

**AN ACT ADOPTING A NEW GENERAL BUSINESS LAW,
REPEALING CERTAIN ACTS RELATED THERETO, AND
TRANSFERRING TO THE COMMERCIAL LAW THE
FRAUDULENT CONVEYANCE ACT AND ACT
PROVIDING FOR VOLUNTARY BANKRUPTCY
PROCEEDINGS**

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

§ 1. Title 15 of the Liberian Code of Laws of 1956, known as the General Business Law, as amended through the Third Regular Session of the Forty-Fifth Legislature, is hereby repealed, and there is enacted in lieu thereof a new General Business Law, to be title 14 of the Liberian Code of Laws Revised, a copy of which title is hereto annexed.

§ 2. Chapter 19 of the General Business Law of the Liberian Code of Laws of 1956, entitled “Fraudulent Conveyance Act”, is hereby transferred to the Commercial Law of the Liberian Code of Laws of 1956, where it shall become chapter 4 of such title, and its sections shall be renumbered respectively 85 through 95.

§ 3. Chapter 31 of the General Business Law of the Liberian Code of Laws of 1956, entitled “Involuntary Bankruptcy Proceedings” is hereby transferred to the Commercial Law of the Liberian Code of Laws of 1956, where it shall become chapter 20 of such title, and its sections shall be numbered respectively sections 200 through 209.

§ 4. The following statutes are hereby repealed:

L. 1959-60, ch. LIV, An Act to provide for greater control and

protection of commercial and industrial enterprises in the Republic of Liberia, as amended by L. 1966-67, An Act to amend chapter LIV of the session laws of 1959-60 relating to greater control and protection of commercial and industrial enterprises in Liberia.

L. 1959-60, ch. LIV, An Act requiring the licensing of certain technicians to operate within the Republic of Liberia.

L. 1964-65, ch. XVI, An Act to provide for the compulsory maintenance and servicing of certain commodities.

L. 1965-66, An Act adopting the Investment Incentive Code of the Republic of Liberia.

§ 5. This Act shall take effect immediately upon publication.

TITLE 14

General Business Law

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**CHAPTER 1. WEIGHTS AND MEASURES:
CONSUMER PROTECTION**

- § 1.1. Administration.
- § 1.2. Standards of weights and measures adopted.
- § 1.4. Metric system authorized; tables of equivalents.
- § 1.5. Custody of standards.
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- § 1.9. Authority of inspector to issue notice to appear and make seizure.
- § 1.10. Selling, using or possessing false weighing or measuring devices.
- § 1.11. Net quantity of contents of containers to be marked.
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- § 1.16. Meat, meat products, fish, sea foods.
- § 1.17. Bread.
- § 1.18. Measure of quantity in sale of commodities.
- § 1.19. Posting of price of commodities.
- § 1.20. Construction contracts.
- § 1.21. Alcoholic beverages.
- § 1.22. Penalty.

§ 1.1. Administration.

Administration of the provisions of this chapter shall be under the immediate charge of the Assistant Minister of Trade and Commerce (hereinafter referred to in this chapter as the "Assistant Minister"),

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who shall perform his duties subject to the direction and control of the Minister of Commerce and Industry. The Minister from time to time shall issue regulations for the administration of the provisions of this chapter, including amounts of tolerance or reasonable variations allowable for weights, measures, and weighing and measuring devices. The Assistant Minister shall be assisted in the performance of his duties by the Superintendents of the counties, territories, and districts or their representatives, who shall serve as deputies of the Assistant Minister and as inspectors in their respective areas.¹

§ 1.2. Standards of weights and measures adopted.

As soon as practicable after the enactment of this title, the Assistant Minister shall procure a set of standards of weights and measures which conform exactly to those adopted officially by the United States of America, including:

- (a) One standard yard measure;
- (b) One set of standard weights, comprising nine avoirdupois weights of one, two, three, four, five, ten, twenty, twenty-five and fifty pounds respectively; one Troy pound, and one set of standard Troy ounce weights, divided decimally from ten ounces to the one-thousandth of an ounce;
- (c) One set of standard liquid capacity measures, consisting of one wine gallon of 231 cubic inches, one-half gallon, one quart, one pint, and one-half pint measure; and
- (d) One standard half bushel, containing 1075 cubic inches and 20 one-hundredths of a cubic inch, according to the inch hereby adopted as standard.

¹ *Prior legislation:* L. 1961-62, ch. XXIX, 1; ch. XIII, 4.6. 2 (13:500, 503(f)).

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The standards thus procured shall be the official standards of weights and measures in the Republic of Liberia, and shall be employed by Liberian consular representatives in preparing consular invoices and by all customs officers in assessments based on weights and measures.²

§ 1.3. Units of length, surface, weight, and capacity.

The units or standard measures of length, surface, weight, and capacity derived from the standards procured by the Assistant Minister in accordance with section 1.2 of this title, shall be shown in the following tables:

Linear Measure

12 inches	=	1 foot
3 feet	=	1 yard
5-1/2 yards	=	1 rod, pole, or perch
40 poles or 220 yards	=	1 furlong
8 furlongs or 5,280 feet	=	1 mile
3 miles	=	1 league

Nautical measure

6 feet	=	1 fathom
120 fathoms	=	1 cable's length
6,080.20 feet	=	1 nautical mile

Chain measure

7.92 inches	=	1 link
100 links or 66 feet	=	1 chain
80 chains	=	1 mile

² *Prior legislation:* 1957-58 Secretary., 15:20, 22; 1. 1956-57, ch. XXIII, §§ 1, 2, 3; 1956 Code 15:20; Rev. Stat., § 1201.

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Square measure

144 square inches	=	1 square foot
9 square feet	=	1 square yard
30 1/4 square yards	=	1 square rod or square pole or square perch
160 square rods,	=	4,840 square yards
or 43,560 square feet	=	1 acre

Surveyor's measure

625 square links	=	1 square pole
16 square poles	=	1 square chain
10 square chains	=	1 acre
640 acres	=	1 square mile or 1 section
36 square miles	=	1 township

Avoirdupois Weight

16 drams	=	1 ounce
16 ounces or 7000 grams	=	1 pound
100 pounds	=	1 hundredweight
2000 pounds	=	1 ton or short ton
2240 pounds	=	1 long ton

Troy Weight

3.086 grains	=	1 carat
24 grains	=	1 pennyweight
20 pennyweights	=	1 ounce
12 ounces or 5760 grains	=	1 pound

Apothecaries' Weight

20 grains	=	1 scruple
3 scruples	=	1 dram
8 drams	=	1 ounce
12 ounces or 5,760 grains	=	1 pound

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Dry Measure

2 pints = 1 quart = 67.20 cubic inches = 1.1012 pounds
8 quarts = 1 peck = 537.61 cubic inches = 8.8096 pounds
4 pecks = 1 bushel = 2150.42 cubic inches = 35.2383 pounds

Liquid Measure

4 gills = 1 pint = 28.875 cubic inches = 0.4372 pounds
2 pints = 1 quart = 57.75 cubic inches = 0.9463 pounds
4 quarts = 1 gallon = 231 cubic inches = 3.7853 pounds

Apothecaries' Fluid Measure

60 minims = 1 fluid dram
8 fluid drams = 1 fluid ounce
16 fluid ounces = 1 pint

Circular Measure

60 seconds = 1 minute
60 minutes = 1 degree
90 degrees = 1 quadrant
4 quadrants or 360 degrees = 1 circle

Water Measure

the Miner's inch is the quantity of water that will pass through an orifice 1 sq. in. in cross section under a head of 4 to 6-1/2 in. and varies from 1/40 to 1/50 cu. ft. per sec. The units now in use are 1 cu. ft. Per sec. and 1 gal. per sec.

Board Measure

1 Board foot is a unit of lumber measurement one foot long, 1 foot wide and one inch thick, or its equivalent.³

³ Prior legislation: L. 1961-62, ch. XXIX, sec. 1; L. 1961-62, ch. XIII, sec. 2 (13:503).

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§ 1.4. Metric system authorized; tables of equivalents.

It shall be lawful throughout the Republic of Liberia to employ the weights and measures of the metric system; and no contract or transaction, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system. The tables in the following schedule shall be recognized in the construction of contracts and in all legal proceedings as establishing, in terms of the weights and measures in official use in the Republic of Liberia, the equivalents of the weights and measures expressed therein in terms of the metric system; and the tables may lawfully be used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system:

MEASURES OF LENGTH

Metric denominations and values	Equivalents in denominations in use
Myriameter..... 10.000 meters.....	6.2137 miles.
Kilometer..... 1.000 meters.....	0.62137 miles, or 3.280 feet & 10 inches.
Hectometer.....100 meters.....	328 feet and 1 inch.
Dekameter.....10 meters.....	393.7 inches.
Meter..... .1 meter.....	39.37 inches.
Decimeter..... 1/10 of a meter....	3.937 inches.
Centimeter.....1/100 of a meter...	0.3937 inches
Millimeter.....1/1000 of a meter	0.0394 inches

MEASURES OF CAPACITY

Metric denominations and values	Equivalents in denominations in use
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Names	Number of cubic measure liters	Dry measure	Liquor or wine measure
kiloliter or stere... meter	1,000 1 cubic	1.308 cubic yards 2 bushels and	264.17 gallons
Hectoliter..	100 1/10 of a cubic	3.35 pecks.	26.417 gallons
Dekaliter....	10 10 cubic decimeters.	9.08 quarts.....	2.6417 gallons
Liter.....	1 1 cubic decimeter.	0.908 quarts.....	1.0567 quarts
deciliter.....	1/10 1/10 of a cubic decimeter.	6.1022 cubic inch.	0.845 gills
Centiliter.....	1/100 10 cubic centi- meters.	0.6102 cubic inch....	0.338 fluid ounces
Milliliter.....	1/1000 1 cubic centi- meters.	0.061 cubic inch....	0.27 fluid dram

MEASURES OF SURFACE

Metric denominations and values Equivalentents in denominations in use

HECTARE	10.000 square meters	2.471 acres
ARC	100 square meters	119.6 square yards
CENT ARE	1 square meter	1.550 square inches

WEIGHTS

Metric denominations and values	Equivalentents in denominations		
Names	Number of grams	Weight of what quantity of water at maximum density	in use (avoirdupel weights)

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Millier or tonneau.....	1,000,000	1	cubic meter.....	2,204.6 pounds
Quintal.....	100,000	1	hectoliter.....	220.46 pounds
myriagram.....	10,000	10	liters.....	22.046 pounds
kilogram or kilo.....	1,000	1	liter.....	2.2046 pounds
Hectogram.....	100	1	deciliter.....	3.5274 ounce
Dekagram.....	10	10	cubic centimeters...	0.3527 ounce
Gram.....	1	1	cubic centimeter...	15.432 grams
Decigram.....	1\10	1\10	of a cubic centimeter.	1.5432 grams
Centigram.....	1\100	10	cubic millimeters.....	0.1543 grams
Milligram.....	1\1000	1	cubic millimeter.....	0.0154 grams

§ 1.5. Custody of standards.

