Director of Mobile Equipment and Vehicles for all other equipment management functions.

4. *Records of equipment.* A current inventory of all Government automotive equipment shall be maintained by the Director of Mobile Equipment and Vehicles. In addition, individual equipment records and equipment history records shall be maintained for each piece of equipment. At the time invoices are processed for payment, invoices covering equipment purchases shall be segregated from other invoices, the required changes made in the equipment inventory, and the re-quired data recorded on individual equipment, records and equipment history records maintained by the Bureau.<sup>175</sup>

### § 51.7. Bureau of Data Processing.

1. *Creation; duties of Director.* The Bureau of Data Processing is hereby created as an administrative service unit for all Government departments and agencies. It shall have Government-wide jurisdiction. The Director of the Bureau shall have the authority to

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<sup>175</sup> Prior legislation: L. 1966-67, ch. (An act to amend the Executive Law to Establish a General Services Agency) 13:705.

## EXECUTIVE LAW

prescribe data processing systems and procedures for all ministries and agencies of the Government.

2. *Duty to process data.* The Director of the Bureau shall be responsible for processing data with speed and accuracy for all ministries and agencies by means of electronic or other data processing equipment, for statistical programs or administrative processing, and to produce the needed management information for comprehensive programs and administrative systems in which controls and scheduling are essential. The long-range data processing applications of the Government shall include but not be limited to:

- (a) Personnel actions, position control, and payrolls;
- (b) Supplies and materials purchasing, issuance, and inventory; accounting practices, such as billing, accounting for receivables and expenditures, and renewal of contracts; and cost accounting and reporting;
- (c) Equipment purchasing, utilization, maintenance and accounting;
- (d) Property acquisition, use, and accountability;
- (e) Trade, customs, revenue, and social statistical programs.<sup>176</sup>

## **Chapter 52. ACTION FOR DEVELOPMENT AND PROGRESS**

### **§ 52.1. Agency created; Director General and Deputy Director**

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<sup>176</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law to Establish a General Services Agency) 13:706; L. 1971-72.

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General.

### **§ 52.2. Organization of Agency.**

### **§ 52.3. Functions of Agency.**

### **§ 52.1. Agency created; Director General and Deputy Director General.**

There is hereby created and established an autonomous Agency of Government, directly under the President, to be known as Action for Development and Progress to be headed by a Director General who shall be appointed by the President with the advice and consent of the Senate. The President shall also appoint, with the advice and consent of the Senate, a Deputy Director General, who shall be the principal assistant to the Director General of Action for Development and Progress.<sup>177</sup>

### **§ 52.2. Organization of Agency.**

The Action for Development and Progress shall be organized in such manner and with such personnel as shall be determined by the Director General, subject to the approval of the President.<sup>178</sup>

### **§ 52.3. Functions of Agency.**

The functions of Action for Development and Progress shall include:

- (a) Providing impact action for the implementation of planned programs for increased trade and commerce for industrial development, crash programs for schools and clinics, farm to market roads, low cost housing development projects and

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<sup>177</sup> Prior legislation: L. 1971-72.

<sup>178</sup> Prior legislation: L. 1971-72.

## EXECUTIVE LAW

activities to stimulate urban reconstruction and rural transformation;

(b) In cooperation with the relevant Ministries and Agencies, to initiate and inspire efforts in self-help projects;

(c) Co-ordinating services and facilities of Ministries and Agencies of Government for implementation of planned action for the fulfillment of development programs within the shortest possible period of time and at the optimum level of efficiency, and in this connection to collaborate with Ministries and Agencies of Government concerned with identifying and meeting urgent development needs;

(d) In cooperation with the Ministry of National Defense and the Ministries of Labour and other related Government Agencies identifying and formulating programs for utilizing men of the Armed Forces and our unemployed and underemployed manpower potential to the fullest extent possible to further stimulate initiative in self-help projects; and

(e) Performing such other functions from time to time as may be assigned by the President.<sup>179</sup>

### **Chapter 53. GENERAL AUDITING OFFICE**

- § 53.1. Definitions.
- § 53.2. Office established; Auditor General and Deputies.
- § 53.3. Duties of the Auditor General.
- § 53.4. Information for Auditor General.
- § 53.5. Security requirement.

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<sup>179</sup> Prior legislation: L. 1971-72.

## EXECUTIVE LAW

§ 53.6. Audit certificate.

§ 53.7. Annual report of Auditor General.

§ 53.8. Audit reports.

§ 53.9. Investigations.

§ 53.10. Acceptance of money by officer or employee of General Auditing Office.

§ 53.11. Auditing of accounts of General Auditing Office.

### **§ 53.1. Definitions.**

As used in this chapter---

(a) The term "Government agency" means every ministry, bureau, board, commission, institution, authority, organization, enterprise, officer, employee, or other instrumentality of the Government, including commonwealths, cities and townships, and other local authorities or political units of the Republic;

(b) The term "Government organization" means every enterprise, authority, monopoly, factory, or other industrial or commercial facility, corporation, utility, company, lending or financial institution, or other instrumentality which is wholly or partly owned by the Government.<sup>180</sup>

### **§ 53.2. Office established; Auditor General and Deputies.**

There is hereby established in the Executive Branch of the Government an independent agency to be known as the General Auditing Office, which shall be headed by the Auditor General, who shall be assisted by at least two Deputies. The Auditor General and the Deputies shall be appointed by the President, by and with the advice and consent of the Senate. The Auditor General shall be

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<sup>180</sup> Prior legislation: L. 1961-62, ch. XXXV, sec. 2(13:740).

## EXECUTIVE LAW

appointed for a term of office of fifteen years and shall not be eligible for reappointment. The Auditor General shall be removed by the President for gross malfeasance or gross nonfeasance in office or for mental or physical disability or incompetence. In the absence of the Auditor General, the President shall appoint one of the Deputies to act in the capacity of Auditor General.<sup>181</sup>

### § 53.3. Duties of Auditor General.

The Auditor General shall be the officer of the Government principally responsible for conducting comprehensive post audits, special financial investigations, reconciliation and analyses, and continuous audits on a routine basis. He shall:

- (a) Once a year perform audits of all Government agencies and Government organizations and examine, to the extent he deems necessary, all transactions and accounts relating to the receipt, disbursement, and utilization of the public monies;
- (b) Perform audits of all property accounts and transactions of all Government agencies and Government organizations; such audits shall be conducted as far as practicable at the place or places where the property and records are located and shall include an evaluation of the effectiveness of internal control and other methods of safeguarding the assets of the Government;
- (c) Perform audits of withdrawals of money within the responsibility of the Government as stated in the appropriation acts or financial obligations by the order of the Ministry of Finance;
- (d) Inspect the books of account of banks and financial

<sup>181</sup> *Prior legislation:* 1961-62, ch. XXXV, sec. 2(13:741); 1957-58 Supp. 13:740; 1956-57, ch. IX, § 2(a); 1956 Code 13:740, 741; L. 1951-52, ch. XXVIII, § 1, 2.

## EXECUTIVE LAW

institutions to verify the amounts of Government monies, securities, and other assets hypothecated or on deposit, or otherwise require written bank confirmations of Government monies, securities, and other assets under control of such banks or financial institutions;

(e) Inspect the books of account of privately owned commercial and manufacturing establishments for the purpose of verifying transactions with Government agencies and Government organizations, requiring outside written confirmations of accounts receivable and employing such other extended audit procedures as are necessary;

(f) Prescribe auditing standards and develop and implement auditing procedures, methods, and techniques appropriate to governmental accounting practices;

(g) Require any Government official for employee or other person to testify on oath as a witness in matters pertaining to financial transactions which involve the use or custody of Government monies or assets.<sup>182</sup>

### § 53.4. Information for Auditor General.

The Auditor General or his designee is entitled to free access at all times to all files, documents, and other records to the accounts of every Government agency and Government organization, and he is also entitled to require and receive from officials and employees such information as he may deem necessary for the proper performance of his duties. The Auditor General may station in any Government agency or Government organization any person employed by General

<sup>182</sup> *Prior legislation:* L. 1961-62, ch. XXXV, sec. 2(13:742); 1957-58 Supp. 13:742; L. 1956-57, ch. IX, sec. 2(a); 1956 Code 13:742; L. 1951-52, ch. XXVIII, sec. 4(7-12).

Auditing Office to exercise more effectively the audit functions set forth above.<sup>183</sup>

#### § 53.5. Security requirement.

The Auditor General shall require every person employed in the General Auditing Office who is to examine the accounts of a Government agency or Government organization pursuant to this chapter to comply with any security requirements applicable to persons employed in that Government agency or Government organization and to take any oath of secrecy required to be taken by such persons.<sup>184</sup>

#### § 53.6. Audit certificate.

The Auditor General shall examine and certify in accordance with the outcome of his examination any statement that the Minister of Finance or other head of a Government agency or Government organization may present for audit certificate.<sup>185</sup>

#### § 53.7. Annual report of Auditor General.

The annual report of the Auditor General to the Legislature on the activities of the General Auditing Office and on the results of his audits, shall call attention to the following:

- (a) Any officer or employee who has wilfully or negligently failed to collect or receive monies belonging to the Government.

<sup>183</sup> Prior legislation: L. 1961-62, ch. XXXV, § 2(13:743).

<sup>184</sup> Prior legislation: L. 1961-62, ch. XXXV, § 2(13:744).

<sup>185</sup> Prior legislation: L. 1961-62, ch. XXXV, § 2(13:745).

- (b) Any public monies not duly accounted for and paid into authorized depository;

- (c) Any appropriation that was exceeded or applied to account;

- (d) Any deficiency or loss through the fraud, default, or mistake of any person; and

- (e) Inadequate or ineffective internal control of public monies and assets.

When appropriate, the report shall also include recommendations for executive action or legislation deemed necessary to improve the receipt, custody, accounting and disbursement of public monies and other assets.<sup>186</sup>

#### § 53.8. Audit reports.

All regular reports of audits of Government agencies and Government organizations shall, in addition to being submitted to the President, be transmitted to the head of the affected agency or organization and to the Ministry of Finance.<sup>187</sup>

#### § 53.9. Investigations.

Whenever the President directs, the Auditor General shall inquire into and report on any matter relating to the financial affairs of the Government or to public property and on any person or organization

<sup>186</sup> Prior legislation: L. 1961-62, ch. XXXV, § 2(13:746).

<sup>187</sup> Prior legislation: L. 1961-62, ch. XXXV, § 2(13:747).

receiving or seeking financial aid from the Government.<sup>188</sup>

**§ 53.10. Acceptance of money by officer or employee of General Auditing.**

No official or employee of the General Auditing Office shall accept any money or gift for services performed for or in any way connected with the audit of Government agencies, Government organizations, or private or juristic persons, whether in the form of salaries, fees, expense reimbursements, honorariums, or in any other form. All monies received for restitution of funds shall be paid directly to the Ministry of Finance.<sup>189</sup>

**§ 53.11. Auditing of accounts of General Auditing Office.**

The Auditor General shall be responsible for the income and expenditure accounts of the General Auditing Office. The auditor of such accounts shall be appointed by the Minister of Finance and shall report the results of such examinations to the President.<sup>190</sup>

## **Chapter 54. AGRICULTURAL CREDIT CORPORATION**

§ 54.1. Corporation created.

§ 54.2. Purpose

§ 54.3. Rights and powers of Corporation.

§ 54.4. Capital stock.

<sup>188</sup> Prior legislation: L. 1961-62, ch. XXXV, sec. 2(13:748).

<sup>189</sup> Prior legislation: L. 1961-62, ch. XXV, § 2(13:750).

<sup>190</sup> Prior legislation: L. 1961-62, ch. XXXV, § 2(13:751).

§ 54.5. Board of directors.

§ 54.6. Officers of the Corporation.

§ 54.7. Interest on loans.

§ 54.8. Operation of Corporation.

§ 54.9. Financial policies.

§ 54.10. Liability for loss to Corporation.

§ 54.11. Fiscal year; annual reports; recommendations: audits.

§ 54.12. Depository.

§ 54.13. Corporate seal.

§ 54.14. Bylaws; rules and regulations.

**§ 54.1. Corporation created.**

There is hereby created a corporate lending agency to be known as the Agricultural Credit Corporation (hereinafter referred to in this chapter as the "Corporation") which shall be an agency and instrumentality of the Government of Liberia.<sup>191</sup>

**§ 54.2. Purpose.**

The purpose of the Corporation shall be to provide adequate credit necessary to finance agricultural projects, preferably those operated by cooperatives, in close coordination with and support of the agricultural extension and production programs of the Republic.<sup>192</sup>

**§ 54.5. Board of directors.**

1. *Composition.* The business, corporate powers and determination of the Corporation's policies shall be exercised by a board of directors of seven members of which the Minister of Agriculture shall be

<sup>191</sup> Prior legislation: L. 1961-62, ch. XXIV, § 2(13:840).

<sup>192</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law with respect to the Agricultural Credit Corporation) 13:841; L. 1961-62, ch. XXIV, sec. 2 (13:841).



chairman. The Board may include but shall not necessarily be limited to bankers, farmers, businessmen and a County Superintendent to be appointed by the President.

2. *Terms of office.* Except for the chairman, the term of office of the members of the board shall be two years.

3. *meetings.* The board of directors shall meet quarterly, but the chairman of the board may call a special meeting at any time he deems it necessary. Special meetings may also be called upon written request of any three directors. A majority of the board of directors shall constitute a quorum.

4. *Appointment of Officers; Granting of loans.* The board of directors shall appoint all officers and employees of the Corporation. Applications for loans shall be submitted to the board, except where in the discretion of the Board and consistent with the authority conferred by this Chapter, such responsibility is by contract delegated to a commercial or industrial banking institution or a management firm.

5. *Bylaws and regulations.* The board of directors shall make policies, bylaws and regulations governing the operations of the Corporation and except where management of the Corporation is delegated, they shall include the categories of loans, the criteria for applications and the types of security, conditions and terms of loans. The bylaws and regulations shall specify the duties of all the Corporation's officers who will be concerned with the general supervision and servicing of loans.

6. *Legal action to collect debts.* The board of directors may cause the Corporation to commence legal action, by and through the Ministry of Justice, against any debtor who has defaulted in the settlement of

his obligation to the corporation.<sup>193</sup>

#### § 54.6. Officers of the Corporation.

The board of directors shall appoint a general manager and such other officers and staff as the directors may consider necessary, except such event that the board shall decide to contract managerial and operational responsibilities as provided for in this chapter.<sup>194</sup>

#### § 54.7. Interest on loans.

The rate of interest chargeable on loans granted by the Corporation shall not exceed seven percent per annum, computed on daily outstanding balances.<sup>195</sup>

#### § 54.8. Operation of Corporation.

The Corporation shall be operated according to sound loan and credit practices. Its operating expenses shall be paid out of its interest and investment income, provided, however, that until such time that its volume of business produces enough income to cover operating costs any operating deficits shall be met by loans from the Government payable from net earnings after the Corporation becomes self-sustaining.<sup>196</sup>

193 *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law with respect to the Agricultural Credit Corporation), 13:845; L. 1961-62, ch. XXIV, secs. 2(13:844, 845); L. 1970-71.

194 *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law with respect to the Agricultural Credit Corporation) (13:844); L. 1970-71.

195 *Prior Legislation:* L. 1961-62, ch. XXIV, § 2(13:846).

196 *Prior legislation:* L. 1961-62, ch. XXIV, § 2(13:847).

**§ 54.9. Financial policies.**

The Corporation is not a profit-making enterprise. No dividends are to be paid on capital stock, and earnings are to accumulate until surplus equals at least 25 percent of paid-in capital. At that time consideration may be given to a reduction in interest rates to a level that will continue to maintain the financial stability of the Corporation.<sup>197</sup>

**§ 54.10. Liability for loss to Corporation.**

The directors, officers and employees shall be subject to the operation of law for any illegal acts and for gross negligence resulting in loss to the Corporation.<sup>198</sup>

**§ 54.11. Fiscal year; annual reports; recommendations; audits.**

The fiscal year shall end on June 30 of each year and the Corporation shall submit annual reports to the Legislature showing the extent of its operations and its financial condition. It shall also make recommendations as to how the policy of Government as set out in this chapter can be furthered and improved. It shall be audited by the Government from time to time but at least once each year. In addition to the aforesaid, the President of Liberia may require additional audits by independent auditors to be conducted at any time he sees fit.<sup>199</sup>

**§ 54.12. Depository.**

The principal depository of the Corporation shall be a bank incorporated under the law of the Republic of Liberia which, in the opinion

<sup>197</sup> Prior legislation: L. 1961-62, ch. XXIV, § 2(13:847).

<sup>198</sup> Prior legislation: L. 1961-62, ch. XXIV, § 2(13:847).

<sup>199</sup> Prior legislation: L. 1961-62, ch. XXIV, § 2(13:848).

of the board of directors, can best serve the interests of the Corporation.<sup>200</sup>

**§ 54.13. Corporate seal.**

The Corporation shall have a seal with a circular contour bearing the inscription, "Agricultural Credit Corporation".<sup>201</sup>

**§ 54.14. Bylaws; rules and regulations.**

The Board of directors shall, with the approval of the President, adopt bylaws consistent with this chapter and issue rules and regulations under which the Corporation is to operate. The by-laws shall specify, among other things, the duties and responsibilities of the Corporation's officers and committee; and the rules and regulations will show the types of agricultural enterprises that are to be given priority, the manner in which funds for loans will be advanced and in which the supervision and the servicing of loans will be conducted to make certain that the purposes of this chapter are fully implemented.<sup>202</sup>

## **Chapter 55. LIBERIAN DEVELOPMENT CORPORATION**

**§ 55.1. Corporation created.****§ 55.2. Purpose.****§ 55.3. Functions.****§ 55.4. Powers.**

<sup>200</sup> Prior legislation: L. 1961-62, ch. XXIV, § 2(13:489).

<sup>201</sup> Prior legislation: L. 1961-62, ch. XXIV, § 2(13:850).

<sup>202</sup> Prior legislation: L. 1961-62, ch. XXIV, § 2(13:851).

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- § 55.5. Capitalization
- § 55.6. Board of directors.
- § 55.7. Limitations.
- § 55.8. Officers.
- § 55.9. Management.
- § 55.10. Appointment of general manager.
- § 55.11. Borrowing and issuance of notes.
- § 55.12. Fiscal Provisions.
- § 55.13. Reporting.
- § 55.14. Policy guidance.
- § 55.15. How chapter may be cited.

### § 55.1. Corporation created.

There is hereby created a corporation with the name Liberian Development Corporation (hereinafter referred to in this chapter as the "Corporation") which shall be an agency and instrumentality of the Government of Liberia. The Corporation shall have succession in its corporate name, may sue and be sued, and adopt a corporate seal. Its principal office shall be located in Monrovia.<sup>203</sup>

### § 55.2. Purposes.

The objects and purposes of the Corporation shall be to aid in the establishment of transportation, commerce, and industry, and to assist in promoting and encouraging maximum employment and production activity in Liberia.<sup>204</sup>

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203 *Prior legislation:* 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) 13:950; L. 1960-61, ch. V (13:950).

204 *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:951); L. 1960-61, ch. V, (13:951).

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### § 55.3. Functions.

To implement its purposes, the Corporation shall have the following functions:

- (a) To be the means to finance Government equity participation in business development enterprises;
- (b) To identify, investigate, and promote the establishment of viable business enterprises whose creation is in keeping with the objectives of national economic development and the purposes of the Corporation as set forth in section 55.2 of this Act;
- (c) To provide technical assistance to the Liberian Bank for Industrial Development and Investment;
- (d) To assist other Government agencies and ministries in the area of encouraging industrial development, and in the implementation and administration of investment incentive legislation of the Republic of Liberia;
- (e) To issue loan guarantees subject to collateral reserve guarantee provisions as set forth in this Act;
- (f) To purchase securities and obligations of any public corporation, board or commission, political subdivision of Liberia, public agency or instrumentality of political subdivisions of Liberia;
- (g) To establish and maintain viable business enterprises on its own initiative or in association with private or other Government entities;
- (h) To hold all of the rights, title, and interest of the Republic of Liberia in and to the Corporation.

Liberia in and to the enterprises initiated, or established, and maintained by the Corporation, including all funds, rights, powers, stocks, bonds, membership certificates, or other evidences of indebtedness therefor, or control or ownership therein, subject to all obligations and encumbrances, legal or equitable, with which the same may be burdened.<sup>205</sup>

#### § 55.4. Powers.

The Corporation is authorized to exercise the following powers:

- (a) Enter into, perform, and modify contracts, leases, agreements, or other transactions on such terms as may be deemed appropriate with any agency or instrumentality of the Government of Liberia, with any foreign government or foreign government agency, with any international body, agency, instrumentality, or financial institution, or with any person, partnership, association, corporation, organization, or other entity, public or private, singly or in combination;
- (b) Accept and use gifts or donations of services, funds, property (real, personal or mixed, tangible or intangible);
- (c) Contract for the services of attorneys;
- (d) Acquire and dispose of, upon such terms and conditions and for such consideration as the directors of the Corporation shall determine to be reasonable, through purchase, exchange, discount, rediscount, public or private sale, negotiation, assignment, exercise of option or conversion rights, or otherwise, for

<sup>205</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:952); L. 1960-61, ch. V (13:952); L. 1971-72.

cash or credit, with or without endorsement or guaranty, any property, real, personal, mixed, tangible or intangible, including but not limited to mortgages, bonds, debentures (including convertible debentures, stock options, and contingent or variable interest bonds), liens, pledges, and other collateral or security, contracts, claims, currencies, notes, drafts, bills of exchange, acceptances, including banker's acceptances, cable transfers, and all other evidences of indebtedness or ownership, and guarantee payment against any instrument above specified;

(e) Collect or compromise any obligations, assigned or held by, and any legal and equitable rights accruing to the Corporation;

(f) Otherwise take any and all actions determined by the directors to be necessary or desirable in making, carrying out, servicing, compromising, liquidating, or otherwise dealing with or realizing any transaction or operation authorized under this chapter.<sup>206</sup>

#### § 55.5. Capitalization.

The President of Liberia is duly authorized to advance to the Corporation funds not to exceed two percent of the total revenues of the Government for any one year of the corporate life of the Corporation. Such funds as are actually appropriated shall be paid over to the Corporation by the Ministry of Finance using regular Ministry of Finance procedure for withdrawal of Government funds.<sup>207</sup>

<sup>206</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:953); L. 1960-61, ch. V (13:953).

<sup>207</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:954); L. 1960-61, ch. V (13:954). L. 1971-72.

**§ 55.6. Board of directors.**

The management of the Corporation shall be vested in a board of directors consisting of:

(a) Four members to be appointed by the President of Liberia, to be composed of private citizens with business experience;

(b) Five members to be composed of the Minister of Commerce and Industry, who shall be the chairman of the board; the Minister of Finance, the Minister of Agriculture, the Minister of Planning and Economic Affairs, and the President of the Liberian Bank for Industrial Development and Investment. The board shall act by a vote of the majority which shall constitute a quorum of the board of directors. The board of directors shall, in addition to taking any necessary or appropriate actions in connection with the management of the Corporation, adopt, amend, and repeal such bylaws as are necessary for the proper management and functioning of the Corporation, and prescribe their duties. The members of the board shall receive no compensation for their services on the board, except actual travel expenses and per diem expenses in connection with the travel for purposes of business of the Corporation.<sup>208</sup>

**§ 55.7. Limitations.**

1. *On loan guarantees.* No loan guarantee shall be made by the board unless it is covered by collateral equivalent to one hundred percent of the loan, and no project shall be approved by the board for the Corporation equity participation and/or loan guarantee unless pre-

<sup>208</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:955); L. 1960-61, ch. V (13:955). L. 1971-72.

feasibility and feasibility studies have been conducted and Liberian Bank for Industrial Development and Investment has been approached for loan participation.

2. *Financial interest of board members.* No member of the board shall be financially interested in any project brought before the board or to be financed from the Corporation funds.

3. *Direct loans prohibited.* The Corporation is hereby prohibited from making direct loans.<sup>209</sup>

**§ 55.8. Officers.**

The officers of the Corporation shall be a Liberian general manager and a Liberian executive secretary, both of whom shall be appointed by the President of Liberia and shall serve on a full time basis.<sup>210</sup>

**§ 55.9. Management.**

The day-to-day operation and management of the Corporation shall be entrusted to a general manager and necessary staff.<sup>211</sup>

**§ 55.10. Appointment of general manager.**

The general manager of the Corporation shall be appointed by the

<sup>209</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:956).

<sup>210</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:957); L. 1960-61, ch. V (13:956).

<sup>211</sup> Prior legislation: L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:958).

President of the Republic of Liberia and shall serve at the pleasure of the President of Liberia. The general manager shall devote full time to the affairs of the Corporation.<sup>212</sup>

#### § 55.11. Borrowing and issuance of notes.

The Corporation may issue to the Minister of Finance its notes, debentures, bonds, or other obligations in an amount sufficient to enable the Corporation to carry out its functions under this chapter or any other provision of law, such obligations to mature as agreed with the Minister of Finance. Each such obligation shall bear interest at an agreed rate taking into consideration the current rate on outstanding marketable obligations of the Republic of Liberia. The Minister of Finance is authorized to purchase the obligations of the Corporation to be issued hereunder, and for such purposes is authorized to use the funds of the Republic.<sup>213</sup>

#### § 55.12. Fiscal provisions.

All assets of the Corporation and all receipts from activities and transactions under the provisions of this chapter shall be credited to the Corporation and may be used without fiscal year limitations for any expenditures or obligations in connection with the performance of its purposes and functions. The Corporation may maintain its funds in such depository or depositories as shall be determined by the board

<sup>212</sup> *Prior legislation:* L. 1964-65, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:595).

<sup>213</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:960); L. 1960-61, ch. V (13:957); L. 1971-72.

of directors.<sup>214</sup>

#### § 55.13. Reporting.

Within three months of the close of each fiscal year, the Corporation shall make a report to the Legislature of the Republic of Liberia which shall contain financial statements for the fiscal year, including a balance sheet, a statement of income and expenses, and an analysis of accumulated net income. The accumulated net income shall be determined after provision for reasonable reserves for bad debts and investments outstanding. Such statements shall be prepared from the financial records of the Corporation which shall be maintained and audited by the General Auditing Office in accordance with generally accepted accounting principles applicable to commercial corporations and transactions. The report shall contain schedules showing, as of the close of the fiscal year, each direct loan to any borrower, each loan to any borrower in which the Corporation has a participation or agreement for a participation, and the investments in the securities and obligation of any borrower. The report shall also contain an analysis, present status as to the collectibility, and statement of any delinquency, respecting each loan and investment.<sup>215</sup>

#### § 55.14. Policy guidance.

From time to time the President of Liberia may require independent private audits of the accounts of the Corporation. It is to be the policy of the Corporation in its administration and in the exercise of its functions to supplement, support, and encourage private investment and other private participation furthering the economic development

<sup>214</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation); (13:961); L. 1960-61, ch. V, (13:958).

<sup>215</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:962); L. 1960-61, ch. V (13:959).

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of Liberia and the Corporation shall be administered so as not to compete with private investment capital or the Liberian Bank for Development and Investment, and so that financing, so far as consistent with the purposes of this chapter, shall generally be for such specific purposes as in the judgment of the board of directors provide reasonable assurance of repayment.<sup>216</sup>

### **§ 55.15. How chapter may be cited.**

This chapter may be cited as the "Liberian Development Corporation Act of 1967."<sup>217</sup>

## **Chapter 56. LIBERIA SHIPPING CORPORATION**

§ 56.1. Corporation created.

§ 56.2. General purposes.

§ 56.3. Functions.

§ 56.4. Powers.

§ 56.5. Capitalization.

§ 56.6. President to increase initial capital as the need shall arise.

§ 56.7. Board of directors.

§ 56.8. Officers.

§ 56.9. Borrowing and issuance of notes.

§ 56.10. Fiscal provisions.

§ 56.11. Accounts of corporation to be audited.

§ 56.12. Reporting.

§ 56.13. Policy guidance.

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<sup>216</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:963) 1960-61, ch. V, (13:960).

<sup>217</sup> *Prior legislation:* L. 1966-67, ch. (An Act to amend the Executive Law to create the Liberian Development Corporation) (13:964); L. 1960-61, ch. 5 (13:961).

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§ 56.14. How chapter may be cited.

