



**AN ACT TO ESTABLISH THE
LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY
REPUBLIC OF LIBERIA**

**AN ACT TO ESTABLISH THE
LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY**

**AN ACT TO AMEND THE PUBLIC EXECUTIVE LAW, CHAPTER 57 TITLE 12 OF THE
LIBERIAN CODE OF LAW REVISED AND THE LIBERIAN PRODUCE MARKETING
CORPORATION, ACT OF 2014 AND ALL ACTS AMENDATORY THERETO ABOLISHING
THE LIBERIAN PRODUCE MARKETING CORPORATION AND TO ESTABLISH THE
LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY**

**WHEREAS, CHAPTER 10, ARTICLE 89 OF THE LIBERIAN CONSTITUTION
EMPOWERS THE LEGISLATURE TO ENACT STATUTES FOR THE CREATION OF**

**PART IV – DIRECTOR GENERAL, DEPUTY DIRECTORS GENERAL,
OFFICERS, OTHER STAFF AND ADMINISTRATIVE MATTERS**

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AN ACT TO ESTABLISH THE LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY

PART 1 – PRELIMINARY PROVISIONS

Section 1 PURPOSE OF THE ACT

This ACT establishes Liberia Agriculture Commodity Regulatory Authority to replace the Liberian Produce Marketing Corporation (LPMC) as define in Chapter ___ of the Executive Law of _____ for the purpose of to promote production, processing and marketing of high quality agricultural commodities particularly cocoa, coffee and palm products, to ensure the provision of a well regulated market for cocoa, coffee and palm products for fair competition among actors in the value chain, to facilitate standardization of quality of agricultural commodities including cocoa, coffee and palm products in accordance with established regional and international standards, to enhance income earning capacity and general welfare of producers of cocoa, coffee and palm products and to provide for other related matters.

Section 2 SHORT TITLE

This ACT shall be cited as the **LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY ACT** of 2014

Section 3 DEFINITIONS

Terms used in this Act and also used in the Liberia Revenue Code have meaning specified in the Code unless a different meaning is expressly stated in this Act. Unless specified to the contrary, for the purpose of the Act the terms listed in this section are defined as follows:

1. “**AUTHORITY**” means the Liberia Agriculture Commodity Regulatory Authority as established under this ACT.
2. “**BOARD**” means the governing body of the **AUTHORITY**
3. “**CENTRAL BANK**” means the Central Bank of Liberia as constituted by the Central Bank Act.
4. “**CHAIR**” means the Chairperson of the Board of the Liberia Agriculture Commodity Regulatory Authority.
5. “**CODE**” means the Liberian Revenue Code of 2000 and regulations, as amended.
6. “**DIRECTOR**” means head of a Department of the Authority
7. “**DIRECTOR GENERAL**” means the person appointed under Section _____
8. “**CONFIDENTIALITY**” means confidentiality as defined in the Code.

9. **“LIBERIAN PRODUCE MARKETING CORPORATION”** means the Liberian Produce Marketing Corporation that existed under Chapter 57 of the Executive law of 1961 immediately before the effectiveness of this Act and the headquarters and administrative offices.
10. **“MINISTER”** means the Minister of the government entity responsible for Agriculture
11. **“DEPUTY DIRECTOR GENERAL”** means the person appointed under Section ____.
12. **“EFFECTIVE DATE”** means the date on which this Act is published into handbill.
13. **“EX-OFFICIO”** means holding a position and having voting rights as per of that position due one’s official office.
14. **“FINANCIAL YEAR”** means the financial year of the Authority, which is the same as the financial year of the Government of Liberia.
15. **“Government”** means the Government of the Republic of Liberia
16. **“HRMP”** means Human Resource Management Policy
17. **“Non-Governmental Sector”** means the sector of the economy that is not run or operated by the government including the Private Sector.
18. **“PFM”** means Public Finance Management
19. **“PPC”** means Public Procurement and Concessions
20. **“PUBLIC SECTOR”** means the sector of the national economy controlled by Government agencies
21. **“REGULATIONS”** means regulations issued under the code.
22. **“REVENUE”** means all source of national income, including fines and penalties specified in the code and other monies charged under legislations
23. **“STATUTORY MEMBER”** means a person who serves on the Board by virtue of her/his official appointment as Minister, Deputy Minister or the Director General in the Public Service.