The Assistant Minister shall take charge of the set of standards comprising the official standards of weights and measures of the Republic, shall cause them to be kept in an office from which they shall not be removed except for repairs, and taken all other necessary precautions for their safekeeping.⁴

§ 1.6. Copies of standard weights and measures.

The Republic of Liberia shall have a complete set of copies of the original standards of weights and measures adopted by this chapter, which shall be used for adjusting standards, balances and other apparatus inspected in the course of administering the provisions of this chapter. The original standards shall not be used except for the adjustment of the set of copies and for scientific purposes.

§ 1.7. Testing of weighing and measuring devices.

The Assistant Minister shall test, try, and ascertain the correctness of all weights, measures, and weighing or measuring devices kept, offered, or exposed for sale within the Republic, and shall certify that

⁴ *Prior legislation:* L. 1961-62, ch. XXIX, § 1; L. 1961-62, ch. XIII, § 2 (13:500)

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such weights, measures, weighing or measuring devices conform to the standards provided for in this chapter. He shall also at least twice in each year and as often as he may deem necessary, inspect, test, try, and ascertain if they are correct and are being correctly used, all weights, measures, and weighing and measuring devices being used in determining the size, quantity, extent, area, or measurement of things, produce, or articles or commodities for distribution or consumption.⁵

§ 1.8. Inspections.

1. Sealing on approval. Whenever an inspector inspects any weighing or measuring device and finds that it corresponds or causes it to correspond with the official standards in his possession, he shall seal or mar it with an appropriate device. No person shall remove any such seal or mark from any such weighing or measuring device or obliterate, cover, obstruct or deface any such seal or mark.

2. Condemnation for repair. Whenever an inspector inspects any weighing or measuring device and finds that it does not correspond with the official standards in his possession, but is, in his judgment, repairable, he shall mark or tag it "condemned for repairs". The owner or user of any weighing or measuring device so marked shall have it repaired and corrected within such reasonable period as may be specified by the inspector, and such an owner or user may neither use nor dispose of the same in any way, but shall hold the same, at the disposal of the Assistant Minister, until repaired, inspected, and approved. Any weighing or measuring device which has been marked "condemned for repairs" and has not been repaired within the reasonable period specified by the inspector, shall be confiscated by him.

3. Condemnation and destruction. Any weighing or measuring device

⁵ *Prior legislation:* L. 1961-62, ch. XXIX, § 1; L. 1961-62, ch. XIII, § 2 (13:503).

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found by the inspector on inspection to be incorrect and unrepairable shall be condemned and seized by him and may be destroyed.

4. *Prohibited acts.* No person shall dispose of any condemned weighing or measuring device contrary to law, or remove any mark or tag placed thereon by an inspector.⁶

§ 1.9. Authority of inspector to issue notice to appear and make seizure.

Any inspector who in the performance of his duties under this chapter finds a violation of the provisions thereof, is authorized to issue to any person whom he has reasonable cause to believe is committing or has committed such violation a notice to appear before the court at the time and place stated therein. Such inspector, when lawfully on the premises, is also authorized to seize for use as evidence or, if unrepairable, for confiscation, any weighing or measuring device which is intended for use or is being used or has been used to commit an offense under the provisions of this chapter; and to seize for use as evidence any package or amount of commodity found to be used, retained, or offered or exposed for sale or sold in violation of the provisions of this chapter.⁷

§ 1.10. Selling, using or possessing false weighing or measuring device.

No person shall sell or offer for sale any false weighing or measuring device or knowingly use or knowingly have in his possession any such device for the purpose of determining the quantity in buying or selling or changing for any commodity or articles of merchandise or

⁶ *Prior legislation.* L. 1961-62, ch. XXIX, § 1; L. 1961-62, ch. XIII, § 2 (13:505-507, 517).

⁷ *Prior legislation:* L. 1961-62, ch. XXIX, § 1; L. 1961-62, ch. XIII, § 2 (13:508).

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in charging for services.⁸

§ 1.11. Net quantity of contents of containers to be marked.

It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell, either wholesale or retail, any commodity in a container, package or wrapping unless the net quantity of the contents is plainly and conspicuously marked on the outside of the package, in terms of weight, measure, or numerical count; provided, however, that reasonable variations or tolerances shall be permitted and these reasonable variations or tolerances and also exemptions as to small packages shall be established by regulations issued by the Minister of Commerce and Industry. The provisions of this section shall apply to commodities dispensed for consumption on the premises or to commodities or containers put in receptacles used merely for the purpose of carrying or delivering of commodities.⁹

§ 1.12. False labels.

No person shall, with intent to defraud, put upon an article of merchandise or upon a bottle, vessel, cover, wrapper, package, ticket, label, or other thing, containing or covering such an article, or with which such an article is intended to be sold, or is sold, any false description or false indication respecting the number, quantity, weight, or measure of such article or any part thereof; or sell or offer or expose for sale an article which to his knowledge is falsely described or indicated in any of the manners or in any of the particulars above specified.

⁸ *Prior legislation:* L. 1961-62, ch. XXIX, § 1; ch. XIII, § 2 (13:517).

⁹ *Prior legislation:* L. 1961-62, ch. XXIX, § 1; ch. XIII, § 2 (13:511).

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§ 1.13. Container not to be misleading.

It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any commodity in package form if its container is so made, formed or filled, or if it is so wrapped, as to mislead the purchaser as to the quantity of the contents; or if the contents of its container fall below the standard of fill prescribed by regulations promulgated as provided in this chapter. For the effectuation of the purposes of this section, the Minister of Commerce and Industry is authorized to promulgate regulations fixing and establishing for any commodity in package form a reasonable standard of fill for containers.¹⁰

§ 1.14. Concealing foreign matter in merchandise.

No person shall, with intent to defraud, while putting up in a barrel, bag, bale, box or other package, any articles of merchandise usually sold by weight or such package, place or conceal therein any other substance or thing whatever.

§ 1.15. Selling less or buying more than quantity represented.

No person shall sell or offer or expose for sale less than the quantity he represents of any commodity, thing, or service; nor when, as the buyer, he furnishes the weight, measure, or weighing or measuring device, shall he take or attempt to take more than the quantity he represents of any commodity, thing or service.¹¹

¹⁰ *Prior legislation:* L. 1961-62, ch. XXIX, § 1; ch. XIII, § 2 (13:512).

¹¹ *Prior legislation:* L. 1961-62, ch. XXIX, § 1; ch. XIII, § 2 (13:517).

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§ 1.16. Meat, meat products, fish, sea foods.

It shall be unlawful to sell, or offer to sell at retail except for the immediate consumption on the premises, any meat, meat products, poultry, fish, fish products, or sea foods except by net weight.¹²

§ 1.17. Bread.

It shall be unlawful to sell or offer to sell bread at retail except for immediate consumption on the premises in any other manner than by net weight. The provisions of this section shall not apply to rolls or to stale bread when sold as such.¹³

§ 1.18. Measure of quantity in sale of commodities.

It shall be unlawful to sell at retail, except for immediate consumption on the premises, liquid commodities in any other manner than by weight or liquid measure, or commodities not liquid in any other manner than by length, weight, dry measure or numerical count; provided, however, that vegetables may be sold by the head or bunch.¹⁴

§ 1.19. Posting of price of commodities.

It shall be unlawful for any merchant, dealer, or retailer to sell any commodity retail unless the price of such commodity is conspicuously posted in his place of business or near the commodity

¹² *Prior legislation:* L. 1961-62, ch. XXIX, § 1; ch. XIII, § 2 (13:513).

¹³ *Prior legislation:* L. 1961-62, ch. XXIX, § 1; ch. XIII, § 2 (13:515).

¹⁴ *Prior legislation:* L. 1961-62, ch. XXIX, § 1; ch. XIII, § 2 (13:514).

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held for sale, or marked on a label or tag attached thereto.¹⁵

§ 1.20. Construction of contracts.

All contracts made within Liberia for work to be done or for sale or delivery of personal property by weight or measure shall be construed according to the standards of weights and measures adopted in this chapter.

§ 1.21. Alcoholic beverages.

It shall be unlawful to sell or offer for sale any alcoholic beverage which does not contain the minimum amount of alcohol specified for that kind of beverage in regulations issued by the Minister of Commerce and Industry. Cane rum shall contain a minimum of 40 percent of alcohol. If the container in which an alcoholic beverage is sold or offered for sale is labeled, it shall be unlawful to state falsely on the label the percentage of alcohol contained in the beverage.¹⁶

§ 1.22. Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of not more than \$100. Nothing contained in this chapter shall affect the application of the criminal sanctions for the commission of fraud provided in the Penal Law.

¹⁵ *Prior legislation:* L. 1961-62, ch. XXIX, § 1; ch. XIII, § 2 (13:516).

¹⁶ *Prior legislation:* 1956 Code 27:330; Crim. Code, § 78.

Chapter 2. MONOPOLIES AND RESTRAINT OF TRADE

§ 2.1. Contracts for monopoly or in restraint of trade illegal.

§ 2.2. Penalty.

§ 2.3. Action to restrain.

§ 2.4. Investigation by Attorney General.

§ 2.1. Contracts for monopoly or in restraint of trade illegal:

1. Declaration of illegality. Every contract, agreement, arrangement or combination whereby

(a) A monopoly in the conduct of any business trade, or commerce in the Republic of Liberia or with foreign nations is or may be established or maintained, or

(b) The free exercise of any activity in the conduct of any business, trade or, commerce in the Republic of Liberia or with foreign nations is or may be restrained, is hereby declared to be against public policy, illegal and void.

2. Exceptions. The provisions of this chapter shall not apply to cooperative associations of farmers nor to contracts, agreements or arrangements made by such associations, nor to bona fide labor unions, nor to any person who operates under a concession previously or hereafter granted by the Liberian Government to the extent that such concession permits monopolization of any field of trade, commerce, business, or industry.¹⁷

¹⁷ *Prior legislation:* 1956 Code 15:80, 81; L.1915 (E.S.) 8, § 2, 3, .