### **§ 56.1. Corporation created.**

There is hereby created a wholly owned Government corporation the name and style Liberia Shipping Corporation, hereinafter referred to in this chapter as the "Corporation," which shall be an agency instrumentality of the Government of Liberia. The Corporation shall have succession in its corporate name, may sue and be sued, and be impleaded and adopt a corporate seal. Its principal office shall be located in Monrovia.<sup>218</sup>

### **§ 56.2. General purposes.**

The general objects and purposes of the Corporation shall be:

(a) to participate in any and all shipping activities; and

(b) to further and develop the shipping industry in Liberia.<sup>2</sup>

### **§ 56.3. Functions.**

To implement its general purposes, the Corporation shall have the following specific functions:

(a) To finance Government participation in shipping companies

(b) To represent the Government's interest in all negotiations connection with Government's participation in shipping;

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<sup>218</sup> *Prior legislation:* L. 1960-61, ch. XXXV (13:1020).

<sup>219</sup> *Prior legislation:* L. 1960-61, ch. XXXV (13:1021).

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(c) To purchase the securities and obligations of and make loans to any financial institution organized under the laws of the Republic of Liberia;

(d) To establish, maintain and operate shipping lines;

(e) To hold all of the right, title and interest of the Republic of Liberia in and to any shipping interest acquired, established and maintained by the Corporation, including all funds, rights, powers, stocks, bonds, memberships, certificates, or other evidences of indebtedness therefor, or control or ownership therein, subject to all obligations and encumbrances, legal or equitable with which the same may be burdened.<sup>220</sup>

#### § 56.4. Powers.

The Corporation is authorized to exercise the following powers:

(a) To represent the Government's interest in international shipping conferences

(b) To enter into, perform, and modify contracts, leases, agreements, or other transactions on such terms as may be deemed appropriate, with any agency of instrumentality of the Government of the Republic of Liberia, with any foreign government or foreign government agency, or with any person, partnership, association, corporation, organization, or other entity, public or private, singly or in combination;

(c) To accept and use gifts or donations of services, funds, or property (real, personal or mixed, tangible or intangible);

<sup>220</sup> Prior legislation: L. 1969-61, ch. XXXV (13:1022).

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(d) To contract for the services of attorneys;

(e) To borrow or raise money for any purpose of Corporation, and to acquire and dispose of, upon such terms, conditions and for such consideration as the directors of Corporation shall determine to be reasonable through purchase, exchange, discount, rediscount, public or private sale, negotiation, assignment, exercise of option or conversion right or otherwise, for cash or credit, with or without endorsement, guaranty, any property, real, personal, mixed, tangible, intangible, including but not limited to, Mortgages, bonds, debentures (including convertible debentures, stock options, contingent or variable interest bonds), liens, pledges and other collateral or security, contracts, claims, currencies, notes, drafts, bills of exchange, acceptances including bankers' acceptances, cable transfers, and all other evidences of indebtedness, ownership, and guarantee payment against any instrument as specified;

(f) To collect or compromise any obligations assigned or held and any legal and equitable rights accruing to the Corporation and

(g) To take any and all actions determined by the directors to be necessary or desirable in making, carrying out, servicing, compromising, liquidating or otherwise dealing with or realizing any transaction or operation authorized under this Chapter.<sup>221</sup>

#### § 56.5. Capitalization.

The Corporation shall have an initial capital of \$5,000,000, the amount of such capital to be advanced out of any monies in the public

<sup>221</sup> Prior legislation: L. 1960-61, ch. XXXV (13:1023).



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treasury not otherwise appropriated, in the manner already provided by law.<sup>222</sup>

### § 56.6. President to increase initial capital as the need shall arise.

The President of Liberia is authorized to increase from time to time the capital of the Corporation provided for under the provisions of this chapter; such amounts as are actually appropriated shall be paid over to the Corporation by the Minister of Finance in the manner provided for by law.<sup>223</sup>

### § 56.7. Board of directors.

The management of the Corporation shall be vested in a board of directors consisting of the Minister of Finance who shall act as chairman, the Minister of Justice, the Minister of Commerce and Industry, the Minister of Planning and Economic Affairs, the President of the Liberian Bank for Industrial Development and investment, the President of the Liberia Shipping Corporation, and three other persons who shall be appointed by the President of Liberia, and shall serve at his pleasure. These members may be represented by proxies. A majority of the board shall constitute a quorum. The board of directors shall, in addition to taking any necessary or appropriate actions in connection with the management of Corporation, make, adopt, amend and repeal such bylaws as are necessary for the proper management and functioning of the Corporation, and shall in such bylaws designate the other officers of the Corporation and prescribe their duties. The members of the board shall receive no compensation for their services on the board, except actual travel expenses and a per diem allowance in connection with

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222 Prior legislation: L. 1960-61, ch. XXXV (13:1024).

223 Prior legislation: L. 1960-61, ch. XXXV (13:1025); L. 1971-72.

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travel for purposes of business of the Corporation.<sup>224</sup>

### § 56.8. Officers.

The officers of the Corporation shall be a President and a secretary

### § 56.9. Borrowing and issuance of notes.

The Corporation may issue to the Minister of Finance or any person, firm, or corporation its notes, debentures, bonds, or other obligation in an amount sufficient to enable the Corporation to carry out functions under this chapter or any other provisions of law. The Minister of Finance is authorized to purchase any obligation of the Corporation to be issued hereunder from funds in the public treasury not otherwise appropriated.<sup>225</sup>

### § 56.10. Fiscal provisions.

All assets of the Corporation and all receipts from activities and transactions under the provisions of this chapter shall be credited to the Corporation and may be used without fiscal year limitation and without regard to the provisions of any laws governing the expenditures of public funds for any expenditures or obligations in connection with the performance of its purposes and functions. The Corporation may maintain its funds in such depository or depositories as shall be determined by the board of directors.<sup>226</sup>

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224 Prior legislation: L. 1960-61, ch. XXXV, (13:1026); 1971-72.

225 Prior legislation: L. 1960-61, ch. XXXV (13:1027).

226 Prior legislation: L. 1960-61, ch. XXXV (13:1028).

227 Prior legislation: L. 1960-61, ch. XXXV (13:1029).

**§ 56.11. Accounts of Corporation to be audited.**

At the close of each fiscal year or at such time as may be deemed necessary, the accounts of the Corporation shall be audited by a reputable firm of auditors, as well as by representatives of the General Auditing Office as required by law.<sup>228</sup>

**§ 56.12. Reporting.**

At the close of each fiscal year the Corporation shall make to the Legislature of the Republic of Liberia a report which shall contain financial statements for the fiscal year, including a balance sheet, a statement of income and expense, and an analysis of accumulated net income. Such statements shall be prepared from the financial records of the Corporation which shall be audited by a reputable firm of auditors in accordance with generally accepted accounting principles applicable to commercial corporate transactions.<sup>229</sup>

**§ 56.13. Policy guidance.**

It shall be the policy of the Corporation in its administration and the exercise of its functions to supplement, support and encourage private investment and other private participation furthering the economic development of Liberia.<sup>230</sup>

**§ 56.14. How chapter may be cited.**

This chapter may be cited as the "Liberia Shipping Corporation Act

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<sup>228</sup> Prior legislation: L. 1960-61, ch. XXXV (13:1030).

<sup>229</sup> Prior legislation: L. 1960-61, ch. XXXV (13:1031).

<sup>230</sup> Prior Legislation: L. 1960-61, ch. V (13:1032).

of 1961."<sup>231</sup>

## **Chapter 57. LIBERIAN PRODUCE MARKETING CORPORATION**

- § 57.1. Establishment of Corporation.
- § 57.2. General Provisions.
- § 57.3. Object.
- § 57.4. Powers.
- § 57.5. Board of directors.
- § 57.6. Meetings of Board of Directors.
- § 57.7. General Manager.
- § 57.8. Capital structure and capitalization.
- § 57.9. Indemnification.
- § 57.10. How chapter may be cited.

**§ 57.1. Establishment of Corporation.**

There is hereby created Corporation to be known as the Liberia Produce Marketing Corporation (hereinafter referred to in this chapter as the "Corporation"), which shall be an agency and instrumentality of the Government of Liberia.<sup>232</sup>

**§ 57.2. General provisions.**

The principal office of the Corporation shall be in Monrovia with branch offices of the Corporation to be established throughout the Republic. It shall have perpetual succession in its corporate name and a common seal and may sue and be sued, plead and be impleaded

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<sup>231</sup> Prior legislation: L. 1960-61, ch. V (13:1033).

<sup>232</sup> Prior legislation: L. 1960-61, ch. XLVI, § 2 (13:1010).

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in its name. Provisions of the Liberian Corporation of 1948 as amended from time shall apply to the Corporation in so far as such provisions are not inconsistent with this chapter or with regulations of the Corporation.<sup>233</sup>

### § 57.3. Object.

The object of the Corporation shall be to foster and develop to the fullest extent the export trade in Liberian produce.<sup>234</sup>

### § 57.4. Powers.

The Corporation shall have the following powers:

(a) To fix prices in accordance with prices in the world market and set standards for the purchase and sale of palm kernels, cocoa, palm oil, coffee and piassava throughout the Republic. Immediately after prices for produce specifically mentioned herein shall have been established, such prices shall be disseminated by the Corporation to sellers and buyers and published in a news organ that will reach the public in general within twenty-four hours after the fixing of prices;

(b) To employ at the expense of the Corporation, or otherwise acquire, agricultural specialists to formulate and disseminate such information to producers as would aid the in maximizing production and obtaining a better quality product;

(c) To establish, by lease, purchase, rental or otherwise, organized centers and provide such centers with adequate machinery

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<sup>233</sup> Prior legislation: L. 1960-61, ch. XLVI, § 2(13:1011).

<sup>234</sup> Prior legislation: L. 1960-61, ch. XLVI, § 2(13:1612).

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and equipment for processing or handling of produce derivative or the products hereinabove specified prior to export on the foreign market;

(d) To lease or otherwise acquire, hold, own, pledge, hypothecate, build, erect, maintain and operate, develop, improve or sell, lease or otherwise dispose of lands and improvements thereon, warehouses, wharves and other property whether real personal and/or mixed within or without Liberia, which may be suitable or necessary in connection with any of the purposes hereinabove or hereinafter set forth, or otherwise deal with or any such properties;

(e) To carry on the business of warehousing and all business incidental thereto, including the issuing of warehouse receipts negotiable or otherwise, and the making of advances or loans upon the security of goods warehoused;

(f) To render advisory, investigatory, supervisory, or other like services in connection with the promotion, production, sale or other disposition of products hereinabove specifically enumerated or others that may subsequently be subject to the authority of the Corporation;

(g) To borrow, or raise moneys for any of the purposes of the Corporation, and, from time to time, to draw, make, accept, endorse, execute, and issue promissory notes, drafts, bonds, debentures and other negotiable or non-negotiable instruments and evidences of indebtedness, and to secure the payment thereof and of the interest thereon by mortgage on, or pledge, conveyance or assignment in trust of, the whole or any part of the assets of the Corporation, and to sell, pledge or otherwise dispose of such securities of the Corporation for its corporate purposes; and

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(h) To do any and all of the acts and things herein set forth as principal, factor, agent, contractor, or otherwise; and in general to carry on any other activities which are incidental to or conducive or convenient or proper to the attainment of the foregoing purposes of any of them and which are not forbidden by law (except wherein a specific concession is herein granted by virtue of the inurement of great public benefits).<sup>235</sup>

### § 57.5. Board of directors.

1. *Management by board.* The management of the Corporation shall be vested in a board of directors consisting of nine members, five of whom shall be Government representatives, and four of whom shall represent private shareholders.

2. *Government directors.* The Minister of Agriculture who shall serve as chairman, the Minister of Finance, who shall serve as treasurer, the Minister of Local Government, Rural Development and Urban Reconstruction, the Minister of Commerce and Industry and the Minister of Planning and Economic Affairs, shall be the five Government directors on the Board.

3. *Private directors.* There shall be elected to the board of directors by the private stockholders of the Corporation four members who shall serve for a period of two years and for the interim period until their successors are elected and qualified.<sup>236</sup>

### § 57.6. Meetings of the Board of Directors.

Regular and call meetings of the board of directors shall be fixed in

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<sup>235</sup> Prior legislation: L. 1960-61, ch. XLVI, § 2(13:1013).

<sup>236</sup> Prior legislation: L. 1960-61, ch. XLVI, § 2(13:1014); L. 1971-72.

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the bylaws of the Corporation.<sup>237</sup>

### § 57.7. General Manager.

The board of directors shall appoint a general manager who shall be subject to the direction of the board, conduct and manage the affairs of the Corporation.<sup>238</sup>

### § 57.8. Capital structure and capitalization.

1. *Shares of stock.* The maximum number of shares of stock of the Corporation is authorized to have outstanding at any time is ten thousand shares of common stock, each of the par value of one hundred dollars. All shares issued shall be order shares issued in the name of the particular owner. Furthermore, when there is negotiation of a particular instrument, the holder thereof shall immediately be made the stockholder of record.

2. *Amount of capital.* The legal or stated capital of the Corporation shall be one million dollars after all shares of the board have been purchased and fully paid up; however, the Corporation may not commence business after it shall have received six hundred thousand dollars paid-up capital.

3. *Distribution of shares.* Of the total amount of authorized shares issuable, the Government of Liberia shall purchase five thousand and the Minister of Finance, upon warrant of the President, is authorized to make available to the Corporation the amount covering the cost of such shares from moneys in the public treasury, not otherwise appropriated. The remaining five thousand shares shall be put on the

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<sup>237</sup> Prior legislation: L. 1960-61, ch. XLVI, § 2(13:1015).

<sup>238</sup> Prior legislation: L. 1960-61, ch. XLVI, § 2(13:1016).

public market for sale to individuals, private or corporate.<sup>239</sup>

#### § 57.9. Indemnification.

The Corporation shall indemnify each and every past, present, or future member of its board of directors, its officers, employees, agents, or persons serving at the request of the board, their heirs, executors and administrators, against all claims, liabilities and expenses (as hereinafter defined) necessary or reasonably incurred by or imposed upon them in connection with the defense of any action, suit or proceeding to which they may be made a party or with which they may be threatened by reason of their being or having been members of the board of directors, or officers, employees, agents or persons serving at the request of the board at the time of incurring such claims, liabilities, and expenses. As used herein, "claims, liabilities and expenses" shall include amounts of judgments against, or amounts paid in settlement by such members of the board, officers, employees, agents, or persons serving at the request of the board, together with all costs, legal, accounting or other expenses reasonably incurred by or otherwise imposed upon them, but shall not include any expenses incurred or imposed in connection with any matters as to which such members of the board, officers, employees, agents, or persons serving at the request of an authority shall be finally adjudged, in such action, suit or proceedings without such judgment being reversed, to be liable by reason of their negligence or misconduct in the performance of their duty as such members of the board, officers, employees, agents, or other persons acting at the request of an authority. The foregoing right of indemnification shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any bylaws, agreement or otherwise.<sup>240</sup>

<sup>239</sup> Prior legislation: L. 1960-61, ch. XLVI, § 2(13:1017); L. 1971-72.

<sup>240</sup> Prior legislation: L. 1960-61, ch. XLVI, § 2(13:1018).

#### § 57.10. How chapter may be cited.

This chapter may be cited as the "Liberian Produce Market Corporation Act of 1961."<sup>241</sup>

### Chapter 58. AIR LIBERIA INCORPORATED

- § 58.1. Corporation created.
- § 58.2. Purposes.
- § 58.3. Capital stock; classes of shares.
- § 58.4. Capitalization.
- § 58.5. Corporate existence.
- § 58.6. Domicile of Corporation.
- § 58.7. Place of meetings.
- § 58.8. Annual meetings.
- § 58.9. Special meetings.
- § 58.10. Notice.
- § 58.11. Quorum.
- § 58.12. Voting and powers.
- § 58.13. Ballots and inspectors.
- § 58.14. Organization.
- § 58.15. Action.
- § 58.16. Board of Directors.
- § 58.17. Powers.
- § 58.18. Special rights, duties and privileges of Corporation.
- § 58.19. Landing fields.
- § 58.20. Transfer of property to Corporation.
- § 58.21. Transportation at Government request.
- § 58.22. Later air treaties and agreements.
- § 58.23. Corporation accounts to be audited.

<sup>241</sup> Prior legislation: L. 1960-61, ch. XLVI, § 2(13:1019).

**§ 58.1. Corporation created.**

There is hereby created a corporation to be known as the AIR LIBERIA INCORPORATED, hereinafter referred to in this chapter as the "CORPORATION."<sup>242</sup>

**§ 58.2. Objects and Purposes.**

The general nature of the business to be transacted by the Corporation shall be the following:

1. To organize, promote, develop, manage, supervise, operate and finance commercial aviation activities or other activities which might directly or indirectly promote aviation, and to promote, develop, finance and assist generally, corporations, firms, associations, syndicates and individuals engaged, or contemplating, engaging in, aviation activities of whatever nature or kind, or other activities which might directly or indirectly promote aviation.
2. To carry, convey, transmit or transport property, securities, passengers and mail by means of aircraft or other transport related to its operation.
3. To design, manufacture, assemble, build, repair, maintain, operate, own, lease, let, purchase, sell and deal in aircraft of ever kind and description, now known or which may hereafter be invented for navigating the air, for purposes of pleasure, commerce, warfare, or otherwise.
4. To build, acquire, make, own, operate, lease, let, sell and otherwise

<sup>242</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law with respect to the Liberian National Airlines Corporation), 13:962.

dispose of air navigation and landing and communication facilities of every nature or description, including but not limited to, terminal landing fields, emergency landing fields, aviation fields, hanger storage space, radio, communications and navigation systems, aircraft repair stations, mooring masts, airports, stations, depots, and all equipment, appurtenances and other conveniences essential to its business.

5. To purchase, lease, hire, or otherwise legally acquire, hold, own, develop, operate, improve, sell, transfer, exchange, mortgage, pledge or otherwise dispose of, turn to account, convey, aid or subscribe to the acquisition, development or improvement of real and personal property and incorporeal hereditaments related thereto in the Republic of Liberia and in all foreign countries.
6. To acquire by purchase, subscription, or otherwise, and to hold, sell, assign, transfer, exchange, lease, mortgage, pledge or otherwise dispose of any shares of the capital stock of, or any bonds, or other securities, or evidences of indebtedness issued or created by the Corporation or any other corporation or association, organized under the laws of the Republic of Liberia or under the laws of any foreign country; to pay therefor in cash or property or to issue in exchange therefor shares of the capital stock, bonds or other assets of the Corporation.
7. To organize subsidiary corporations and to convey and assign as part of its assets to any such subsidiary corporation(s) in exchange for shares of the capital stock or other securities or evidences of indebtedness of such subsidiary corporation(s).
8. To acquire from time to time, in exchange for shares of the capital stock of this Corporation as herein fixed or as may hereafter be increased, such property or shares of the capital stock of the Corporation as herein fixed or as may hereafter be increased, such

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property or shares of the capital stock of any other corporation(s), as the Board of Directors shall deem of advantage to this Corporation, at such valuation of the property or shares being acquired as in the judgment of said Board of Directors shall be fair and just.

9. To purchase, lease, or otherwise, acquire, in whole or in part, the business, good will, rights, franchises and property of every kind; to acquire the whole or any part of the assets or assume the whole or any part of the liabilities, of any person, firm, association, or corporation, and to pay therefor in cash or in stock or bonds, or otherwise; to hold or in any manner legally use or dispose of the whole or any part of the business, good will, rights, franchises, or property so acquired and to exercise all the powers necessary or incidental to the conduct of such business;

10. To borrow or raise moneys for any of the purposes of this Corporation, issue bonds, debentures, notes or other obligations of any nature, or in any manner, for moneys so borrowed and to secure the payment thereof and of the interest thereon by mortgage upon, or pledge or conveyance or assignment in trust of, the whole or any part of the property of this Corporation, real or personal, including contract rights, whether at the time owned or thereafter acquired, and to sell or pledge such bonds or notes or other obligations of this Corporation for its corporate purposes;

11. To carry out all or any part of the foregoing objects and purposes as principal, agent or otherwise, either alone or in conjunction with any person, firm, association or other corporation in any part of the world; and in carrying on this business and for the purpose of attaining or furthering any of the objectives, to do and perform any act or thing incidental or appropriate thereto, and make and perform such contracts of any kind and description, to do such acts and things, and to exercise any and all such powers as natural persons could lawfully make, perform, do or exercise.

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12. To remunerate, in cash, bonds or other securities or evidence of indebtedness or otherwise, any person, firm, syndicate, association, corporation, for services rendered, in selling or guaranteeing bonds, debentures or securities or evidences of indebtedness, issued or owned or controlled by this Corporation or by any other corporation in which this Corporation is interested, or in connection with the interests of this Corporation.

13. To conduct its business in all its branches at one or more offices in the Republic of Liberia and in any foreign countries.

It is the intention that the objects and purposes specified in the foregoing sections shall, except where otherwise expressed in other sections, be in no wise limited or restricted by reference to, or inference from, the terms of any other section of this Act.

It is also the intention that said clauses be construed as powers as well as objects and purposes; and, generally, that the Corporation shall be authorized to exercise and enjoy all other powers, rights, and privileges granted to corporations, but the enumeration of certain powers as herein specified is not intended as exclusive of, or a waiver of, any of the powers, rights, now or hereafter in force. The Corporation shall not carry on any business, or exercise any power in any state, territory, or country which a similar corporation organized under the laws of such state, territory, or country could not carry or exercise, except to the extent permitted or authorized by the laws of such state, territory, or country.<sup>243</sup>

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<sup>243</sup> *Prior legislation:* L. 1965-66, ch. (An act to amend the Executive Law with respect to the Liberian National Airlines Corporation), 13:963.

**§ 58.3. Capital stock; classes of shares.**

The maximum number of shares of stock that the Corporation shall be authorized to have outstanding at any time shall be two million (2,000,000), each with a par value of One (\$1.00) dollar per share, which shall have all the rights and liabilities imposed by the Liberian Corporation Law.<sup>244</sup>

**§ 58.4. Capitalization.**

The amount of capital with which the Corporation shall begin business shall not be less than Five Hundred Thousand (\$500,000.00) Dollars, which may include assets other than cash.<sup>245</sup>

**§ 58.5. Corporate existence.**

The Corporation shall have perpetual existence and shall have authority to contract, sue and be sued, plead and be impleaded in any court of this Republic having competent jurisdiction; to purchase or otherwise acquire and hold property, real, personal or mixed, in value consistent with section 58.3 and the provisions of this Act.<sup>246</sup>

**§ 58.6. Domicile of Corporation.**

The domicile of the Corporation shall be in the City of Monrovia, Republic of Liberia, and the address of its Resident Business Agent

<sup>244</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law with respect to the Liberian National Airlines Corporation), 13:964.

<sup>245</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law with respect to the Liberian National Airlines Corporation), 13:964-A.

<sup>246</sup> Prior legislation: 1965-66, ch. (An act to amend the Executive Law with respect to the Liberian National Airlines Corporation), 13:964-B.

shall be the same as that of the Corporation.<sup>247</sup>

**§ 58.7. Board of directors.**

1. *Composition.* The formulation of corporate policies and exercise of general supervision shall be vested in a Board of directors consisting of not less than five nor more than nine members. In appointment of the members of the Board, the President shall designate or appoint one member to serve as chairman of the Board. The corporate activities shall conform to the general policies of the Government.

2. *Salary.* The Managing Director of the Corporation shall receive a salary to be established by the Board of Directors, subject however to the approval of the President. Members of the Board who are salaried employees of the Liberian Government shall not receive compensation either in the form of a salary or in a form of stipend. Private individuals appointed by the President as members of the Board of Directors shall receive stipends for each meeting of the Board of Directors attended coupled with all necessary expenses incurred and incidental to attending to the duties of the Corporation.

3. *Terms of Office.* The terms of office of the members of the Board of Directors, including the procedural aspects for the administration of the operation of the Corporation shall be governed by the By-Laws and the Regulations as shall be formulated by the Board of Directors.<sup>248</sup>

<sup>247</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law with respect to the Liberian National Airlines Corporation), 13:964-C.

<sup>248</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law with respect to the Liberian National Airlines Corporation), 13:964-N; L. 1971-72; An Act to amend Chapter 58 of the Executive Law of 1972 relating to the Liberian National Airlines Corporation and to create in lieu thereof Air Liberia Incorporated, approved May 16, 1974, published August 23, 1974.



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§ 58.8. Subscriber.

The name and post office address of the subscriber of the total number of shares of stock of the Corporation is:

| <u>NAME</u><br><u>ADDRESS</u> | <u>NUMBER OF</u><br><u>SHARES</u> | <u>POST OFFICE</u>                   |
|-------------------------------|-----------------------------------|--------------------------------------|
| The Government<br>of Liberia  | 2,000,000                         | Ministry of Commerce<br>and Industry |

§ 58.9. Powers.

In furtherance and not in limitation of the powers conferred by statute, the following provisions are hereby adopted for the regulation of the business and conduct of affairs of the Corporation and for the purpose of creating, defining and regulating the powers of the Directors:

(a) The Board of Directors shall have the powers to make, approve, alter, amend and repeal the By-Laws of the Corporation.

(b) Subject to the provision of the By-Laws, the Board of Directors shall have the power to set apart, from time to time, out of any funds of the Corporation, a reserve or reserves for any purposes and to abolish any such reserves.

(c) the books of the Corporation shall, at all times, be opened to inspection by the General Auditing Office, representing the Government or any other auditing firm designated by the Government.

(d) The Board of Directors shall have the power, to the fullest extent permitted by law, to authorize and to cause to be executed mortgages and liens upon the real and personal property of the Corporation, including after-acquired property.

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(e) In case the Corporation enters into contracts or trans business with one or more of its directors, or with any firm which one or more of its directors are members or employ or with any other corporation officers or employees, s contract or transaction shall not be invalidated or in any v affected by the fact that such director or directors have or r have interest therein which shall not be adverse to the interes the Corporation. In any such case the fact of such interest s be fully disclosed to the other directors.

(f) The Board of Directors shall have power to hold its meeti at such places within the Republic of Liberia as from time time shall be designated by the Board of Directors.

(g) The board of directors shall by an affirmative vote o majority appoint a General Manager for the Corporation, a from time to time, such other officials of the Corporation as n be deemed necessary.

(h) The General Manager, who himself shall not be a mem of the Board, shall be amenable to the Board and shall responsible for the day-to-day operations of the Company.

(i) The Corporation shall indemnify any and all of its Direct or Officers or former Directors or Officers, or any person w may have served at its request as a Director or Officer of ano the corporation in which it owns shares of capital stock or of wh it is a creditor against expenses actually and necessarily incur by them in connection with the defense of any action, suit proceeding in which they, or any of them, are made parties, a party, by reason of being or having been Directors or Office or a Director or Officer of the Corporation, except in relation matters as to which any action, suit or proceeding [they are hel

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to be liable for negligence or misconduct in performance of duty. Such indemnification shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of stockholders, or otherwise.<sup>249</sup>

### **§ 58.10. Special rights, privileges, and duties of Air Liberia, Incorporated and the Government of Liberia rights and privileges.**

The Government of Liberia hereby grants the following rights and privileges to the Corporation:

(a) The exclusive right to operate scheduled commercial air service, to destinations served by Air Liberia and on those routes designated by the Minister of Transport on which Air Liberia will be operating.

(b) An exemption from all taxes including but not limited to:

(i) All custom duties upon all property, equipment or supplies, necessary to carry on the Company's air transportation business. This includes surtax, highway levy, luxury tax and any other taxes levied on imports. It applies to aircrafts, motor vehicles, tarmac moving units, spare parts, shop equipment, field equipment, tools, office equipment, furniture, supplies, fuels, lubricants, building materials, buildings, navigational equipment and all other items of equipment or supply used in the business;

(ii) Real estate taxes applicable to any of the property, real or personal, owned, leased or used by the Company;

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<sup>249</sup> Prior legislation: L. 1965-66, ch. (An Act to amend the Executive Law with respect to the Liberian National Airlines Corporation), 13:964-P; L. 1971-72.

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(iii) Taxes upon the gross or net income or gross profit of the Corporation;

(iv) Airfield overnight fees, annual field use fees annual rental (ground rent) for company owned hangar;

(v) Registration and license fees. This includes, but is limited to:

- (1) aircraft carrier, domestic license;
- (2) Commercial aircraft capacity licenses;
- (3) Registration fee for corporate business;

(vi) Any and all taxes now in effect or enacted in future except later enacted taxes that repeal the pertinent part of this Sub-section (b).

