

Passed in Parliament this 22nd day of July, in the year of our Lord two thousand and eleven.

MOHAMED LEBBIE,  
Officer-in-Charge  
Office of the Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

MOHAMED LEBBIE,  
Officer-in-Charge  
Office of the Clerk of Parliament.

## ACT

*Supplement to the Sierra Leone Gazette Vol. CXLII, No. 68*  
*dated 27th October, 2011*

### THE LOCAL COURTS ACT, 2011

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**SCHEDULE (Section 2)**

SIGNED this *11th day of August, 2011.*

DR. ERNEST BAI KOROMA,  
*President.*



**Sierra Leone**

**No. 10**

**2011**

**The Local Courts Act, 2011.**

Short title.

**Being an Act to provide for the establishment and operation of Local Courts, the administration of justice in the provinces and for other related matters.**

[ ] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART 1–PRELIMINARY

- Interpretation. **1.** In this Act, unless the context otherwise requires–
- “Chairman” means the person appointed Chairman of a Local Court under section 2;
- Act No. 6 of 1991. “Commission” means the Judicial and Legal Service Commission established by section 140 of the Constitution of Sierra Leone, 1991;
- “Court” means a Local Court;
- “customary law” means any rule other than a rule of general law, having the force of law in any Chiefdom of the provinces whereby rights and correlative duties are acquired or imposed in conformity with natural justice and equity and not incompatible, either directly or indirectly, with any enactment applying to the provinces, and includes any amendment of customary law made in accordance with the provisions of any enactment;
- “general law” means the laws in force in Sierra Leone other than customary law;
- “Minister means the Minister responsible for judicial affairs;
- “Provincial Secretary” includes a Senior Assistant Secretary;
- “Rules of Court Committee” means the Rules of Court Committee established by section 145 of the Constitution.

PART 11–ESTABLISHMENT AND ADMINISTRATION OF LOCAL COURTS

- Establishment of Local Courts. **2.** (1) There is hereby established for each Chiefdom of Sierra Leone a Local Court which shall consist of a Chairman, Vice-Chairman and such other member or members as the Minister may determine.

(2) The Chairman, Vice-Chairman and any other member of the Court shall be appointed by the Chief Justice, after consultation with the Commission.

(3) Every Chairman, Vice-Chairman or other member of the Court shall, before assuming the functions of his office take and subscribe before the Chief Justice, the Oath set out in the Schedule.

**3.** (1) No person shall sit as Chairman, Vice-Chairman or member of the Court in the adjudication of any matter to which he is a party or in which he has a pecuniary or personal interest. Avoidance of conflict of interest.

(2) Where any doubt arises as to whether any member of the Court is a party to a matter before the Court or has any pecuniary or personal interest in such matter, the Court shall refer the matter to a Magistrate’s Court which shall determine the question with all dispatch and make such order as may be appropriate.

**4.** (1) The Chief Justice or any other judge authorized by him in that behalf, may, after consultation with the Commission, dismiss or suspend the Chairman, Vice-Chairman or other member of the Court who appears to have abused his power of adjudication or to be unworthy or incapable of exercising that power. Dismissal, etc. of Chairman etc.

(2) Upon his dismissal or for the period of his suspension, the Chairman, Vice-Chairman or other member of the Court shall be disqualified from exercising any power of adjudication under this Act or any other enactment.

**5.** A person shall not be qualified to be appointed Chairman or Vice-Chairman of the Court unless he– Qualifications for appointment as Local Court Chairman.

- (a) is proficient in the dominant ethnic language of the Chiefdom;
- (b) has resided in the Chiefdom for a continuous period of not less than five years;
- (c) is knowledgeable and experienced in the customs and traditions of the Chiefdom; and
- (d) has not been convicted of an offence involving fraud or dishonesty.

Appointment  
of officers of  
Local Courts.

**6.** (1) Every Court shall have –

- (a) Clerk of Court;
- (b) Finance Clerk;
- (c) Bailiff, and
- (d) such other officers as the business of the Court may require,

all of whom shall be appointed by the Chief Justice after consultation with the Commission.

(2) A person shall not be appointed Clerk of Court, Finance Clerk or Bailiff unless he is literate in English.

Local Courts  
Service  
Committee.

**7.** (1) (1) There is hereby established for each province, a Committee to be known as the Local Courts Service Committee for the purpose of advising the Commission on appointments, transfers, promotions and dismissals of officers and servants of Local Courts.