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§ 2.2. Penalty:

Every person or corporation, or any officer or agent thereof, who shall make or enter into any contract, agreement, arrangement or combination declared illegal by section 2.1 of this title, or within Liberia to do any act pursuant thereto, or toward the consummation thereof, wherever the same may have been made, shall on conviction, if a natural person, be fined in an amount not exceeding one thousand dollars or imprisoned for a period not exceeding one year; and if a corporation, be fined in the amount not exceeding one year; and if a corporation, be fined in the amount not exceeding \$20,000. One-fourth of any fine imposed under this section shall be paid to the person giving information leading to the conviction.¹⁸

§ 2.3. Action to restrain:

The County, Territorial, or District Attorney may, under the direction of the Attorney General, institute equitable proceedings against any person, director, manager, or other officer or agent of a corporation, or against a corporation, foreign or domestic, to restrain and prevent the doing in Liberia of any act declared by this chapter to be illegal, or any act done for the making or consummation of any contract, agreement, arrangement or combination prohibited by this chapter, wherever the same may have been made.¹⁹

§ 2.4. Investigation by Attorney General:

Whenever it shall appear to the Attorney General, either upon complaint or otherwise, that any person, partnership, corporation or association has engaged in or is engaging in or is about to engage in

¹⁸ *Prior legislation:* 1956 Code 15:80, 81; L. 1915 (E.S.) 8, § 2, 3,

¹⁹ *Prior legislation:* 1956 Code 15:585; L.1915 (E.S.) 8, § 6.

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any act or practice prohibited or declared to be illegal by this chapter, or has participated or assisted in any agreement or combination of such nature, he may require such person, partnership, corporation, or association to file with him a statement in writing under oath as to all the facts and circumstances concerning the subject matter which he believes it to be in the public interest for him to investigate. The Attorney General may also require such other data and information as he may deem relevant and may make such special and independent investigations as he may deem necessary in connection with the matter. The Attorney General is empowered to subpoena witnesses, compel their attendance, examine them under oath before himself or a magistrate or court and require the production of any books or papers which he deems relevant to the inquiry. The provisions for payment of a witness fee or mileage do not apply to any officer, director, or person in the employ of any person, partnership, corporation or association whose conduct or practices are being investigated. A person subpoenaed to attend such inquiry who fails to obey the command of the subpoena without good cause, or a person in attendance upon such inquiry who without reasonable cause refuses to be sworn or to answer a question or to produce a book or paper or other record when ordered to do so by the officer conducting such inquiry or any person who fails to perform any act required by this section, shall be subject to a fine of not exceeding \$1,000 or imprisonment for not exceeding one year. It shall be the duty of all public officers to render and furnish to the Attorney General, when so requested in connection with an investigation authorized by this section, all information and assistance in their possession or within their power to furnish.

Chapter 3. USURY

§ 3.1. Permissible rate of interest.

§ 3.2. Effect of taking usurious interest.

§ 3.3. Criminal penalty.

§ 3.1. Permissible rate of interest:

No person shall take, receive, or charge any greater amount for the lending of money than ten percent per annum.²⁰ [Or, as may be fixed by the National Bank of Liberia under authority of the Financial Institution Act and the National Bank Act].

§ 3.2. Effect of taking usurious interest:

The taking, receiving, or charging a rate of interest greater than is allowed by section 3.1 of this title, when knowingly done, shall be held to effect a forfeiture of the entire interest which the loan or obligation carries with it or which has been agreed to be paid thereon. If the greater rate of interest has been paid, the person paying the same or his legal representative may recover twice the amount of the interest thus paid if the action is brought within two years of the time the excess of interest was taken.²¹

§ 3.3. Criminal Penalty:

Any person who knowingly violates the provisions of section 3.1 of this title shall be subject to a fine of not more than \$200 or imprisonment for not more than 30 days.

²⁰ *Prior legislation:* L. 1960-61, ch. XXXIII, 1956 Code 15:500; Rev. Stat. 9, 1109; OBB 13, Act defining usury, art. 1, § 2; Acts 1839, Bill to establish a circulating medium, art., 2 Hub. 1385.

²¹ *Prior legislation:* L. 1960-61, ch. XXXIII, § 1, 1956 Code, Rev. Stat., §§ 1110, 1111; OBB 13, Act defining usury, art I, §§ 1, 3; Acts 1839, Bill to establish a circulating medium, art. 5, 2 Hub. 1385,

Chapter 4. BUSINESS REGISTRATION ACT.

- § 4.1. Definition of terms.
- § 4.2. Business registration required; penalty.
- § 4.3. Method of registering.
- § 4.4. Expiration and renewal of registration.
- § 4.5. Registration as prerequisite for issuance of license to business.
- § 4.6. Notification of change; amendment of certificate of registration.
- § 4.7. Notice of dissolution or cessation of operations.
- § 4.8. Office of registered address.
- § 4.9. Display of certificate of registration.
- § 4.10. Denial of registration or renewal of registration.
- § 4.11. Cancellation, suspension, and revocation of registration
- § 4.12. Furnishing of information to Assistant Secretary.
- § 4.13. Penalty for violation.
- § 4.14. Name of Act.

§ 4.1. Definition of terms:

As used in this chapter--

(a) The term "business" means a business involving trade or commerce, including, but not limited to, the business of transportation, the rendering of services for compensation and the sale of goods and merchandise; provided, however, that the following shall not be deemed a business within the scope of this definition and shall be outside the application of this chapter:

- (i) Any banking or insurance business;
- (ii) The practice of a profession;

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(iii) The practice of any occupation which the law requires to be licensed by a board or other body passing on the qualification of the applicant;

(iv) The production of agricultural products; and

(v) The sale of agricultural products by a person who has produced them.

(b) The term "person" includes a natural person, partnership, association or corporation.

(c) The term "Assistant Minister" means the Assistant Minister of Trade and Commerce in the Department of Commerce and Industry.²²

§ 4.2 Business registration required: penalty:

No person shall conduct or carry on a business unless he has registered such business with the Assistant Minister, who shall perform his duties under this chapter subject to the direction and control of the Minister of Commerce and Industry. Any person violating the provisions of this section shall be subject to a fine not less than \$10.00 and not more than \$1,000.00 or imprisonment not less than one month and not more than one year or both.²³

§ 4.3. Method of registering:

1. Applications. Any person applying for registration of a business shall submit to the Assistant Secretary an application on a form

²² *Prior legislation:* L. 1959-60, ch. LIV, pt. V.

²³ *Prior legislation:* L. 1959-60, ch. LIV, pts. II, VII (1).

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prescribed for that purpose accompanied by --

- (a) If the applicant is an individual, a statement of the nature of the business to be conducted, which statement shall be executed and acknowledged by the applicant;
- (b) If the applicant is a partnership a copy of the partnership agreement and a statement of the nature of the business to be conducted if not stated in the partnership agreement, which statement shall be executed and acknowledged by all the partners;
- (c) If the applicant is a domestic corporation, a copy of the certificate of incorporation certified by an authorized official of the Minister of Foreign Affairs;
- (d) If the applicant is a foreign corporation,
 - (i) a copy of its certificate of incorporation, duly certified by the public officer having custody of the original, or if the corporation was created by special law and has no certificate of incorporation, a duly certified copy of such law, and if any such copy is in a foreign language, an English translation thereof verified by oath of the translator; and
 - (ii) A statement signed and acknowledged by its president or a vice-president, or its secretary, treasurer, managing director or attorney in fact, which shall set forth the country or state of its incorporation, the address where its principal office in Liberia is to be located, the nature of the business which it proposes to do in Liberia and designation of the Minister of Foreign Affairs as its agent upon whom all process in any action or proceeding may be served

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within Liberia;

(e) If the applicant is a citizen or subject of, or incorporated in, a foreign country which prohibits doing business abroad without the granting of a permit, a copy of such permit to the applicant, duly certified by an authorized official of the foreign country.

2. *Additional Information.* The Assistant Minister may require that the applicant submit information concerning the amount and source of capital to be invested, the expected duration of operations, the technical knowledge and amount of skilled labor available, if such are required for production, and other data pertinent to the financial and economic soundness of the proposed business. The location of the area intended to be occupied by the business may be approved by the Assistant Secretary before the commencement of operation. The provisions of this paragraph shall not be applicable to any applicant for a concession.

3. *Fee.* The fee for registration shall be:

- (a) By sole Proprietorships \$100.00
- (b) By Partnerships \$150.00
- (c) By Corporations \$200.00

Said fees shall be deposited into the Bureau of Revenues and an Official Flag Receipt obtained by the concern or individual prior to the issuance of the Registration Certificate. A concession operating under an agreement exempting it from payment of taxes shall not be required to pay the registration fee.

4. *Issuance of certificate of registration.* On receiving an application

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for registration of a business, the Assistant Secretary shall ascertain whether the applicant for registration has complied with the requirements of chapter 5 of this title for filing the name under which the business is to be conducted, if compliance is required of such applicant, and, if filing has been made, whether it has been accepted. Upon compliance by the applicant with the provisions of chapter 5 of this title and with the requirements of paragraphs 1 and 2 of this section and upon proof of payment of the required fee, the Assistant Secretary may issue a certificate of registration to the applicant.²⁴

§ 4.4. Expiration and renewal of registration:

Registration and certificates of registration issued under this chapter shall expire on the 30th of November of each year and shall be renewed before the date on proof of payment of a fee of \$100 to the Secretary of the Treasury. A concession operating under an agreement exempting it from payment of taxes shall not be required to pay the renewal fee herein specified.²⁵

§ 4.5 Registration as prerequisite for issuance of License to business:

No operating license shall be issued for a business required to be registered under this chapter except upon presentation of a certificate of registration duly issued in favor of such business and covering the period for which the license is intended.²⁶

²⁴ *Prior legislation:* L. 1966-67, ch. (An act to amend chapter LIV of the session laws of 1959-60 relating to greater control and protection of commercial and industrial enterprises in Liberia); L. 1959-60, ch. LIV pts. II, III, IV, VI(1), XV.

²⁵ *Prior legislation:* L. 1959-60, ch. LIV, pts (VI(2), XIV.