Air Liberia shall, however, pay landing fees, exit taxes, work per fee or fees at Spriggs Payne Airfield only.<sup>250</sup>

### **§ 58.11. Transportation at Government's request.**

All travel requests by Ministries and Agencies of Government shall be made in accordance with regulations issued by the Ministry of Transport and approved by the President of Liberia.<sup>251</sup>

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<sup>250</sup> Prior legislation: L. 1965-66, ch. (An Act to amend the Executive Law with respect to the Liberian National Airline Corporation), 13:964-Q.

<sup>251</sup> Prior legislation: L. 1965-66, ch. (An act to amend the Executive Law with respect to the Liberian National Airlines Corporation), 13:964-T.

**§ 58.20. Transfer of property to Corporation.**

The Government shall transfer or cause to be transferred to the Corporation the ownership, possession or such other right, title or interest on all property, real or personal, tangible or intangible, which the Liberian National Airlines, Incorporated had in the property, facilities, buildings and equipment it used in its business in Liberia.<sup>252</sup>

**Chapter 59. PERMANENT CLAIMS COMMISSION**

- § 59.1. Permanent Claims Commission established.
- § 59.2. Kinds of claims which may be determined.
- § 59.3. Time of sessions.
- § 59.4. No compensation for members.
- § 59.5. Records and files.
- § 59.6. Determination of set-offs and counterclaims.
- § 59.7. Additional powers of Commission.
- § 59.8. Issuance of notes as evidence of indebtedness on validated claims.

**§ 59.1. Permanent Claims Commission established.**

A permanent commission is hereby established in the Executive Branch of the Government, to be known as the Permanent Claims Commission, which shall be composed of the Minister of Finance, who shall be chairman, the Minister of Justice, the Minister of Local Government, Rural Development and Urban Reconstruction, the Minister of Public Works, and the Auditor General, who shall be

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<sup>252</sup> *Prior legislation:* L. 1965-66, ch. (An Act to amend the Executive Law with respect to the Liberian National Airlines Corporation), 13:964-S.

secretary of the Commission.<sup>253</sup>

**§ 59.2. Kinds of claims which may be determined.**

The Commission shall have the exclusive power and authority consider and determine the validity and amount of all claims against the Republic of Liberia, if they are founded upon the Constitution or any laws of its Legislature, upon any regulation or executive order, upon any contract expressed or implied with the Liberian Government, or if such claims are for damaged, liquidated or unliquidated claims in cases not sounding in tort. The Commission shall not determine any claim which the claimant or his assignee has heretofore prosecuted in any court of Liberia, unless such court has not rendered a decision and the claimant, on order of the court, has transferred jurisdiction of the claim to the Commission.<sup>254</sup>

**§ 59.3. Time of sessions.**

The Commission shall meet in regular session on the first legal working day of each quarter for the consideration of such claims against the Government as may come before it. Such regular sessions may be prolonged from day to day at its discretion.<sup>255</sup>

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<sup>253</sup> *Prior legislation:* L. 1967-68, ch. (An act to amend the Executive Law with respect to the Permanent Claims Commission); L. 1961-62, ch. XXXIV, § 2(13:140); 1956 C 13:140; L. 1929, ch. XII, § 1, art. 1.

<sup>254</sup> *Prior legislation:* L. 1967-68, ch. (An Act to amend the Executive Law with respect to the Permanent Claims Commission); L. 1961-62, ch. XXXIV, § 2(13:145); 1956 C 13:145; L. 1929, ch. XII, art. 1, § 2, 4, 5, 6.

<sup>255</sup> *Prior legislation:* L. 1967-68, ch. (An act to amend the Executive Law with respect to the Permanent Claims Commission); L. 1961-62, ch. XXXIV, § (13:141); 1956 C 13:141; L. 1929, ch. XII, § II, art. 1.

**§ 59.4. No compensation for members.**

Members of the Commission shall serve without compensation other than that regularly provided by law for the respective positions held by its members.<sup>256</sup>

**§ 59.5. Records and files.**

The Secretary of the Commission shall record and file each claim together with all supporting papers and documents in numerical order as received. All documents, books, or other papers filed with the Commission to support claims shall become the property of the Government, and shall be kept in the permanent files of the Commission; provided, however, that private books of accounts may be returned to the claimant after the secretary of the Commission has verified a transcript of such entries therein as pertain to claims pending before the Commission.<sup>257</sup>

**§ 59.6. Determination of set-offs and counterclaims.**

The Commission shall have full power to hear and decide all set-offs and counterclaims, liquidated or unliquidated, or any other monetary demands of the Government against the claimant.<sup>258</sup>

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<sup>256</sup> *Prior legislation:* L. 1967-68, ch. (An Act to amend the Executive Law with respect to the Permanent Claims Commission); L. 1961-62, ch. XXXIV, § 2(13:142); 1956 Code 13:142; L. 1929, ch. XII, § II, art. 2.

<sup>257</sup> *Prior legislation:* L. 1967-68, ch. (An act to amend the Executive Law with respect to the Permanent Claim Commission); L. 1961-62, ch. XXIV, § 2(13:144); 1956 Code 13:144; L. 1929, ch. XII, § II, arts. 4, 5.

<sup>258</sup> *Prior legislation:* L. 1967-68, ch. (An act to amend the Executive Law with respect to the Permanent Claims Commission); L. 1961-62, ch. XXIV, § 2(13:146); 1956 Code 13:146; L. 1929, ch. XII, § I, art. 5.

**§ 59.7. Additional powers of Commission.**

The Commission shall have power:

- (a) To direct claimants to appear for examination regarding their claims;
- (b) To call upon heads of ministries and other agencies of the Government for papers, books, and documents or certified copies thereof in their official files concerning pending claims, and upon any officials of Government for information or evidence which may be in their official files, or within their knowledge;
- (c) To formulate rules for its procedure in conformity with the Administrative Procedure Act.<sup>259</sup>

**§ 59.8. Issuance of notes as evidence of indebtedness on validated claims.**

The Minister of Finance, with the approval of the President, is hereby authorized to issue Permanent Claims Commission notes as evidence of the Government's indebtedness to any claimant whose claim has been validated by the Permanent Claims Commission. Such notes shall be negotiable, and shall be payable at a date no later than five years after the determination by the Commission of the validity of the claim. The notes shall bear interest at the rate of four percent per annum. The Minister of Finance shall indicate in each of his annual reports to the Legislature the amount in the form of Permanent Claims Commission notes issued and outstanding so that a sufficient

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<sup>259</sup> *Prior legislation:* L. 1967-68, ch. (An act to amend the Executive Law respect to the Permanent Claims Commission); L. 1961-62, ch. XXXIV, § 2(13:147); 1956 Code 13:147; L. 1929, ch. XII, sec. 1, art. 7; § II, arts. 6, 7, 8.

sum will be provided in the annual budget for redemption of the notes coming due for payment.<sup>260</sup>

## **Chapter 60. JOHN F. KENNEDY MEDICAL CENTER**

- § 60. 1. Agency Created.
- § 60. 2. General Provision.
- § 60.3. Purposes.
- § 60.4. Composition of the Center
- § 60.5. Powers and Functions of the Board.
- § 60.6. Composition of the Board.
- § 60.7. Officers
- § 60.8. Reports.
- § 60.9. Indemnification of Directors or Officers.
- § 60.10. Exemption from Taxation.
- § 60.11. Exemption of Personnel from Civil Service Act
- § 60.12. Employees to be Governed by Merit System

### **§ 60.1. Agency Created.**

There is hereby created and established as an agency of Government, an entity to be known as the JOHN F. KENNEDY MEDICAL CENTER, hereinafter referred to as the "Center", which shall be maintained for the treatment of human illness, training in the medical, paramedical and public health fields and shall be under the authority of the BOARD OF DIRECTORS, hereinafter referred to as the "Board", with succession of members to be appointed as hereinafter provided and with such powers as are herein prescribed.

<sup>260</sup> Prior legislation: L. 1967-68, ch. (An act to amend the Executive Law with respect to the Permanent Claims Commission); L. (13:168-171); L. 1961-62, ch. XXXIII, § 1; L. 1958-59, ch. XXIII.

### **§ 60.2. General provision.**

The principal office of the Center shall be in Monrovia, Liberia, and the Center may establish such other offices within the Republic as the Executive Law may from time to time consider necessary to efficiently administer the affairs of the Center. It shall have a common seal and may sue and be sued, plead or be impleaded, in its own name.

### **§ 60.3. Purposes.**

The purposes of the Center shall be:

- (a) To establish and maintain a Medical Center for the care of persons from illnesses and disabilities that require the services and facilities of a hospital;
- (b) To carry on educational activities for the purpose of training persons in the medical and paramedical fields for utilization in the health services throughout the Nation;
- (c) To promote and conduct scientific research related to the care of the sick and injured insofar as such research can be conducted in, or in connection with, the activities of the Center;
- (d) To participate insofar as the circumstances may warrant in assisting the Ministry of Health and Social Welfare to promote the general health of the Nation.

### **§ 60. 4. Composition of the Center.**

The Center shall initially consist of four distinct functional organizations (and such other organizations which the President of Liberia may deem appropriate to form a part of the Center) all of which shall be subject to the supervision and control of the Board.

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related and under the jurisdiction of the Board:

- (a) John F. Kennedy Memorial Hospital
- (b) Tubman National Institute of Medical Arts
- (c) Maternity Hospital
- (d) Catherine Mills Rehabilitation Hospital

All properties, real and/or personal, now held by the four entities listed above shall vest in the Board as of the date that this Act shall take effect.

#### **§ 60.5. Powers and Functions of the Board.**

The powers and functions of the Board shall include the following:

- (a) To govern and control the administration and management of all business affairs and operations of the Center, including but not limited to the recruitment, employment, control and supervision of all officers, agents and employees;
- (b) To formulate and approve general policies relating to the development of the Center, its operations and administration;
- (c) To recommend an annual budget for the Center.
- (d) To take and hold property in fee simple by purchase, gifts, grant, devise or bequest or by lease or otherwise, in lands, tenements or other estates whether real or personal; and to apply the income therefrom to the development and support of the Center in such manner as shall most effectually promote primarily the health and well being of the Nation; provided, further, that in

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the application of any property or estate, which may be given, devised or bequeathed for any particular object connected with the Center, the Board shall conform to the extent reasonable and feasible, to the will of the donor; and the Board shall have right to mortgage or otherwise dispose of the real and personal property, and in pursuance thereof all deeds, bills of sale and other instruments in writing, sealed with the common seal of the Center, and signed by act of the Board shall be considered in law as the acts of the Center when made in its name;

(e) To enter into, perform, and modify contracts, leases, agreements, or other transactions, on such terms as may be deemed appropriate;

(f) Subject to the concurrence of the Minister of Health and Social Welfare to enter into, perform, and modify contracts, agreements with foreign governments or foreign governmental agencies, international bodies or agencies for the purpose of furthering the objectives of the Center;

(g) To make appropriate provision for the welfare of employees of the Center and of their dependents;

(h) To open deposit account(s) with any bank or trust Company;

(i) To make regulations dealing with those matters not provided for herein in the nature of by-laws and/or rules and regulations and amend the same from time to time as the need arises; and

(j) Such other powers and functions as may be proscribed by the President of Liberia.

**§ 60.6. Composition of the Board.**

The Center shall be under the authority of the Board which shall have perpetual succession of members. The President of Liberia shall be the Grand Councillor of the Board. The Board shall be composed of not more than eleven (11) members, six (6) of whom shall be permanent members, and five (5) non-permanent members to be appointed by the President of Liberia as follows and for terms as specified:

**Permanent Members:**

- (a) The Minister of Health and Social Welfare, who shall serve as Chairman of the Board.
- (b) The Minister of Finance.
- (c) The Minister of Planning and Economic Affairs.
- (d) The General Administrator of the Center, who shall serve as Secretary-Treasurer of the Board.
- (e) The Chief Medical Officer of the Center.
- (f) The Dean of the Medical School, University of Liberia.

**Non-Permanent Members:**

- (a) One (1) representative of the Liberia Medical Association whose appointment shall be for a term of two (2) years, provided that the same representative shall not serve two (2) consecutive terms;
- (b) One (1) representative of the Liberian Nurses Association who shall for a first term be appointed for three (3) years, pro-

vided that the same representative shall not serve for consecutive terms;

- (c) One (1) representative of the private sector interested in health, who shall for a first term be appointed for one (1) year;
- (d) One (1) lawyer who shall for a first term be appointed for three (3) years; and
- (e) For the duration of active participation by the United States Government in the administration of the Center, one (1) official of US AID appointed by His Excellency the United States Ambassador to Liberia, who shall for a first term be appointed for two (2) years. Except as otherwise noted above, after initial appointment, members of the Board who are permanent members shall each be appointed for terms of two (2) years. Each permanent member of the Board may designate an alternate to represent the interest of such member in the plenary authority to exercise all powers given that member.

**§ 60.7. Officers.**

The Officers of the Center shall be:

- (a) An Administrative head of the Center, who shall have authority and responsibility for implementing and executing policies set by the Board, shall have the title of General Administrator. He shall be appointed by the President of Liberia, with the advice and consent of the Senate.
- (b) A clinical head of the Center with the title of Chief Medical Officer shall have responsibility and authority for the functioning of the clinical organization and shall keep or cause to

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kept a careful supervision over the clinical work in all of the departments of the Center. He shall be appointed by the President of Liberia, with the advice and consent of the Senate.

(c) Such other Officers of the Center as may be prescribed in the by-laws.

### § 60.8. Reports.

The Board shall submit to the President of Liberia annually, a complete report on the conditions, operation and management of the Center, and such other matters as may be required.

### § 60.9. Indemnification of Directors and Officers.

The Center shall indemnify any and all of its Directors and Officers or former Directors or Officers against expenses actually and necessarily incurred by them in connection with the defense of any action, suit or proceeding in which they, or any of them, are made parties, or a party, by reason of being or having been Directors or Officers of the Center, except in relation to matters as to which any such Director or Officer shall be judged in such action, suit or proceeding to be liable for gross negligence or misconduct in performance of duty. Such indemnification shall not be deemed exclusive of any rights to which those indemnified may be entitled under any by-laws, agreements or otherwise provided by the Center to its Officers or employees.

### § 60.10. Exemption from taxation.

The Center and all of its real and personal property shall be exempt from taxes and levies of every description, including consular fees.

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### § 60.11. Exemption of personnel from Civil Service Act

Personnel currently or hereafter employed by the Center exempted from the provisions of the Civil Service Act as included in the Liberian Code of Laws of 1956 and subsequent amendments.

### § 60.12. Employees to be governed by Merit System.

The Board of Directors shall formulate, approve and install a comprehensive personnel system which shall be based upon recognized principle and plans, including but not limited to recruitment, promotion, competitive examination, a position classification, job description and specifications for each position class, a salary plan and appropriate rules and regulations for the fair and impartial administration of all personnel matters.

## Chapter 62. NATIONAL SCIENTIFIC INSTITUTE

§ 62.1. Institute created.

§ 62.2. Director.

§ 62.3. Purposes and power of Institute.

§ 62.4. Employment of foreign scientists.

### § 62.1. Institute created.

The President is hereby authorized and empowered to create a specialized agency of Government for the promotion and carrying out of scientific study and research within the Republic of Liberia. This agency shall bear the name National Scientific Institute, hereinafter referred to in this chapter as the "Institute." The Institute shall function as a subsidiary of the University of Liberia. The Government shall provide for its activities by annual budgetary appropriations.



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shall be paid into a fund to be administered by the University.<sup>261</sup>

**§ 62.2. Director.**

1. *Appointment.* The Institute shall be under the control and supervision of a Director, who shall be appointed by the President with the advice and consent of the Senate. The Director shall be immediately responsible to the Board of Trustees of the University of Liberia, and may be dismissed by the President of Liberia on recommendation of the trustees.

2. *Duties.* The Director shall perform the following duties in addition to supervising all activities of the Institute:

(a) He shall be the chairman of all group and subgroup meetings of the scientists employed by the Institute;

(b) With the approval of the trustees of the University, he shall solicit the employment of and employ scientists for conducting research within the Institute;

(c) He shall coordinate the activities of the different fields of applied sciences within the Institute.<sup>262</sup>

**§ 62.3. Purposes and powers of Institute.**

The purposes and powers of the Institute shall be as follows:

(a) To devote its operations to basic scientific research;

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<sup>261</sup> Prior legislation: L. 1959-60, ch. XXVII, XXVIII.

<sup>262</sup> Prior legislation: L. 1959-60, ch. XXVIII, § 2.

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(b) To collect from existing organs of Government, or acquire through research or otherwise, specialized scientific studies; coordinate the same;

(c) To send, during the embryonic states of its development, qualified nationals of Liberia to the institutions of foreign nations where scientific research is carried out on a broad scale to observe the methods of organization of such institutions;

(d) To do basic research with respect to the determination of such scientific standards as are applicable to conditions existing within the Republic and establish standards for use within the Republic;

(e) To carry on research relating to nuclear and thermonuclear energy for devising means of increasing the economic power of the nation;

(f) To do research in the field of geo-physics and chemistry.<sup>263</sup>

**§ 62.4. Employment of foreign scientists.**

Until such time when all the scientific positions within the Institute can be adequately occupied by Liberians, professionals may be obtained from without the Republic, provided, however, that the non-Liberian scientists agree to the following conditions:

(a) To give scientific loyalty to their employer, the Institute

(b) To accept as full compensation for their inventions during their employment at the Institute the salaries agreed to be paid

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<sup>263</sup> Prior legislation: L. 1959-60, ch. XXVII, § 2; ch. XXVIII, § 3.

to them and to permit all patents and trademarks granted in connection with such inventions to be owned by and bear the name of the Republic.<sup>264</sup>

### **Chapter 63. INSTITUTE OF PUBLIC ADMINISTRATION**

- § 63.1. Established.
- § 63.2. Power of Institute.
- § 63.3. Functions of Institute.
- § 63.4. Board of Directors.
- § 63.5. Superintendent, Assistant Superintendent and personnel of the Institute.
- § 63.6. Financial Provisions.

#### **§ 63.1. Establishment.**

There is hereby created in the Executive Branch of the Government an autonomous agency to be known as the Institute of Public Administration, hereinafter referred to as "the Institute."<sup>265</sup>

#### **§ 63.2. Power of Institute.**

The Institute shall have power to:

- (a) organize and conduct conferences and discussions for the purpose of exchanging opinions and views on the critical issues in the public service of the Government of Liberia; and

<sup>264</sup> Prior legislation: L. 1959-60, ch. XXVII, § 3; ch. XXVIII, § 4.

<sup>265</sup> Prior legislation: L. 1968-69.

- (b) in the performance of its functions to solicit and receive assistance from any Ministry or Agency or Government office or employee or other party.<sup>266</sup>

#### **§ 63.3. Functions of Institute.**

The Institute shall be primarily concerned with improving administrative performance and professional capabilities of Government public service through training of personnel, research problems of public administration and consultation in public administration with the purpose of developing, for maximum utilization, potential sources of talent of the manpower of the Country.

The functions and duties of the Institute shall include but not limited to:

- (a) Operating training programs for public servants in all forms (pre-entry service training, in-service training, initial post-entry service training, on-the-job training, etc.) including provision for basic academic background; such training programmes shall cover the whole range of Government positions and shall extend, in particular, to:

- (i) Organizing a broad-based top-to-bottom in-service training program for Government employees;

- (ii) Developing training programs for middle grade and upper-level employees;

- (b) Creating and improving the capability needed for administering economic and social development programs;

<sup>266</sup> Prior legislation L. 1968-69.

(c) Enunciating a career-development program by identifying specific career ladders, encouraging in-service training, management interns and executive development programs, and promotional programs based on merit, etc.;

(d) Providing leadership and guidance to the agencies of Government in developing more and better quality on-the-job training programs, serving as a research study group to study particular governmental organizational and management problem areas;

(e) Studying and reviewing the indigenous situations and practices which affect social, economic and administrative development in Liberia;

(f) Performing studies of systems and procedure and assisting in making improvements (a) government-wide, (b) inter-departmental in such matters as record-keeping, forms control, document flow, work simplification, public relations, and improving the administrative inter-relationships with national and international technical cooperation bodies;

(g) Conducting research in administration in order to provide adequate, systematic and precise information in critical areas of Government for the purpose of planning and administration with the overall view towards improvement;

(h) Development of a library suitable for the needs of the research program and for use of public officers;

(i) Performing such other functions as may be prescribed by the President, in accordance with the general policy of Government and the intent and purpose of this act.<sup>267</sup>

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<sup>267</sup> Prior legislation: L. 1968-69.

#### § 63.4. Board of Directors.

The formulation of policies for the overall development, management and operation of the Institute as well as the exercise of, responsibility for, general supervision over the Institute shall be carried out by a Board of Directors consisting of seven persons, all of whom shall be appointed by the President. The activities of the Board, however, shall be subject to the general policies of Government.

A member of the Board of Directors in his appointment as such shall be designated Chairman of the Board by the President of Liberia.

The members of the Board, in their capacity as such, shall not receive salaries or stipends.<sup>268</sup>

#### § 63.5. Superintendent, Assistant Superintendent and Personnel of the Institute.

The Institute shall be headed by a Superintendent who shall be appointed by the President upon the recommendation of the Board of Directors. The Superintendent shall be charged with the overall day-to-day management and operation of the Institute and be responsible to the Board of Directors.

The Superintendent shall be assisted in his work by an Assistant Superintendent and other officers and personnel determined by the Board of Directors to be required for the efficient operation of the Institute.<sup>269</sup>

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<sup>268</sup> Prior legislation: L. 1968-69.

<sup>269</sup> Prior legislation: L. 1968-69.

**§ 63.6. Financial provisions.**

The salaries and other compensation for the Superintendent, the Assistant Superintendent, and other personnel of the Institute shall be included in the National Budget.<sup>270</sup>

### **Chapter 64. THE LIBERIAN BANK FOR DEVELOPMENT AND INVESTMENT**

- § 64.1. Establishment and membership.
- § 64.2. General provision.
- § 64.3. Purposes.
- § 64.4. Government participation in commercial enterprise.
- § 64.5. Rules and Provisions for operations of the Bank
- § 64.6. Powers.
- § 64.7. Indemnification of Directors.
- § 64.8. Capital stock.
- § 64.9. Classes of shares.
- § 64.10. Restriction on transfer of voting common shares.
- § 64.11. Subscription.
- § 64.12. Shares to be subscribed for before commencement of business.
- § 64.13. Lost or destroyed certificate of shares.
- § 64.14. Voting.
- § 64.15. Control of Bank.
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- § 64.17. Officers of the Bank.
- § 64.18. Board of Directors.
- § 64.19. Vacancies.
- § 64.20. Election of Board of Directors.

<sup>270</sup> Prior legislation: L. 1968-69.

- § 64.21. Government Director.
- § 64.22. Quorum and Affirmative Vote of the Board.
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how vacancy to be filled.
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- § 64.30. Government contracts.
- § 64.31. Appointment of Chief Executive officer.
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- § 64.33. Government Subscription and Loans.
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- § 64.35. Audit.
- § 64.36. Annual Report.
- § 64.37. Reserves.
- § 64.38. Confidential nature of Bank's business.
- § 64.39. Exemption from taxation.
- § 64.40. How Chapter may be cited.

**§ 64.1. Establishment and membership.**

There is hereby created a corporation to be known as the Liberian Bank for Development and Investment, hereinafter referred to as "Bank". Until such time as there are shareholders, the Bank shall consist of Directors, and when there are shareholders it shall consist of the Directors and the shareholders of the Bank. All contract arrangements and undertakings of the former Liberian bank for Industrial development and Investment are valid and remain binding.

on the Liberian Bank for Development and Investment.<sup>271</sup>

#### § 64.2. General provisions.

The principal office of the Bank shall be in Monrovia. Such branch offices of the Bank as the Board of Directors may consider necessary may be established within and without the Republic. It shall have perpetual succession and a common seal and may sue and be sued, plead or be impleaded, in its name. Wherever consistent with the purposes of this Chapter and not provided for herein or in the by-laws or any regulation of the Bank, provisions of the Liberian Corporation Law of 1948, as amended, shall apply.<sup>272</sup>

#### § 64.3. Purposes.

The purposes of the Bank shall be:

- (a) To assist in the establishment, expansion, and the modernization of private productive business and industrial enterprises in Liberia;
- (b) To encourage and promote the development of internal and external private and public capital availabilities in the financing of such enterprises;
- (c) To encourage, sponsor and facilitate private establishment, acquisition, or ownership of productive business and industrial

<sup>271</sup> Prior legislation: L. 1964-65, ch. XIV. The Liberian Bank for Development and Investment was originally chartered as the Liberian Bank for Industrial Development and Investment. The name was changed from LBIDI to LBDI, along with other changes affecting the operation of the Bank, by amendment to Chapter 64, approved July 8, 1974 and published September 13, 1974.

<sup>272</sup> Prior legislation: L. 1966-65, ch. XIV.

investment, shares and securities and in particular by:

- (i) Providing finance in the form of long or medium term loans, purchase of convertible debentures, or share participation;
- (ii) Guaranteeing and counter-guaranteeing loans and obligations of borrowers and others, and underwriting issues of shares and securities of all kinds;
- (iii) Making funds available for reinvesting by causing transfers of shares and securities, and by revolving investments, as rapidly as prudent;
- (iv) Furnishing technical advice and assistance on the formulation, financing and execution of development plans and projects including the furnishing of technical and administrative advice and services to Liberian enterprises;
- (v) Investigating, carefully selecting, determining the size and character of the market for, and the technical feasibility and economic soundness of, documenting, promoting and advertising, and otherwise publicizing at home and abroad, and advising the Government concerning projects for private industrial enterprises in Liberia; and for this purpose, to employ consultants and independent research organizations and enter into agreements with other national or international institutions, either public or private; and
- (vi) Establishing, in conjunction with the Government and with other appropriate agencies, priorities for productive businesses and industrial enterprises to receive development assistance according to the extent to which they

utilize resources or possess other economic advantages.

(d) To assist in the establishment, expansion and the modernization of public productive business and industrial enterprises in Liberia provided they are commercially operated and preferably under private management, and provided also the aggregate amount of the Bank's financing of such an enterprise does not at any time exceed thirty (30%) percent of the aggregate of the Bank's total cumulative commitments at the time of such financing.<sup>273</sup>

#### § 64.4. Government participation in commercial enterprises.

1. A nominal share participation in, or the loan of money to any commercial enterprise by the Government of Liberia or of a county, or any political subdivision thereof (whether direct or indirect) shall not by itself be deemed to remove such enterprise from the private sector, so long as such enterprise is privately operated and managed.

2. Any enterprise in which the Government of Liberia, or any political sub-division thereof has controlling interest, shall not by itself be deemed a public enterprise and removed from the private sector, and such enterprise may obtain financing from the Bank so long as it is commercially operated, preferably under private management, and the aggregate amount of the Bank's financing of such enterprise does not at any time exceed thirty (30%) percent of the aggregate of the Bank's total cumulative commitments at the time of such financing.<sup>274</sup>

<sup>273</sup> Prior legislation: L. 1964-65, ch. XIV.

<sup>274</sup> Prior legislation: L. 1964-65, ch. XIV. Paragraph 1 of section 64.4 was amended to delete certain portions from the original wording. Paragraph 2 was added by the same amendment, which was approved on July 8, 1974 and published on September 13, 1974.

#### § 64.5. Rules and Provisions for operations of the Bank.

(a) The Bank is hereby authorized to make loans, credits guaranties, or to engage in other financing operations transactions, to or with such persons, organizations, or of legal entities, and on such terms and conditions as it determine, taking into account,

(i) whether financing could be obtained in whole or part from other sources on reasonable terms.

(ii) the economic and technical soundness of the activity to be financed; and

(iii) whether the activity gives reasonable promise contributing to the development of economic resource to the increase of productive capacities in furtherance of the purpose of this Chapter.

(b) To make loans only upon the basis of firm commitment repayment by the borrowers, upon adequate security and a finding that there are reasonable prospects of repayment. Bank shall have the right to require that the proceeds of the or other financing will be used to purchase equipment and services necessary to carry out projects financed by Bank.

(c) The Bank shall have the right to require the operation of enterprise to which it provides assistance with due diligence efficiency and in accordance with sound engineering and financial standards, including the maintenance of adequate records.

(d) The Bank shall be administered so as to support and encourage private investment and other private participation.

