



CONSOLIDATED LAWS OF SIERRA LEONE

VOLUME 1

A Consolidation of Laws relating to:

**Administration of Estates
Births and Deaths
Children
Marriages
Women and Girls**

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CHAPTER 45

ADMINISTRATION OF ESTATES

An Act to provide for the appointment of an Administrator and Registrar General of Estates, and to regulate the administration of estates and the distribution of intestate estate and for other purposes

8 of 1945
24 of 1952.
1 of 1955.
"Ordinance
amended to
"Act" by
Act 29/1972.

"Ordinance"
Substituted for
"Act" by Act 29/
1972

[1st JANUARY, 1946]

1. This Act may be cited as the Administrator of Estates Act, it shall come into force on such day as the President may fix by notice in the Gazette, and shall apply throughout Sierra Leone except in respect of the estate or part of the estate of the deceased native which is within the jurisdiction of a Local court.

Short title.

"Native Court"
substituted for
"Local Court" by
virtue of Act
20/1963
Sec.1 as amended
by Act 29/1972

2. In this Ordinance unless the context otherwise requires

Interpretation

"Administrator" means a person appointed by Court or under this Act to administer an estate;

"assets" means all property real and personal of a deceased person which is chargeable with and applicable to the payment of his debts and legacies or available for distribution amongst his heirs and next-of-kin;

"Court" means the High Court of Sierra Leone

"Supreme Court"
substituted for
"High Court" by
sec.7, Act No.29 of
1972

"estate" means all interests in land and chattels real and personal, choses in action and other property whatsoever;

“Expatriate Officer” means any person who is an expatriate officer for the purposes of the Pensions Act, and is not a person subject to military law;

Cap.173

“issue” includes children and the descendants of deceased children according to their stocks;

“letters of administration means any letters of administration, whether general or with a copy of the will annexed or limited in time or otherwise;

“next-of-kin” includes, any person other than a widow or widower of a deceased person who by law would be entitled to letters of administration in preference to a creditor;

“Administrator and Registrar General” means a person in the public services appointed as Administrator under this Act and includes an Assistant Administrator and Registrar General

As amended by Act 19/1972 sec.2

ADMINISTRATOR AND REGISTRAR GENERAL OF ESTATES

3. (1) The President shall appoint a suitable person to be Administrator and Registrar General and as many Assistant Administrator and Registrar Generals as may be required.

Appointment of Administrator and Registrar-General “Governor” substituted for “President” by Act 29/1972

(2) The Administrator and Registrar-General shall for the purposes of this Act be a Corporation sole and shall have perpetual succession and may sue and be sued in his corporate name, and shall be entitled to appear in Court either in person or by counsel in any proceedings to which he is a party.

Corporation sole As amended by No.19 of 1972 sec. 3

4. (1) The Administrator and Registrar-General may appoint such person or persons as he shall think fit, to act as his agent for the managing, collecting and getting in of the assets and in payment of the liabilities, and the distribution of the assets of deceased persons whose estates are in the course of administration by him, such agent or agents shall in all respects act in such matters under the direction of the Administrator and Registrar-General, who shall not be answerable for any act or omission of any agent not in conformity with such direction or which shall not have happened by the Administrator and Registrar-General's own fault or neglect.

Appointment of agent by Administrator and Registrar General and remuneration

(2) Every agent not being a public officer shall find security to the satisfaction of the Administrator and Registrar-General for the performance of his duty

(3) Every agent, not being a public officer may be remunerated either by salary or such fees as the, Administrator and Registrar-General with the

approval of the Court may decide.

5. (1) There shall be charged in respect of the administration of estates by the Administrator and Registrar-General such fees by way of percentage or otherwise as may be prescribed by Rules of Court made as provided in section 45.

Fees and
expenses of
Administrator
24 of 1952

(2) The Administrator and Registrar-General shall also be entitled to any expenses which might be retained or paid out of any estate in his charge, as if he were a private administrator.