²⁶ *Prior legislation:* L. 1959-60, ch. LIV, pt. VI(1),

§ 4.6. Notification of change; amendment of certificate of registration:

Every change in the name, address, ownership, management, type of operations or other material fact stated in the information supplied in the application for registration of a business shall be reported in writing to the Assistant Minister on forms provided for that purpose within 30 days after such change has occurred. A change in name of a registered business shall be filed with the Assistant Minister only after the provisions of chapter 5 have been complied with. A copy of any amended certificate of incorporation of a business registered under this chapter shall be filed with the Assistant Minister within 30 days after the amendment becomes effective. The original certificate of registration shall be submitted with any notice of change in order that it may be amended accordingly. A fee of five dollars shall be charged for making any such amendment.²⁷

§ 4.7. Notice of dissolution or cessation of operations:

In case of the dissolution of a business registered under this chapter or the cessation of its operations, notice thereof with the reason therefor shall be submitted to the Assistant Minister within 30 days prior to the contemplated date of such dissolution or cessation or as soon thereafter as such expected event is known to the person conducting the business.²⁸

§ 4.8. Office at registered address;

Every person operating a business registered under this chapter shall maintain an office at its registered address. The name of the business

²⁷ *Prior legislation:* L. 1959-60, ch. LIV, pt. VIII.

²⁸ *Prior legislation:* L. 1959-60 ch. LIV, pt. XII.

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shall be displayed at such office so that it is clearly visible from the outside.²⁹

§ 4.9. Display of certificate of registration:

Every person operating a business registered under this chapter shall cause to be displayed at its registered business address its certificate of registration as amended to date.³⁰

§ 4.10. Denial of registration or renewal of registration;

The Assistant Minister shall deny registration or renewal of registration of any business except a concession for any of the following reasons:

- (a) The proposed operations are not a business within the application of this chapter;
- (b) The application contains false or fraudulent information;
- (c) The requirements of section 5.1 of this title have not been complied with;
- (d) The applicant is irresponsible or financially unsound or the business to be conducted will probably not perform a useful service for the community.

The Assistant Minister may also deny registration if the applicant has not commenced operations although a prior registration has been

²⁹ *Prior legislation:* L. 1959-60, ch. LIV, pt. XVI(3).

³⁰ *Prior legislation:* L. 1959-60, ch. LIV, Pt.

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issued, or has ceased operations or suspended them for so long a period that resumption appears unlikely.³¹

§ 4.11. Cancellation, suspension, and revocation of registration.

On giving such notice and affording such opportunity for hearing to the registrant as are required by the Administrative Procedure Act, the Assistant Minister may cancel, suspend, or revoke for any of the following reasons any certificate of registration issued under this chapter except the certificate of registration of a concession:

- (a) The registration was obtained through fraud or misrepresentation;
- (b) The registrant is conducting business of a nature not covered by the certificate of registration;
- (c) The registrant has ceased operations or suspended them for so long a period that resumption appears unlikely;
- (d) The manner of conducting the business is adverse to public interest or detrimental to the commercial policy of the Republic of Liberia;
- (e) A change in a material fact as reported under the provisions of section 6 of this title indicates that the registrant is irresponsible or financially unsound or probably unable to continue to carry on the business efficiently and profitably;
- (f) The registrant has committed a willful violation of a provision of this chapter.

³¹ *Prior legislation:* L.1959-60, ch. LIV, Pt. X.

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Cancellation, suspension, or revocation of a certificate of registration shall have an automatic equivalent effect on the license to operate.³²

§ 4.12. Furnishing of information to Assistant Minister:

Any registrant under this chapter shall furnish from time to time to the Assistant Minister such information as he may request with regard to the operation of the registered business. A refusal to furnish such information is subject to the penalty prescribed by section 4.13 of this title.³³

§ 4.13. Penalty for violation:

Any person violating any of the provisions of this chapter for which no penalty is otherwise provided shall be subject to a fine of not more than \$200 or imprisonment for not more than 30 days, or both.³⁴

§ 4.14. Name of Act.

This chapter may be cited as the Business Registration Act.³⁵

Chapter 5. USE OF NAMES AND SYMBOLS

§ 5.1. Filing by persons conducting business under assumed name or as partners.

§ 5.2. Index of certificates of names.

³² *Prior legislation:* L. 1959-60, ch. LIV, pt. XI.

³³ *Prior legislation:* L. 1959-60, ch. LIV, pt. XVII.

³⁴ *Prior legislation:* L. 1959-60, ch. LIV, pt. XVIII.

³⁵ *Prior legislation:* L. 1959-60, ch. LIV, pt. I.

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- § 5.3. Amendment of certificates.
- § 5.4. Discontinuance of business.
- § 5.5. Display of certificate.
- § 5.6. Certificate as presumptive evidence.
- § 5.7. Use of name or address with intent to deceive.
- § 5.8. Unlawful use of name or insignia of benevolent, humane, or charitable corporation.
- § 5.9. Injunction to restrain use of name.

§ 5.1. Filing by persons conducting business under assumed name or as partners.

1. *Filing required.* No person shall hereafter:
 - (a) carry on or conduct or transact business under any name or designation other than his real name, or
 - (b) carry on or conduct or transact business as a member of a partnership, unless such person shall file in the office or the Minister of Commerce and Industry (hereinafter referred to in this chapter as the "Minister") and have accepted by the Minister, a certificate setting forth the name or designation under which and the address at which such business is conducted or transacted, the full name or names of the person or persons conducting or transacting the same, including the name of all partners with the residence address of each such person, and the agent of any who is an infant. Each certificate shall be executed and duly acknowledged by the person or, if there is more than one, by all the persons, conducting the business. This paragraph shall not apply to any corporation duly organized under the laws of Liberia or to any corporation organized under the laws of any other country or state and lawfully doing business within Liberia.
2. *Filing of name likely to deceive forbidden.* No person or

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partnership shall offer for filing a certificate for the use of any name or designation to carry on or transact business which may deceive or mislead the public as to the identity of such person or partnership or as to the connection of such person or partnership with any other person or partnership, or with a corporation, or with the Government of Liberia or any agency thereof. It shall be permissible for a person or partnership conducting a business to file a certificate for the use of a name which includes words, or initials and a word or words which are or appear to be the full name or names, or the initial or initials and family name of a person or persons or a colorable simulation thereof:

(a) if such words or initials are the true full name or the initials and family name of the person or one of the persons conducting the business, or

(b) if the person or persons conducting the business are successors in interest to the person or persons theretofore using such name or names to carry on or conduct or transact business, in which case the certificate filed shall so state.

3. *Filing of fictitious copartnership name forbidden.* No person or partnership shall offer for filing a certificate for the use of any name or designation to carry on or transact business which uses the name, as a partner, or one not interested as a partner with such partner or partnership, or using the designation "and company" or "& Co." when no actual partner is represented thereby. But this paragraph shall not apply where a partnership name may be continued in use by a successor or survivor.

4. *Refusal or acceptance of filing.* The Minister shall refuse to accept for filing any certificate setting forth a name or designation prohibited by paragraphs 2 or 3 of this section. Any other name or designation shall be accepted. Within three days after receiving a certificate offered for filing under this chapter, the Minister shall notify the

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person or persons offering the same for filing as to his action with regard thereto and, if he refuses filing, his reasons therefor.

5. *Penalty.* Any person carrying on, conducting or transacting business who fails to file a certificate as required by this section or who willfully makes a false statement in a certificate filed thereunder is subject to a fine of not more than \$500 or imprisonment for not more than six months.³⁶

§ 5.2. Index of certificates of names.

The Minister shall keep an alphabetical index of all certificates filed under this chapter together with appropriate notations of the nature of amended certificates or certificates of discontinuance. A fee of fifty cents shall be paid to the Minister of Finance for each such filing and indexing.

§ 5.3. Amendment of certificates.

Whenever a certificate which has been filed under this chapter does not accurately set forth the facts required by this chapter or within 30 days after there has been a change in such facts, an amended certificate shall be filed which shall identify the original certificate and incorporate the corrections or changes. If such amended certificate is filed for the purpose of adding or withdrawing the name of any person to the original certificate as a person conducting a business or as a partner, such amended certificate shall be executed and acknowledged by such person and by one or more of the other persons named in the original or last amended certificate. Any other amended certificate may be executed and acknowledged by any one or more persons named therein as a person conducting the business or as a partner.

³⁶ *Prior legislation:* L. 1959-60, ch. LIV, pt. III.

§ 5.4. Discontinuance of business.

If the business for which a certificate is filed under this chapter is discontinued, a certificate of discontinuance may be filed with the Secretary, identifying the original certificate and also identifying the amending certificate, if any, last previously filed. The certificate of discontinuance shall be executed and acknowledged in the same manner as an original certificate and shall specify the date on which the discontinuance occurred. The discontinuance shall be noted in the index. A certificate of discontinuance shall be executed by a majority of the persons named in the original certificate or the amended certificate last previously filed as persons conducting or transacting the business or as partners, provided that if any of them are deceased, the certificate shall so state and may be executed and acknowledged by a majority of the survivors, or by the executor or administrator of a deceased person named in the original certificate or last previously filed amended certificate as the only person conducting the business.

§ 5.5. Display of certificate.

A certified copy of the original certificate, or if an amended certificate has been filed, then of the most recently amended certificate filed, shall be conspicuously displayed on the premises at each place in which the business for which the same was filed is conducted.

§ 5.6. Certificate as presumptive evidence.

A copy of a certificate filed under the provisions of this chapter, duly certified to by the Minister or his delegate, shall be presumptive evidence in all courts of the facts therein contained.

§ 5.7. Use of name or address with intent to deceive.

No person, partnership, or corporation shall, with intent to deceive or

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mislead the public, assume, adopt or use as, or as part of, a corporate, assumed or trade name, for advertising purposes or for the purposes of trade, or for any other purpose, any name or designation or any symbol or simulation thereof, which may deceive or mislead the public as to the identity of such person, partnership or corporation or as to the connection of such person, partnership or corporation with any other person, partnership or corporation or with the Government of Liberia or any agency thereof; nor shall any person, partnership or corporation, with like intent, adopt or use as, or as part of, a corporate, assumed or trade name, for advertising purposes, or for the purposes of trade, or for any other purpose, any address or designation of location in the community which may deceive or mislead the public as to the true address or location of such person, partnership or corporation. Any person who violates the provisions of this section shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year.

§ 5.8. Unlawful use of name or insignia of benevolent, humane, or charitable corporation.

No person, society or corporation shall, with intent to acquire or obtain for personal or business purposes a benefit or advantage, assume, adopt, or use the name or insignia or uniform of a benevolent, humane, or charitable organization incorporated under the laws of Liberia, or a name so nearly resembling it as to be calculated to deceive the public with respect to any such corporation. Any person who violates the provisions of this section shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year.³⁷

³⁷ *Prior legislation:* 1956 Code 15:510, 511; L. 1922-23, ch. XXXVIII, § 3; L. 1923-24, ch. XXXIX, § 3.