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furthering the purposes of this Chapter and not to compete with other banks in Liberia or with other private capital otherwise available on reasonable terms.<sup>275</sup>

### § 64.6. Powers.

The Bank is hereby authorized to exercise all or any one of the following powers:

- (a) Enter into, perform, and modify contracts, leases, agreements, or other transactions, on such terms as may be deemed appropriate, with any agency or instrumentality of the Government of the Republic, with any foreign government or foreign government agency, with any international body, agency, instrumentality or financial institution, or with any person, partnership, association, corporation, organization or other entity, public or private, singly or in combination;
- (b) Accept and use gifts or donations of services, and funds, or property, (real, personal or mixed, tangible or intangible);
- (c) Contract for the services of attorneys;
- (d) Acquire, own and dispose of, within and without the Republic, upon such terms and conditions and for such consideration as the directors of the Bank shall determine to be reasonable, through purchase, exchange, discount, rediscount, public or private sale negotiator, assignment, exercise of option or conversion rights, or otherwise, for cash or credit, with or without endorsement or guaranty, any property, real, personal, mixed, tangible or intangible, including, but not limited to, mortgages, bonds, debentures (including convertible debentures), stock

<sup>275</sup> Prior legislation: L. 1964-65, ch. XIV.

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options and contingent or variable interest bonds, liens, pledge and other collateral or security, contracts claims, currency notes, drafts, bills of exchange, acceptances (including bank acceptances), cable transfers and all other evidences of indebtedness or ownership (it being understood that equities in securities may be directly purchased or otherwise acquired), and guarantee payment against any instrument above specified;

- (e) Issue letters of credit and letters of commitment;
- (f) Collect or compromise any obligations assigned or held and enforce any legal or equitable rights accruing to, the Bank and enter suit in court for collection of such obligations and enforcement of such rights;
- (g) Otherwise take any and all actions determined by the directors to be necessary or desirable in making, carrying out, servicing, compromising, liquidating, or otherwise dealing with or realizing any transaction or operation beneficial to the Bank and authorized under this Chapter or permitted under the Liberian Corporation Law of 1948, as amended;
- (h) Make appropriate provision for the welfare of employees and former employees of the Bank and of their dependents;
- (i) Open deposit accounts with any bank or trust company; and
- (j) The directors may from time to time at their discretion borrow any sum or sums of money for the purposes of the Bank within the limitation fixed from time to time in the by-laws of the Bank, and, to this end, execute and issue its bonds, debentures or other obligations (including demand notes) as evidence of indebtedness payable at a specified time, in such form, whether secured or unsecured, and if secured, secured

such manner and subject to such terms of redemption with or without premium, and to sell the same at public or private sale for such prices, all as may be determined by the directors.<sup>276</sup>

#### § 64.7. Indemnification of directors.

The Bank shall indemnify any or all of its directors and officers or former directors or officers or any other person who may have served at its request as a director or officer of another bank or other entity, public or private, in which it owns shares of capital stock or of which it is a creditor against expenses actually and necessarily incurred by them in connection with the defense of any action, suit or proceeding in which they, or any of them are made parties, or a party, by reason of being or having been such directors or director or officer, except in relation to matters as to which any such director or officer shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in his performance of duty. Such indemnification shall not be deemed exclusive of any rights to which those indemnified may be entitled under the bylaws or under any agreement, vote of stockholders, or otherwise.<sup>277</sup>

#### § 64.8. Capital stock.

The initial authorized capital stock of the Bank shall total \$1,000,000 divided into 100,000 voting common shares having a par value of \$10 each, but the capital stock may be increased, through the issue of additional voting shares or shares carrying with them preferences, by resolution of the Board of Directors approved by a two-thirds majority vote of the shares of each class of the then outstanding voting common stock of the Bank. All shares issued by the Bank

<sup>276</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(970).

<sup>277</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(971).

shall be nominative in form; and bearer shares shall not be issued

#### § 64.9. Classes of shares.

The voting common stock shall be divided into two classes:

(a) Class A, which shall always represent not less than majority of the voting common stock of the Bank; and

(b) Class B, which shall represent the balance of the voting common stock of the Bank.<sup>279</sup>

#### § 64.10. Restriction on transfer of voting common shares.

Class A shares shall at all be owned by Liberian citizens, corporations, the Liberian Government, international institutions which Liberia is a member or such other persons or entities which under appropriate Liberian regulation, are qualified to own such shares, and Class A shares may not be transferred to members of other classes of persons or entities; Class B shares may be owned by any person or entity, whether a Liberian citizen or corporation or not. Proper notations of transferability shall be placed on each class shares.<sup>280</sup>

#### § 64.11. Subscription.

The directors shall offer the voting common for subscription at such time or times, in such amounts and in such manner, as the directors

<sup>278</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(972).

<sup>279</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(973).

<sup>280</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(974).



shall determine. The directors may determine the time or times at which subscribers to such stocks shall be called upon to pay in the amounts due with respect to their subscriptions. Amounts subscribed may be called in installments, and the Bank may provide in its by-laws for the issue of either fully or partially paid-in shares and, if partially paid-in shares are issued, for appropriate liens on such shares, running to the Bank, to secure the unpaid balance of the subscription price of such shares. When any share is fully paid-in, it shall be non-assessable.<sup>281</sup>

**§ 64.12. Shares to be subscribed for before commencement of business.**

The Bank shall not transact any business until the full amount of its initial authorized capital stock shall have been subscribed and the full \$1,000,000 of such capital shall have been paid-in.<sup>282</sup>

**§ 64.13. Lost or destroyed certificate of shares.**

If any certificate of shares be lost or destroyed, then, upon proof thereof to the satisfaction of the directors and on such indemnity as the directors deem adequate, a new certificate shall be given to the party entitled to such lost or destroyed certificate.<sup>283</sup>

**§ 64.14. Voting.**

(a) Every holder of record of shares of the voting common stock of the Bank shall be entitled at each meeting of stockholders thereof and upon each proposal presented at such meeting to one

<sup>281</sup> Prior legislation: L. 1964-65, ch. XIV, sec. 1(975).

<sup>282</sup> Prior legislation: L. 1964-65, ch. XIV, sec. 1(976).

<sup>283</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(977).

vote, which may be exercised by such stockholder in person by proxy, for each share of voting common stock standing in his name on the books of the Bank, in respect of which he is not in arrears in the payment of any call made by the directors.

(b) Except as otherwise provided in this Chapter, whenever a vote of the Bank to be by affirmative vote of the stockholders it shall mean a two-thirds majority of the outstanding shares of the voting common stock (without differentiation between classes of stock) represented at any duly constituted meeting of stockholders.

(c) Two-thirds of the voting common stock of the Bank (without differentiation between classes), the holders of which be present in person or by proxy, shall constitute a quorum for a meeting of stockholders.<sup>284</sup>

**§ 64.15. Control of Bank.**

The directors are authorized to exercise their powers to prevent a one individual or group from acquiring control of the Bank.<sup>285</sup>

**§ 64.16. New shares.**

In the event the Bank's authorized capital is increased and new authorized voting common stock is offered for subscription stockholders of each class of voting common stock shall have such priority to purchase new shares of the same class of stock owned by them as is from time to time provided in the by-laws.<sup>286</sup>

<sup>284</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(978).

<sup>285</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(979).

<sup>286</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(980).

**§ 64.17. Officers of the Bank.**

The Bank shall have a Board of Directors, a Chief Executive Officer, and such other officers and staff as the directors may consider necessary.<sup>287</sup>

**§ 64.18. Board of Directors.**

1. There shall be not less than eight nor more than sixteen directors of the Bank, as shall be determined from time to time by affirmative vote of the stockholders of the Bank, provided that there always be an even number of directors.

2. Four or more members of an interim Board of Directors shall be recommended by the Ministry of Finance and appointed by the President of Liberia as follows:

(a) One half of the Board to be citizens of Liberia or representatives of international institutions in which Liberia is a member, provided that no more than one such citizen shall be an officer of the Government of Liberia; and

(b) One half of the Board to be selected from a list of candidates of any nationality unanimously submitted by the subscribers (if any) of the Class B shares.<sup>288</sup>

**§ 64.19. Vacancies.**

Until the first election of the Board by the stockholders, all vacancies on the Board shall be filled in the same manner as provided in

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<sup>287</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(981).

<sup>288</sup> Prior legislation: L. 1964-65, ch. XIV, § 1(982).

paragraph 2 of section 64.18.<sup>289</sup>

**§ 64.20. Election of Board of Directors.**

At the first annual meeting of the stockholders of the Bank, and thereafter at each annual meeting, the Board of Directors shall be elected by the holders of the voting common shares as follows:

(a) one-half of the entire Board for the time being shall be elected by holders of Class A shares; and

(b) one-half of the entire Board for the time being shall be elected by holders of Class B shares.

At all elections of directors:

(a) each class A shareholder shall be entitled to as many votes as shall equal the number of his Class A shares multiplied by the number of directors to be elected by Class A shareholders, and each such Class A shareholder may cast all of such votes for a single director to be elected by Class A shareholders or may distribute them among the number of such directors to be voted for or any two or more of them as he may see fit.

(b) each Class B shareholder shall be entitled to as many votes as shall equal the number of his Class B shares multiplied by the number of directors to be elected by Class B shareholders, and each such Class B shareholder may cast all of such votes for a single director to be elected by Class B shareholders or may distribute them among the number of such directors to be voted

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<sup>289</sup> Prior legislation: L. 1964-65, ch. XIV, § 983.

for or any two or more of them as he may see fit.<sup>290</sup>

#### § 64.21. Government directors.

No more than two members of the Board shall, at any given time, be officers of the Government of Liberia.<sup>291</sup>

#### § 64.22. Quorum and affirmative vote of the Board.

A majority of the directors shall constitute a quorum for any meeting of the Board of Directors. Unless otherwise provided in this Chapter, any Board action, to be valid, must receive the affirmative vote of the Board, and an affirmative vote of the Board shall mean a simple majority of the directors present in person or by proxy. The Chairman of the Board, who shall be elected annually by the directors, shall not have the casting vote in cases of a tie vote.<sup>292</sup>

#### § 64.23. Resignation, death or disability of a director: how vacancy to be filled.

Any director may resign at any time by giving notice in writing to the Chairman of the Board. Upon the death, resignation or disability of any director, the resulting vacancy shall be filled by the vote of the remaining directors who shall have been elected holders of shares of the Class by which such director was elected. A director so elected to fill a vacancy shall be elected for the unexpired term of his predecessor.<sup>293</sup>

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<sup>290</sup> Prior legislation: L. 1964-65, ch. XIV, § 984.

<sup>291</sup> Prior legislation: L. 1964-65, ch. XIV, § 985.

<sup>292</sup> Prior legislation: L. 1964-65, ch. XIV, § 986.

<sup>293</sup> Prior legislation: L. 1964-65, ch. XIV, § 987.

#### § 64.24. Special election of directors for either class.

Any provision herein to the contrary notwithstanding, a special election of the directors representing either Class of the voting stock may be demanded at any time, with or without cause, by the holder or holders of such number of shares of such class as is capable, automatically, of electing at least one director for such term as may be set forth in section 64.20. An election of directors representing the other Class of the voting stock shall continue in office until the next annual meeting of stockholders or until a special election shall have been held in respect of them on the Board. Any retiring director shall be eligible for re-election.

#### § 64.25. Executive Committee of the Board.

The Board of Directors shall, in accordance with the by-laws of the Bank, appoint an Executive Committee to which powers may be delegated.<sup>295</sup>

#### § 64.26. By-laws of the Bank.

The Board of Directors shall adopt by-laws dealing with those matters not provided for herein.<sup>296</sup>

#### § 64.27. Ratification of By-laws.

The bylaws of the Bank shall be approved by affirmative vote of the stockholders at the first regular meeting after an opportunity is given for their consideration.

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<sup>294</sup> Prior legislation: L. 1964-65, ch. XIV, § 988.

<sup>295</sup> Prior legislation: L. 1964-65, ch. XIV, § 989.

<sup>296</sup> Prior legislation: L. 1964-65, ch. XIV, § 990.

provided for their study.<sup>297</sup>

#### § 64.28. Amendment of By-laws.

The By-laws of the Bank shall be amended only by an affirmative vote of the directors and an affirmative vote of the stockholders at a regular meeting called for that purpose.<sup>298</sup>

#### § 64.29. Rights of directors.

Subject to the restrictions imposed by this section, no director shall be disqualified by his office from contracting with the Bank either as vendor, purchaser, agent, broker or otherwise; nor shall any contract or arrangement entered into by or on behalf of the Bank in which any director shall be in any way interested be, by reason only of such relationship (if properly disclosed), avoided, nor shall any director, so contracting or being interested, be liable to account to the Bank for any profit realized by such contract or arrangement by reason only of such director holding that office, or of the fiduciary relation thereby established; but it is declared that the nature of his interest must be disclosed by him at the meeting of the directors at which the contract or arrangement is being voted upon, if his interest then exists, or at the first meeting of the directors after the acquisition of his interest, and that no director shall, as a director, vote in respect of any contract or arrangement in which he is so interested; and if he does, his vote shall not be counted. A contract or arrangement entered into with any director or company in which any director has an interest must be unanimously approved by the other directors of the Bank. A contract or arrangement entered into with any director or any company in which any director has an interest without the Board having been

<sup>297</sup> Prior legislation: L. 1964-65, ch. XIV, § 991.

<sup>298</sup> Prior legislation: L. 1964-65, ch. XIV, § 992.

informed of such interest in the manner above provided shall be voidable by the Bank, at the option of the Board.<sup>299</sup>

#### § 64.30. Government contracts.

In the performance of, and with respect to the functions, purposes and powers enumerated in section 64.6 of this Chapter, the director shall not enter into contracts with the Government under which services are to be furnished by the Bank to the Government, at which the Government is authorized so to contract with the Bank an appropriate and make available to the Bank the sum or sums paid to the Bank under such contract.<sup>300</sup>

#### § 64.31. Appointment of Chief Executive Officer.

The Chief Executive Officer of the Bank shall be appointed and may be removed at any time by a two-thirds majority of the Board of Directors. Such officer shall carry with it the powers so provided in the by-laws.<sup>301</sup>

#### § 64.32. Other officers.

Other officers and the members of the staff of the Bank shall be appointed in the manner provided in the bylaws.<sup>302</sup>

<sup>299</sup> Prior legislation: L. 1964-65, ch. XIV, § 993.

<sup>300</sup> Prior legislation: L. 1964-65, ch. XIV, § 994.

<sup>301</sup> Prior legislation: L. 1964-65, ch. XIV, § 995.

<sup>302</sup> Prior legislation: L. 1964-65, ch. XIV, § 996.

**§ 64.33. Government subscription and loans.**

(a) Of the initial shares of the Bank offered for subscription, the Government shall subscribe and pay for out of general funds in the Treasury such Class A shares of the initial authorized capital of the Bank as shall not have been subscribed by other persons or entities qualified to hold such shares. Such shares, which may be registered in the name of the Government, any Agency of the Government, or any corporation which is wholly owned by the Government, shall be held for re-sale by the Government to Liberian citizens or to entities other than agencies of the Government or corporations controlled directly or indirectly by the Government, it being the declared intention of the Government to encourage and promote actively the widest distribution of ownership of Class A shares. Any shares of the Bank paid for out of Treasury funds shall be deemed to be shares held by the Government and subject to the special provisions of this section pertaining to shares of the Bank held by the Government of Liberia. The Minister of Finance, upon approval by the President of Liberia shall determine in whose name shares held by the Government shall be registered.

(b) The Bank may borrow from the Government and the Government may lend to the Bank on such terms as the Government and the directors may deem advisable, other funds of the Treasury and funds borrowed from foreign governments, governmental agencies or public corporations or international institutions. Any loan made under this authorization may be interest-free, fully subordinated to all of the debts of the Bank and to the equity of the Bank, and long-term.

(c) In the event of the voluntary or involuntary dissolution of the Bank, loans made by the Government to the Bank or the balance thereof for the time being remaining unpaid shall rank for

payment after the payment of all other outstanding debts and liabilities of the Bank and the repayment to stockholders (other than the Government) of the paid-up share capital of the Bank and shall be paid only after the payment of all such debts and liabilities and after repayment to such stockholders of such paid-up share capital. If any assets of the Bank shall remain after payment of such debts and liabilities and the repayment of paid-up share capital, the loans made by the Government to the Bank or the balance thereof for the time being outstanding, shall next be repaid, and, if there shall then remain any undistributed assets, such assets shall be divided among the holders (including the Government) of the common stock of the Bank in proportion to the amount of common stock owned by each stockholder at the time of dissolution.

(d) No dividend shall be declared in any one year for shares of the Bank held by the Government of Liberia until a six per cent cash dividend shall have been declared and paid to the other holders of common shares of the Bank.

(e) The Government is hereby authorized to guarantee from time to time, on such terms and conditions as the Government shall determine, loans made to the Bank from domestic and foreign sources, private and public sources and from international institutions and agencies. All sums payable by the Bank in respect of principal, interest or other charges on any loan to the Bank from any foreign source or from an international institution or agency or by the Government under any guarantee given under this section shall, notwithstanding any law of Liberia to the contrary, be paid:

(i) Without deduction for, and free from, any taxes, duties or fees now or hereafter imposed by or under any law of Liberia or any political subdivision thereof; and

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(ii) free from any restriction now or hereafter imposed by or under any law of Liberia or any political subdivision thereof.<sup>303</sup>

### § 64.34. Accounts.

The Board of Directors shall cause the accounts of the Bank to be kept in such form and manner as may be determined by such Board.<sup>304</sup>

### § 64.35. Audit.

The accounts of the Bank shall be audited by a firm of public accountants annually appointed by the directors and ratified by an affirmative vote of stockholders at their annual meeting. The auditors shall annually audit the books of the Bank and, for this purpose, shall have full access to the books, accounts and vouchers of the Bank, and shall be entitled to require from the directors and Officers of the Bank such information and explanations as shall be necessary for the performance of their duties. The auditors shall make a written report as to the Bank's affairs, which shall be transmitted to the directors.<sup>305</sup>

### § 64.36. Annual Report.

The Board of Directors shall cause to be printed a copy of the auditor's report, together with a copy of the balance sheet of the Bank and profit and loss account, in the form of an Annual Report of the Bank for transmittal to the Minister of Finance and to each of the

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<sup>303</sup> Prior legislation: L. 1964-65, ch. XIV, § 997.

<sup>304</sup> Prior legislation: L. 1964-65, ch. XIV, § 998.

<sup>305</sup> Prior legislation: L. 1964-65, ch. XIV, § 999.

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stockholders.<sup>306</sup>

### § 64.37. Reserves.

(a) Before the Bank may determine the profits and dividends, the Bank shall set aside in each year in the Reserve Fund a sum equal to not less than twenty-five per cent of the net profits of the Bank as shown in the Bank statement for that year, until the aggregate of the amount set aside equals the amount of the loans to the Bank outstanding.

(b) In addition to amounts set aside for the Special Reserve Fund, the directors shall set aside from any profits available for the payment of dividends such other amounts as they shall deem prudent.<sup>307</sup>

### § 64.38. Confidential nature of Bank's business.

Every director, officer, employee or auditor of the Bank shall keep himself in writing to observe strict secrecy respecting all transactions of the Bank, except when required in the performance of his duty by matter of law.<sup>308</sup>

### § 64.39. Exemption from taxation.

The bank, its property, other assets, income and the operations and transactions it carries out under this Chapter shall be exempt from taxation and from all customs duties, and all interest or

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<sup>306</sup> Prior legislation: L. 1964-65, ch. XIV, § 1000.

<sup>307</sup> Prior legislation: L. 1964-65, ch. XIV, § 1001.

<sup>308</sup> Prior legislation: L. 1964-65, ch. XIV, § 1002.

paid by the Bank shall be exempt from taxation.<sup>309</sup>

#### § 64.40. How Chapter may be cited.

This Chapter may be cited as "The Liberian Bank for Development and Investment Act of 1974."<sup>310</sup>

### **Chapter 65. THE NATIONAL HOUSING AND SAVINGS BANK**

- § 65.1. Establishment.
- § 65.2. General provisions.
- § 65.3. Object and Purpose.
- § 65.4. Powers.
- § 65.5. Loans.
- § 65.6. Capital Stock.
- § 65.7. Shares to be subscribed for before commencement of business.
- § 65.8. Board of Directors.
- § 65.9. Powers of the Board.
- § 65.10. Quorum and affirmative vote of the Board.
- § 65.11. Rights of Directors.
- § 65.12. Officers to be bonded.
- § 65.13. Escrow Fund Account.
- § 65.14. ByLaws and Regulations.
- § 65.15. Annual Audit.
- § 65.16. Annual Report.
- § 65.17. Reserves.
- § 65.18. Exemption from taxation.

<sup>309</sup> Prior legislation: L. 1964-65, ch. XIV, § 1003.

<sup>310</sup> Prior legislation: L. 1964-65, ch. XIV, § 1004.

§ 65.19. How chapter may be cited.

#### § 65.1. Establishment.

There is hereby created a corporate entity to be known as the National Housing and Savings Bank, hereinafter referred to as the "Bank".<sup>311</sup>

#### § 65.2. General Provisions.

The principal office of the Bank shall be in Monrovia, Liberia. Such branch offices or agencies of the Bank as the Board of Directors may consider necessary may be established within and without the Republic. The Bank shall have perpetual existence and a common seal, and it may sue and be sued in its name. Wherever consistent with the purpose of this Chapter and not provided for herein or in the by-laws or any regulation of the Bank, provisions of the Liberia Corporation Law and the Financial Institutions Act shall apply.<sup>312</sup>

#### § 65.3. Object and Purpose.

The object and purpose of the Bank shall be to provide the financial resources required to satisfy the housing needs of the citizens of Liberia including the making of long term loans for home ownership. Housing as used in this paragraph shall include single and multiple family dwelling units intended for ownership and occupancy on a permanent basis, realty development, infrastructure including utilities and community facilities incident to sound community development.<sup>313</sup>

<sup>311</sup> Prior legislation: L. 1971-72; 1972.

<sup>312</sup> Prior legislation: L. 1971-72.

<sup>313</sup> Prior legislation: L. 1971-72.

**§ 65.4. Powers.**

The Bank is hereby authorized to exercise all or any the following powers:

1. To do, conduct and transact generally the business of a savings bank; to accumulate, loan and invest the funds of its stockholders and depositors; receive deposits of money; loan, invest and collect the same with interest; to repay depositors with or without interest; invest such funds in such property, securities and obligations as are or may be prescribed or permitted under the Chapter; to declare and pay dividends on its shares, and a stipulated rate of interest on deposits made for a stated period, or upon special terms, and to do all of the things in this subsection consistent with the purpose, objects, and powers of the Bank and the laws of the Republic of Liberia;
2. Enter into, perform, and modify contracts, lease, agreements, or other transactions, on such terms as may be deemed appropriate, with any agency or instrumentality of the Government of the Republic, with any foreign government or foreign government agency, with any international body, agency, instrumentality or financial institution, or with any person, partnership, association, corporation, organization or other entity, public or private, singly or in combination;
3. Accept and use gifts or donations of services, funds, or property (real, personal or mixed, tangible or intangible);
4. Acquire, own and dispose of, within and without the Republic, upon such terms and conditions and for such consideration as the Directors of the Bank shall determine to be reasonable, through purchase, exchange, discount, rediscount public or private sale, negotiations, assignment, exercise of option or conversion rights, or otherwise, for cash or credit, with or without endorsement or guaranty, any property, real, personal, mixed, tangible or intangible,

including, but not limited to mortgages, bonds, debentures (including convertible debentures), stock options and contingent or variable interest bonds, liens, pledges, and other collateral or security contracts, claims, currencies, notes, drafts, bills of exchange, acceptances (including banker's acceptances), cable transfers and all evidences of indebtedness or ownership (it being understood that equity securities may be directly purchased or otherwise acquired and guarantee payment against any instrument above specified;

5. To conduct the business of a commercial bank, savings bank, trust company, as hereinbefore set forth, in and as separate different departments of said corporation or bank, in manner authorized by the laws of the Republic of Liberia.
6. To combine the business of a commercial bank, savings bank, trust company and safe deposit company, or any of them, in the manner authorized by the laws of the Republic of Liberia.
7. To do all acts and things that a banking corporation, having a commercial department, savings department, trust department, or safe deposit department, or either or any of said departments, may lawfully do.
8. To enter into contracts and commercial transactions with any person, agency of the Government of the Republic of Liberia, foreign government, international organization, financial institution, foreign or domestic corporation, or any other legal entity.
9. To accept and use gifts, services, or both.
10. To purchase, convey and hold real property in accordance with the relevant laws of the Republic of Liberia, as shall be necessary for the Bank's accommodation in the transaction of its business, if mortgaged to it in good faith by way of security for debts contracted



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conveyed to it in satisfaction of debts contracted, purchased at sales under judgments, decrees, or mortgages held by the Bank.

11. Collect or compromise any obligations assigned or held by, and enforce any legal or equitable rights accruing to the Bank, and enter suit in court for collection of such obligation or enforcement of such rights.

12. To otherwise take any and all actions determined by the Directors to be necessary or desirable in making, carrying out, servicing, compromising, liquidating, or otherwise dealing with or realizing any transaction or operation beneficial to the Bank and authorized under this Chapter or permitted under the laws of the Republic.

13. Open deposit accounts with any bank or trust company.

14. To do all and everything lawfully necessary and proper for the accomplishment of the objects enumerated in this Chapter or necessary to the protection and benefit of the Bank and in general to carry on any lawful business necessary to the protection and benefit of the Bank and in general to carry on any lawful business necessary to the attainment of the objects of the Bank.

15. To borrow any sum or sums of money for the purposes of the Bank within the limitation fixed from time to time in the By-Laws of the Bank, and, to this end execute and issue its bonds, debentures or other obligations (including demand notes) and evidences of indebtedness payable at a specified time, in such form, whether secured or unsecured, and if to such terms of redemption with or without premiums, and to sell the same at public or private sale for such prices, all as may be determined by the Directors.

16. To issue long-term investment certificates, the interest on which shall be exempt from all taxes whatsoever; provided the investment

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shall be for a period of not less than two years.

17. The foregoing clauses shall be construed as both purposes and powers and the matters expressed in each clause shall, except otherwise expressly provided, be in no wise limited by reference or inference by the terms of any other clause, but shall be regarded as independent purposes and powers; and the enumeration of such purposes and powers shall not be construed to limit or restrict in any manner the meaning of general terms of the general powers of the Corporation; nor shall the expression of any one thing be deemed to exclude another, although it be of like nature, not expressed.<sup>3</sup>

### § 65.5. Loans.

(a) The Bank is hereby authorized to make loans, create guaranties, or to engage in other financing operations in any transaction to or with such persons, organizations or other entities, and on such terms and conditions as it may determine, provided, however, that the Bank will give first priority to such programs of the National Housing Authority. Programs of the National Housing Authority shall include construction of single and multiple family dwelling units for sale or rent; land development, including reclamation, and improvements necessary for integrated community development.

(b) Loans on first liens on freehold or leasehold interest in property shall be made by the Bank for the construction or purchase of new houses only, until savings deposits have been exceeded and remained above the amount of \$500,000 during a period of one year. New houses as used in this paragraph shall be houses that are certified as such by the National Housing Authority.