(3) All such fees and expenses shall have priority over all debts of the deceased and may be deducted from any moneys received by the Administrator and Registrar-General in the course of the Administration and shall be paid into the general revenue of Sierra Leone

"colony"
substituted for
"Sierra Leone" by
Act 29/1972

6. Neither the Administrator and Registrar-General nor any agent shall be personally liable to any person in respect of assets in the possession at the time of his death of any person, whose estate shall be administered by the Administrator and Registrar-General, which shall be dealt with by the Administrator and Registrar-General or such agent, unless the Administrator and Registrar-General or his agent respectively, shall know, or have actual, notice before the same are dealt with, that the same were not in fact the property of the person whose estate is being administered by the Administrator and Registrar-General, and generally, neither the Administrator and Registrar-General nor any agent shall be liable for any act done bona fide in the supposed and intended performance of their duties, unless it shall be shown that such act was done not only illegally but wilfully or with gross negligence.

Relief of
Administrator &
Registrar General
from liability

7. If during the administration of an estate by the Administrator and Registrar-General there is sold by the Administrator and Registrar-General or any agent on his behalf any goods or chattels or other property belonging to a third party, the amount realised by such sale shall be paid over to the owner upon proof by him of such ownership unless the sale shall have already been applied in payment of the debts of the deceased or shall have been distributed in the ordinary course of administration whilst the Administrator and Registrar-General or his agent was in ignorance or without actual notice of the claim of such person to the goods or chattels or other property sold.

Sale of goods of
third party

8. (1) All probates and letters of administration granted to the Administrator and Registrar-General shall be granted to him by that name, and shall authorise the Administrator and Registrar-General and his successors in office to act as executor or administrator, as the case may be, of the estate to which such probate or letter relates.

Grants to
Administrator &
Registrar General
and effects.

- (2) The grant of probate or letters of administration to the Administrator and Registrar-General shall be conclusive as to the representative title against all debtors of the deceased and all persons holding such assets, and shall afford full indemnity to all debtors paying their debts, and all persons delivering up such assets to the Administrator and Registrar-General or to his agents duly appointed in accordance with the provisions of this Act.

DEVOLUTION OF ESTATES

Intestate
devolution

9. (1) The estate of every person dying intestate after the date of the operation of this Act shall devolve upon the Administrator and Registrar-General.

Provided that, upon the grant of letters of administration under the provisions of this Act, the estate shall be divested from the Administrator and Registrar-General and be vested in the person or persons to whom letters of administration have been granted as aforesaid.

Liability of assets
for payment of
debts

- (2) All the assets of a deceased person shall be administered for the payment of all debts of such person whether he died testate or intestate.

Application for
grant by
Administrator and
Registrar-General

10. (1) Whenever the Administrator and Registrar-General has received information in writing that any person has died within or without the jurisdiction of the court leaving estate within the jurisdiction of the Court and if it appears-

- (i) that any such person dies intestate; or
- (ii) that the deceased having made a will devising or bequeathing his estate, or part thereof, has omitted to appoint an executor; or
- (iii) that the person or persons named as executor or executors have died in the testator's lifetime, or have renounced probate thereof; or
- (iv) that the last surviving executor has died intestate; or
- (v) that probate or letters of administration with the will annexed has not been obtained within six months from the death of the testator; or
- (vi) that the estate will probably be damaged, purloined or destroyed;

the Administrator and Registrar-General shall, by notice under his hand to be served personally or delivered at the residence of the widow or widower; and of such next-of-kin, executors or devisees whose addresses shall be known and published in three weekly publications in the Gazette and in any other public paper as he shall decide, call upon the widow or widower and such next-of-kin, executors or devisees within one month of such service or publication, to show cause why an order should not be made for him to administer such estate:

Provided that no citation shall, be necessary in cases under sub-section (vi) of

this section.

- (2) If at the expiration of the period of one month cause shall not be shown to the satisfaction of the High Court or a Judge thereof in the manner provided in the Third Schedule* to the, Act why the order should not be made and in cases under sub-section (vi) at any time after the information in writing as aforesaid, the Administrator and Registrar-General shall petition the Court in the form set out in the First Schedule* to this Act, and the Court shall upon being satisfied that it is a proper case make an order for the grant of letters of administration with or without a will annexed, as the case may be, to the Administrator and Registrar-General.
- (3) Upon such grant as aforesaid, the Administrator and Registrar-General, shall forthwith cause an inventory to be made of the estate and shall file the same in the Court, and shall keep an account of all this receipts, payments and dealings in every such estate, and shall hold, possess, realize and dispose of the assets of the estate according to the directions of the Court and in default of any such directions to the provisions of this Act.