§ 5.9. Injunction to restrain use of name.

Whenever there shall be an actual or threatened violation of section 5.7 or 5.8 of this title, the Attorney General [now Minister of Justice] may make an application to a court having jurisdiction to issue an injunction to enjoin and restrain such actual or threatened violation; and if it shall be made to appear to the satisfaction of the court that the defendant is in fact using the name or about to use a name forbidden to be used by either of those sections, an injunction may be issued by the court, enjoining and restraining such actual or threatened violation, without requiring proof that any person has in fact been misled or deceived thereby. Nothing contained herein shall prevent or interfere with the right of any person to which he is entitled under the common law to bring suit or secure relief because of any act of another which the Attorney General may have enjoined under this section.

Chapter 6. CONCESSIONS

- § 6.1. Definition of terms.
- § 6.2. Method of granting concession.
- § 6.3. Concession non-transferrable.
- § 6.4. Commencement and continuance of operations under concession
- § 6.5. Misuse of exemption from payment of customs duties.
- § 6.6. Supervision of operation of concession.
- § 6.7. Payment of consular fees.
- § 6.8. Annulment of concession agreement.
- § 6.9. Fine for failure to comply with judgment of annulment.
- § 6.10. Concession agreements not to be impaired.

§ 6.1. Definition of terms:

As used in this chapter

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(a) The term “concession” means a grant by the Government of Liberia of a privilege to use for profit through conduct of a business the property or interest in property of the Government, including, but not limited to, a privilege to use the public lands, whether with or without payment of rent or other consideration, the privilege of cutting timber from Government property, the privilege of extracting minerals from public lands, and the privilege of fishing in territorial waters, unless the person granted the last such privilege is entitled thereto through Liberian citizenship or by treaty. The term also includes the grant of monopoly to do a specified kind of business or sell a specified product in Liberia.

(b) The term “concessionaire” means the individual, partnership, association or corporation to whom a concession has been granted.³⁸

§ 6.2. Method of granting concession:

1. Application. An applicant for a concession from the Republic of Liberia shall submit to the Minister of Planning and Economic Affairs his application containing all such information as may be specified in regulations issued by the Minister. In addition, the applicant for a mining concession shall prove that he has satisfied the requirements of the Natural Resources Law with regard to the filing of any such application.

2. Consideration of application by President; appointment or committee. The Minister of Planning and Economic Affairs shall present the application to the President with his opinion as to whether it is deserving of study, and if the President considers, on the basis of

³⁸ *Prior legislation:* 1956 Code 15:200.

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the facts then known, that the proposed concession would advance the economic development of Liberia, the President shall submit the application to a committee composed of such heads of agencies as he shall deem advisable.

3. Investigation and negotiation. The committee to which is submitted the application shall cause to be conducted a complete investigation to determine whether the proposed concession is feasible and desirable as a means of furthering Liberia's economic development; whether the applicant is financially responsible, otherwise dependable, and generally capable of operating the proposed concession efficiently and profitably, and whether such other circumstances exist as may be deemed important. If a favorable determination is reached following such investigation, the committee shall proceed with negotiation of a concession agreement.

4. Signatures and ratification. An agreement which is concluded as a result of negotiations with the applicant under the preceding paragraph shall be submitted to the President for his approval, and if he approves, shall be signed on behalf of the Government by the President and by the head of the Government agency responsible under the law for promoting or supervising activities of the same general nature as those to be conducted by the concessionaire. After the required signatures have been affixed, the President shall send the agreement to the Legislature with his recommendation for ratification. The agreement shall become effective on ratification by the Legislature or on such effective date after ratification as may be fixed by the Legislature.

5. Exclusive method provided. The method of granting a concession provided by this chapter shall be the sole and exclusive method by which concessions of any kind shall be granted by the Government

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after the effective date of this title.³⁹

§ 6.3. Concession non-transferrable.

A concession shall be non-transferrable unless the contrary is expressly provided in the concession agreement.⁴⁰

§ 6.4. Commencement and continuation of operations under concession.

Every person who has been granted a concession by the Government of Liberia shall commence operations within the period specified therein for such commencement (which period shall be not longer than three years after the granting of the concession), or within three years from the date of granting such concession if no period is specified in the concession agreement. Operations shall be continued for the duration of the concession agreement.⁴¹

§ 6.5. Misuse of exemption from payment of customs duties.

Any concessionaire who imports any article or materials into Liberia with intent to evade payment of customs duties through use of an exemption granted by the concession agreement shall be subject to

³⁹ *Prior legislation:* L.1965-66, ch. (An Act to amend the Executive Law to create the National Planning Council (13:1131)); L.1965-66, ch. (An Act approving a law relating to title 159, General Business Law, chapter 10, Concessions or Franchises, which reconfirms Liberia's desire to live up to, in every manner and form, the international Labor Conference Convention No 29, Forced Labor, 1930 ratified by Liberia 1931), § 7; L. 1962-63, ch.XXXVI (13:1136); L. 1961-62, ch.XVII (13:1135); 1956 Code 2:160; 15:201; L. 1951-52, ch. XXX, arts 4(a), 7; Rev. Stat.§§ 1172, 1176; L. 1923-24, ch. XXIV, arts 12, 24; L. 1917 (E.S.) 15, §§ 1, 2,4 ; L.1912-13,13, 7(1st); L. 1911-12, 36, §§ 1, 2.

⁴⁰ *Prior legislation* 1956 Code 15:202; L. 1917 (E.S.) 15, § 4

⁴¹ *Prior legislation:* 1956 Code 15:20 (1st par.); L. 1923-24, ch.XX, §§ 1, 2.

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the appropriate penalty as prescribed in the Revenue and Finance Law. Any person who, having imported any article or materials into Liberia with intent to use such article or materials for the purposes contemplated by such an exemption, then sells or transfers such article or materials or uses it for a purpose outside the terms of the exemption, shall, unless he pays the customs duties prescribed for such article if not exempted, be subject to a fine of not more than \$1,000 or imprisonment for not more than one year.⁴²

§ 6. 6. Supervision of operation of concessions:

1. *Creation of supervising board.* The President is empowered to establish a board of three persons who shall constitute the Board of Inspectors of the Operation of Concessions and shall be responsible for carrying out the functions enumerated below.

2. *Duties of Board.* The duties and functions of the Board shall be

(a) To make periodic inspections of the operations of the concession in order to ascertain whether such concession is being operated in accordance with the terms of the concession agreement;

(b) To notify concessionaires of any irregularities and violations of terms of the concession agreement or of laws disclosed by the inspection; and

(c) To enforce performance of the terms of the concession agreement by conference or arbitration or by informing the Attorney General of any violations in order that he may institute appropriate proceedings including an action under section 6.8 of

⁴² *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of the Republic of Liberia), § 9.

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this title for annulment of the concession.⁴³

§ 6.7. Payment of consular fees:

All foreign concessions now existing or henceforth established under the laws of Liberia shall pay the consular fees required by the Foreign Relations Law unless the agreement between the Government of Liberia and the foreign concessionaire expressly exempts the concession from payment of such fees.⁴⁴

§ 6.8. Annulment of concession agreement:

1. Grounds for annulment. A concession agreement may be annulled for any of the following reasons:

- (a) Failure to commence operations under the concession agreement within the maximum period prescribed under section 6.4 of this title;
- (b) Cessation of operations under the concession agreement during the period of its validity except to the extent permitted by the concession agreement.
- (c) Engaging in operations not authorized expressly or impliedly by the concession agreement or otherwise by law;
- (d) Misrepresentation, fraud or concealment or other illegal acts committed by the concessionaire in obtaining the concession;
- (e) Importation by the concessionaire of any article into Liberia

⁴³ *Prior legislation:* 1956 Code 15:207; L. 1952-53, ch. XXXII

⁴⁴ *Prior legislation:* L. 1960-61, ch. XII (1:12-A)

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with intent to evade payment of customs duties under the exemptions granted by this chapter.

2. *Procedure for annulment.* A concession agreement may be annulled on any of the grounds above stated by a special proceeding instituted in the Circuit Court by the Attorney General on behalf of the Government. At least 60 days before action is instituted under this paragraph to annul a concession agreement on a ground stated in (a) or (b) of paragraph 1 of this section, the Board of Inspectors of the Operation of Concessions shall serve written notice on the concessionaire that action will be instituted after the expiration of 60 days unless he has commenced or resumed operations under the concession agreement.

3. *Judgment of annulment in proceeding for engaging in unauthorized operations.* A judgment of annulment rendered in a proceeding under paragraph 1(c) of this section shall perpetually restrain the respondent from the commission or continuance of the acts complained of.⁴⁵

§ 6.9. Fine for failure to comply with judgment of annulment;

A concessionaire who continues to operate under a concession agreement annulled by final judgment in a proceeding instituted under section 6.8 of this title shall, in addition to being held in contempt of court, be subject to a civil penalty to be adjudged in a suit instituted by the Attorney General in an amount of \$100 for every day of non-compliance.⁴⁶

⁴⁵ *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of the Republic of Liberia) Secs. 10, 11; 1956 Code 15:204(2nd par.), 205; L. 1923-24, ch. XX, Secs. 3, 5, 6.

⁴⁶ *Prior legislation:* 1956 Code 15:206, L.1923-24 ch. xx, § 4

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§ 6.10. Concession agreements not to be impaired:

Nothing in this chapter shall be so applied as to impair the obligations of any party to a concession agreement.

Chapter 7. INVESTMENT INCENTIVE CODE

- § 7.1. Definitions.
- § 7.2. Basis for granting incentives.
- § 7.3. Application of chapter.
- § 7.4. Tax benefits.
- § 7.5. Additional benefits.
- § 7.6. Violation of law relating to exemption from customs duties.
- § 7.7. Application procedures.
- § 7.8. Procedure for granting investment incentives contracts.
- § 7.9. Cancellation of investment incentives contracts.
- § 7.10. Appeals; arbitration.
- § 7.11. Liabilities of sponsors.
- § 7.12. Assignment of investment incentives contract.
- § 7.13. Administration of the Code.

§ 7.1. Definitions:

As used in this chapter, unless the context otherwise requires, the following terms shall have the indicated meanings:

Incentives. Certain tax and other privileges which the Government of Liberia offers under this Code to new investment projects for the purpose of promoting the economic growth and development of Liberia.

New investment project. A business enterprise, including a substantial

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expansion of existing business facilities through investment of additional capital, in respect of which an investment incentives contract is granted under this Code.