314 Prior legislation: L. 1971-72.

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(c) The Bank is hereby authorized to make loans according to the following priorities:

1. To mortgagor/applicants with a monthly income of \$250.00 or less;
2. To mortgagor/applicants with a monthly income of more than \$250.00 but less \$400.00;
3. To mortgagor/applicants with a monthly income of over \$400.00.
- (d) Only one loan shall be made by the Bank to a mortgagor/applicant on first liens on freehold or leasehold interest in real property.<sup>315</sup>

**§ 65.6. Capital Stock.**

1. The maximum number of shares of stock that the bank is authorized to have outstanding at any time is five million (5,000,000) shares of common stock of the par value of ten dollars (\$10.00) per share. These shares of stock shall be divided into two classes:

- (a) Three million (3,000,000) Class A shares which shall always be owned by the Government of the Republic of Liberia;
- (b) Two million (2,000,000) Class B shares which may be purchased or owned by any person, company, or corporation.<sup>316</sup>

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<sup>315</sup> *Prior legislation: L. 1971-72.*

<sup>316</sup> *Prior legislation: L. 1971-72; An Act to amend the Executive Law to create the National Housing and Savings Bank, ch. 65, sec. 65.6. The wording of the section, as currently appears, was done by amendment by People's Redemption Council decree no. 84, issued on march 12, 1984.*

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**§ 65.7. Shares to be subscribed for before commencement of business.**

The Bank shall not transact any business until one tenth (1/10) of amount of its initial authorized capital stock shall have been subscribed and one tenth (1/10) of such initial capital or \$100,000 shall have been paid-in.<sup>317</sup>

**§ 65.8. Board of Directors.**

(a) The business of the Bank shall be managed by a Board of Directors; consisting of not less than seven nor more than fifteen Directors. The President shall appoint five directors, one of whom shall be designated Chairman of the Board of Directors. The five directors so appointed shall represent the interest in the Bank. The five directors of the Government of Liberia and shall serve at the discretion of the President. Other directors shall be elected annually by the non-government shareholders based upon their share-holding in the Bank.<sup>318</sup>

(b) The President of Liberia shall appoint all other Directors of the Bank for non-current terms of three years and they shall serve at the discretion of the President of Liberia. The Board of Directors of the Bank shall include at least two appointed members representing the private sector.<sup>319</sup>

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<sup>317</sup> *Prior legislation: L. 1971-72.*

<sup>318</sup> The current wording of the sub-section, which restructured the appointment of Directors to conform to the new provision regarding share ownership of the Bank was done by People's Redemption Council decree no. 84, issued on march 12, 1984.

<sup>319</sup> *Prior legislation: L. 1971-72.*

**§ 65.9. Powers of the Board.**

The Board of Directors is hereby authorized:

- (a) To develop and adopt policies, plans and strategies to effectively achieve the objective and purpose of the Bank;
- (b) To determine the organizational structure and operational procedures of the Bank;
- (c) To appoint and to remove Officers of the Bank as provided in the By-laws;
- (d) To appoint by resolution an Executive Committee from among its membership which shall have and exercise the powers of the Board between meetings of the Board;
- (e) To fix the compensation of Officers and other employees of the Bank;
- (f) To determine interest rates on savings deposits and on loans;
- (g) To allocate earnings of the Bank to dividends, to reserves, and to surplus in accordance with the By-laws.
- (h) To approve or reject applications for loans;
- (i) To exercise any and all powers not prohibited by law that are necessary for effective and efficient management of the Bank.

**§ 65.10. Quorum and affirmative vote of the Board.**

A majority of the Directors shall constitute a quorum for any meeting

of the Board of Directors.

Any Board action to be valid must be upon an affirmative vote of the Board which shall mean a simple majority of the number of Directors of the Board present in person and voting.

**§ 65.11. Rights of Directors.**

(a) No Director shall receive any remuneration in whatever form from the Bank, except that a Director may receive a fee for attending meetings of the Board, reasonable travel, hotel and other allowances, in connection with the business of the Bank approved by the Board of Directors.

(b) Subject to the restrictions imposed by this section, no Director shall be disqualified by his office from contracting with the Bank either as vendor, purchaser, agent, broker or otherwise, nor shall any contract or arrangement entered into by or on behalf of the Bank in which any Director shall be in any way interested, be, by reason only of any such relationship (if properly disclosed), avoided; nor shall any Director, so contracting and being interested, be liable to account to the Bank for any profit realized by such contract or arrangement by reason only of his being a Director holding that office, or of the fiduciary relationship thus established; but it is declared that the nature of his interest shall be disclosed by him at a meeting of the Directors at which the contract or arrangement is being voted upon, if his interest exists, or that the first meeting of the Directors after the acquisition of his interest, and that no Director shall, while so interested, vote in respect of any contract or arrangement in which he is so interested; and if he does, his vote shall not be counted. A contract or arrangement entered into with any Director or

pany in which and Director has an interest must be unanimously approved by the other Directors of the Bank. A contract or arrangement entered into with any Director or any company, in which any Director has an interest without the Board's having been informed of such interest in the manner above provided shall be voidable by the bank, at the option of the Bank.<sup>320</sup>

#### § 65.12. Officers to be Bonded.

As security for the faithful performance of the duties of his office, each Officer of the Bank shall give a bond in a sum, not less than ten thousand dollars, to be specified by the board of Directors in each case.<sup>321</sup>

#### § 65.13. Escrow Fund Account.

The Bank is authorized to maintain as Escrow Fund Account for holding payments by borrowers for mortgage insurance premium concerned with borrower loans, property taxes and assessments and other charges and fees incurred by the borrower. The Bank will pay the obligations related to the payments from the Escrow Fund as required.<sup>322</sup>

#### § 65.14. ByLaws and Regulations.

The Bank shall be governed by bylaws and regulations adopted by the

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<sup>320</sup> Prior legislation: L. 1971-72.

<sup>321</sup> Prior legislation: L. 1971-72.

<sup>322</sup> Prior legislation: L. 1971-72.

Board of Directors.<sup>323</sup>

#### § 65.15. Annual Audit.

The account of the Bank shall be audited annually by the Auditor General of the Republic of Liberia or his designee.

#### § 65.16. Annual Report.

The Board of Directors shall prepare a report annually of operations and activities, including the Bank's operation and financial conditions. The report shall be submitted to the Minister of Finance and copies shall be kept on file.<sup>324</sup>

#### § 65.17. Reserves.

The Bank shall maintain reserves for the purpose of meeting obligations and losses. The amount of reserves shall be specified by the Minister of Finance.<sup>325</sup>

#### § 65.18. Exemption from taxation.

The Bank, its property, other assets, income, and the operations and transactions it carries out under this Chapter shall be exempt from taxation and from customs duties.

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<sup>323</sup> Prior legislation: L. 1971-72.

<sup>324</sup> Prior legislation: L. 1971-72.

<sup>325</sup> Prior legislation: L. 1971-72.

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### § 65.19. How Chapter may be cited.

This Chapter may be cited as "The National Housing and Savings Bank Act of 1976."<sup>327</sup>

### **Chapter 66. CIVIL SERVICE AGENCY**<sup>\*328</sup>

AN ACT REPEALING THE PUBLIC EMPLOYMENT LAW AND AMENDING THE EXECUTIVE LAW TO CREATE A CIVIL SERVICE AGENCY

*It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature assembled:*

§ 1. Title 30 of the Liberian Code of Laws of 1956 entitled "Public Employment Law" as amended through the Fourth Regular Session of the Forty-Fifth Legislature is hereby repealed and the New Executive Law, passed and approved May 11, 1972, is hereby amended by adding thereto a new chapter to be Chapter 66 to read as follows:

### **CHAPTER 66. CIVIL SERVICE AGENCY.**

- § 66.1. Civil Service Agency established
- § 66.2. Purpose of the Agency
- § 66.3. Duties, functions and responsibilities of the Agency
- § 66.4. Personnel of the Agency

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<sup>327</sup> Prior legislation: L. 1971-72.

<sup>328</sup> Approved July 19, 1973, published October 23, 1973.

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- § 66.5. Duties of the Director-General of Civil Service
- § 66.6. Duties of the Deputy Director General of Civil Service
- § 66.7. Duties of the Assist. Director General of Civil Service
- § 66.8. Administrative organization of the Agency
- § 66.9. Functions of the Recruitment, Examination and Certification Division
- § 66.10. Functions of the Position Classification, Salary Scale and Promotion Division
- § 66.11. Functions of the Personnel Records and Research Division
- § 66.12. Functions of the Retirement and Pensions Division
- § 66.13. Functions of the Administrative Division
- § 66.14. Applicability of the Civil Service Agency Act
- § 66.15. Exemptions from the civil service
- § 66.16. Establishment of civil service grades and categories
- § 66.17. Eligibility for admission to, promotion and transfer in the civil service
- § 66.18. Disqualification for examination
- § 66.19. Civil service examination
- § 66.20. Filling of vacancies
- § 66.21. Examining Boards
- § 66.22. Penalty for influencing results of examinations
- § 66.23. Board of Appeal
- § 66.24. Establishment of Examining Committee; method of appeal
- § 66.25. Functions of Examining Committee
- § 66.26. Compensation plan
- § 66.27. Vacation leave
- § 66.28. Sick leave
- § 66.29. Leave
- § 66.30. Leave with pay
- § 66.31. Study leave
- § 66.32. Reporting of leave

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- § 66.33. Employee training
- § 66.34. Resignation
- § 66.35. Layoff
- § 66.36. Suspension
- § 66.37. Demotion
- § 66.38. Dismissal
- § 66.39. Rules and regulations

### § 66.1. Civil Service Agency established:

There shall be established in the Executive Branch of Government an Agency to be known as the "Civil Service Agency". Provisions for salaries of its officers and employees and for other expenses of its operation shall be included in the Annual Appropriations Act. The Civil Service Agency shall be independent of all other Ministries and Agencies of Government and reports concerning its operation shall be rendered to the President.

### § 66.2. Purpose of the Agency.

The purpose of the Civil Service Agency is to increase the efficiency of the Public Service and to secure for deserving employees a reasonable tenure of office and an opportunity for advancement according to merit and seniority and to place the personnel employed by Government on a competitive merit system.

### § 66.3. Duties, functions and responsibilities of the Agency.

Except as otherwise provided herein, the Civil Service Agency shall have the following duties, functions and responsibilities:

- (a) To recruit, examine, classify, certify and place all Civil Servants; provided, however, civil servants under category A,

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Section 66.14 shall be only subject to classification by recruitment, examination and certification for employment.

- (b) To keep an accurate and up-to-date record of individual employed in the Civil Service system.

- (c) To establish, with the approval of the President, a classification plan in accordance with the provisions of the Act based on the duties, responsibilities, and nature of work in Government Service, and to ensure the continued maintenance and administration of the classification plan.

- (d) To issue, with the approval of the President, rules and regulations setting forth the conditions of employment of Civil Servants.

- (e) To protect the interests and rights of Civil Servants and to ensure the objective administration and enforcement of the provisions of this Act and any rules and regulations promulgated thereunder.

- (f) To formulate and establish effective liaison between the Civil Service and the National Social Security Agency.

- (g) To maintain a record of all Personnel Action Notices of Civil Servants to ensure that the person so employed is a classified Civil Servant.

- (h) To establish and maintain Eligibility Lists of all Civil Servants.

- (i) To conduct research and studies designed to improve the Civil Service.

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### § 66.4. Personnel of Agency.

The President, by and with the advice and consent of the Senate, shall appoint as head of the Civil Service Agency a Director-General of Civil Service who shall hold office at the pleasure of the President. In addition, he shall appoint with the advice and consent of the Senate a Deputy Director-General and such Assistant Director-Generals as may be necessary for the effective operation of the Agency. Other employees necessary for the efficient operation of the Agency shall be recommended by the Director-General for approval and appointment by the President.

### § 66.5. Duties of the Director-General of Civil Service.

- (a) To supervise and direct the administration of the affairs of the Agency, under the direction of the President.
- (b) To submit to the President for transmission to the regular session of the Legislature, an annual report in writing giving an account of all moneys received and disbursed by him and the Agency, describing the work done by the Agency during the preceding year, and make any recommendations deemed necessary for the more effectual accomplishment of the purposes of the Agency.
- (c) To specify the duties of the officers of the Agency whose functions are not stated in this Act.
- (d) To discharge such other duties as the President may from time to time prescribe.

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### § 66.6. Duties of the Deputy Director-General of Civil Service

The Deputy Director-General shall be the principal assistant to the Director-General and shall perform such specific duties as may be delegated to him by the Director-General. In the event of disability, death, resignation or removal from office of the Director-General of Civil Service, the Deputy Director-General shall succeed to the duties of the Director-General of Civil Service until the Director-General shall return or until a successor is appointed. The Deputy Director-General may, at the discretion of the Director-General, sit as Chairman of Examining Boards whenever they are in session.

### § 66.7. Duties of the Assistant Director-General of Civil Service

The Assistant Director-General shall be responsible for Personnel Administration in the Agency and may be assigned any other duty at the discretion of the Director-General.

### § 66.8. Administrative Organization of the Agency.

The Civil Service Agency shall consist of, but shall not be limited to the following Divisions:

- (a) Recruitment, Examination and Certification
- (b) Position Classification, Salary Scale and Promotion
- (c) Personnel Records and Research
- (d) Retirement and Pensions
- (e) Administrative

### § 66.9. Functions of the Recruitment, Examination and Certification Division.

The duties of this Division shall include but not be limited to

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Devising suitable aptitude and forms of tests and examination for both entrance and promotional levels for all classifications of work in the Civil Service; Conduct periodic examinations and tests throughout the Country; Ensure that classified eligible lists are maintained, and to conduct a recruiting program which has as its prime objective the attraction of qualified persons in each and every class and area of the Civil Service.

### **§ 66.10. Functions of the Position Classification, Salary Scale and Promotion Division.**

It shall be the function of this Division to maintain both the classification and the salary plans by constant review and where necessary, revision. This Division shall be responsible for conducting periodic comparative salary studies. It shall also take what action is required in respect of promotion.

### **§ 66.11. Functions of the Personnel Records and Research Division.**

Functions of the Personnel Records and Research Division shall be the maintenance of personnel history records of all classified Government Employees and all classified positions in the Government and to conduct all research necessary for the operation of the Agency.

### **§ 66.12. Functions of the Retirement and Pensions Division.**

It shall be the function of this Division to establish and maintain proper record to assist the National Social Security [and Welfare Corporation] to administer the National Social Security Scheme.

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### **§ 66.13. Functions of the Administrative Division.**

The functions of this Division shall include, but not be limited to administration of the internal affairs of the Agency, including maintenance of budget and personnel records of the Agency itself.

### **§ 66.14. Applicability of the Civil Service Agency Act.**

Except as hereinafter provided in 66.15, this Act shall be applicable to all Officials and employees in the employ of the Liberian Government, or hereafter created, of whatever function or designation compensated by fixed salary. The following Categories of Civil Servants are established: GENERAL, CLERICAL, LAW ENFORCEMENT AND SECURITY OFFICERS, PROFESSIONAL, FISCAL AND ADMINISTRATIVE. The established Categories shall include but not be limited to:

#### **A. GENERAL**

- (a) Bailiffs
- (b) Messengers
- (c) Chauffeurs
- (d) Caretakers
- (e) Matrons
- (f) Janitors

#### **B. CLERICAL**

- (a) General Clerical
- (b) Clerks of Court
- (c) Office Equipment Operators
- (d) Supply Officers
- (e) Customs and Revenue Officer



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- (f) Purchasing Officers
- (g) Record Clerks

### C. FISCAL

- (a) Collectors of Customs
- (b) Collectors of Internal Revenues
- (c) Bookkeepers

### D. PROFESSIONAL

- (a) Engineers
- (b) Educators
- (c) Medical Doctors
- (d) Social and Natural Scientists
- (e) Lawyers
- (f) Auditors
- (g) Accountants
- (h) Librarians
- (i) Social Workers
- (j) Career Foreign Service Officers
- (k) Nurses
- (l) Artisans and Craftsmen.

### E. ADMINISTRATIVE

- (a) Administrative Assistants
- (b) Executive Secretaries
- (c) Directors
- (d) Assistant Directors
- (e) Chief Clerks

#### § 66.15. Examinations from the Civil Service.

Those exempted from the Civil Service Agency Act are as follows:

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- (a) Members of Legislature
- (b) Other elected Officials
- (c) Justices of the Supreme Court
- (d) Judges of subordinate courts
- (e) All appointed members of Boards and Commissions
- (f) Cabinet Ministers
- (g) Deputy Cabinet Ministers
- (h) Assistant Cabinet Ministers
- (i) Heads of Autonomous Agencies and Bureaux
- (j) Ambassadors
- (k) County Superintendents
- (l) Territorial Superintendents
- (m) County, Territorial and other Commissioners
- (n) Sheriffs
- (o) All Commissioned and Non-Commissioned Officers and enlisted men of the Regular Armed Forces
- (p) Law Enforcement & Security Officers
- (q) All contract employees of Government

#### § 66.16. Establishment of Civil Service Grades and Categories

The following Civil Service Grades and Categories are established:

| <u>Category</u>                                   | <u>Grade</u> |
|---|--------------|
| General   | 1 - 4        |
| Clerical, Law Enforcement and Protective Officers | 5 - 9        |
| Fiscal, Professional and Administrative           | 10 - 25      |

#### § 66.17. Eligibility for Admission to, Promotion and Transfer to the Civil Service.

Any person of Liberian citizenship, either sex, of good character, w

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is not less than 17 years of age and who is not disqualified under Section 20 hereof may enter the Civil Service by examination.

No person shall be admitted to the Civil Service or certified as eligible for original appointment unless he/she shall have passed a competitive examination.

No Civil Servant shall receive permanent promotion in a higher class of the Civil Service than that occupied unless he shall have established fitness for such promotion by competitive examination. A Civil Servant may be transferred from one ministry/agency/ bureau to another without an examination provided that the grade he is transferring to is the same as the one he is leaving.

#### § 66.18. Disqualification for Examination.

The Director-General of Civil Service shall refuse to accept for examination applicants disqualified by reasons of:

- (a) Dismissal from Public Service for delinquency with six months preceding the date of application for the examination.
- (b) Physical or mental unfitness for the position for which the examination is to be given:
- (c) Criminal conviction for crimes involving moral turpitude, infamous and dishonest conduct.
- (d) Intentionally making a false statement in respect of any material fact, or practicing any fraud or deception in securing the examination.

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#### § 66.19. Civil Service Examination.

Civil Service Examinations shall be both written and oral. Examinations for admission to the Civil Service shall be theoretical practical in character and framed for the purpose of testing the fit of applicants for public service and the position for which application is sought.

Civil Service examination shall be held on the 2nd Monday of December, March, June and September of each year and shall be continued from day to day until completed. Such examinations shall be held principally in Monrovia. However, the Director-General of Civil Service is authorized to hold examinations once each year in Harper, Greenville, Buchanan, Robertsport, Voinjama, Gbar Sanniquellie and Zwedru, as and when necessary.

Rating in Civil Service Examinations shall be on the scale of 100. All competitors rated at 75% or more in each subject shall be eligible for an appointment, promotion, or transfer, and their names shall be listed in order of rating.

#### § 66.20. Filling of Vacancies.

All vacancies in the Civil Service shall be filled by original appointments, promotional appointments, provincial appointments, re-employment, or transfer. Whenever a vacancy in a position in the Civil Service is to be filled, the Administrative Head shall indicate by written request whether the position is regular or temporary. If the position is regular, he may request that the position be filled by original appointment, promotional appointment, re-employment or transfer.

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**§ 66.21. Examining Boards:**

The Director-General of Civil Service is authorized to request heads of ministries, bureaux or agencies to designate suitable representatives to serve on Examining Boards. In addition, when examinations are being conducted for positions in a particular ministry or agency, the Director-General of Civil Service is authorized to request the heads of such ministry or agency to designate such representatives of the ministry/bureau or agency as may be necessary to assist in devising, administering and grading such tests or examinations.

**§ 66.22. Penalty for influencing results of examinations.**

No person employed in the Civil Service Agency shall aid or discredit either directly or indirectly any person who has taken an examination, by falsely marking, grading, estimating or reporting the examination.

Any officer or employee of the Civil Service Agency or persons temporarily assigned to the Agency as examiners who shall be found guilty of violating this section shall be summarily dismissed.

**§ 66.23. Board of Appeal.**

*(a) Establishment of the Board of Appeal.*

There shall be established a Board of Appeal.

*(b) Functions of the Board.*

It shall be the duty of the Board of Appeal to hear all appeals from decisions of the Examining Committee hereinafter established, arising out of any action affecting employee status, or grievances arising out of the conditions of employment of any

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employee or any other matter affecting his welfare.

*(c) Composition of the Board.*

The Board shall consist of seven members, including the Director-General, a decision by a majority of whom shall be final in all matters of Appeal except in cases of dismissal which shall be subject to approval by the President. The President shall appoint as members of the Board the following:

Two Cabinet members  
One Educator  
Two Lawyers  
The Director-General of Civil Service  
One Senior Civil Servant

The President shall designate the Chairman of the Board.

*(d) Eligibility for Membership.*

No member of the Board shall hold an elective Public Office. All members of the Board shall be Liberian Citizens.

**§ 66.24. Establishment of Examining Committee; Method of Appeal.**

There is hereby established a Committee to be known as the Examining Committee of the Board of Appeal. The Examining Committee shall consist of three persons who shall include the Director-General as the permanent member and two other members of the Board of Appeal to be designated by the Board from time to time. No person shall serve on the Committee to examine an appeal affecting his Ministry/Bureau/Agency. If the matter being heard involves the

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Director-General or any other member of the Committee, he shall recuse himself and another member of the Board shall be appointed in his stead.

### § 66.25. Functions of Examining Committee:

The Examining Committee of the Board of Appeal shall first hear the appeals of a Civil Servant who feels that his suspension or dismissal is in violation of the Civil Service Law. If either party is dissatisfied with the ruling of the Examining Committee, he may appeal to the Board of Appeal.

### § 66.26. The Compensation plan.

The salary scale for all classes of positions held by civil servants shall be reflected in the annual budget based upon the projected revenue intake.

### § 66.27. Vacation leave.

Each full time Civil Servant shall accumulate vacation leave with pay at the rate of three working weeks per full year's service. Vacation with pay will not be scheduled during an employee's first year of service in the Civil Service. Vacations shall be scheduled by the Administrative Head so as to meet the operating requirements of the ministry or agency concerned and the seniority and preference of employees. Vacation leave shall not be cumulative.

### § 66.28. Sick leave.

Sick leave with pay for all full-time Civil Servants may be granted for a period not exceeding fifteen days in any calendar year. Sick leave may be granted only for absence from duty because of personal illness

## EXECUTIVE LAW

or legal quarantine.

Additional sick leave may be granted in excess of the 15 days mentioned above but without pay. In case the civil servant has received extensive medical attention sick leave may be granted for a period of not more than 60 days with pay but such requests for sick leave must be accompanied by a medical certificate from a recognized medical doctor showing that physical incapacity of the civil servant warrants sick leave for the extended period.

Employees claiming sick leave in excess of two working days are required to file a certificate from a physician stating the nature of the sickness or injury and that the employee has been incapacitated to perform his duties. Claiming sick leave when physically fit shall be cause for dismissal.

### § 66.29. Maternity leave.

An Expectant mother shall be granted 60 days leave of absence with full pay to commence before and expire after confinement or 90 days leave on the recommendation of the attending physician subject to concurrence by a medical designee of the Ministry of Health and Social Welfare where such concurrence is deemed necessary. Such leave shall be separate and distinct from any other to which she may be entitled by virtue of her position in the Service.

### § 66.30. Leave with pay.

Attendance at official meetings and conferences approved by the appropriate official of Government where the good of the Government service is involved shall be considered as time on duty within the meaning of this rule except that such attendance at meetings and conferences abroad must be approved by the President

**§ 66.31. Study leave.**

Any Civil Servant designated by his Ministry/Agency/Bureau to pursue a course of study which would enable him to better perform his duties upon his return should, with the approval of the President, be granted Study Leave which shall include full salary for a maximum period of 6 (six) months and ½ (one-half) salary for over 6 (six) months, and in no case will any portion of the salary be continued after a maximum period of 24 months. If he refuses to return to the ministry which designated him, he shall be required to return his salary to Government for the period received even though he might be working for another Government Agency, unless approved by the designating Ministry or Agency. The Civil Servant shall be required to file an appropriate bond.

**§ 66.32. Reporting of leave.**

All leave taken by classified Civil Servants shall be reported to the Civil Service Agency on a quarterly basis. All agencies shall keep records of Classified Civil Servants and report to the Civil Service Agency quarterly on forms to be provided by the Civil Service Agency.

**§ 66.33. Employee training.**

In order that employees may perform their work more efficiently and that they may be able to qualify for positions of increasing difficulty and responsibility, the Director-General of Civil Service may develop and prescribe training programs or refresher courses for persons in the Civil Service. Employees' participation in programs shall be on a voluntary basis and training meetings and courses may be held on employees' own time or, with the approval of appointing authorities,

during official working hours.

**§ 66.34. Resignation.**

Any employee in good standing wishing to leave the Civil Service shall file with his Administrative Head at least one month before leaving, a written resignation stating the date the resignation shall become effective and the reason for leaving. Failure to comply with this procedure may be considered cause of denying such employee future employment by the Government. Unauthorized absence from work for a period of fourteen consecutive days may be considered by the Administrative Head as a resignation. Ministry heads shall forward a certified copy of every notice of resignation to the Civil Service Agency as early as possible.

**§ 66.35. Layoff.**

The Administrative Head of any Ministry, Bureau or Agency may lay off an employee in the Civil Service whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position, or because of changes in organization. However, no regular employee shall be laid off while there are temporary, provisional or probationary employees serving in the same class of position in the ministry or agency for which the regular employee is eligible and available. The Director-General of Civil Service shall prescribe procedures whereby layoff may be accomplished, which procedures shall include a consideration of length of service and level of performance. The name of the employee laid off for any of the above reasons shall be placed on a re-employment list for a period of one year. If the position is recreated, the employee shall be reappointed according to his position on the reemployment list, or the Civil Service Agency might find a comparable position for him elsewhere.

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**§ 66.36. Suspension.**

The Administrative Head may suspend a regular employee without pay for disciplinary reasons. Such suspension shall not exceed 30 days in any-one calendar year. A written statement of the reason for the suspension shall be submitted to the Director-General of Civil Service and to employee affected in each case, such report to be submitted within 48 hours of the time the suspension becomes effective.

**§ 66.37. Demotion.**

An Administrative Head may demote an employee for inefficient performance of his duty. A written statement of reasons for the demotion shall be submitted to the Director-General of Civil Service and to the employee affected in each case, such statement to be submitted prior to the effective date of the action.

**§ 66.38. Dismissal.**

Any regular employee may be recommended for dismissal by the Head of any Ministry, Bureau or Agency with approval of the President but a written statement of reasons for the dismissal shall be submitted to the Civil Service Agency and to the employee affected in each case at least one month prior to the effective date of such dismissal or one month's payment in lieu of notice.

**§ 66.39. Rules and Regulations.**

The Director-General is, subject to the approval of the President, hereby authorized to issue rules and regulations for the effective implementation of this Act.

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**Chapter 66. AGRICULTURAL AND COOPERATIVE  
DEVELOPMENT BANK<sup>\*329</sup>**

DECREE BY THE PEOPLE'S REDEMPTION COUNCIL OF THE  
ARMED FORCES OF THE REPUBLIC OF LIBERIA TO AMEND  
THE NEW EXECUTIVE LAW TO CREATE A  
AGRICULTURAL AND COOPERATIVE DEVELOPMENT BANK

WHEREAS, in furtherance of the Policy of the Government of the Republic of Liberia to promote integrated rural development through balanced regional planning by:

- (a) the development of its rural economy through the building appropriate institutions;
- (b) providing incentives for the flow of private investment capital into the agricultural sector;
- (c) facilitating the creation of a climate favourable to integrated rural development;
- (d) developing the land and human resources in the rural areas;
- (e) increasing the productive capabilities for the resources in the rural area; and
- (f) generating economic development activities in the rural areas with a view of providing additional employment and higher living standards for the rural people; and

<sup>329</sup> \*People's Redemption Council (PRC) decree no. 78, amending the previous Chapter 66 of the new Executive Law, approved November 1, 1976, published December 23, 1976.