Grant to persons
appearing

11. If in the course of proceedings to obtain a grant of probate or letters of administration under the provisions of section 10, any person appears and establishes his claim to probate of the will of the deceased, or to letters of Administration as widow or widower or next-of-kin of the deceased, the Court shall make an order that probate or letters of administration be granted to him, and shall award the Administrator and Registrar-General the costs of any proceedings taken by him, to be paid out of the estate of the deceased.

Grant of letters of
administration to
widow or widower
or next-of-kin

12. Notwithstanding an order which shall have been made authorising the Administrator and Registrar-General to administer the estate of an intestate, and whether such order has been made or not, the Court may grant probate of any will or letters of Administration of the estate of a deceased intestate to the widow or widower or next-of-kin of such intestate in the manner hereto before made:

Provided that no application for any grant shall be made until seven days notice in writing of the intention to make such application shall have been left at the office of the Administrator and Registrar-General.

Grant of probate or
letters of
administration to
revoke grant to the
Administrator and
Registrar-General

13. Where probate of the will of a deceased or letters of administration of his estate has been granted by the Court in any case where an order to administer had been granted to the Administrator and Registrar-General, the grant of such administration to the Administrator and Registrar-General, shall be deemed to be revoked and all the interest, powers, rights and duties of the Administrator and Registrar-General in regard to the estate of the deceased person affected by such grant, and all liabilities of the Administrator and Registrar-General under

any contract or agreement entered into by him in relation to such estate or any part thereof, shall cease; and such portion of the estate of such deceased person as shall be left unadministered by the Administrator and Registrar-General, shall vest in the executor or administrator obtaining such grant of probate or letter of administration, subject nevertheless to all lawful contracts theretofore, made relating to such estate:

Provided that all acts lawfully done by the Administrator and Registrar-General before the grant of probate or letters of administration to any executor or administrator shall be valid and effectual as if they had been done by the executor or administrator.

Title of
administrator

14. The title of the Administrator and Registrar-General and of any administrator appointed under this Act shall upon such appointment being made, relate back to, and be deemed to have arisen upon the death of the owner of such estate as if there had been no interval of time between such death and appointment.

Administrator to be
trustee.
As amended by
Act 29/1972

15. The Administrator and Registrar-General and every administrator appointed under this law shall be deemed a trustee within the meaning of any law, now or hereafter to be in force, relating to trusts and trustees.

Appointment of
Administrator and
Registrar-General
of estate
unadministered

16. (1) In any case in which administration of the estate of any deceased person shall have been, or shall hereafter be, granted to any person, the Administrator and Registrar-General, or any person interested, may apply to the court or a Judge thereof that letters of administration of the estate left unadministered of such deceased person may be granted to the Administrator and Registrar-General, or any person on the ground that it would be beneficial to all persons interested that the executor or administrator be removed and the estate be administered by the Administrator and Registrar General or such other person

(2) The court or judge may, on such application, grant or refuse the same either absolutely, or any conditions, or may adjourn the hearing thereof for further evidence, and may make such order as to payment of costs by the parties to such application, personally or out of the estate to be administered as to the said Court or Judge may seem fit

(3) All applications under this section shall be by motion of seven days notice to the administrator and all persons interested in the estate and supported by affidavit.

Provided that the court may dispense with personal service as it may think fit where it is satisfied the administrator cannot be found.

(4) When an order is made under this section, it shall have the effect of revoking any previous probate or letters of administration and vesting the estate left unadministered in the Administrator and Registrar-General or other person so appointed with all the rights, powers and subject to all the liabilities of the administrator.