Investment incentives contract. A Contract, other than a concession agreement between the Government of Liberia and the sponsor or sponsors of a new investment project in consideration of which incentives are granted by the Government of Liberia.

Sponsor. One or more persons, partnerships, corporations or other entities or any combination thereof, that undertakes a new investment project. The term includes a sponsor's assignee if the assignment is made in accordance with section 7.12 of this Code.⁴⁷

§ 7.2. Basis for granting incentives:

1. *Type of enterprise.* Incentives may be granted under this Code to a business enterprise --

(a) To process, fabricate or assemble raw material or semi-finished products into commercial products;

(b) To engage in other production activities such as agriculture, logging, or fishing, and investing money, credit, machinery, equipment or other assets toward establishing the facilities for the purposes mentioned in (a) and (b) above.

2. *Economic priorities.* An investment incentives contract shall be granted only to those projects specified in paragraph 1 of this section which, in view of priorities established by the Department of Planning and Economic Affairs, can be expected to contribute

⁴⁷ *Prior legislation:* L. 1965-66, ch. (An act adopting the Investment Incentive Code of the Republic of Liberia), Sec. 2.

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effectively to the economic development of Liberia.⁴⁸

§ 7.3. Application of chapter:

All persons seeking tax or other privileges as incentives for new investment in Liberia shall do so under this Code, except applicants for concessions, who shall make application in conformity with the procedures prescribed by chapter 6 of this title. All rights and privileges which have been granted to enterprises doing business in Liberia prior to the enactment of this title shall continue in effect.⁴⁹

§ 7.4. Tax benefits:

1. *Exemption from customs duties.* Enterprises that are granted investment incentives contracts shall be granted exemption from customs duties, tax levies and other charges except consular fees on the following when imported for the purposes of the new investment project:

(a) Construction materials, machinery, equipment and spare parts necessary for the establishment and maintenance of facilities for the enterprise, imported, at any time during the period of operation;

(b) Raw, semi-processed or processed materials required or used in the production or manufacture of the product of the new investment project for a period of five years from the first importation of such materials.

⁴⁸ *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of the Republic of Liberia), § 3 (1), (2).

⁴⁹ *Prior legislation:* L. 196-66, ch. (An Act adopting the investment Incentive Code of the Republic of Liberia, §§ 3, 4.

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Items shall not be exempted from customs duties which are produced in Liberia in sufficient quantity and which are being approximately equal in price and quality to foreign goods, as determined by the Government.

2. Exemption from income tax. Enterprises that are granted investment incentives contracts shall be granted exemption from taxes on income derived from new investment projects for a period of five years from the first year of marketable production, as determined by the Government; but in the case of a new investment project involving substantial new investments with prospects of large direct benefits to the Liberian economy, the sponsor may be granted exemption from taxes on income derived from the operation of the project for a period of five to ten years from the first year of marketable production, as determined by the Government. In the case of agricultural projects, due allowance shall be made for the length of the period required to reach production.

3. Limitation on exemption from income tax. In no case shall net income exempted from tax exceed 150 percent of the capital investment as of the beginning of production under the new investment project. For the purposes of this paragraph, capital investment shall include the cost of land, buildings, and equipment as well as unamortized intangible exploration and development costs attributable to the new investment project.

4. Submission of tax information required. Any sponsor of a new investment project granted exemption from income tax under paragraph 2 of this section shall submit to the Secretary of the Treasury, at the time an annual income tax return is required of non-exempt taxpayers, a report containing such information as the Secretary may require relevant to the Liberian operation of the project and including, as a minimum, all information required by law to be included in an income tax return. All reports submitted in accordance

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with this paragraph shall be considered confidential. The reports shall comply with accounting procedures as prescribed by the Revenue and Finance Law, and shall be subject to verification by on-site audits conducted by the Government agency charged with such audit responsibility.⁵⁰

§ 7. 5. Additional benefits:

The following additional benefits may be granted in the discretion of the Government, upon application by the sponsor of a new investment project:

- (a) The lease of available land for plant space in any government-owned industrial park designated as such by the Legislature, at a preferential rate established for the rental of such land during the term of the lease;
- (b) The contribution of equity capital, or the granting of loans, guarantees, underwriting services or other technical assistance by an agency of the Government of Liberia;
- (c) Promoting the enactment by the Legislature of tariff protection of any imported manufactured or agricultural commodity which is the same as, or would compete on the market with, the product of the new investment project, together with enactment of a reasonable excise tax on any commodity subject to such tariff protection, for a period necessary to establish normal production and markets;
- (d) Expediting the issuance of all permits required by the immigration law for foreign personnel employed by the new

⁵⁰ *Prior legislation:* L. 1965-667 ch. (An Act adopting an Investment Incentive Code of the Republic of Liberia) Sec.. 2 (last par.), 6(1)(b), (2).

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investment project;

(e) Exempting from duty personal effects brought into Liberia by foreign personnel employed by the new investment project for a period of six months following entry to take up residence.⁵¹

§ 7.6. Violation of law relating to exemption from customs duties.

Any person who, by misuse of the exemptions granted by this chapter, imports any article or materials into Liberia with intent to evade payment of customs duties shall be subject to the penalty prescribed by section 71.1 of the Revenue and Finance Law. Any person who, having imported any article or materials into Liberia with intent to use such article or materials for the purposes contemplated by the exemption, then sells or transfers such article or materials or uses them for a purpose outside the terms of the exemptions shall, unless he pays the customs duties prescribed for such article if not exempted be subject to a fine of not more than \$1,000 or imprisonment for not more than one year.⁵²

§ 7.7. Application procedures:

Applications for incentives shall be addressed to the Minister of Commerce and Industry in a prescribed form, and copies submitted to the Ministry of Planning and Economic Affairs and the Ministry of Finance. The application shall include the following information:

(a) Name, address and biographical data of the sponsor;

⁵¹ *Prior legislation:* L. 1965-66, ch. (An Act adopting an Investment incentive Code of the Republic of Liberia), § 5.

⁵² *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of the Republic of Liberia) § 9.

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- (b) Banking references;
- (c) Form of organization and domicile of the sponsor's business;
- (d) Detailed description of the proposed investment project, including the nature of the business, proposed general location; date proposed for commencement of operations; volume and type of products or services to be supplied; land, buildings and machinery required; materials and labor required and their proposed source of supply; total investment projected for the first five years of operation; and initial amount of capitalization, classified by class of stock and other obligations;
- (e) Additional benefits requested of the Liberian Government under section 7.5 of this title;
- (f) Tariff protection, if any, deemed necessary, indicating estimated costs of production, relationship to current import prices and other relevant information, in accordance with guidelines established by the Ministry of Planning and Economic Affairs;
- (g) A technical and economic feasibility report in accordance with guidelines established by the Ministry of Planning and Economic Affairs.⁵³

§ 7.8. Procedure for granting investment incentive contracts:

1. Consideration by Investment Committee; negotiation and drafting of contract. There shall be established an Investment Committee consisting of a representative of the Ministry of Commerce and Industry as chairman and one representative each from the Ministry

⁵³ *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of the Republic of Liberia) § 7.

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of Finance, Ministry of Agriculture, and Ministry of Planning and Economic Affairs. The Committee shall examine all applications for incentives and report on its findings to the Minister of Agriculture with respect to agricultural, logging and fishing projects or the Minister of Commerce and Industry with respect to other projects. On the basis of the evaluation of the Investment Committee, the Minister of Agriculture with respect to agricultural, logging and fishing projects and the Minister of Commerce and Industry with respect to other projects, shall prepare a report containing his recommendations. Copies of such reports shall be submitted to the Minister of the Finance and the Minister of Planning and Economic Affairs. If the Minister of Agriculture or the Minister of Commerce and Industry, as the case may be, recommends approval of the new investment project, he shall negotiate an investment incentive contract with the sponsor in accordance with the findings of the Investment Committee and his own recommendations and shall have the draft contract resulting from such negotiations prepared for the consideration of the Minister of Finance and, for the purposes of paragraph 2 of this section, for the consideration also of the National Planning Council.

2. Approval and signature of contracts requiring capital exceeding \$150,000. If the application for an investment incentive contract indicates that the total fixed capital required for the new investment project will exceed \$150,000, the Minister of Agriculture or the Secretary of Commerce and Industry, as the case may be, shall submit the application and draft contract to the National Planning Council with his own recommendations and the recommendations of the Minister of Planning and Economic Affairs and the Minister of Finance. The National Planning Council shall vote to approve or disapprove the granting of incentives under this Act. If approved, the President, as chairman of the National Planning Council, shall authorize the Minister of the Finance to sign the contract on behalf of the Government.

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3. *Signature on contracts requiring capital of not exceeding \$150,000.* If the application for an investment incentives contract indicates that the total fixed capital required for the new investment project will not exceed \$150,000, the Minister of Agriculture or the Minister of Commerce and Industry, as the case may be, having reached agreement with the Minister of the Finance, shall recommend that the Minister of the Finance sign the contract on behalf of the Government.

4. *Filing of contract.* Copies of all signed investment incentives contracts shall be filed with the Ministry of Planning and Economic Affairs and with the Ministry of Agriculture if the contract concerns an agricultural, logging or fishing project, and with the Minister of Commerce and Industry if the contract concerns any other project.⁵⁴

§ 7.9. Cancellation of investment incentives contracts:

The Minister of Commerce and Industry shall cancel an investment incentives contract on decision of the National Planning Council for any of the following reasons:

- (a) Misrepresentation, fraud, or other illegal act committed by the sponsor of the new investment project in obtaining the contract or subsequent thereto;
- (b) Intentional misuse of the import duty exemption privilege;
- (c) Cessation of the operation of the new investment project;
- (d) Failure to submit a report pursuant to paragraph of section 7. of this title; provided, however, that if the sponsor submits the

⁵⁴ *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of the Republic of Liberia), § 8.

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required report within 90 days after receiving notice of default, the requirement shall be deemed to have been fulfilled;

(e) Failure to commence operations within the time stipulated in the contract, allowing for a reasonable period of grace.⁵⁵

§ 7.10. Appeals; arbitration.

1. *Right to appeal.* The sponsor shall have the right to appeal on questions of fact or law to the Circuit Court from an administrative decision rendered with regard to a new investment contract.

2. *Agreement to arbitrate.* In lieu of an appeal to the Circuit Court, the Government and the sponsor may agree and so state in the investment incentives contract that the appeal from an administrative decision shall be submitted to arbitration according to procedures agreed between the parties, and the decision of the arbitrators shall be final.