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It being the desire of the Government of the Republic of Liberia to establish a permanent institution to:

- (a) provide short, medium and long-term credit to individual farmers either directly or through Co-operatives or other farmers' organizations to facilitate the investment of capital for productive purposes;
- (b) encourage development of Co-operatives, or other farmers' organizations at the county, district, and village levels;
- (c) provide credit for marketing output, and increasing the supply of inputs for the rapidly growing agricultural sector;
- (d) promote the establishment of agricultural enterprises to generate additional production in the rural areas to meet the growing consumption requirements of the urban sector, and for exports; and
- (e) mobilize savings in the rural areas; and

WHEREAS, it is necessary to establish a Bank for Agricultural and Cooperative Development for these purposes;

It is hereby decreed by the People's Redemption Council of the Armed Forces of Liberia, as follows:

§ 1. The New Executive Law is hereby amended by adding thereto a new chapter to be entitled Chapter 66, to read as follows:

### **Chapter 66. THE AGRICULTURAL AND COOPERATIVE DEVELOPMENT BANK**

#### §66.1. Definition

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- §66.2. Establishment
- §66.3. General Provisions
- §66.4. Purposes
- §66.5. Powers
- §66.6. Capital Stock
- §66.7. Shares to be subscribed for before commencement of Business
- §66.8. Voting and Quorum
- §66.9. Management
- §66.10. Quorum and Affirmative Vote of the Board
- §66.11. Executive Committee of the Board
- §66.12. Bylaws of the Bank
- §66.13. Rights of Directors
- §66.14. Appointment of Chief Executive Officer
- §66.15. Government Guarantee
- §66.16. Prohibited operation of the Bank
- §66.17. Annual Audit
- §66.18. Declaration of Fidelity and Security
- §66.19. Exemption from Taxation
- §66.20. How Chapter may be cited

#### § 66.1. Definitions.

In this Act, unless the context otherwise requires:

- (a) "Agriculture" includes the raising of crops, horticulture forestry, fishery, animal husbandry, bee-keeping and other agriculturally based enterprises;
- (b) "Agriculturalist" means any person engaged in agriculture farming or in the development of agriculture or agriculture produce, or in the storage, warehousing, marketing or processing of agricultural produce;

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- (c) "Bank" means the Agricultural and Cooperative Development Bank;
- (d) "Board" means the Board of Directors of the Bank;
- (e) "Chairman" means the Chairman of the Board of Directors;
- (f) "Bylaws" means the Bylaws of the Bank;
- (g) "Co-operative Society" means a Society registered under Title 5, Chapter 42 of the Liberia Code of Laws Revised of 1976 or under any cooperative society laws then in force at the time of registration;
- (h) "County Branch Office" means the Branch Office of the Bank established in a county;
- (i) "County Co-operative Federation" means the Federation of the District Co-operative Societies in a county;
- (j) "Director" means one of a body of persons chosen to control or govern the affairs of the Bank;
- (k) "Executive Committee" means the Executive Committee of the Bank;
- (l) "Farmers Association" means an Association of Farmers;
- (m) "Government" means the Government of the Republic of Liberia;
- (n) "Immovable Property" means any property which by its nature, destination, or object to which it is applied, cannot move

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- itself, or be removed;
- (o) "Movable Property" means personal as opposed to real property;
- (p) "President" means the chief executive officer of the Bank;
- (q) "Minister" means the Minister of Agriculture;
- (r) "Minister of Finance" means the Chief Finance Officer of the Republic of Liberia;
- (s) "Prescribed" means prescribed by Bylaws, rules or regulations made under this Act;
- (t) "President of Liberia" or "Head of State" means the Chief Executive of the Republic of Liberia.

**§ 66.2. Establishment.**

There is hereby created a corporation to be known as the Agricultural and Cooperative Development Bank, hereinafter referred to as the "Bank".

**§ 66.3. General provisions.**

The principal office of the Bank shall be located in Monrovia, and the Board of Directors, when necessary, shall establish branch offices or agencies of the Bank within the Republic or outside the territorial limits of the Republic. The Bank shall have perpetual existence and a common goal. Whenever consistent with the purpose of this Chapter and not provided for herein or in the by-laws or any regulation of the Bank, provisions of the Liberian Business Corporation Act apply.



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Financial Institutions Act or in the alternative, the provisions of the national bank Act, shall apply.<sup>330</sup>

The Bank shall have power to:

1. Sue and be sued, plead or be impleaded in its own name;
2. Acquire, hold and dispose of property, whether moveable or immovable;
3. Enter into contracts and issue obligations as may be expedient;
4. Exercise all powers specifically granted it by provisions of this Act and such incidental or implied powers as shall be necessary to carry out the powers so granted;
5. Encourage and promote agricultural related activities generally, and to this end the Bank may purchase or subscribe to shares of any company or body corporate engaged in agricultural related activities.<sup>331</sup>

### § 66.4 Purposes.

The purposes of the Bank shall be:

1. To provide financing in the form of short, medium and long-

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330 The wording of the section was done by amendment to Chapter 66 of the Executive Law, approved July 31, 1989 and published, August 18, 1989.

331 The provisions of sub-section 5 were added by amendment to Chapter 66 of the Executive Law, approved July 31, 1989, published August 18, 1989.

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term loans to individuals, farmers' cooperatives or farmers' organizations to facilitate the establishment of agricultural enterprises and the development of rural industries in Liberia;

2. To encourage and promote the development of cooperatives, farmers' organizations, cottage industries as well as mobilize savings in the rural areas;
3. To provide credit and such other facilities as shall be conducive to the development of training in the rural agricultural economy;
4. To render technical advice and assistance to individuals, farmers cooperatives and farmers' organizations, conduct research on agricultural credit, marketing or agricultural products and co-operative societies engaged in agriculture, provide training facilities for farmers and co-operatives and assist in the promotional work in organizing and establishing co-operative societies.

### § 66.5. Powers.

The Bank is hereby authorized to exercise all or any of the following powers:

1. To do, conduct and carry on the business of banking, to grant short medium and long-term loans and advances for the development of agricultural enterprises, and cottage industries to individuals, agriculturalists, farmers' associations and co-operative societies; to accept money on deposit and maintain accounts, borrow money for the purposes of the Bank's business against the security of its assets or otherwise, issue and sell bonds and debentures of the Bank and generally provide

#### EXECUTIVE LAW

banking facilities for the rural agricultural economy;

2. To finance the purchase of goods, agricultural machinery, implements and equipment, fertilizers, insecticides and pesticides and other chemical materials used in agriculture as well as to act as agent for any organization for such goods;
3. To loan or advance the funds of the Bank and accept such security as shall be acceptable to the Board;
4. To invest its funds in such securities and in such manner as may from time to time be determined by the Board including the subscribing to the debentures of any body corporate concerned with agriculture or cottage industries or the financing of agriculture or cottage industries;
5. To acquire, own and dispose of within and without the Republic, upon such terms and conditions and for such consideration as the Directors of the Bank shall determine to be reasonable through purchase, exchange, discount, rediscount, public or private sale, negotiation, assignment, exercise or option or conversion rights, or any property, real, personal, mixed, tangible, reasonably required for its business, including, but not limited to, mortgages, bonds, debentures (including convertible debentures), stock options and contingent or variable, interest bonds, liens, pledges and other collateral or security, contracts, claims currencies, notes, drafts, bills of exchange, acceptances (including Banker's acceptances), cable transfers and all other evidences of indebtedness or ownership (it being understood that equity securities may not be directly purchased or otherwise acquired) and guarantee payment against any instrument above specified;

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6. To take over, with the prior approval of the Board, the business, including assets and liabilities of any other agricultural financing institution which have heretofore been established for the purpose of promoting investment in agricultural and Co-operatives, and to make direct investments in cooperatives and establish subsidiaries and/or invest in other Corporations engaged in agricultural related activities.<sup>332</sup>

7. To enter into, perform and modify contracts, leases agreements, or other transactions, on such terms as may be deemed appropriate, with any agency of instrumentality of the Government of the Republic, with any foreign government agency, with any international body, or agency, instrumentality or financial institution, or with any person, partnership association, corporation, organization, or other entity, public or private, single or in combination;

8. To collect or compromise any obligation assigned or held to and enforce any legal or equitable rights accruing to the Bank and generally to deal with any right, title or interest in any property, movable or immovable which may be the Bank's security for any advance or loan which may be connected with any such security;

9. To accept and use gifts of donation of services and funds property (real, personal or mixed, tangible or intangible);

10. To facilitate the activities of institutions actively engaged in the development of agriculture and ancillary enterprises including assisting in the setting up of supply and consumer

<sup>332</sup> Sub-section 6 of section 66.5 was expanded as appears by amendment to the Executive Law, approved July 31, 1989, published August 18, 1989.

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services and cooperative societies as well as providing marketing intelligence services;

11. To open deposit accounts with any bank or trust company;

12. The Board may from time to time at their discretion borrow any sum or sums of money for the purpose of the Bank within the limitation fixed in the Bylaws of the Bank, and to this end, execute and issue its bonds, debentures or other obligations, including demand notes and evidence of indebtedness payable at a specified time, in such form, whether secured or unsecured, in such manner and subject to such terms or redemption with or without premium, and to sell the same by public or private sale for such prices as may be determined by the directors;

13. The Bank shall require, and as far as possible, ensure that a loan is spent for the purpose for which it is made, and if this requirement is not complied with by the borrower, the Bank may require the repayment of the loan forthwith;

14. Notwithstanding any agreement to the contrary, the Bank may by notice require any borrower to pay forthwith his debt to the Bank in full if;

(a) he has failed to comply with any provisions of the agreement under which the relevant loan, advance or credit has been granted;

(b) false or misleading information has been given in the application for a loan, advance or credit, or in any other statement or communication made in connection with the loan, advance or credit granted to him;

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(c) the property mortgaged, hypothecated or assigned to Bank as security for the loan, advance or credit is not k in proper condition to the satisfaction of the Bank, or value as estimated by the Bank has depreciated by m than twenty percent, and further security for the satisfaci of the Bank is not given within the time specified by Bank;

(d) without the permission of the Bank any prop pledged, or mortgaged, hypothecated or assigned to Bank is leased or rented to a third party or is in any changed, disposed or removed from the place where it at the time the loan, advance or credit was granted.

15.1 Where any borrower who is liable to the Bank under agreement, makes default in repayment or otherwise fail comply with the terms of his agreement with the Bank, s default or failure not being due to natural calamity, the B may, subject to its rules take over the management of business of the borrower, sell and realize any property pled mortgaged, hypothecated or assigned by the borrower to se his liability to the Bank after the due process of law;

15.2 Subject to the prior claim of the Government for taxes, debt or liability owed to the Bank by any borrower as spec in sub-section (1) of this section, shall be a first charge;

(a) upon any crop or other agricultural produce raise goods processed or manufactured in whole or in pai means of the loan, advance or credit obtained from Bank by the borrower; and

(b) Upon any cattle, fodder cattle, agricultural or indu;

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implements or upon workshops, machinery, stores or places of business purchased by such borrower in whole or in part with the proceeds of such loan, advance or credit.

15.3 Sums due from a co-operative society and recoverable under sub-section (1) of this section may be recovered in accordance with the provisions of the law in force relating to the recovery of such sums.

16. To issue long-term investment certificates, the interests on which shall be exempt from all taxes whatsoever; provided, the investment shall be for a period of not less than two years.

17. To take any and all actions determined by the directors to be necessary or desirable in dealing with or realizing any transaction or operation beneficial to the Bank and generally to do all such acts and things as may be necessary, incidental or conducive to the attainment of the objects of the Bank.

#### § 66.6. Capital Stock.

(a) The initial authorized capital stock of the Bank shall total Five Million (L\$5,000,000.00) in Liberian Dollars divided into Fifty Thousand (50,000) voting common shares having a par value of One Hundred (\$100.00) Liberian Dollars each. The capital stock shall be subscribed and held by the Liberian Government, Federation of Cooperative Societies, Liberia Credit Union National Association, Liberian Produce Marketing Corporation, or by any other interested parties, local or foreign, in the proportion of 65%, 10%, 10%, and 15% respectively.

(b) Notwithstanding the provision of Section 66.6 (a), the Government of Liberia may purchase the entire Capital Stock

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but shall surrender same to the Statutory Shareholders upon demand and payment for same to Government.

#### § 66.7. Share to be subscribed for before commencement of business.

The Bank shall not transact any business until One Million Seven Hundred Fifty Thousand (\$1,750,000) Dollars of its capital stock shall have been subscribed to and paid-up.

#### § 66.8. Voting and quorum.

At any meeting of the shareholders, each shareholder entitled to vote and shares on any matter to be voted upon at such meeting shall be entitled to one vote on such matter for each such share and may exercise such voting right either in person or by proxy, and at all meetings of shareholders, there must be present either in person or by proxy, shareholders of record holding at least a majority of the shares issued and outstanding and entitled to vote at such meeting in quorum is present, the majority of those shares present, either in person or by proxy, shall have power to adjourn the meeting and to authorize the directors to call a future meeting with the same agenda within fourteen (14) calendar days. At such subsequent meeting, the majority of those shares present shall constitute a quorum.

#### § 66.9. Management.

The general direction and control of the affairs and business of the Bank shall be vested in a Board of Directors which shall consist of nine directors including the Minister who shall be Chairman of the Board and the President of the Bank. One Director shall each be appointed by the Ministries of Agriculture, Finance, Planning and Economic Affairs, and Internal Affairs, the National Federation of

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Co-operative Societies, the Liberia Credit Union National Association, the Liberian Produce Marketing Corporation. In discharging its functions, the Board shall act on commercial considerations but with due regard to Government's policy of agricultural, rural and social development, and the development of co-operatives. The directors other than the President shall serve non-current terms of three years and shall be eligible for reappointment.

### § 66.10. Quorum and affirmative vote of the Board.

A majority of the directors shall constitute a quorum for any meeting of the Board of Directors. Any Board action to be valid must receive the affirmative vote of the Board shall mean a simple majority of the directors present.

### § 66.11. Executive Committee of the Board.

There shall be an Executive Committee which shall exercise such powers and deal with such matters as are specified in the By-Laws or delegated to it by the Board and the minutes of every meeting of the Executive Committee shall be submitted to the Board at its meeting next following the meeting of the Committee. The Executive Committee shall consist of five (5) members, including the Chairman, the Minister of Finance and the President of the Bank. Three (3) members of the said Committee shall constitute a quorum.

### §. 66.12. ByLaws of the Bank.

The Board shall, as early as possible, adopt Bylaws not inconsistent with the provisions of this or any other law to provide for matters not provided herein. Bylaws shall be approved by an affirmative vote of the shareholders at their next regular meeting after adoption by the Board.

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### § 66.13. Rights of Directors.

(a) No Director shall receive any remuneration in whatever form from the Bank, except that a director may receive a fee for attending meetings of the Board, reasonable travel, hotel and other allowances, in connection with the business of the Bank, if approved by the Board of Directors;

(b) Subject to the restrictions imposed by this Section, no director shall be disqualified by virtue of his office from contracting with the Bank either as vendor, purchaser, agent broker or otherwise, nor shall any contract or arrangement entered into by or on behalf of the Bank in which any director shall be in any way interested by reason only of any such relationship, and if properly disclosed, voided, nor shall any director so contracting or having vested interest, be liable to account to the Bank for any profits realized by such contract or arrangement by reason only of such director holding that office or of the fiduciary relation thereby established; but it is declared that the nature of his interests must be disclosed by him at a meeting of the directors at which the contract or arrangement is being voted upon, if his interest then exists or at the first meeting of the directors after the acquisition of his interest, and that no director shall vote in respect of any contract or arrangement in which he is so interested, and if he does, his vote shall not be counted. A contract or arrangement entered into with any director of company in which any director has interest must be unanimously approved by the other directors of the Bank. A contract or arrangement entered into with any director or any company in which any director has in interest without the Board having been informed of such interest in the manner above provided

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shall be voidable, at the option of the Board.

**§ 66.14. Appointment of Chief Executive Officer.**

There shall be a Chief Executive Officer, who shall be the President of the Bank. He shall be appointed by the President of Liberia or Head of State of Liberia upon the recommendation of the Board. He shall direct and control the day-to-day affairs of the Bank, subject to such regulations as may from time to time be established by the Board.

**§ 66.15. Government guarantee.**

The Government shall guarantee from time to time, and on such terms and conditions as the Government shall determine, loans made to the Bank from domestic and/or foreign, private or public sources and from international institutions and agencies. All sums payable by the Bank with respect to principal, interest or other charges on any loans made to the Bank from foreign sources or from international institutions or agencies or by the Government of Liberia under any guarantee given under this Section shall, notwithstanding any law of Liberia to the contrary, be paid:

- (a) Without deduction for, and free from any taxes, duties or fees now or hereafter imposed by or under any law of Liberia or any political subdivision thereof; and
- (b) Shall be free from any restriction now or hereafter imposed by or under any law of Liberia or any political subdivision thereof.

**§ 66.16. Prohibited operations of the Bank.**

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The Bank shall not:

- (a) make any advance or open any credit upon the security of the shares of the Bank, by such shares or allow its shareholder to set off their debts or part of their debts to the Bank against such shares;
- (b) discount or buy or advance or lend or open any credit on the security of any negotiable instrument payable in the town or at the place where it is presented for discount, which does not carry on it the several responsibilities of at least two persons unconnected with each other;

**§ 66.17. Annual audit.**

The accounts of the Bank shall be audited annually by a firm of independent auditors appointed by the Board.

**§ 66.18. Declaration of fidelity and secrecy.**

Every director, officer, auditor or employee of the Bank, shall before entering upon his duties, pledge himself in writing to observe secrecy concerning all transactions of the Bank, except when required in the performance of his duties or as a matter of law. Whosoever shall disclose or make known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with the Bank, or such person, which information concerns the operations, or the identity, amount or source of any income, profits, losses, or expenditures of any person; or permit such information to be sent or examined by any person except as provided by law, is guilty of any offense and shall be liable on conviction in a court of

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law to a fine not exceeding One Thousand (\$1,000.00) Dollars or to imprisonment.

**§ 66.19. Exemption from taxation.**

The Bank, its property, other assets, incomes, and the operations and transactions it carries out under this Chapter shall be immune from all taxation and from all customs duties, and dividends paid by the Bank shall be exempt from taxation.

**§ 66.20. How chapter may be cited.**

This Chapter may be cited as "The Agricultural and Cooperative Development Bank Decree of 1983."

**PRC DECREE NO. 77**

**DECREE BY THE PEOPLE'S REDEMPTION COUNCIL OF THE ARMED FORCES OF LIBERIA TO REPEAL "AN ACT TO GRANT A CHARTER AND CREATE THE LOFA RURAL AND COMMERCIAL BANK", APPROVED NOVEMBER 1, 1976, AND PUBLISHED DECEMBER 9, 1976, AND TO CONFIRM THE TRANSFER OF ALL ASSETS AND LIABILITIES OF THE LOFA RURAL AND COMMERCIAL BANK TO THE AGRICULTURAL AND COOPERATIVE DEVELOPMENT BANK**

*It is hereby decreed by the People's Redemption Council of the Armed Forces of Liberia as follows:*

**§ 1. An act to grant a Charter and create the Lofa Rural and Commercial Bank approved November 1, 1976 and published**

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December 9, 1976, is hereby repealed in its entirety.

**§ 2. Transfer of all assets and Liabilities of the Lofa Rural and Commercial Bank to the Agricultural and Cooperative Development Bank is hereby confirmed.**

This Decree shall take effect immediately upon the signature of the head of State of the Republic of Liberia.

ANY LAW TO THE CONTRARY NOTWITHSTANDING.

Date Issued: August 8, 1983

**MISCELLANEOUS:**

**AN ACT TO REPEAL SECTION 37.5 OF CHAPTER 37 OF AN ACT CREATING THE MINISTRY OF TRANSPORT, PLACING THEREUNDER THE BUREAU OF MARITIME AFFAIRS AND ITS STAFF, AND TO TRANSFER SAID BUREAU FROM THE MINISTRY OF TRANSPORT AND GRANTING IT AN AUTONOMOUS AGENCY OF GOVERNMENT WITHIN THE EXECUTIVE BRANCH OF GOVERNMENT.**

*Whereas*, the Bureau of Maritime Affairs administers an International ship register services aimed at generating revenues for Government and

*Whereas*, the International ship register business has in recent years attracted many new competitors, including several developed nations of the world; and

*Whereas*, the Liberian Maritime registry has during the same period experienced a drastic decline in tonnage, partially due to such an intensified competition; and

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*Whereas*, the transfer of the administrative functions of the Bureau of Maritime Affairs to the Ministry of Transport and the financial administration with the Ministry of Finance, has led to conflict of authority in the implementation of Maritime policies by the two Ministries; and

*Whereas*, the Government of Liberia has considered that it can improve the competitiveness of its Maritime registry by making it less bureaucratic, more responsible and responsive to the commercial environment in which it must operate;

*NOW, THEREFORE*, it is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature Assembled:

- §1. Bureau as Autonomous Agency
- §2. Transfer of Power and Functions
- §3. Reorganization of Bureau
- §4. Effective Date

### **§1. Bureau as autonomous agency.**

That from and immediately after the passage of this Act, the Bureau of Maritime Affairs is hereby granted an autonomous status within the Executive Branch of Government and shall function and administer the Maritime Programs and policies within and without the confines of the Republic of Liberia as an autonomous agency of government being administratively accountable and directly amenable and responsible to the President of Liberia.

### **§2. Transfer of power and functions.**

The powers and functions of the Bureau of Maritime Affairs formerly exercised by the Ministries of Transport and Finance, res-

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pectively, are hereby transferred and devolved upon the new autonomous Bureau of Maritime Affairs to be administered by the Commissioner of Maritime Affairs of the Republic of Liberia and such other officials of the Bureau as provided by law.

### **§ 3. Reorganization of Bureau.**

The President of the Republic of Liberia is hereby authorized and empowered to re-organized the Bureau of Maritime Affairs as he may think fit and proper, and appoint such other officials of the Bureau to perform their respective duties in conformity with the Maritime Law and in manner as would achieve the purposes and objectives of this Act.

### **§ 4. This Act shall take effect immediately upon publication in handbills.**

Any law to the contrary notwithstanding.

Approved: June 20, 1989.

## **Chapter 80. MANAGEMENT AND DISPOSAL OF GOVERNMENT PROPERTY**

- § 80.1. Definitions.
- § 80.2. Duties of heads of executive agencies.-
- § 80.3. Disposal of surplus property.
- § 80.4. Uniform practices to be followed in property management.

### **§ 80.1. Definitions.**

As used in this chapter --



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(a) The term "Director General" means Director General of the General Services Agency;

(b) The term "excess property" means any property under the control of any Government agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof;

(c) The term "surplus property" means any excess property not required for the needs and the discharge of responsibilities of any Government agency, as determined by the Director General.

(d) The term "property" means any interest in property of any kind except --

(i) the public domain and lands reserved or dedicated for the national forest or national parks;

(ii) naval or Coast Guard vessels;

(iii) records of the Government.

(e) The term "executive agency" means any executive Ministry or independent agency in the Executive Branch of the Government, including any wholly owned Government corporation, but exclusive of public authorities.

### § 80.2. Duties of heads of executive agencies.

1. *Absolute duties.* The head of each executive agency shall:

(a) Maintain adequate inventory controls and accountability systems for the property under his control;

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(b) Continuously survey property under his control to determine which is excess property, and promptly report such property to the Director General;

(c) Transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Director General.

2. Duties as far as practicable. The head of each Executive Agency shall as far as practicable:

(a) Make reassignments of property among activities within the agency when such property is determined to be no longer required for the purposes of the appropriation from which it was purchased

(b) Transfer excess property under his control to other Government agencies; and

(c) Obtain excess property from other Government agencies which will be useful in its activities.

3. *Regulations governing reporting of transfers.* The Director of the Budget shall prescribe regulations providing for the reporting to said director by executive Agencies of such reassignments or transfers of property between activities financed by different appropriations as he shall deem appropriate, and the reassignments and transfers so reported shall be reported to the Legislature in the annual budget or otherwise as said Director may determine.

### § 80.3. Disposal of surplus property.

1. *Supervision and direction.* Except as otherwise provided in this section, the Director General shall have supervision and direction

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over the disposal of surplus property.

2. *Agency for disposal.* The care and handling of surplus property pending its disposal and the disposal of surplus property may be performed by the Director General or, when so determined by that official, by the head of any other Executive Agency consenting thereto.

3. *Method of disposal.* The head of any Executive Agency designated or authorized by the Director General to dispose of surplus property may do so by sale, exchange, lease, permit, or transfer for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Director General deems proper.

4. *Validity of bill of sale, lease, or other instrument.* A bill of sale, lease or other instrument executed by or on behalf the head of any Executive Agency purporting to transfer title or any other interest in surplus property under this chapter shall be conclusive evidence of compliance with the provisions of this chapter in so far as concerns title or other interest of any bona fide grantee or transferee for value and without notice of lack of such compliance.

5. *Necessity of bids for disposal; procedure.* All disposals or contracts for disposal of surplus property (other than by abandon-ment, destructions donation or through contract brokers) made or authorized by the Director General shall be made after publicly advertising for bids, under regulations prescribed by the Director General, except as provided in paragraph 6 of this section. When-ever public advertising for bids is required under this paragraph:

- (a) Advertisement for bids shall be made by such time previous to the disposal or contract, through such methods, and on such terms and conditions as shall permit that full and free competition which is consistent with the value and nature of the

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property involved;

- (b) All bids shall be publicly disclosed at the time and place stated in the advertisement;

(c) Award shall be made with reasonable promptness by notice to the responsible bidder, whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered; provided, that all bids may be rejected when it is in the public interest to do so.

6. *When disposal of property may be made without bids.*

Disposal and contracts for disposal may be negotiated under regulations prescribed by the Director General, without regard to paragraph 5 of this section but subject to obtaining such competition as is feasible under the circumstances, if --

- (a) The public health, safety, or national security will thereby be promoted by a particular disposal of property;

(b) The estimated fair market value of the property involved does not exceed \$1,000;

(c) Bid prices after advertising therefor are not reasonable or have not been independently arrived at in open competition;

(d) Disposal without bids is necessary in the public interest during a national emergency;.

(e) Negotiated sales of personal property at fixed prices may be made by the Director General either directly or through the use of disposal contractors if such sales are publicized to the extent of the value and nature of the property involved and the prices established reflect the estimated fair value thereof, if the Direct-

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or General determines that such method of disposal will best serve the interests of the Government.

7. *Disposal by other Methods.* The Director General may authorize the abandonment, destruction, or donation to public bodies of surplus property which has no commercial value or of which handling would exceed the estimated proceeds from its sale.

### § 80.4. Uniform practices to be followed in property management.

1. *Establishment of practices by Director General.* As he may deem necessary for the effectuation of his functions under this chapter, and after adequate notice to the Executive Agencies affected, the Director General is authorized --

(a) To make surveys of Government property management practices and obtain reports thereon from Executive Agencies;

(b) To cooperate with Executive Agencies in the establishment of reasonable inventory levels for property stocked by them and from time to time to report any excessive stocking to the Legislature and to the Director of the Budget;

(c) To establish and maintain such uniform Government supply catalogue systems as may be appropriate to identify and classify personal property under the control of Government Agencies; and

(d) To prescribe standardized forms and procedures.

2. *Standard system to be used by agencies.* The head of each government agency shall utilize such uniform Government catalogue system and standard purchase specifications, except as the Director

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General, taking into consideration efficiency, economy, and other interests of the Government, shall otherwise provide.

3. *Audit of property accounts and transactions.* The General Auditing Office shall audit all types of property accounts and transactions at such times and in such manner as determined by the Auditor General.

## Chapter 81. MANAGEMENT OF GOVERNMENT RECORDS

§ 81.1. Definitions.

§ 81.2. Duties of agency heads as to records management

§ 81.3. Reports of heads of agency; action in case of violations.

§ 81.4. Legal status of reproductions.

§ 81.5. Fees for copies and reproductions.

§ 81.6. Continuance of Government agency restrictions on use of transferred records.

§ 81.7. Regulations relating to disposal of records.

§ 81.8. Procedure for disposal of records.

§ 81.9. Preservation of records pertaining to claims by or against Government.

§ 81.10. Procedure for disposal of records as exclusive.

### § 81.1. Definitions.

As used in this chapter --

(a) The term "records" shall be defined as in section 20.50(2) of this title.

(b) The term "Director" refers to the Director of National Archives and Records Service.

(c) The term "Government agency" includes every ministry, bureau, board, commission, institution, authority, organization, corporation wholly owned by the Government, officer, employee, or other instrumentality of all branches of the Government.

### § 81.2. Duties of agency heads as to records management.

1. *Records which are to be preserved.* The head of each Government agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, function, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

2. *Program of management to be established.* The head of each Government agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall among other things, provide for:

(a) effective controls over the creation, maintenance and use of records in the conduct of current business;

(b) cooperation with the Director in applying standards, procedures, and techniques designed to improve management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records temporary value; and

(c) compliance with the provisions of this chapter.

3. *Storage, processing and servicing of records.* Whenever the head of a Government agency determines that substantial economies or

increased efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Director or, when approved by the Director, in a records center operated by the head of such Government agency.

4. *Safeguards against loss of records.* The head of each Government agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Minister of Foreign Affairs. Such safeguards shall include making it known to all officials and employees of the agency (a) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of section 81.8 of this title and (b) the penalties provided by law for the unlawful removal or destruction of records.

5. *Duty in case of unlawful removal or destruction of records.* The head of each Government agency shall notify the Director of any actual impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Director shall initiate action through the Minister of Justice for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Government agency whose records have been transferred to his custody.<sup>333</sup>

### § 81.3. Reports of heads of agency; action in case of violations.

1. *Reports.* The Director is authorized, whenever he deems it necessary, to obtain reports from a Government agency on its activities under the provisions of this chapter.