PART II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE AUTHORITY
SECTION 4 **ESTABLISHMENT OF THE AUTHORITY**

- c. **Commodity Price Standardization:** Setting realistic prices for agriculture commodities, particularly cocoa and ~~coffee~~, based on world market variables,

- e. Encourage competition for both quality and quantity among licensed Agriculture commodity exporters;
- f. Encourage competition for purchasing commodities at farmer level, aggregation of such commodities at the association, clan, district, county levels, and exporters.
- g. Obtain and evaluate market intelligence and disseminate relevant market information to relevant stakeholders.
- h. Monitor and review progress of the commodity market as it relates to the commodity regulation, promotions and make appropriate recommendation to Government;
- i. Serve as arbitrator between producers, exporters, and other players involved with agriculture commodities;
- j. Raise moneys through legitimate means for any of the purposes of the Authority, and from time to time draw, make, accept, endorse, execute and issue promissory notes, drafts, bonds, debentures and negotiable or non-negotiable instruments and evidence of indebtedness, and to secure the payment thereof and of the interest thereof by mortgage on, or pledge, conveyance or assignment in trust of, the whole or any part of the assets of the Authority;
- k. Make recommendation to National Government and local Government authorities on relevant areas for enhancement and improvement in the general and specific mandate of the Authority;
- l. License private commodity export traders; licensing and regulatory requirements for buying agents to be devised.
- m.

p. Prevent illicit trading of commodity produce (cocoa, coffee and oil palm) through

PART III – THE BOARD OF DIRECTORS AND ITS FUNCTIONS

Section 9 BOARD OF DIRECTOR

1. Establishment of the Board. There is hereby established a Board of Directors which shall be the governing body of the Authority and which shall consist of seven persons.

The President, upon recommendation of the Minister shall appoint the Chair and members of the Board. The Board shall consist of:

- (a) The Minister responsible for agriculture or where there is a proxy not lower than Deputy Minister;
- (b) The Minister responsible for finance or where there is a proxy not lower than Deputy Minister;
- (c) The Minister responsible for Commerce and Industry or where there is a proxy not lower than Deputy Minister;
- (d) The Minister responsible for Gender and Development or where there is a proxy not lower than Deputy Minister;
- (e) The head of the Cooperative Development Agency (CDA) where there is a proxy not lower than the Deputy;
- (f) Two (2) other members from the non-governmental sector must have a minimum of five (5) years work experience and be a person of integrity.

2. Criteria for Selecting Members of the Board. In appointing members to the Board, the President shall have regard to the integrity, gender, knowledge, expertise, and experience of the persons and, in particular, their knowledge and experience of matters relevant to the functions of the Board such as business administration, agricultural Economic, management, and other relevant knowledge in the value chain (cocoa, coffee and oil palm).

Section 10 RESPONSIBILITIES OF THE BOARD

1. Responsibility The Board shall be responsible to provide general governance and strategic direction for the management and organization of the Authority, planning and reporting, financial management and administrative policies, and expenditures so that the Authority's objectives can be achieved.
2. Specific Responsibilities
 - (a) Examine and approve the Authority's strategic plans and assess performance of the Authority in accordance with agreed action plan, budget and performance contracts;
 - (b) Approve staff compensation scheme which shall include performance incentivizes set by the Minister (Board);