3. *Stay of cancellation order.* An appeal or submission to arbitration under this section shall stay a cancellation order only with respect to those aspects of an investment incentives contract, the cancellation of which would cause irreparable damage to the sponsor.⁵⁶

§ 7.11. Liabilities of sponsors.

Where there are several sponsors of a new investment project, their liabilities to the Government under the investment incentives contract

⁵⁵ *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of Liberia), § 10.

⁵⁶ *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of Liberia), § 11.

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shall be joint and several.⁵⁷

§ 7.12. Assignment of investment incentive contract.

Except as otherwise provided in the contract, an investment incentives contract may be assigned only with the prior written consent of the Minister of Commerce and Industry after agreement with the Minister of Finance, and in matters affecting agriculture, logging and fishing, only with the prior written consent of the Minister of Agriculture, after agreement with the Minister of the Finance.⁵⁸

§ 7.13. Administration of the Code.

The Minister of Commerce and Industry will be primarily responsible for the administration of this Code. The Minister of Finance shall administer those provisions of this Code which directly affect Government revenue.⁵⁹

Chapter 8. IMPORTATION OF CEMENT

§ 8.1. Restriction on importation.

§ 8.2. President to direct issuance of license.

§ 8.3. Manner in which to issue license.

⁵⁷ *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of Liberia), § 12.

⁵⁸ *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of Liberia), § 13.

⁵⁹ *Prior legislation:* L. 1965-66, ch. (An Act adopting the Investment Incentive Code of Liberia), § 1.

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§ 8.1. Restriction on importation.

No cement shall be imported into Liberia except upon license granted by the Minister of Commerce and Industry or his designate.⁶⁰

§ 8.2. President to direct issuance of license.

The President is authorized at his discretion to direct the issuance of licenses for the importation of cement into Liberia only to the Liberian Cement Corporation, as sole importers, in the following cases:

(a) For the purpose of satisfying the demand for cement of types and qualities higher than those which are being produced in Liberia; and

(b) To permit compliance with the terms of an Foreign Assistance Program in which the Government of Liberia participates and which requires the importation of cement into Liberia.⁶¹

§ 8.3. Manner in which to issue license.

Any license for the importation of cement permitted under this chapter shall be issued in such manner as to avoid any interference with the operations of the cement industry in Liberia.⁶²

⁶⁰ *Prior legislation:* L. 1967-68, ch. (An Act to amend the General Business Law to restrict the importation of cement into the Republic) (15:435).

⁶¹ *Prior legislation:* L. 1967-68, ch. (An Act to amend the General Business Law to restrict the importation of cement into the Republic) (15:436).

⁶² *Prior legislation:* L. 1967-68, ch. (An Act to amend the General Business Law to restrict the importation of cement into the Republic) (15:437).

Chapter 9. CONTROL OF CROP EXPORTATION

§ 9.1. Definition of “export crop.”

§ 9.2. Restriction on shipment of export crops.

§ 9.3. Penalty.

§ 9.1. Definition of “export crop.”

The term “export crop” as used in this chapter means any agricultural crop or produce saleable on the foreign market.⁶³

§ 9.2. Restriction on shipment of export crops.

No person shall ship out from the Republic any export crop unless such shipment has been authorized by the Minister of Commerce, Industry and Transportation [now Minister of Commerce and Industry]. No shipment shall be authorized unless it has been inspected by an inspector of the Bureau of Trade and Commerce of the Ministry of Commerce and Industry and determined by him to conform to the standards of quality and quantity prescribed by the Minister of Commerce and Industry for such crop for the purpose of maintaining the high level of Liberian products in the world market.⁶⁴

§ 9.3. Penalty.

Any person who purchases or exports from Liberia any export crop in violation of the provisions of this chapter shall be subject to a civil penalty of \$5,000 or to the confiscation of all export crops owned by him. If a fine is imposed against any person under the provisions of

⁶³ *Prior legislation:* L. 1960-61, ch. XXXIII, § 2 (15:30).

⁶⁴ *Prior legislation:* L. 1960-61, ch. XXXIII, § 2 (15:32).

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this section, all business operations of such person shall be suspended until the fine has been paid.⁶⁵

Chapter 10. SERVICING OF VEHICLES AND MACHINES

§ 10.1. Repair service to be made available.

§ 10.2. Warranty.

§ 10.3. Penalty.

§ 10.4. Administration.

§ 10.1. Repair service to be made available.

A person who manufactures in Liberia or imports for sale in Liberia any vehicle, machine or electrical or gas appliance or other apparatus shall make available a suitable workshop, necessary spare parts, and service to repair and maintain such commodities.⁶⁶

§ 10.2. Warranty.

Every person who sells in the Republic any commodity such as is described in section 10.1 of this title shall give an express warranty that such commodity is suited for use in Liberia.⁶⁷

§ 10.3. Penalty.

Any person who violates the provisions of this chapter shall be

⁶⁵ *Prior legislation:* L. 1960-61, ch. XXXIII, § 2 (15:33).

⁶⁶ *Prior legislation:* L. 1964-65, ch. XVI, § 1.

⁶⁷ *Prior legislation:* L. 1964-65, ch. XVI, § 2.

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subject to a fine of not less than \$1,000 and not more than \$5,000 or imprisonment for not less than six months and not more than one year.⁶⁸

§ 10.4. Administration.

The Minister of Commerce and Industry shall be responsible for administering the provisions of this chapter.⁶⁹

Chapter 11. LICENSED PROFESSIONS AND OCCUPATIONS

Subchapter A. Surveyors

- § 11.1. Definition of term “surveyor”.
- § 11.2. Surveyors’ Licensing Board.
- § 11.3. License requirement.
- § 11.4. Qualifications for licensing; appeal from denial
- § 11.5. Revocation, suspension, or annulment of license.

Subchapter B. Architects, Engineers, and Public Accountants

- § 11.10. Definitions of practice of architecture, engineering and public accountancy.
- § 11.11. License requirement; penalty.
- § 11.12. Qualifications for licensing.
- § 11.13. Professional Licensing Board.
- § 11.14. Revocation, suspension, or annulment of license.

Subchapter C. Electricians and Plumbers.

- § 11.30. Definition of terms.

⁶⁸ *Prior legislation:* L. 1964-65, ch. XVI, § 3.

⁶⁹ *Prior legislation:* L. 1964-65, ch. XVI, § 4.

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- § 11.31. Plumbers' Licensing Board; Electricians' Licensing Board.
- § 11.32. License requirement.
- § 11.33. Qualifications for licensing; appeal from denial.
- § 11.34. Revocation, suspension, or annulment of license.
- § 11.35. Connections with public utility lines and sewers

Subchapter A. SURVEYORS

§ 11.1. Definition of term "surveyor".

As used in this title, the term "surveyor" means a person who engages in the practice of land surveying. "Land surveying" means the surveying of areas for the establishment or re-establishment of land boundaries and the plotting of lands and sub-divisions thereof.

11.2. Surveyors' Licensing Board.

1. Establishment. To carry out the provisions of this subchapter, there shall be a Surveyors' Licensing Board (hereinafter referred to in this subchapter as the "Board") established in the Bureau of Natural Resources and Geological Surveys, to be composed of the Chief of the Cadastral Survey Service, as chairman, and two other persons to be appointed for a term of three years by the President on the recommendation of the Director of Natural Resources and Geological Surveys. One of the persons appointed shall be a graduate civil engineer and the other a licensed surveyor.

2. Powers and duties. The Board shall have the following duties and powers:

- (a) To examine all person applying for surveyor's license if required by law; to hold examinations for that purpose whenever necessary; to determine the fitness and qualifications of

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applicants for practicing as a surveyor; and to grant licenses to all persons who are qualified as surveyors under the law;

(b) To maintain a correct register of all licensed surveyors and persons working as cadets with and studying under a licensed practicing surveyor;

(c) To annul, suspend, or revoke any license issued to a surveyor for any of the causes specified in section 11.5(1) of this title;

(d) Subject to the approval of the Directors of Natural Resources and Geological Surveys, to make such regulations, not inconsistent with law, as may be necessary for the performance of their duties;

(e) To do all other things necessary or appropriate to carry out the duties specified in this paragraph.

3. *Expenses and remuneration.* The members of the Board shall serve without salary for service on the Board, but shall be entitled to reimbursement for expenses incurred in the performance of their duties, and the two members of the Board other than the chairman shall be entitled to a per diem amount for the time actually spent in discharging their duties as members.

§ 11.3. License requirement.

Six months after the effective date of this title, no person shall practice or offer to practice as a surveyor or use the title of surveyor or any other title, sign, card or device in such manner as to tend to convey the impression that such person is practicing as a surveyor or is a professional surveyor unless such person is duly licensed under the provisions of this chapter. Every holder of a license shall display

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it in a conspicuous place in his principal office, place of business or employment. Any person who violates the provisions of this section shall be subject to a fine of up to \$500 or imprisonment up to six months.⁷⁰

§ 11.4. Qualifications for licensing; appeal from denial.

The Board shall grant a license only to an applicant who----

- (a) Is more than 21 years of age;
- (b) Is of good moral character;
- (c) Is a citizen of Liberia;
- (d) Has paid to the Minister of Finance the license fee required by the Revenue and Finance Law; and
- (e) Has fulfilled one of the following requirements for education and training:
 - (i) Has satisfactorily completed two years of a recognized engineering course and at least two years of acceptable experience as a surveyor, and, if the Board so requires, passed a written examination in survey theory and practice given by the Board; or
 - (ii) Has completed an approved four year high school course and had at least four years of practical experience

⁷⁰ *Prior legislation:* 1957-58 Supp., 35:345; L. 1957-58, ch. XX, S 26; L. 1956-57, ch. XXXIII, § 1, 3; 1956 Code 35:345; L. 1962-63, 7(1st).

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as a surveyor or four years as an articulated cadet to a practicing licensed surveyor, and passed a written examination in survey theory and practice given by the Board; or

(iii) has practiced surveying lawfully for more than ten years prior to the effective date of this title and has attained a recognized standing in the surveying profession.

A decision denying a license is appealable to the Director of Natural Resources and Geological Surveys and shall be reversed by him unless the applicant lacks one of the foregoing qualifications.

§ 11.5. Revocation, suspension, or annulment of license.

1. Grounds. The Board shall have the power to revoke, suspend, or annul the license of a surveyor upon any of the following grounds:

- (a) That the license was obtained by fraud or misrepresentation or other unlawful means;
- (b) That the holder of such license after it was granted was guilty of such deportment or conduct as will prejudicially affect the practice of the profession;
- (c) That the holder of such license knowingly aided and abetted in the practice of surveying any person not duly authorized to practice land surveying under the provisions of this title;
- (d) That the holder of such license is guilty of fraud or gross negligence, incompetency or misconduct in the practice of land surveying.