<sup>333</sup> Prior legislation: L. 1971-72.

2. *Violations of law by heads of agencies.* The Director shall, whenever he finds that provisions of this chapter or regulations promulgated thereunder have been or are being violated, inform in writing the head of the agency concerned of such violations and recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Director are inaugurated within a reasonable time, the Director shall submit a written report thereon to the President and to the Legislature.

#### § 81.4. Legal status of reproductions.

Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Director, the indefinite retention of such reproductions will be deemed to constitute compliance with legal requirements for the indefinite retention of such original records. Such reproductions shall have the same legal status as the originals thereof.

#### § 81.5. Fees for copies and reproductions.

Except where otherwise provided by law, the Director may charge a fee not in excess of ten cents per page or fraction of a page for making or authenticating copies of reproductions of records transferred to his custody. All such fees shall be paid to the Minister of Finance for deposit in the general treasury. There shall be no charge for making or authenticating copies of reproductions of such records for official use by the Government of Liberia.

#### § 81.6. Continuance of Government agency restrictions on use of transferred records.

1. *Statutory restrictions.* Whenever records, the use of which is subject to statutory limitations and restrictions, are transferred to the

custody of the Director, the permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the Government agency having custody of them or to the employees of that agency, shall thereafter likewise become applicable to the Director and the employees of the national Archives and Records service.

2. *Restrictions imposed by head of agency.* Whenever the head of any Government agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interests on the use or examination of records being transferred from his custody to that of the Director, the Director shall impose such restrictions on the records so transferred. The restrictions so imposed shall not be removed or relaxed by the Director without the concurrence in writing of the head of the agency from which the material was transferred, or if the existence of such agency has been terminated, without the concurrence in writing of the successor in function, if any, of such agency head.

#### § 81.7. Regulations relating to disposal of records.

The Minister of Foreign Affairs shall promulgate regulations establishing:

- (a) procedures for compiling and submitting to the Director lists and schedules of records proposed for disposal;
- (b) procedures for disposal of records authorized for disposal; and
- (c) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations shall be binding on all agencies of the Liberian Government.

**§ 81.8. Procedure for disposal of records.**

*1. Submission to Director of lists of records for disposal.* The head of each agency of the Liberian Government shall submit to the Director, in accordance with regulations issued by the Minister of Foreign Affairs, subject to approval of the President,

(a) lists of any records under the custody of the agency that have been photographed or microphotographed in accordance with such regulations and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government; and

(b) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

*2. Submission of lists to National Archives and Records Council.* The Director shall submit to the National Archives and Records Council at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of paragraph 1 of this section, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research or other value to warrant their continued preservation by the Government; provided, that the Director shall not submit to the Council for approval for disposition any lists or schedules of records of any existing agency of the Government in his legal custody without having first obtained the written consent of the head of such agency.

*3. Disposal on approval by National Archives and Records Council.* The National Archives and Records Council shall examine the list or schedules submitted to it under the provisions of paragraph 2 of this section. If the Council reports that any of the records listed do not have sufficient administrative, legal, research, other value to warrant their continued preservation by the Government, the Director shall notify the agency or agencies having such records in their custody of the action of the Council and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 81.7 of this title.

**§ 81.9. Preservation of records pertaining to claims by or against Government.**

Records pertaining to claims by or against the Government or which may give rise to such claims, or pertaining to any accounts in which the Government is concerned, either as debtor or creditor, shall not be disposed of by the head of any agency under any authorization granted pursuant to the provisions of this chapter until such claims, demands, and accounts have been fully adjusted and settled.

**§ 81.10. Procedure for disposal of records as exclusive.**

The procedures prescribed in this chapter are exclusive and no records of the Liberian Government shall be alienated or otherwise disposed of except in conformity with the provisions of this chapter.

## **Chapter 82. ADMINISTRATIVE PROCEDURE ACT**

§ 82.1. Definitions.

§ 82.2. Hearing officers.

§ 82.3. Appearance.

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- § 82.4. Notice and hearing.
- § 82.5. Determinations and orders.
- § 82.6. Reasonable dispatch.
- § 82.7. Licenses.
- § 82.8. Judicial review of contested matters.
- § 82.9. Enforcement of agency order.
- § 82.10. Application of chapter.
- § 82.11. Title of act.

### § 82.1. Definitions.

As used in this chapter --

(a) "Agency" means each Ministry, board, Commission, or officer of the central Government of Liberia, other than the Legislature or the courts of either the regular judicial or the tribal court system, or courts martial, or military commissions, authorized by law to determine the legal rights, duties, or privileges of a person;

(b) "Contested matter" means a proceeding, including, but not restricted to licensing, in which the legal rights, duties or privileges of a party are determined by an agency after an opportunity for hearing;

(c) "License" includes the whole or part of any agency permit, certificates, approval, registration, charter or similar form of permission required by law;

(d) "Licensing" includes the agency process respecting grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;

(e) "Party" means each person or agency named or admitted as

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a party, or properly seeking and entitled as of right to be admitted as a party;

(f) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency;

(g) "Hearing officer" means an officer of an agency who is designated by statute or the head of the agency to hold hearings either prior to the making of a determination by the agency or subsequent thereto.<sup>334</sup>

### § 82.2. Hearing officers.

The head of every Ministry or other autonomous agency of the Executive Branch of the Government shall designate as many qualified officers employed by the agency as may be necessary to hold hearings required by law; but the head of a Ministry or other autonomous agency is not required to designate hearing officers as to matters for which the agency is itself designated by statute. Officers designated to hold hearings, either by statute or by the head of an agency, shall perform no duties inconsistent with their duties and responsibilities as hearing officers.<sup>335</sup>

### § 82.3. Appearance.

Any person compelled to appear in person, before any agency or representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel, or, if permitted by the agency, by other qualified representative. Every party shall be accorded the

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<sup>334</sup> Prior legislation: L. 1971-72.

<sup>335</sup> Prior legislation: L. 1971-72.

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right to appear in person or by or with counsel or other duly qualified representative in any agency proceeding.

### § 82.4. Notice and hearing.

1. *Notice.* A person entitled by law to a hearing before an agency determination becomes final shall be given reasonable notice thereof. Such notice shall include:

- (a) A statement of the time, place and nature of the hearing;
- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (c) A reference to the particular sections of the statutes and rules involved;
- (d) A short and plain statement of the matters asserted,

If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

2. *Response.* Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

3. *Cross-examination.* Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts.

4. *Informal dispositions.* Unless precluded by law, informal dispositions may be made of any contested matter by stipulation, agreed settlement, consent order, or default.

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5. *Record.* The record in a contested matter shall include:

- (a) All pleadings, motions, intermediate rulings;
- (b) Whenever possible, a transcript of all testimony received at the hearing, or where this is not possible, an affidavit by the hearing officer or by each of the hearing officers or members of the agency hearing the evidence, which affidavit or affidavits shall set forth the substance of the testimony received;
- (c) A statement of matters officially noticed;
- (d) Questions and offers of proof, objections and rulings thereon;
- (e) Proposed findings and exceptions;
- (f) Any decision, opinion, or report by the officer presiding at the hearing;
- (g) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.

6. *Findings of fact.* Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

7. *Who may preside.* There shall preside at the taking of evidence:

- (a) the agency; or
- (b) one or more members of the body which comprise the agency; or



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(c) one or more hearing officers. The functions of all presiding officers and of officers participating in determinations shall be conducted in an impartial manner.

8. *Powers of presiding officers.* Any officer or officers presiding at a hearing shall have authority, subject to provisions of law to the contrary, to

- (a) administer oaths and affirmations,
- (b) issue subpoenas authorized by law,
- (c) rule upon offers of proof and receive relevant evidence,
- (d) take or cause depositions to be taken whenever the ends of justice would be served thereby,
- (e) regulate the course of the hearing,
- (f) hold conferences for the settlement or simplification of the issues by consent of the parties,
- (g) dispose of procedural requests or similar matters,
- (h) make decisions or recommend decisions in conformity with section 82.5 of this title, and
- (i) take any other action authorized by agency rule consistent with this chapter.

10. *Evidence.* Except as statutes otherwise provide, the proponent of an order has the burden of proof. Any oral or documentary evidence may be received, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious

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evidence. Agencies shall give effect to the rules of privilege recognized by law. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available.

11. *Official notice.* Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge.

12. *Conduct of officials.* The same officers who preside at the reception of evidence shall make the initial determination required by section 82.5 of this title except where such officers become unavailable to the agency. Except to the extent required for the disposition of *ex parte* matters as authorized by law, no such officer shall consult any person or party on any fact in issue unless upon notice and opportunity to all parties to participate; nor shall such officer be responsible to or subject to the supervision or direction of any officer, employee or agent engaged in the investigative or prosecuting functions for any agency. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency in any case shall, in that or a factually related case, participate or advise in the determination, recommended determination, or agency review pursuant to section 82.5 of this title, except as witness or counsel in public proceedings.

### § 82.5. Determinations and orders.

1. *Examination of evidence by agency making determination.* In cases in which the agency itself has not presided at the reception of the evidence, the officer who presided shall initially determine the case or the agency shall require in specific cases or by general rule, the entire record to be certified to it for initial determination. Whenever an officer who presided makes the initial determination and in the absence of either an appeal to the agency or review upon motion of the agency within [the] time provided by rule, such

determination shall without further proceedings then become the determination of the agency. On appeal from or review of the initial determinations of such officers, the agency shall, except as it may limit the issues upon notice or by rule, have all the powers which it would have in making the initial determination. Whenever the agency makes the initial determination without having presided at the reception of the evidence, the officer who presided shall first recommend a determination to the agency.

2. *Forms and procedures as to determination and orders.* A final determination or order by an agency adverse to party in a contested matter shall be in writing or stated in the record. A final determination shall include the findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the determinations shall include a ruling upon each proposed findings. Parties shall be notified either personally or by mail of any determination or order. Upon request, copy of the determination or order shall be delivered or mailed forthwith to each party and to his attorney of record.

#### § 82.6. Reasonable dispatch.

Every agency shall proceed with reasonable dispatch to conclude any matter presented to it, except that due regard shall be had for the convenience and necessity of the parties or their representatives.

#### § 82.7. Licenses.

1. *Application of chapter.* The provisions of this chapter concerning contested matters shall apply to the granting, denial, renewal, or revocation of a license.

2. *Renewal of licenses.* When a license has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

3. *Procedure prior to withdrawal, suspension, revocation or annulment.* No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety, or welfare imperatively requires emergency action, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

#### § 82.8. Judicial review of contested matters.

1. *Right to review.* A person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final determination in a contested matter is entitled to judicial review under this chapter. For contested matters in which the right to review provided by this section affords an adequate remedy, no other means of review, redress or relief shall be available. A preliminary procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency determination would not provide an adequate remedy.

2. *Instituting proceedings for review.* Unless otherwise expressly

provided by law, proceedings for review shall be instituted by filing a petition requesting in the Circuit Court within 30 days after the final determination of the agency or, if a rehearing is requested, within 30 days after the determination thereon. Copies of the petition shall be served upon the agency and all parties of record.

3. *Stay.* The filing of the petition does not itself stay enforcement of the agency determination. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

4. *Record on review.* Within 30 days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

5. *Additional evidence.* If, before the date set for hearing by the court, application is made to the court for leave to present additional evidence and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and determination by reason of the additional evidence and shall file that evidence and any modifications, new findings, or determinations with the reviewing court.

6. *Proceedings before reviewing court.* The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the agency, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written

briefs.

7. *Decision by the court.* The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions or the decisions are:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the agency;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

#### § 82.9. Enforcement of Agency order.

1. *Instituting proceedings; powers of court.* Any final order by an agency or a hearing officer or hearing officers of such agency which is made to carry out a determination may, in the absence of any timely request for judicial review by the person against whom the order is directed, be enforced by a proceeding in the Circuit Court of the county in which the person resides against whom the order was issued, or in the county in which such person is regularly employed or has his regular place of business. A proceeding to enforce such an

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order shall be commenced when the head of the agency or authorized officer thereof files a petition for enforcement in the Circuit Court together with the certified record in the matter, or such portion thereof as the parties may stipulate. Such a stipulation may provide in an appropriate case that no record need be filed in the Circuit Court. The petition to enforce the order shall be filed within ten days after non-compliance with the order has occurred. Upon the filing of the petition to enforce, the court shall cause notice thereof to be served upon persons against whom the order is directed and thereupon shall have jurisdiction of the proceeding and shall have power to grant such temporary relief or restraining order as it deems just and proper. The court shall grant or refuse enforcement on the basis of the record or such part thereof as was filed with the court or on the basis of oral argument on issues within the allowable scope of the proceedings, as stated in paragraph 2 of this section.

*2. Scope of proceedings.* The court shall enter a decree enforcing the final order of the agency unless the court finds that such order was void or invalid for fraud or that compliance has occurred. The findings which were made by the agency with respect to questions of fact shall be conclusive on the court.

*3. Enforcement of administrative order for payment of money.* In a proceeding under this section to enforce a final order for a payment of money, the judge of the Circuit Court, if enforcement is granted, shall direct the clerk of his court to enter judgment for the amount of money to be paid. Such judgment shall have the same effect, and be enforceable through the same proceedings, as though rendered in a civil action before the Circuit Court, except that no appeal may be taken therefrom.

### **§ 82.10. Application of chapter.**

*1. Scope of application.* Subject to the limitations contained in

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paragraph 2 of this section, all contested matters shall be conducted in conformity with this chapter except as otherwise expressly provided by statute or regulation applicable to a particular agency.

*2. Application to subsequent Proceedings.* Subject to the limitation contained in paragraph 1 of this section, this chapter shall apply to all agency proceedings not expressly exempted, which are hereafter commenced, and to all further proceedings in pending cases, except to the extent that the agency determines that application in a particular pending case would not be feasible or would work injustice, in which event the former procedure applies.

### **§ 82.11. Title of act.**

This chapter may be cited as the "Administrative Procedure Act."

## **Chapter 83. COLLECTION OF INFORMATION**

§ 83.1. Power of Government agency to collect information;  
penalty for refusal to cooperate.

§ 83.2. Confidential nature of information furnished.

§ 83.1. **Power of Government Agency to collect information;  
penalty for refusal to cooperate.**

The head of every agency of the Executive Branch of the Government is hereby authorized to request, demand, and collect from any person, natural or legal residing within the Republic of Liberia, or from the head of any other agency of the Government all information necessary to enable it effectively to carry out its lawful functions. Any person, including any officer or employee of the Government, who refuses or willfully neglects, when requested by an authorized officer or employee of the Government, to answer truthfully and to the best of

his knowledge any question addressed to him or to furnish any information which is reasonably within his power to furnish and which it is not contrary to the public interest to disclose, is subject to a fine of not more than \$200 or imprisonment of not more than 30 days or both; but no person shall be required under the provisions of this section to answer any question or furnish any information which would tend to incriminate him or subject him to a penalty or forfeiture. Any person who willfully furnishes false or inaccurate information to an officer or employee of the Government empowered to collect such information is subject to a fine of not more than \$500 or imprisonment for not more than six months, or both.<sup>336</sup>

### § 83.2. Confidential nature of information furnished.

All information furnished an officer or employee of the Government authorized by law to collect, request, or demand such information shall be confidential and shall be divulged or published only to the extent necessary for such agency effectively to carry out its functions. Information furnished for statistical purposes shall be disclosed or published only in the form of a general economic or statistical report. A person who violates the provisions of this section is subject to a fine of not more than \$500 or imprisonment of not more than six months, or both.<sup>337</sup>

336 Prior legislation: L. 1960-61, ch. XIX (13:24-J; 27:121); L. 1961-63, ch. XXXVI (13:1151; 27:121)

337 Prior legislation: T. 1960-61, ch. XIX (13:24-K); L. 1962-63, ch. XXXVI (13:1152).

## Chapter 84. MINISTRY OF YOUTH AND SPORTS<sup>\*338</sup>

- § 84.1. Ministry created; appointment of Minister, Deputy Ministers, Assistant Ministers.
- § 84.2. Functions of the Ministry.
- § 84.3. Organization of the Ministry.
- § 84.4. Framework of youth activities.
- § 84.5. Licenses for Sports Organizations.
- § 84.6. Sham or collusive contests.
- § 84.7. Use of proceeds from sale of tickets.
- § 84.8. Bonds required of personnel handling tickets.
- § 84.9. Penalty for violation.
- § 84.10. Transfer of properties and budgetary appropriations.

### § 84.1. Commission created, appointment of Minister, Deputy Ministers, Assistant Ministers.

There is hereby created and established in the Executive Branch of the Government a Ministry of Youth and Sports to be headed by a Minister who shall be appointed by the President with the advice and consent of the Senate. The Minister shall be charged with the administration, promotion, development, direction and supervision of all Government programs and activities relating to Youth and Sports in the Republic. The President shall appoint by and with the advice and consent of the Senate, a Deputy Minister for Administration who shall be the principal assistant to the Minister of the Youth and Sports and who shall act in the absence of the Minister. The President may also appoint, with the advice and consent of the Senate, such Directors as would be required for the effective operation of the Ministry.

338 The Ministry was subsequently created by Act of the Liberian Legislature after being separated from the previous Ministry of Labour, Youth and Sports.

**§ 84.2. Functions of the Ministry.**

The functions of the Ministry shall include the direction of the affairs of youths of the nation, to enable them to most effectively discharge their responsibilities as useful citizens of the Republic and promote, control and direct all programs and activities relating to Sports. To the achievement of these objectives, it shall:

- (a) Develop the social and national consciousness of Liberian youths, male and female, and educate them to be ready morally and physically to answer the call of their country;
- (b) Initiate and develop plans and provide means and facilities to enable the youths of Liberia to perform public service to fulfill current needs;
- (c) Work with, and coordinate youth activities in all Liberian youth organizations in the interest of national consciousness;
- (d) Establish, maintain, and supervise the activities of the Liberian National Youth Organization according to the following aims:
  - (i) Training aimed at raising civic consciousness and increasing personal initiative;
  - (ii) Education aimed at training for constructive work;
  - (iii) Training to preserve and exploit properly the natural resources of Liberia;
  - (iv) Training to aid the unification process of the nation;
  - (v) Training to inculcate loyalty to the country;

- (vi) Training to promote social and economic development and to raise the standard of living;
- (vii) Education to aid in professional training for youth;
- (viii) Training to develop a sense of responsibility at duty; and
- (ix) Training to improve physical fitness.
- (e) Subject to the approval of the President, promulgate rule and regulations governing all sports and sports events;
- (f) Administer all laws relating to the licensing of sports organizations;
- (g) Certify the qualification of all referees and umpires for public sport events;
- (h) Manage and control stadiums and playgrounds;
- (i) Issue and sell tickets for sport events;
- (j) Regulate the payment of a fair share of the gate receipts to the members of a team or individual contestant in a professional athletic match or sport event;
- (k) Provide and supervise all youth apprenticeship and vocational training in agriculture, business, industry and sports in the Republic; and
- (l) Perform such other functions as may from time to time be assigned by the President.

**§ 84.3. Organization of Ministry.**

The Ministry of Youth and Sports shall be organized in such manner and with such personnel as the Minister shall deem fit, subject to the approval of the President.

**§ 84.4. Framework of youth activities.**

With regards to the affairs of the Ministry, it shall operate within the framework of:

- (a) Schools in consultation with the Ministry of Education;
- (b) Clubs of the Liberian National Youth Organization;
- (c) Central Youth Village;
- (d) Agricultural and vocational training centers of the Liberian National Youth Organization;
- (e) Model farms of the Liberian National Youth Organization;
- (f) Autonomous villages; and
- (g) Existing Youth Organizations and Institutions serving children or youths.

**§ 84.5. Licenses for sports organizations.**

No organization shall be formed for the purpose of promoting an interest in sports or holding sports events, amateur or professional, unless it has procured a license from the Ministry. License procured under this section shall not require renewal, but may be revoked by the Ministry on the ground that the organization has promoted or held unfair athletic or sports events, violated the provisions of this chapter, or in other ways corrupted or impaired the public interest in sports. An administrative fee of \$10.00 may be charged by the Ministry for processing the application for the license. Sports teams connected with schools or charitable or other organizations which are not formed primarily for sporting purposes are not required to procure

licenses under the provisions of this section. All fees charge accessible under this section shall be paid into the Revenue, Ministry of Finance and requisite receipts transmitted to the Ministry of Youth and Sports as a condition precedent to the Ministry's performing the required services.

**§ 84.6. Sham or collusive contests.**

Any person who shall knowingly conduct, hold, manage, or participate as contestant or otherwise in any sham or collusive sport event, whether amateur or professional, and whether admission is paid or free, shall forfeit on a finding of sham or collusion by the Ministry, any prize, remuneration, salary, purse or part thereof to which he might be entitled as a result of such participation. Any such person shall be subject in addition to a fine up to \$1,000.00 or imprisonment for up to one year, or both.

**§ 84.7. Use of proceeds from sale of tickets.**

Net proceeds from the sale of tickets for all sports events shall be deposited into a special account, Bureau of Internal Revenue, Government of Liberia.

**§ 84.8. Bonds required of personnel handling tickets.**

Each officer or employee of the Ministry of Youth and Sports who shall have as part of his duties the handling or anything relating to the printing and sale of tickets for sports events shall execute and file a sufficient Bond satisfactory to the Minister of the Ministry of Youth and Sports conditioned on the faithful performance of his duties. Such bonds shall be within the application of the provisions relating to the bonds of public officers contained in the Civil Service Law.

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**§ 84.9. Penalty for violation.**

Any person, sport club or organization, violating rules or regulations pertaining to sports shall be subject to a fine of not more than \$2,000.00 and or suspended from participating in sports events.

**§ 84.10. Transfer of properties and budgetary appropriations.**

The properties and budgetary appropriations of the Ministry of the National Youth and Sports Commission in respect of all Youth and Sports activities and functions are hereby transferred to the Ministry of Youth and Sports.

**Chapter 86. NATIONAL COUNCIL FOR  
VOCATIONAL/TECHNICAL EDUCATION AND  
TRAINING<sup>\*339</sup>**

§ 86.1. Creation and appointment of Council.

§ 86.2. Functions and objectives.

§ 86.3. Vocational/Technical Education and Training Policy program.

§ 86.4. Agricultural and Industrial Training Bureau.

§ 86.5. Bylaws and Committees.

§ 86.6. Regulations.

§ 86.7. Meetings and Proxies.

§ 86.8. Transfer of properties and budgetary appropriations.

**§ 86.1. Creation and appointment of Council.**

There is hereby created and established in the Executive Branch of

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339 The Council for Vocational/Technical Education and Training was created by People's Redemption Council decree no. 56, issued October 30, 1981.

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the Government a National Council for Vocational/Technic Education and Training hereinafter referred to as the "Council". The President shall appoint with the advice and consent of the [senate] the following persons as members of the Council in their official capacities as representatives of Government, Employers/ Management and Labour:

**A. GOVERNMENT:**

1. Minister of Planning & Economic Affairs, (Chairman)
2. Minister of Finance
3. Minister of Justice
4. Minister of Education
5. Minister of Public Works
6. Minister of Agriculture
7. Minister of Commerce and Industry
8. Minister of Labour
9. Minister of Youth & Sports
10. Chairman, National Investment Commission

**B. EMPLOYERS/MANAGEMENT:**

1. President, Liberia Chamber of Commerce
2. The General Manager, LAMCO
3. The General Manager, Bong Mine
4. President, Mesurado Group of Companies
5. The General Manager, Liberia Timber & Plywood Corporation (VANPLY)
6. The Managing Director, Liberia Industrial Free Zone Authority (LIFZA)

**C. LABOUR:**

1. Secretary-General, Agricultural and Allied Workers Union
2. Secretary-General, Liberia Federation of Labor Unions



**§ 86.2. Functions and objectives.**

The Council shall promote, regulate and coordinate a balanced development and expansion of vocational/technical education and training consistent with the manpower needs and requirements of Liberia. To the achievement of these objectives, it shall:

- (i) Promote a balanced development of vocational/ technical education and training throughout Liberia;
- (ii) Develop a unified vocational/technical education and training policy;
- (iii) Formulate in collaboration with the concerned bodies policies and plans on vocational/technical education and training in response to National economic and social trends and projected changes in demand for different types of skills and knowledge;
- (iv) Ensure generation of a pool of trained manpower sufficient to meet the needs of the Liberian economy;
- (v) Formulate guidelines and procedures for institutions operating vocational/technical education and industrial training programs;
- (vi) Strengthen vocational/technical education and training capacities and facilities throughout the country;
- (vii) Monitor vocational/technical education and training programs;
- (viii) Initiate research and studies relating to vocational/ technical education and training;

(ix) Coordinate vocational/technical education and training activities at all levels for industrialization generally and within the context of the Mano River Union;

(x) Ensure vocational/technical education and training and funding are balanced in order that training meets labor market requirements;

(xi) Formulate plans and supervise the implementation of in-service training programs and schemes;

(xii) Establish standards, testing procedures and criteria for certification; and

(xiii) Perform such other functions as may from time to time be assigned by the President.

**§ 86.3. Vocational/Technical Education and Training Policy Program.**

The Council shall prepare and submit to Government, consistent with national needs and requirements, a comprehensive policy/program for implementation in respect of vocational/technical education and training.

**§ 86.4. Agricultural and Industrial Training Bureau.**

There is hereby created within the Council an Agricultural and Industrial Training Bureau, to be headed by a director. The Bureau shall serve as the technical and administrative secretariat of the Council.

In implementing the decisions of the Government and Council, the Bureau shall, in respect of vocational/technical education and training, require and obtain the active cooperation and support of any

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government ministry, agency, public corporation, employers' organization, management, labour, trade or craftsman union.

The Bureau shall consist of such sections as may be required for the effective implementation of the aims and objectives of the Council, including the following:

1. Secretariat Administrative Unit;
2. Job Analysis and Occupational Standards Unit;
3. Curriculum and Instructional Aids Development Unit;
4. Vocational Guidance Unit;
5. Apprenticeship and In-plant Training Unit;
6. Testing and Certification Unit;
7. Vocational Training Centers Administration Unit;
8. Commercial Training Centers Administration Unit;
9. Agricultural and Rural Youth Training Unit;
10. Supervisory Training Unit; and
11. Other Units that may be required.

### § 86.5. Bylaws and Committees.

The Council shall formulate and adopt Bylaws, consistent with this Decree and the laws of Liberia and appoint such committees as may be required to effectuate its objectives.

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### § 86.6. Regulations.

The Council shall promulgate and enforce regulations in aid of the lawful exercise of its authority. A violation of any regulation promulgated shall constitute a misdemeanor of the first degree cognizable before any magisterial court.

### § 86.7. Meetings and proxies.

The Council shall hold at least two ordinary meetings biannually and may also hold such extraordinary meetings as it may deem necessary. Proxies attending Council meetings shall be of rank no lower than junior minister, senior executive or senior administrator.

### § 86.8. Transfer of properties and budgetary appropriations.

All properties and budgetary appropriations of the former Agricultural and Industrial training Board, wherever found, are hereby transferred to the Agricultural and Industrial training Bureau of the Council.

## INTERIM NATIONAL ASSEMBLY (INA) DECREE NO. 8

**DECREE BY THE INTERIM NATIONAL ASSEMBLY OF THE  
REPUBLIC OF LIBERIA PROVIDING FOR THE ESTABLISH-  
MENT OF AN ECONOMIC AND FINANCIAL MANAGEMENT  
COMMITTEE, ITS SUBORDINATE INSTITUTIONS AND OTHER  
MATTERS RELATING THERETO**

*It is hereby decreed by the Interim National Assembly of the Republic of Liberia as follows:*

## ARTICLE I

***ECONOMIC AND FINANCIAL MANAGEMENT COMMITTEE***

- §1. Creation of the Economic and Financial Management Committee
- §2. General and specific functions
- §3. Membership of the Committee
- §4. Meetings of the Committee
- §5. Chairmanship of the Committee
- §6. Other matters

**§ 1. Creation of the Economic and Financial Management Committee.**

An Economic and Financial Management Committee (hereinafter called the "Committee") is hereby established.

**§ 2. General and specific functions.**

**2.1. General functions:**

The Committee shall be responsible for the coordination of economic and financial policies of the Government of Liberia and for advising the President on all executive matters relating to the Management of the economy.