Transfer by
executor or
administrator to
Administrator and
Registrar-General

17. (1) Any executor or administrator may with the previous consent of the Administrator and Registrar-General by instrument in writing under his hand notified in the Gazette, transfer the assets of the deceased vested in him by virtue of such probate or letters of administration to the Administrator and Registrar-General

Provided that before the Administrator and Registrar-General shall give his consent to the transfer he shall notify as far as possible all persons who appear to him to be interested in the estate and shall not give such consent if any other person applies to the Court for administration unless the Court refuses such application.

(2) As from the date of such transfer, the transferor shall be exempted from all liability as such executor or administrator, as the case may be, except in respect of acts or omissions done or committed, before the date of such transfer, and the Administrator and Registrar-General shall have the rights which he would have been subject, if the probate or letters of administration as the case may be, had been granted to him by that name at the date of such transfer.

Advertisements for
debts and claims

18. (1) As soon as possible after the grant of probate or letters of administration, an executor or administrator shall cause advertisements to be published in some public paper calling upon creditors and other persons beneficially interested in the estate which he is administering to come in and prove their claims within such period as he may specify not being less than one month.

(2) The Administrator and Registrar-General shall in like manner cause advertisements as aforesaid and shall in addition publish the same in the Gazette

(3) Any claims by a creditor shall state his name and address, the origin of the debt or claim, the degree or class of debt and particulars duly verified by affidavit.

Distribution of
estate

19. As soon as may be after the expiration of the time limited under the provision of the preceding section, or after the settlement of any dispute in respect of any claim, the executor, administrator or the Administrator and Registrar-General, as the case may be shall dispose of the estate of the deceased in the manner following-

- (a) he shall reimburse himself of all such costs and charges as he may reasonably have incurred in collecting and managing the estate;
- (b) he shall pay into the Treasury the fees mentioned in section 5 (1);
- (c) he shall pay the creditors of the estate in the following order, namely-

"crown" substituted
for "state" by Act
No 29 of 1972 sec
7

- (1) debts due to the State
- (2) judgement debt;
- (3) specialty contracts debts;
- (4) simple contract debts;
- (5) all other debts;

- (d) he shall pay the balance (if any) to the persons legally entitled either as a legatee under a will or beneficially entitled on an intestacy as provided in the Second Schedule hereof.

Proving of claims

20. As executor, administrator or the Administrator and Registrar-General who has distributed the assets of a deceased person among the persons who have proved their claims as creditors or beneficiaries as the case may be shall not be liable for the assets so distributed to any person of whose claims he had notice at the time of such distribution; but nothing in this section contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of any person or persons who may have received the same respectively.

No. sale of. Land
without consent of
parties or order of
court

21. (1) No land forming part of the estate of an intestate shall be sold by the Administrator and Registrar-General or any administrator without the consent of all persons beneficially interested, or the order of the Court or Judge thereof for that purpose first obtained.

(2) On the application of the Administrator and Registrar-General; an administrator or any person beneficially interested, and after previous notice to other persons interested, the Court may order and direct the course of proceedings which shall be taken in regard to the time and mode of any sale of land, the letting and management thereof until sale, the application for maintenance or advancement or otherwise of shares, income of shares, of infants, the expediency and mode of affecting a partition if applied for, and generally in regard to the administration of the land for the greatest advantage of all persons interested.

Personalty to be
realised

22. The Administrator and Registrar-General shall convert into money all the personalty of every estate which he administered unless an order be made to the contrary by the Court, and shall pay all monies received by him from time to time in the course of administration, whether in respect of realty or personalty, except such sums as may be required for defraying expense already incurred or immediately to be incurred in the administration, into the treasury to the account

of the estate from which they arise:

Provided that, in the case of a solvent estate, the Administrator and Registrar-General shall transfer any property specifically bequeathed to any person to such person and may deliver to the widow or widower, or next-of-kin of the deceased any watch, jewellery or other property of the deceased which, in the opinion of the Administrator and Registrar-General ought not to be sold.

Directions by Court

23. (1) The Administrator, or any person claiming any title, right or interest in the estate of a deceased intestate may apply by petition to the Court or by summons to a Judge in Chambers, for directions in any question respecting the possession, custody, control, management or disposal of any property forming part of the assets of a deceased intestate.