- (c) Approve the organizational chart of the Authority and the HRMP including the Professional Ethics and Code of Conduct;
- (d) Approve the financial management and administrative policies of the Authority, namely: procurement, real property and security subject to relevant laws and any other related policies;
- (e) Approve the Authority's annual draft budget proposal before its submission to the Minister
- (f) Approve the Authority's annual activity and financial reports;
- (g) Establish bylaws for the functioning and operations of the Board;
- (h) Ensure the conduct of an annual external audit by the General Auditing Commission;
- (i) Keep confidential matters of the Authority and Board

3. PROHIBITION

Except for the Director General (who serves as secretary to the Board)

- (a) The Board or any of its members is prohibited from involvement in the Authority's daily operations, and the implementation of the Code which includes intervening in the determination of fine assessment and fine liabilities for any commodity violators of the Code ;

Section 11 TENURE OF OFFICE OF BOARD MEMBERS

1. Term of Service each non-statutory Board member shall be appointed by the President on a staggered term basis;

- (a) One (1) member shall be appointed for an initial term of three (3) years
- (b) One (1) member shall be appointed for an initial term of two (2) years
- (c) One (1) member shall be appointed for an initial term of one (1) year.

Thereafter all subsequent appointments shall be for a fixed period of three (3) years. All Board members shall be eligible for reappointment one time only. The term of service of a Board member is three (3) years. A member is eligible for reappointment to a second term only. This term limit does not apply to a member whose service on the Board is a consequence of being a statutory member.

(2) RESIGNATION, SUSPENSION, REMOVAL, OR DEATH OF MEMBER

- (a) Resignations of members of the Board shall be in writing addressed to the Minister who will in turn forward same to the President
- (b) If the Board disqualifies a member pursuant to Section 13 or 14 from service on the Board, the Chair of the Board shall notify the President, through the Minister, in writing stating the justifications for such disqualification. If the person so disqualified is the Chair, the Vice-Chair shall notify the President.
- (c) The President shall remove or suspend a member of the Board from continuing membership on grounds described in Section 13 or Section 14
- (d) Upon the death of a member of the Board, the Chair or the Minister acting as Chair shall officially notify the President through the Minister

3 VACANCIES

The President shall within thirty (30) days after the creation of a vacancy on the Board appoint another person to fill the vacancy upon recommendation of the Minister;

Section 12 MEETINGS OF THE BOARD

- 3. At the convening of its first meeting the majority of the members of the Board shall select a Vice-Chair who shall be from the public sector and shall act in the absence of the Chair
- 4. The Chair shall at the request in writing of not less than two-thirds of the

5. The quorum for a meeting of the Board shall be five members of the Board at any time when there is no vacancy on the Board. If there exists any vacancy, the quorum shall be a majority of members then constituting the Board;
6. Matters before the Board shall be decided by a majority of the members present and voting. The Chair (or the member presiding) shall vote only in the event of a tie vote;
7. The Board through the Director General may invite guest(s) to attend a meeting of the Board in an advisory capacity. Notwithstanding, such guest or invitees shall have no voting rights
- 8.

- (a) Of a felony in any country for which the member has not received an unconditional pardon; or
 - (b) Of any act which, if committed in Liberia, would constitute a felony, the penalty for which would be at least one year imprisonment without the option of a fine; or
- (4) The member is absent from regularly scheduled Board meetings three times within a one year period without good cause such as failure to provide a written medical excuse from a licensed medical practitioner; or

Section 15 BOARD COMMITTEES

The Board may establish committees consisting of members of the Board to facilitate the efficient execution of its functions

Section 16 BOARD FEES

1. Non-statutory Members of the Board shall receive from the Authority Board fees as approved in the Authority's annual budget in accordance with law. Board fees shall be paid to non-statutory members at the quarterly meetings.
2. Statutory members shall not be entitled to Board fees

PART IV – DIRECTOR GENERAL, DEPUTY DIRECTOR GENERAL, OFFICERS, OTHER STAFF AND ADMINISTRATIVE MATTERS

SECTION 17 OFFICERS OF THE AUTHORITY

Section 18 **DEPARTMENTS OF THE AUTHORITY**