**2.2. Specific functions:**

Without prejudice to Its functions under Section 2.1 above, the Committee shall be responsible for:

- (a) The review and determination of policy options to be approved by the Government;
- (b) The imposition of fiscal discipline through enforcement of

strict compliance with the Government's recurrent a development budget guidelines;

(c) Ensuring implementation of the Government's wages a employment policy with a view to achieving economy a efficiency in the public sector;

(d) Overall oversight of public enterprises in Liberia includi the approval and promulgation of sector-wide polices for sta enterprises and approval of performance targets for sta enterprises;

(e) Advising the President on the appointment of the heads the Committee's subordinate Institutions, members of the board of directors and heads of public enterprises;

(f) Overall oversight of concessions in Liberia includin administration of agreements relating to concessions and th formulation and implementation of sound concessions policie; and

(g) The supervision and evaluation of the performance of th ommittee's subordinate institutions.

**§ 3. Membership of the Committee.**

The Committee shall consist of the minister of Finance, the Ministe of Planning and Economic Affairs, the Minister of Justice, th Minister of Agriculture, the Minister of Lands, Mines and Energy, th Budget Director and the Governor of the National Bank of Liberia Other Cabinet Ministers shall be coopted from time to time as th efficient performance of the Committee's functions may require.

**§ 4. Meetings of the Committee.**

The Committee shall meet at least once in every month and at such other times as the Chairman shall determine.

**§ 5. Chairmanship of the Committee.**

The Minister of Finance shall be the Chairman of the Committee. The Minister of Planning and Economic Affairs shall act as Chairman of the Committee in the absence of the Minister of Finance. In the absence of both the Ministers of Finance and Planning and Economic Affairs, the Acting Minister of Finance shall preside at meetings of the Committee.

**§ 6. Other matters.**

(a) The Committee shall regulate its own proceedings.

(b) The Committee shall have an administrative secretariat to be headed by a senior official appointed by the Committee. The administrative secretariat shall be responsible for the day-to-day administration of the business of the Committee and for advising it on all matters relating to fiscal affairs.

(c) The Committee shall be advised by autonomous technical bodies including the Bureau of State Enterprises, the Bureau of Concessions and such other bodies as shall be necessary for the efficient performance of its functions.

## ARTICLE II

### *THE BUREAU OF STATE ENTERPRISES*

§1. Creation of the Bureau of State Enterprises (BSE)

§2. General and Specific Functions of the Bureau

§3. Leadership and Organization of the BSE

§4. Functions of the Director General

§5. Staffing of the BSE

**§ 1. Creation of the Bureau of State Enterprises.**

The Bureau of State Enterprises, hereinafter called "BSE" is hereby established.

**§ 2. General and specific functions of the Bureau.****2.1. General functions.**

The Bureau of State Enterprises shall advise the Committee on all matters relating to the formulation and administration of the state enterprise sector, including the oversight of state enterprises, determination of forms of management for state enterprises individually and as a whole.

**2.2. Specific functions.**

Without limitation or restriction upon the Bureau of State Enterprises functions under paragraph 2.1 above, it shall be responsible for:

(a) Advising the Committee on policies for state enterprises including the formulation of policy alternatives for state enterprises and analysis of sector-wide issues relating to state enterprises;

(b) The carrying out for the Committee of secretariat work relating to state enterprises;

(c) The collection of data necessary for the preparation of annual/periodic and special reports on the state enterprise sector

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summarizing the activities, performance, trends and problems relating hereto;

(d) Assisting state enterprises to improve their performance including:

(i) The development and implementation by such enterprises of management information and control systems by which the enterprises can monitor performance and detect possible problems.

(ii) The design for state enterprises of performance evaluation criteria and establishment of yearly performance procedures by which the Committee can assess the achievements of state enterprises.

(iii) The design and implementation of improved billing and collection systems for state enterprises.

(iv) Recommendation of suitable candidates for appointment to the board or other management bodies of state enterprises.

(v) Representation on the boards of state enterprises in an observer capacity, and

(vi) The establishment of accounting and auditing systems for state enterprises and monitoring of compliance with such systems;

(e) Recommending to the Committee measures to improve the financial position of state enterprises including:

(i) Overseeing settlement of arrears between state

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enterprises and government ministries and agencies between state enterprises themselves and between state enterprises and the private sector, and

(ii) Designing measures to regulate arrears in the future

(f) Recommending to the Committee measures for the coordination by state enterprises of action within the state enterprise sector; and

(g) Promotion of training programs for personnel of state enterprises.

### **§ 3. Leadership and Organization of the Bureau of State Enterprises.**

The Bureau of State Enterprises shall be headed by a Director General whose status shall be on par with that of a deputy minister or above and shall have such division which shall be organized in such manner as the Committee shall approve.

### **§ 4. Functions of the Director General.**

The Director General's functions shall be as set forth in the terms of reference attached hereto as Annex 1.

### **§ 5. Staffing of the Bureau of State Enterprises.**

The Bureau of State Enterprises shall have such staff, facilities and resources as shall be necessary for the efficient performance of its functions.

**ARTICLE III  
BUREAU OF CONCESSIONS**

- §1. Creation of the Bureau of Concessions (BOC)
- §2. General and Specific Functions of the BOC
- §3. Leadership and Organization of BOC
- §4. Duties of the Director-General
- §5. Staffing of the Bureau

**§ 1. Creation of the Bureau of Concessions.**

A Bureau of Concessions, hereinafter called "BOC", is hereby established.

**§ 2. General and specific functions of the Bureau of Concessions.**

**2.1. General functions:**

The Bureau of Concessions shall be concerned with the monitoring of industries operated under concessions and related agreements in Liberia, the development of appropriate policies for such industries, the enforcement of such policies and the promotion of new concessions and related investments in Liberia. BOC shall serve as a coordinating unit for ministries and agencies concerned with foreign investments in natural resources.

**2.2. Specific functions:**

Without limitation or restriction upon its functions under paragraph 2.1, above the Bureau of Concessions shall be responsible for:

- (a) The collection and analysis of information about our natural resources and the preparation of appropriate policy proposals;

- (b) Conducting negotiations with concessionaires at the request of the Committee;
- (c) Monitoring performance of concessionaires as well as the collection of revenues due Government from concessionaires;
- (d) Promotion of new foreign investment in concession and related sectors in Liberia;
- (e) Monitoring local and world-wide developments in the iron ore, plantation, forestry and related industries;
- (f) Ascertaining that payments are actually made by concessionaires to Government and in conformity with the terms of the agreements under which concessions are operated;
- (g) Preparation of an annual report summarizing the collection made from concessionaires operating iron ore, plantation, forestry and related industries by type of fiscal measures and specifying in detail any arrears or disputes about payments;
- (h) Preparation of an annual report on the natural resource sector, summarizing activities, performance, trends and problems;
- (i) Preparation of such additional studies and policy proposals concerning Liberia's natural resources as the Committee shall require and
- (j) Advising the Committee on all natural resources related matters.

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### § 3. Leadership and Organization of BOC.

The Bureau of Concessions shall be headed by a Director-General whose status shall be on par with that of a Deputy Minister or above and shall be organized in such a manner as the Committee shall approve.

### § 4. Duties of the Director-General.

The functions of the Director-General shall be as set forth in the terms of reference attached hereto as Annex II.

### § 5. Staffing of the Bureau.

The Bureau of Concessions shall have such staff, facilities and resources as shall be necessary for the performance of its functions.

## ARTICLE IV

### *RUBBER DEVELOPMENT COMMITTEE*

#### §2.1. Creation of Rubber Development Committee (RDC)

#### §2.2. Specific Functions

#### §2.3. Membership

#### §2.4. Secretariat

#### § 2.1. Creation of Rubber Development Committee.

A Rubber Development Committee hereinafter called "RDC" is hereby established.

(a) Bringing together the diverse interests engaged in the rubber industry;

(b) Providing them with an appropriate forum for discussing

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important matters relating to the industry such as promotion extension, sub-sectoral planning, pricing policy, input supply, research, processing, marketing and rubber collection; and

(c) Recommending to the Committee plans, policies and programs for rubber development and promotion in Liberia.

### 2.2. Specific functions.

Without limitation or restriction upon its functions under paragraph 2.1 above, the Rubber Development Committee shall be responsible for:

(a) Recommending to the Committee plans, policies and programs for rubber development and promotion in Liberia and when approved, the preparation of a report on the implementation of such plans, policies and programs;

(b) Carrying out a study of rubber producer pricing policy together with other relevant policies and recommending appropriate incentives for Liberian rubber producers;

(c) The review and recommendations of measures to improve linkage between concessionaires and small holders;

(d) Advising the Committee on policies to provide appropriate incentives to existing concessionaires and to attract other private sector rubber producing, processing and marketing enterprises into Liberia.

(e) The encouragement of rubber producers and the recommendation of appropriate measures to improve their operations;

(f) The review and recommendation of policies affecting

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extension, input supply to rubber producers and rubber collection, transportation, processing and marketing;

(g) Planning and supervising surveys and studies in the rubber industry;

(h) The assessment of rubber research requirements, recommendation of overall research priorities and report on research progress; and

(i) Advising the Committee on all rubber-related matters as the Committee shall require.

### 2.3. Membership.

The Rubber Development Committee shall consist of the Minister of Agriculture who shall be the Chairman of RDC, representatives from the Ministries of Planning and Economic Affairs and Finance, representatives of rubber concessionaires, three representatives of small holder rubber producers, two representatives of large rubber producers, the Project Manager of the Liberia Rubber Development Unit, the Manager of the Rubber Corporation of Liberia and the Director of the Rubber Research Institute of Liberia.

### 2.4. Secretariat.

The Ministry of Agriculture shall serve as Secretariat to the Rubber Development Committee.

## ARTICLE V FUNDING

### § 1. Funding.

A budget shall be provided to the Economic and Financial Management Committee for its secretariat, sub-committees and

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subordinate institutions as necessary and proper for the performance of their functions under this Decree.

## ARTICLE VI MISCELLANEOUS

### § 1. Dissolution and abolishment.

#### 1.1. Dissolution.

Public Corporations within the Ministry of Finance are hereby dissolved.

#### 1.2. Abolishment.

The functions of the National Investment Commission relating to concessions are hereby abolished.

### § 2. By-Laws and Sub-Committees.

The Committee may make rules and regulations not inconsistent with this Decree and the laws of Liberia and appoint such sub-committee as may be required for the efficient performance of its functions.

## ARTICLE VII DEFINITIONS

For the purposes of this Decree, unless the context otherwise requires the following terms shall have the following meanings:

(a) "Committee" means the Economic and Financial Management Committee referred to in Article I of this Decree.

(b) "BSE" means the Bureau of State Enterprises referred to in



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Article II of this Decree.

(c) "BOC" means the Bureau of Concessions referred to in Article III of this Decree.

(d) "Rubber Development Committee" means the Rubber Development Committee referred to in Article IV of this Decree.

(e) "State Enterprise" means enterprises established and operating under an Act or Decree or enterprises of which the Government of Liberia is the sole shareholder.

This Decree shall take effect immediately upon the signature of the Head of State of the Republic of Liberia.

Date Issued: July 16, 1985

ANNEX I

*TERMS OF REFERENCE FOR THE HEAD OF THE BUREAU OF STATE ENTERPRISE*

The Head of the Bureau of State Enterprises (BSE) shall carry out the following functions:

1. Plan and supervise the overall activities of BSE:

(a) Recommend to the Economic and Financial Management Committee (EFMC) the appointment and dismissal of, supervise and evaluate divisional chiefs with the goals of developing needed human resources as well as fostering the efficient operation of BSE.

(b) Approve divisional work plans and objectives; and

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(c) Provide overall leadership to BSE staff that coordinate activities across divisions while trying to maintain independence from excessive political or external influence.

2. Represent BSE in relations with the Economic and Financial Management Committee on state enterprise matters:

(a) Submit to EFMC for approval, proposals for policy guidelines for the award of negotiated enterprises goals and evaluation criteria, and other BSE proposals with potential sector-wide implications; and

(b) Advise EFMC on the possibilities and the consequences of adopting different policy alternatives in the state enterprise sector.

3. Represent BSE with state enterprises;

(a) Represent BSE in setting goals and negotiating evaluation criteria with enterprises each year. These negotiations should be conducted in cooperation with BSE specialists in the enterprises;

(b) Convene quarterly performance review meeting with enterprises Managing Directors and relevant board members. These meetings may bring together related enterprises to discuss performance and performance problems; and

(c) Administer the bonus system that rewards state enterprise and their staff for meeting performance targets in the previous year.

4. Supervise and coordinate the activities of technical assistance resources:

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- (a) Work plans of technical assistance teams working directly with BSE; and
- (b) Ensure coordination between technical assistance teams working with enterprises and BSE.

The Director-General of the Bureau of Concessions (BOC) shall carry out the following functions:

1. Plan and supervise the overall activities of BOC:

- (a) Recommend to EFMC the appointment and dismissal of, supervise and evaluate divisional chiefs with the goals of developing needed human resources as well as fostering the efficient operation of BOC;
- (b) Approve section work plans and objectives; and
- (c) Provide overall leadership to BOC staff that coordinates activities across divisions while trying to maintain independence from external influence.

2. Represent BOC in relations with EFMC on natural resources matters:

- (a) Submit to EFMC for approval, proposals for policy and detailed action on issues involving natural resources; and
- (b) Advise EFMC on the possibilities and the consequences of adopting different policy alternatives in the natural resources sector.

3. Represent BOC in relations with concessionaires on natural resources:

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4. Supervise and coordinate the activities of technical assistance resources:

- (a) Work plans and resource allocations of technical assistance teams working directly with BOC; and
- (b) Ensure coordination between technical assistance teams working with concession, plantation, forestry and related industries and BOC.

#### INA DECREE NO. 9

DECREE BY THE INTERIM NATIONAL ASSEMBLY OF THE REPUBLIC OF LIBERIA TO RE-ENFORCE THE POWERS OF THE NATIONAL BIDDING COMMITTEE CREATED TOWARDS THE DEVELOPMENT AND UPLIFTMENT OF A LIBERIAN CONSTRUCTION INDUSTRY

*WHEREAS*, on the 20th day of August, 1984, an Agreement was made and entered into by and between the Government of Liberia and Tahal Consulting Engineers, Limited. Wherein the Government of Liberia obtained the services of the said consulting firm to advise the Ministry of Public works as to the development of a Liberian Construction Industry.

*WHEREAS*, the sole purpose of the agreement herein stated above being to improve and develop a viable Liberian Construction Industry. In it is hereby decreed as follows:

1. That by this Decree the authority and powers of the National Bidding Committee are hereby re-enforced.
2. That, the National Bidding Committee shall ensure that its guidelines which have already been circulated are strictly adhered to

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by all construction firms, based within the Republic of Liberia as well as international firms desiring to partake in any bid for the construction of projects in Liberia.

3. That, any Contract (Construction and Engineering Consultancy), to be undertaken by Government through its Ministries, Agencies and Public Corporations shall be channeled through the National Bidding Committee, whether or not the project provided for in such contract is being financed by Government or external source. In the event this procedure is not followed, the National Bidding Committee is authorized to declare null and void the award of such contract.

4. That the National Bidding Committee shall at all time give preference to the award of contracts to Liberian Construction Firms that possess the capability and experience in the execution of projects covered under such contracts. The National Bidding Committee shall, as its criteria, consider a margin of 10% between the bid of an International Construction Firm and a Liberian Construction Firm. That is to say, where there exists a 10% margin between the bid of an International Construction Firm, the National Bidding Committee shall give consideration to the Liberian Construction Firm.

5. That under this Decree the term "Liberian Construction Firm" shall mean a firm that has shares in the amount of 51% or more owned by a Liberian Citizen.

Date Issued: July 25, 1985

### PRC DECREE NO. 57

DECREE BY THE PEOPLE'S REDEMPTION COUNCIL OF THE ARMED FORCES OF THE REPUBLIC OF LIBERIA TO PROVIDE FOR APPRENTICESHIP TRAINING, COORDINATE AND REGULATE MATTERS AFFECTING APPRENTICES

It is hereby decreed by the People's Redemption Council of the

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Armed Forces of Liberia as follows:

- § 1.0. Definitions
- § 2.0. Application of Decree
- § 3.0. Establishment of the Apprenticeship and Trade Standards Committee
- § 4.0. Regulations
- § 5.0. Trade Advisory Committees
- § 6.0. Qualification for Apprentices
- § 7.0. Contract of Apprenticeship
- § 8.0. Joint Contracts of Apprenticeship
- § 9.0. Discharge of Apprentice
- § 10.0. Disputes
- § 11.0. Status of Apprentice
- § 12.0. Employment
- § 13.0. Wages
- § 14.0. Transfer of Apprentices
- § 15.0. Supervision and Control of Apprentices
- § 16.0. Directive of the Committee
- § 17.0. Other Personnel to Implement this Decree
- § 18.0. Employer to cooperate with Implementing Personnel
- § 19.0. Records and Statistics
- § 20.0. Holding of Tests and Granting of Certificates
- § 21.0. Obligations of Employers
- § 22.0. Obligations of Apprentices
- § 23.0. Compensation for Occupation Injury, Disease or Death
- § 24.0. Penalty

### § 1.0. Definitions.

(i) "AITB" means the Agricultural Industrial Training Bureau of the National Council for Vocational/Technical Education and Training;

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(ii) "Apprentice" means a person of either sex who undertakes apprenticeship training under a contract of apprenticeship entered into with an employer;

(iii) "Committee" means the Apprenticeship and Trade Standards Committee;

(iv) "Contract of Apprenticeship" means a written agreement between an employer and an apprentice, whereby the employer undertakes to train the apprentice to have him trained in his chosen trade, and whereby the apprentice undertakes to learn the trade;

(v) "Council" means the National Council for Vocation/ Technical Education and Training;

(vi) "Employer" means any persons, corporation or other legal entity, the Government of Liberia, or any of its agencies, who employ persons to do work for remuneration;

#### **§ 2.0. Application of Decree.**

This Decree shall apply to:

1. all employers in any industry;
2. all apprentices of such employers.

#### **§ 3.0. Establishment of the Apprenticeship and Trade Standards Committee.**

There is hereby created and established an Apprenticeship and Trade Standards Committee, which shall have the following functions:

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(i) to determine which occupations are apprenticeable;

(ii) to formulate, implement and supervise a program of training for each designated trade;

(iii) to determine, formulate and set tests to be taken by apprentices and other employees so as to decide their proficiency in their trades or occupations and award appropriate certificates.

(iv) to estimate the requirement as to the number of apprentices necessary in any industry and recommend to the Council measures to be taken so as to ensure that the industry concerned can adequately meet its manpower needs;

(v) to determine and prescribe apprenticeship training standards in respect of each designated trade relating to the following:

(a) the period of apprenticeship in such industry or trade;

(b) the minimum age at which a person may commence to serve as an apprentice in such industry or trade;

(c) the minimum standard of education required before a person may commence to serve as an apprentice in such industry or trade;

(d) where appropriate, the skills and operations to be taught to an apprentice in such industry or trade;

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(e) training in a technical school or other approved institutions during or after the normal working hours;

(f) the number of apprentices in relation to an employer in such industry or proportion of such apprentices to tradesmen in the industry;

(g) the wages, hours and other conditions of employment to be specified in contracts of apprenticeship relating to such industry;

(h) the date on which the order is to come into force; and

(i) medical requirements for designated trades.

(vi) to appoint Trade Advisory Committees;

(vii) to perform such other duties as may be assigned by the President.

#### § 3.1. Appointment and other activities of Committee.

The President shall appoint with the advice and consent of the [Senate] the following members to the Committee:

(i) a representative of the Ministry of Youth and Sports Chairman;

(ii) a representative of the Ministry of Labour;

(iii) a representative of the Ministry of Education;

(iv) a representative of the Ministry of Public Works;

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(v) a representative of the Ministry of Commerce and Industry;

(vi) the Managing Director of the Liberia Industrial Free Zone Authority;

(vii), from Labour: -

(a) a representative from the Agricultural and Allied Workers Union;

(b) a representative from the Liberia Federation of Labour Union;

(viii) three representatives of employers, organizations and

(ix) a representative of the AITB.

All members appointed to the Committee shall have experience in matters relative to vocational, technical or industrial training.

#### § 3.2. Meetings of the Committee.

The Committee shall hold at least four ordinary meetings annually and may also hold such extraordinary meetings as it may deem necessary.

#### § 3.3. ByLaws and Sub-Committees.

The committee shall formulate and adopt by-laws, consistent with this Decree and the Laws of Liberia and appoint such sub-committees as may be required to effectuate its objectives.

**§ 3.4. Terms of office.**

Every member of the Committee shall, unless he vacates office by death or resignation, hold office for a period of two years, and shall be eligible for reappointment at the expiry of his term of office.

**§ 4.0. Regulations.**

The committee shall promulgate and enforce regulations in aid of the Lawful exercise of its authority

**§ 5.0. Trade Advisory Committees.**

The Trade Advisory Committees shall perform the following functions:

- (i) to advise on apprenticeship matters referred to it by the Committee;
- (ii) to make recommendations to the Committee in respect of apprenticeship matters relating to such designated trade and generally in respect of any apprenticeship matter;
- (iii) to investigate complaints made by any apprentice in such industry or parents, guardian or employer of such apprentice in respect of any matter relating to the contract of apprenticeship and report to the Committee;
- (iv) to foster and promote the ideals of apprenticeship in industries;
- (v) to inspect during working hours workshops and classrooms where apprentices are being trained;

- (vi) to exercise any functions conferred upon it by Committee.

**§ 6.0. Qualification for Apprentices.**

A person shall not be qualified for being engaged as an apprentice undergo apprenticeship training in any designated trade unless:

- (i) the person has attained the age of sixteen years;
- (ii) the person satisfies such standards of education prescribed and physical fitness confirmed by a medical certificate for that designated trade.

**§ 7.0. Contract of Apprenticeship.**

No person shall be engaged as an apprentice to undergo apprenticeship training in a designated trade unless such person or, if a minor, his parent or guardian has entered into a standard contract of apprenticeship with the employer.

7.1. The Committee shall prepare a standard contract for apprenticeship for each designated trade.

7.2. The conditions and period of apprenticeship shall be specified in each contract.

7.3. Every contract of apprenticeship and any amendment thereof shall be executed in triplicate and registered with the Ministry of Youth and Sports.

**§ 8.0. Joint Contracts of Apprentices.**

Any two or more employers in an industry in the same locality may

enter into joint contracts of Apprenticeship on such terms and conditions as the Committee may deem fit. Notwithstanding, the substantive elements of the standard contract of apprenticeship shall also be applicable to the joint employers.

#### **§ 9.0. Discharge of Apprentice.**

Where an apprentice in a designated trade so misconducts himself or proves himself to be incapable that it would be reasonable for his employer to discharge him, the employer may suspend him pending results of an application which the employer shall submit to the committee with the relevant facts for leave to discharge him. The Committee, after giving each party to the contract an opportunity of being heard, shall make an order either dismissing or allowing the application for the termination of the contract.

#### **§ 10.0. Disputes.**

Any dispute arising between the employer and the apprentice which cannot be mutually resolved shall be referred to the Advisory Committee of the designated trade. Any party dissatisfied with the decision of the Advisory Committee may within 50 days after receipt of the notification of such a decision file an appeal to the Committee whose decision in the matter shall be final and binding on the parties thereto.

#### **§ 11.0. Status of Apprentice.**

Every apprentice in a designated trade shall be trainee and not subject to the Labour Laws except as specifically provided herein.

#### **§ 11.1. Rights of Apprentices.**

Working hours, leave and holidays for apprentices shall be in

conformity with the Labour Laws of the Republic of Liberia. A apprentice shall not be required to work overtime.

#### **§ 11.2. Conduct and discipline.**

In all matters of conduct and discipline an apprentice shall be governed by the internal rules and regulations of the establishment which he is undergoing training, provided they are not in conflict with the Labour Laws or his obligations under the Contract of Apprenticeship.

#### **§ 12.0. Employment.**

It shall not be obligatory on the part of any employer to offer employment to an apprentice on completion of his apprenticeship nor shall it be obligatory on the part of the apprentice to serve an employer after completion of his apprenticeship.

#### **§ 13.0. Wages.**

The minimum daily wage payable to an apprentice shall be the following percentages of the daily rate for a skilled worker in the trade.

- (i) for the first year 45 percent;
- (ii) for the second year 55 percent;
- (iii) for the third year 75 percent.

#### **§ 14.0. Transfer of Apprentices.**

An employer in an applied industry may make an application to the Committee for the transfer of an apprentice from himself to another

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employer in a similar industry who is willing and able to undertake the obligations of the original employer.

14.1. Any apprentice in an applied industry or guardian of any such apprentice under the age of twenty-one years may make an application to the Committee for a transfer from his employer to another employer who is willing and able to undertake the obligations of the original employer. Whenever such an application is made to the Committee it may, after proper investigation, grant or reject the application.

**§ 15.0. Supervision and control of Apprentices.**

Proper and efficient supervision, direction and control of apprentices and their training shall be ensured by the employer. For this purpose, the employer shall appoint a suitable person who shall be given specific responsibility to operate the apprenticeship training program efficiently.

**§ 16.0. Directive of the Committee.**

The Committee may, by notice in writing, require an employer to engage such number of apprentices within the ratio determined by the council for any designated trade in his establishment to undergo apprenticeship training in that trade and the employer shall be required to comply with such a directive. Where, having regard to the National interest, a number of apprentices in excess of the ratio determined by the Council should be trained the Committee may require employers to train additional numbers of apprentices. Any employer who is not satisfied with the directives of the Committee may appeal to the Council and the decision of the Council shall be final and binding.

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**§ 17.0. Other personnel to implement this Decree.**

17.1. The Ministry of Youth and Sports shall employ the services such professional and competent personnel as may be required assist the Committee in the effective implementation and enforcement of this decree.

17.2. Such personnel shall include:

1. *A director.* The director shall among other duties perform the following:

(a) Register, all contracts of apprenticeship;

(b) Maintain a register of apprentices which shall comprise the registered copies of the contracts of apprenticeship filed with the Ministry of Youth and Sports.

(c) Make sure endorsements on contracts of apprenticeship; the Committee may direct in writing or such other endorsements as may be required by this decree.

2. *Inspectors.* Every Inspector shall be furnished with appropriate identification and shall be empowered to perform all or any of the following acts:

(a) to enter, inspect and examine any establishment or part thereof at all reasonable times by day or night;

(b) to interview any apprentices employed therein or to require the production of any register, record or other documents maintained in pursuance of this Decree, and to take on the spot or otherwise any statement of any person which he may consider necessary for carrying out the purpose.



poses of this Decree.

**§ 18.0. Employer to cooperate with implementing personnel.**

18.1. Every employer or his agents shall at all times cooperate and assist any person concerned with the implementation and enforcement of this Decree.

**§ 19.0. Records and standards.**

19.1. Every employer shall maintain records of the progress of each apprentice undergoing training in his establishment in such form as may be prescribed by regulations.

19.2. Every such employer shall also furnish such statistics in such forms and at such intervals as may be prescribed by regulations.

**§ 20.0. Holding of tests and granting of certificates.**

Every apprentice who has completed the period of training shall appear for a test to be conducted by the Committee to determine his proficiency in the designated trade.

(i) Every apprentice who passes the test referred to above shall be issued a certificate of proficiency in the designated trade by the Committee.

(ii) Where an apprentice is unable to complete the full apprenticeship course within the period prescribed or take the final test due to illness or other circumstances beyond his control, the establishment concerned shall with consent of the Committee extend the period of his apprenticeship until the next test is held. Similar extension of the period of training may also be allowed in the case of those

apprentices, who, having completed the course, fail in the final test. An apprentice who fails the second test shall not be allowed any extension of the period of training.

**§ 21.0. Obligations of employers.**

Without prejudice to the other provisions of this Decree, it shall be the duty of every employer of any apprentice:

(i) to provide the apprentice with the training in his trade in accordance with the provisions of this Decree and the regulations made thereunder;

(ii) to provide the apprentice with minimum tools for his trade;

(iii) to discharge all his obligations under the contract of apprenticeship.

**§ 22.0. Obligations of Apprentices.**

It shall be the duty of every apprentice undergoing training:

(i) to learn his trade conscientiously and diligently and endeavor to qualify himself as a skilled craftsman before the expiry of the period of training;

(ii) to carry out all lawful orders of his employer and superiors in the establishment;

(iii) to attend practical and instructional classes regularly; and

(iv) to carry out his obligations under the contract of