- (2) All such applications shall state the grounds thereof and shall be supported by an affidavit setting out the facts relied upon, or upon which such opinion, advice or direction is required and shall be served upon all persons interested.
- (3) The Administrator and Registrar-General or other person acting upon such opinion, advice or direction shall be deemed, so far as his own responsibility is concerned, indemnified from the consequences of acting thereon:
- (4) Provided nevertheless that this shall not indemnify the Administrator and Registrar-General or any such person for any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction.

Assets of persons
not domiciled in
Sierra Leone
payable to
executor abroad

24. (1) When a person, not domiciled in Sierra Leone, has died leaving assets in Sierra Leone, the Administrator and Registrar-General, after having given the prescribed notice for creditors and others to send in to him their claims against the estate of the deceased, and after having discharged at the expiration of the time therein named such lawful claims as he may have notice of, may, instead of distributing any surplus or residue of the deceased's estate to persons residing out of Sierra Leone who are entitled thereto transfer with the consent of the administrator if any as the case may be in the country of the domicile of the deceased, the surplus or residue to such executor or administrator for distribution to such persons:

Provided that where such deceased person was domiciled in a foreign state, such transfer may be made to a Consular Officer of such state, such transfer may be a full and complete discharge to the Administrator and Registrar-General in respect of the same:

And provided further that where the person entitled to receive the residue of an estate is living in a British Dominion or Possession or any Territory over which Her Majesty exercises jurisdiction and the Government of that Dominion, Possession or Territory is willing to pay the residue to that person the Administrator and Registrar-General may transfer the residue through the Minister to the Government of the British Dominion, Possession or Territory in which the person entitled is living and written acknowledgement by the

Accountant General of the Government of Sierra Leone that he has received the surplus for such purpose shall be a full and complete discharge to the Administrator and Registrar-General in respect of the same.

Keeping accounts

(2) The President may prescribe the fees payable to a Consular Officer or to the Government mentioned in this section.

25. The Administrator and Registrar-General and every executor and administrator shall keep an account of all receipt, payments and dealings with every estate he is administering and shall permit all interested persons to inspect and take copies of the same, and of all proceedings relating thereto at all reasonable hours or shall furnish office copies thereof.

Filing of accounts

26. (1) The Administrator and Registrar-General and every executor and administrator shall on the completion of the administration of an estate file in the Court his accounts and vouchers relating to the same, together with an affidavit in verification, and after thirteen days notice has been given to all persons known to be interested who are resident in Sierra Leone setting forth a day and hour to be appointed by the Court for the passing of such accounts, and notice of such day and hour has been published in the Gazette the same may be examined by the Court in the presence of any person who may attend upon such notice; and objection may be taken to the account or any item or part thereof and the Court may allow or disallow the account of any item or part thereof and accounts shall be taken and settled by the Court in accordance with the usual practice of the Court.

(2) A certificate under the hand of a judge of the Court to the effect that the accounts have been examined and found correct shall be a valid and effectual discharge in favour of the Administrator and Registrar-General, executor or administrator as the case may be, as against all persons whatsoever.

Filing of interim account

27. Where the administration of an estate is not completed within twelve months of the date of the grant of probate or letters of administration, as the case may be, the executors shall, unless otherwise ordered by the Court, file in the Court an interim statement of accounts which may be examined in accordance with the Rules of Court.

Power to transfer share of minor to relative

28. Where any person entitled to share under a will or in the distribution of the estate of a deceased person is a minor, the Court may upon the application of the Administrator and Registrar-General, executor or administrator, appoint the father or mother of such minor, or some other suitable person to receive the share of such minor on his behalf and the receipt of such person so appointed shall be a full and complete discharge for the payment of such share.

Disposal of proceeds of intestate estates without a widow or widower, or next-of- kin

29. (1) Whenever the Administrator and Registrar-General shall have

administered the estate of any person who has died intestate and without leaving a widow or widower, or next-of-kin, by paying all debts, fees, expenses and liabilities incident to the collection, management and administration of such estate, he shall forthwith pay all sums of money which shall be in his hands to the credit of such intestate into the Treasury to form part of a fund hereinafter called the "Intestate Fund" and shall forthwith publish a notice in the Gazette and such other public papers as he shall deem expedient, announcing the completion of such administration and calling upon all persons claiming to be interested in such estate on legal, equitable or moral grounds, to present their petitions to the Court.

