

## CHAPTER 7.

## COURTS.

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## CHAPTER 7.

## COURTS.

**An Ordinance to consolidate and amend the law relating to the Constitution of the Supreme Court and Magistrates' Courts of Sierra Leone and the Administration of Justice therein.**

[1ST JANUARY, 1946.]

7 of 1945.  
 3 of 1946.  
 31 of 1946.  
 7 of 1947.  
 16 of 1952.  
 11 of 1953.  
 11 of 1955.  
 4 of 1956.  
 5 of 1957.  
 31 of 1959.

Short title.

1. This Ordinance may be cited as the Courts Ordinance and shall apply to the Colony and the Protectorate.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—  
 “ Judge ” includes the Chief Justice;

“ Master ” means the Master and Registrar of the Supreme Court and includes the Assistant Master or other person lawfully performing the duties of Master and Registrar.

## PART I.—THE SUPREME COURT.

## THE CONSTITUTION OF THE SUPREME COURT.

Constitution of Supreme Court and precedence of Judges.  
 31 of 1959.

3. (1) There shall be constituted a court to be called the Supreme Court of Sierra Leone which shall be a superior court of record and shall consist of the Chief Justice and one or more Puisne Judges, and also of the Chief Justice of the Supreme Court of the Gambia; and the Chief Justice of the Supreme Court of the Gambia shall be a Puisne Judge of the Supreme Court of Sierra Leone.

(2) The Supreme Court shall be deemed to be duly constituted notwithstanding any vacancy in the office of Chief Justice or of any Puisne Judge thereof.

(3) Any Judge of the Supreme Court may, subject to the provisions of this Ordinance and to any other Ordinance and any Rules of Court, exercise all or any part of the jurisdiction, civil and criminal, original, summary or appellate vested by this or any other Ordinance in the court.

(4) The Chief Justice shall be President of the Supreme Court and the Chief Justice of the Gambia shall rank next to him. The other Puisne Judges shall rank next amongst themselves according to the priority of their respective appointments; and as amongst themselves acting Puisne Judges shall rank in accordance with the seniority belonging to them respectively by virtue of their substantive or former appointments. When two or more Puisne Judges have been appointed on the same day, as amongst themselves such Puisne Judges shall rank as the Governor, in his discretion after consultation with the Chief Justice, may determine.

4. The Chief Justice and the Puisne Judges shall be appointed by Letters Patent under the Public Seal of the Colony by the Governor, in accordance with such instructions as he may receive from Her Majesty:

Appointment  
of Chief  
Justice and  
Puisne  
Judges.

Provided that no person shall be appointed to be a Judge of the Supreme Court unless—

(i) he is qualified to practise as an advocate in a court in England, Scotland, Northern Ireland or some other part of Her Majesty's dominions having unlimited jurisdiction either in civil or criminal matters; and

(ii) he has been qualified for not less than five years to practise as an advocate or a solicitor in such a court.

5. (1) Whenever the office of any Judge becomes vacant, by death or otherwise, it shall be lawful for the Governor to appoint a fit and proper person to fill such office until Her Majesty's pleasure be known, and in the case of the temporary absence from duty of any Judge owing to illness or any other cause or the temporary absence of any Judge on duty outside Sierra Leone, or whenever any Judge is temporarily officiating in a capacity other than that appertaining to his substantive office, it shall be lawful for the Governor to appoint a fit and proper person to fill the office of such Judge until he resumes the duties thereof.

How  
vacancy in  
judicial office  
to be filled.

16 of 1952.

(2) If any person appointed by the Governor under this section to fill the office of judge dies or becomes incapable of performing the duties of such office, the Governor may appoint

another fit and proper person to fill such office until Her Majesty's pleasure be known or until such Judge resumes the duties thereof, as the case may be.

(3) Any person appointed under this section to fill the office of the Chief Justice or of a Puisne Judge shall have all the powers and shall perform all the duties conferred or imposed upon the Chief Justice or upon a Puisne Judge, as the case may be.

(4) The Governor may at any time terminate any appointment made under this section, notwithstanding that the office in respect of which it was made continues to be vacant or that the Judge in respect of whose office it was made has not resumed the duties of such office; and such termination shall be without prejudice to the appointment of the same or any other fit and proper person to fill such office in accordance with the provisions of this section.

Appointment  
of a  
temporary  
Judge.

4 of 1956.

Cap. 169.

Sittings of  
Supreme  
Court.

6. (1) Notwithstanding the provisions of section 4 and without derogating from the powers of the Governor under section 5, the Governor, on the application of the Chief Justice, may from time to time appoint any fit and proper person to exercise temporarily the powers of a Judge for such period as the Governor may direct. Such person, while holding such appointment, shall have all the powers, authority and jurisdiction of a Judge.

(2) For the purposes of the Official Oaths Ordinance such person shall be deemed to be a Puisne Judge.

7. (1) Sessions of the Supreme Court shall be held in Freetown at such times as may be prescribed by or under rules of court and shall be held in such other places in the Colony and Protectorate and at such times as the Chief Justice shall appoint by notice in the *Gazette*.

(2) The Supreme Court shall be open throughout the year for the transaction of general legal business therein, and any Judge may, at any time, hear and determine any civil cause or matter pending in the court upon such notice to the parties and otherwise as shall seem just and reasonable:

Provided that during the vacation no such cause or matter shall be heard or determined unless all the parties thereto consent or the Court, for good and sufficient reasons to be recorded in the minutes of the proceedings, shall so direct.

31 of 1959.

(3) The Chief Justice may by order published in the *Gazette* divide Sierra Leone into judicial divisions and allocate to each

division such of the business of the court as may seem fit, and may appoint registrars, deputy registrars and assistant registrars for the divisions and confer and impose upon them such powers and duties as he shall see fit:

Provided that no registrar or deputy or assistant registrar shall have power to give or make a final judgment or order.

8. When and so often as any vacancy shall occur in the office of Master by death, resignation or otherwise, it shall be lawful for the Governor to nominate and appoint some fit and proper person to fill such vacant office, such person being an admitted barrister and solicitor of the Supreme Court, or a barrister, advocate, solicitor or law agent of one of the Superior Courts in England, Scotland, Northern Ireland or the Republic of Ireland:

Appointment  
of Master.

Provided that the Governor, if he thinks fit, may, with the approval of the Secretary of State, nominate and appoint a person not possessing any of the above-recited qualifications.

9. The duties of the Master shall be—

Duties of  
Master.

(a) to perform all such acts as he may be required by law to do and such acts as he may be required by a Judge to do;

(b) to tax all bills of costs submitted for taxation or referred to him by the Supreme Court or a Judge thereof;

(c) subject to rules of court to receive applications for and to seal probate and letters of administration in all cases where the right to such grant is not contested.

In the performance of his duties the Master shall have power to administer oaths and to take solemn affirmations and declarations in lieu of oath.

10. The Court shall have and use, as occasion may require, a seal bearing the device and impression of the Royal Arms with the inscription "Supreme Court of Sierra Leone."

Seal of Court.

#### JURISDICTION OF SUPREME COURT.

11. In addition to the jurisdiction conferred by this or any other Ordinance, the Supreme Court shall, within Sierra Leone and subject as in this Ordinance mentioned, possess and exercise all the jurisdiction, powers and authorities, which are vested in or capable of being exercised by Her Majesty's High Court of Justice in England:

Jurisdiction  
of Supreme  
Court to be  
that of High  
Court of  
Justice in  
England.