(2) Each Local Courts Service Committee shall consist of–

- (a) the resident High Court judge of the province, who shall be Chairman;
- (b) a Paramount Chief, representing the council of Chiefs of the province;
- (c) a representative of the Minister;
- (d) the Provincial Secretary;
- (e) a person having experience in the administration of Local Courts, and
- (f) a representative of the Local Councils in the Province;
- (g) a Member of Parliament of the Province selected by the Members of Parliament from the Province.

(3) The members of each Local Courts Service Committee shall be appointed by the President.

(4) Members appointed under paragraphs (b) and (e) of subsection (2) shall hold office for a period of three years and thereafter shall be eligible for re-appointment for not more than two other terms.

(5) The members of a Local Courts Service Committee shall be paid such allowances as the Chief Justice may, subject to the approval of the Minister responsible for finance determine.

(6) The Committee shall regulate the procedure for the conduct of its meetings.

**8.** Pursuant to subsection (2) of section 142 of the Constitution, the Commission may, by constitutional instrument, prescribe the terms and conditions of service of members and officers of the Courts. Terms and conditions of service of members and officers.

**9.** (1) The Clerk of Court shall perform such duties as may be assigned to him by Rules made under this Act or any other enactment, or subject thereto, by any direction of the Court and, in particular, he shall– Duties of Clerk of Court.

- (a) prepare and issue all warrants, writs and processes;
- (b) record all processes of the Court;
- (c) register all orders and judgments of the Court.

(2) Subject to the approval of the Chairman, the Clerk of Court may delegate any of his duties to any other officer or servant of the Court who shall perform the same in accordance with such directions as he receives from the Clerk of Court.

**10.** The Finance Clerk shall, in addition to such other duties as may be prescribed– Duties of Finance Clerk.

- (a) receive and pay into the Consolidated Fund all fees, penalties, fines and other moneys taken by the Court; and
- (b) keep an account of all the moneys so received and paid by him.

Duties of Bailiff

**11.** (1) The Bailiff shall perform such duties as may be assigned to him by Rules made under this Act or any other enactment, or subject thereto, by any direction of the Court and in particular he shall—

- (a) effect the service or execution of all writs and other processes which he receives from the Court;
- (b) make all necessary returns in relation to such writs and processes;
- (c) when he is not engaged on duties which necessitate his absence from the Court, attend and obey all lawful directions of the Court.

(2) The Court may appoint one or more members of the Chiefdom Police to assist the Bailiff in the exercise of his functions and any member of the Chiefdom Police in possession of any process shall be presumed to be authorized to execute such process unless the contrary is proved.

Sessions.

**12.** (1) Subject to subsection (2), the Court shall hold sessions at such times and places as may be necessary for the convenient and speedy dispatch of the business of the Court.

(2) The Chief Justice or any person or body authorized by him in that behalf may direct sessions to be held at such times and places as he thinks fit.

Power to establish additional Courts.

**13.** (1) The Chief Justice may by statutory instrument establish additional Courts that may be required or direct that any Court which is no longer required shall cease to exercise jurisdiction.

(2) In the exercise of the powers conferred upon him under subsection (1), the Chief Justice shall have regard to such considerations as he may think relevant, including—

- (a) the population of the Chiefdom;

- (b) the level of commercial or economic activity in the Chiefdom;
- (c) the proximity of the Court or proposed Court to existing Courts; and
- (d) the ethnicity of the Chiefdom in which it is proposed, to establish a Court or in which it is proposed that a Court shall cease to exercise its jurisdiction.

**14.** (1) The expenses of the Court, including the salaries and allowances of the members and officials of the Courts, shall be a charge on the Consolidated Fund. Protection of members and officers of Local Courts.

(2) No member of the Court shall be liable to be sued in any civil court for any act done by him within the local limits of his jurisdiction in the exercise of his judicial duty, or for any order made by him, if he, at the time, reasonably and in good faith believed that he had jurisdiction to do or order the act complained of.

(3) No officer of a Local Court or other person bound to execute the lawful warrants or orders of the Court shall be liable to be sued in any civil court for the execution of any warrant or order which he would be bound to execute if within the jurisdiction of the Court issuing the same.

(4) Where, as a result of any proceedings, any member or officer of a Local Court or such other person as is mentioned in subsections (2) and (3) is required to pay compensation under subsection (4) of section 17 of the Constitution and that member, officer or other person can show that he reasonably and in the good faith believed that he had authority, or as the case may be, that the Court had jurisdiction to issue the warrant or order under which he acted, he shall be entitled to receive from the Accountant-General the amount of compensation he has paid by virtue of any judgment against him in any such proceedings and any such sums paid by the Accountant-General shall be a charge on the Consolidated Fund.