2. Procedure. Any revocation, suspension, or annulment of a surveyor's license shall be after notice and hearing in accordance with

the procedure prescribed by the Administrative Procedure Act. A decision of the Board revoking, suspending or annulling such license shall be appealable to the Directors of Natural Resources and Geological Surveys.

Subchapter B. ARCHITECTS, ENGINEERS, AND PUBLIC ACCOUNTANTS

§ 11.10. Definitions of practice of architecture, engineering and public accountancy.

1. Architecture. A person practices architecture within the meaning of this subchapter who holds himself out as able to perform or who does perform any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or responsible supervision of construction, in connection with any private or public buildings, structures or projects, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics and the physical sciences.

2. Engineering. A person practices engineering, within the meaning of this subchapter, who holds himself out as able to perform, or who does perform any professional service, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

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3. *Public accountancy.* A person engages in the public practice of accountancy who, holding himself out to the public as an accountant, in consideration of compensation received by him, offers to perform or does perform for other persons, services which involve the auditing or verification of financial transactions, books, accounts or records, or the preparation, verification or certification of financial, accounting or related statements intended for publication or for the purpose of obtaining credit, or who holding himself out to the public as an accountant, renders professional services or assistance in or about any or all matters relating to accounting procedure or the recording, presentation or certification of financial facts or data.

§ 11.11. License requirement; penalty.

Six months after the effective date of this title, no person shall practice or offer to practice as an architect, engineer, or public accountant or use the title of architect, engineer, or public accountant or any other title, sign, or device in such manner as to tend to convey the impression that such person is practicing that profession or is a professional architect, engineer, or public accountant unless such person is duly licensed under the provisions of this subchapter. Every holder of a license to practice any such profession shall display it in a conspicuous place in his principal office, place of business, or employment. Any person who violates the provisions of this section is subject to a fine of not exceeding \$500 or imprisonment for not exceeding six months.

§ 11.12. Qualifications for licensing.

To receive a license to practice architecture, engineering or public accountancy, an applicant submit evidence----

- (a) That he is more than 21 years of age;

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- (b) That he is of good moral character;
- (c) If applying for a license to practice architecture or engineering, that he has graduated from a college or school of architecture or engineering respectively, either in Liberia or abroad, which school is approved by the Professional Licensing Board established by section 11.13 of this title as maintaining satisfactory standards and that he has had at least one year of practical experience in architectural or engineering work of a grade and character satisfactory to the Board; or if applying for a license to practice public accountancy, that he satisfactorily completed an approved four year high school course and either
- (i) has graduated from a school of accounting or from a business administration school or college with a major in the subject of accounting which school or college is approved by the Professional Licensing Board as maintaining satisfactory standards, or
 - (ii) has had at least three years of practical experience in accountancy or a grade and character satisfactory to the Board.
- (d) That he has paid to the Minister of Finance the annual license fee specified in the Revenue and Finance Law for his particular profession. A decision denying a license is appealable to the Minister of Education and shall be reversed by him unless the applicant lacks one of the foregoing qualifications.

§ 11.13. Professional Licensing Board.

1. Establishment. To carry out the provisions of this subchapter, there shall be a Professional Licensing Board (referred to in this

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subchapter as the "Board") established in the Ministry of Education, to be composed of three members, to be appointed by the President for a term of two years. One of the members appointed shall be an architect, one an engineer, and one a public accountant, each of recognized high standing in his profession. The chairman shall be designated by the President.

2. *Powers and duties.* The Board shall have the following duties and powers:

(a) To determine the qualifications of all applicants for practicing as architects, engineers, or public accountants and to issue certificates of competency to all those persons who have been determined to be qualified;

(b) To maintain current registers of all licensed architects, engineers, and public accountants, respectively, together with apprentices or cadets studying or working under such licensed persons;

(c) To annul, suspend, or revoke any license issued to an architect, engineer, or public accountant for any of the causes specified in section 11.14 of this title;

(d) Subject to the approval of the Minister of Education, to make such regulations, not inconsistent with law, as may be necessary for the performance of their duties;

(e) To do all other things necessary or appropriate to carry out the duties specified in this paragraph.

3. *Expenses and remuneration.* The members of the Board who are not otherwise employed by the Government shall receive a per diem compensation for the time spent in rendering services on the Board

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in an amount to be fixed by the annual budget. All members shall be entitled to reimbursement for expenses incurred in the performance of their duties.

§ 11.14. Revocation, suspension, or annulment of license.

1. Grounds. The Board shall have the power to revoke, suspend, or annul the license of an architect, engineer, or public accountant upon any of the following grounds:

- (a) That the license was obtained by fraud or misrepresentation or other unlawful means;
- (b) That the holder of such license after its granting has been guilty of such deportment or conduct as will prejudicially affect the practice of the profession;
- (c) That the holder of such license knowingly aided and abetted in the practice of architecture, engineering, or public accountancy any person not duly authorized to practice such profession under the provisions of this title;
- (d) The holder of such license is guilty of fraud or of gross negligence, incompetency or misconduct in the practice of his profession.

2. Procedure. Any revocation, suspension, or annulment of the license of any architect, engineer, or public accountant shall be after notice and hearing in accordance with the procedure prescribed by the Administrative Procedure Act. A decision of the Board revoking, suspending or annulling such license shall be appealable to the Minister of Education.

Subchapter C. ELECTRICIAN AND PLUMBERS

§ 11.30. Definition of terms.

As used in this chapter----

(a) The term “master plumber” means a person having a regular place of business who, by himself or journeymen plumbers in his employ, performs plumbing work.

(b) The term “master electrician” means a person having a regular place of business who, by himself or journeymen electricians in his employ, performs electrical work.

§ 11.31. Plumbers’ Licensing Board; Electricians’ Licensing Board.

1. Establishment of Plumbers’ Licensing Board. To carry out the provisions of this chapter relating to plumbers, there shall be established in the Ministry of Public Works a Plumbers’ Licensing Board, to be composed of two professional engineers in the employ of the Ministry and a licensed plumber. The three members of the Board shall be appointed by the President on the recommendation of the Minister of Public Works.

2. Establishment of Electricians’ Licensing Board. To carry out the provisions of this chapter relating to electricians, there shall be established in the Ministry of Public Works an Electrician Licensing Board, to be composed of two professional engineers in the employ of the Ministry and a licensed master electrician. The three members of the Board shall be appointed by the President on the recommendation of the Minister of Public Works.

3. Powers and duties. The Plumbers’ Licensing Board with regard

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to plumbers or applicants for licenses as master plumbers and the Electrician Board with regard to electricians or applicants for licenses as master electricians shall have the following powers and duties:

- (a) To examine all applicants for licenses as master plumbers or master electricians; to hold examinations for that purpose whenever necessary; to determine the fitness and qualifications of applicants for such licenses; and to grant licenses to all persons who are qualified as master plumbers or master electricians under the law;
- (b) To maintain a correct register of all licensed master plumbers and master electricians and persons working as apprentices with and studying under a licensed master plumber or master electrician;
- (c) To annul, suspend or revoke any license issued to a master plumber or master electrician for any of the causes specified in section 11.34 of this title;
- (d) To formulate for issuance by the Minister of Public Works such regulations, not inconsistent with law, as may be necessary for the performance of the duties of the Plumbers' Licensing Board and Electricians' Licensing Board;
- (e) To do all other things necessary or appropriate to carry out the duties specified in this paragraph.

4. *Expenses and remuneration.* The members of the Plumbers' Licensing Board and electricians Licensing Board shall serve without salary for service on the Board, but shall be entitled to reimbursement for expenses incurred in the performance of their duties, and the members of each Board not employed by the Ministry of Public Works shall be entitled to a per diem amount for time actually spent

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in discharging his duties as a member of the Board.

§ 11.32. License requirement.

Six months after the effective date of this title, no person shall engage in the trade, business or calling of a plumber or electrician unless he has been duly licensed as a master plumber or master electrician by the Plumbers' Licensing Board or Electricians' Licensing Board under the provisions of this chapter, or is working directly under the supervision of a master plumber or master electrician as the case may be. Every holder of a license as a master plumber or master electrician shall display it in a conspicuous place in his principal office, place of business or employment. Any person who violates the provisions of this section shall be subject to a fine of up to \$500 or imprisonment up to six months.⁷¹

§ 11.33. Qualifications for licensing; appeal from denial.

A master plumber's or master electrician's license shall be granted only to a person who----

- (a) Is more than 21 years of age
- (b) Is a citizen of Liberia;
- (c) Has paid to the Secretary of the Treasury the license fees required by the Revenue and Finance Law; and
- (d) Has had at least two years of acceptable experience in his trade or calling and passed an examination given by the Plumbers' Licensing Board or Electricians' Licensing Board to test his proficiency in such trade or calling.

⁷¹ *Prior legislation: L. 1959-60, ch. LVI, §§ 1, 2.*

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A decision denying a license is appealable to the Minister of Public Works and shall be reversed by him unless the applicant lacks one of the foregoing qualifications.

§ 11.34. Revocation, suspension, or annulment of license.

1. Grounds. The Plumbers' Licensing Board shall have the power to revoke, suspend or annul the license of a master plumber and the Electricians' licensing Board shall have the power to revoke, suspend, or annul the license of a master electrician on any of the following grounds:

(a) That the license was obtained by fraud or misrepresentation or other unlawful means;

(b) That the holder of such license after it was granted was guilty of such deportment or conduct as will prejudicially affect the occupation in which he is engaged;

(c) That the holder of such license is guilty of fraud or gross negligence, incompetency or misconduct in the practice of his occupation.

2. Procedure. Any revocation, suspension, or annulment of a license issued under this chapter shall be after notice and hearing in accordance with the procedure prescribed by the Administrative Procedure Act. A decision revoking, suspending or annulling such license shall be appealable to the Secretary of Public Works.

§ 11.35. Connections with public utility lines and sewers.

A connection between a street sewer or public water main and a

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sewer or water pipe serving private property shall be made only after a written application for permission to make such connection, bearing the signature of a master plumber, has been granted by the Minister of Public Works. Likewise, a connection between an electrical line of a public utility and an electrical line serving private property shall be made only after a written application for permission to make such connection, bearing the signature of a master electrician, has been granted by the Minister of Public Works. Any person who violates the provisions of this section shall be subject to a fine not exceeding \$100.⁷²

⁷² *Prior legislation:* L. 1959-60, ch. LVI, § 3.