

CHAPTER 101.**MAINTENANCE ORDERS (FACILITIES FOR
ENFORCEMENT).**

ARRANGEMENT OF SECTIONS.

SECTION.

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CHAPTER 101.**MAINTENANCE ORDERS (FACILITIES FOR
ENFORCEMENT).**

6 of 1921.
20 of 1921.
20 of 1929.
10 of 1957.

An Ordinance to Facilitate the Enforcement in Sierra Leone of Maintenance Orders made in England or Ireland and vice versa.

[23RD APRIL, 1921.]

Short title.

1. This Ordinance may be cited as the Maintenance Orders (Facilities for Enforcement) Ordinance, and shall apply to the Colony and Protectorate.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—
“ maintenance order ” means an order, other than an order of affiliation, for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made;

“dependants” means such persons as that person is, according to the law in force in the territory in which the maintenance order was made, liable to maintain;

“certified copy” in relation to an order of a Court means a copy of the order certified by the proper officer of the Court to be a true copy; and

“prescribed” means prescribed by rules of Court.

3. (1) Where a maintenance order has, whether before or after the passing of this Ordinance, been made against any person by any Court in England or Ireland, and a certified copy of the order has been transmitted by the Secretary of State to the Governor, the Governor shall send a copy of the order to the proper officer of a Court in the Colony or Protectorate for registration; and on receipt thereof the order shall be registered in the prescribed manner, and shall, from the date of such registration, be of the same force and effect, and, subject to the provisions of this Ordinance, all proceedings may be taken on such order as if it had been an order originally obtained in the Court in which it is so registered, and that Court shall have power to enforce the order accordingly.

Enforcement in the Colony of maintenance orders made in England or Ireland.*

(2) The Court in which an order is to be so registered as aforesaid shall, if the Court by which the order was made was a Court of superior jurisdiction, be the Supreme Court of Sierra Leone, and, if the Court was not a Court of superior jurisdiction, be a Magistrate's Court.

(3) In sub-section (1) of this section the expression “proper officer” shall in the case of the Supreme Court be deemed to be the Master and Registrar, and in the case of a Magistrate's Court shall be deemed to be the Magistrate.

4. Where a Court in the Colony or Protectorate has, whether before or after the commencement of this Ordinance, made a maintenance order against any person, and it is proved to that Court that the person against whom the order was made is resident in England or Ireland, the Court shall send to the Governor for transmission to the Secretary of State a certified copy of the order.

Transmission of maintenance orders made in the Colony.

5. (1) Where an application is made to a Magistrate in the Colony or Protectorate for a maintenance order against any person, and it is proved that that person is resident in England or Ireland, the Magistrate may, in the absence of that person, if after hearing the evidence he is satisfied of the justice of the

Power to make provisional orders of maintenance against persons resident in England or Ireland.

* See The Ireland Act, 1949 (12, 13 and 14 Geo. 6, c. 41), in particular its section 3 (2) as to the effect of the references to Ireland in this Ordinance.

application, make any such order as he might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by a Court of summary jurisdiction in England or Ireland, as the case may be.

(2) The evidence of any witness who is examined on any such application shall be put into writing, and such deposition shall be read over to, and signed by, him.

(3) Where such an order is made, the Magistrate shall send to the Governor for transmission to the Secretary of State the deposition so taken and a certified copy of the order, together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing, and such information as the Magistrate possesses for facilitating the identification of that person, and ascertaining his whereabouts.

(4) Where any such provisional order has come before a Court of summary jurisdiction in England or Ireland for confirmation, and the order has by that Court been remitted to the Magistrate who made the order for the purpose of taking further evidence, such Magistrate or any other Magistrate sitting and acting for the same judicial district shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

If upon the hearing of such evidence it appears to the Magistrate that the order ought not to have been made, the Magistrate may rescind the order, but in any other case the depositions shall be sent to the Governor and dealt with in like manner as the original depositions.

(5) The confirmation of an order made under this section shall not affect any power of a Magistrate to vary or rescind that order:

Provided that on the making of a varying or rescinding order the Magistrate shall send a certified copy thereof to the Governor for transmission to the Secretary of State, and that in the case of an order varying the original order, the order shall not have any effect unless, and until, confirmed in like manner as in the original order.

(6) The applicant shall have the same right of appeal against a refusal to make a provisional order as he would have had