Petitions to Court

(2) Such petition may be presented at any time within two years from the date of the said notice, unless the Court, as hereinafter provided, fixes a lesser period within which the petition may be presented, and no such claim shall be entertained after expiration of two years or such lesser period of time as may be fixed by the Court as aforesaid, and the hearing of the petition shall not take place until two months shall have elapsed after the expiration of the said period of two years or such lesser period fixed as aforesaid or until the petitioner shall have given two months' notice in the Gazette of the presentation of such petition or intention to present such petition, and if the petition has been presented and no such notice given until after the day appointed by the court.

(3) (a) Where the court is satisfied upon application, either by the Administrator and Registrar-General, or by a person who has presented a petition under sub-section(1) of this section, that it is unlikely there should be any further petitions presented or that a lesser period of time will be sufficient for the presentation of any such petitions, the court may order that instead of the period of two years mentioned in sub-section(2) there shall be substituted for such period such lesser period not less than six months as the court may consider sufficient.

What must be stated

(b) Notice of any order made by the court under this subsection shall be published in the other public papers in which the notice under sub-section (1) of this section was published.

Service to Official Administrator

(4) Every such petition shall state the place of residence of the claimant and the ground upon which and the description of the estate in respect of which and the description of the estate in respect of such claim is made.

Hearing

(5).A copy of such petition shall be served upon the Administrator and the Registrar- General.

Ground of Petition

(6) A person claiming to be interested in such estate may appear personally or by counsel, and the respective claims of different petitioners may be heard and dealt with at the hearing.

Order on Petition

(7) The equitable or moral grounds in this section referred to shall include those arising from the illegitimacy of the deceased person whose estate shall have been administered or of his children.

30. (1) If any petitioner verifies his claim by evidence to the satisfaction of the court, the court shall make such order in the premises, including any award of costs, as it shall think fit.

(2) The order may contain a direction to the Accountant-General to pay from the sum standing to the credit of the estate in the Treasury the sum awarded to any claimant or petitioner by such order, or any debt appearing to the court to be then outstanding and due from the estate.

Assets unclaimed within two years to lapse to Government

31. (1) After the expiration of two years from the date of any notice published by the Administrator and Registrar-General under section 29 hereof, all sums standing to the credit of an estate in respect of which such notice was published, and in respect of which either no petition shall have been presented has been withdrawn, struck out or dismissed, shall forthwith pass to and form part of the general revenue of Sierra Leone, and the Administrator and Registrar General shall notify the Accountant General thereof.

(2) The Court may either of its own motion, or on the application of the Attorney General or the Administrator and Registrar General, or any person interested, after notice to the petitioner strike out or dismiss any petition which shall not have been heard and determined within three years from the date of the notice of the Administrator and Registrar General under section 29 if the Court is of the opinion that the petitioner has failed or delayed without good and sufficient cause duly to prosecute such petition.

Powers of President to dispose of assets

32. It shall be lawful for the President to dispose of or distribute either the whole or any part of any assets transferred to Government under the last preceding section or otherwise to or among any kindred of the deceased or any other such persons in such shares and manner as he shall think fit, regard being had to any equitable or moral claims.

Duty of heads of department to notify deaths

ESTATES OF DECEASED EXPATRIATE GOVERNMENT OFFICERS

33. (1) It shall be the duty of the Head of every Government Department to inform the Administrator and Registrar General forthwith of the death of any expatriate officer of his department

Administration by the Administrator and Registrar General of estate of deceased expatriate officers

(2) Where any expatriate officer dies intestate, or leaving a will but without having appointed an executor who is within the jurisdiction and able and willing to take probate, and without leaving any widow or widower, or next of kin within

Agent of Administrator and Registrar General in Sierra Leone

the jurisdiction who is able and willing to take probate, his estate shall be administered by the Administrator and Registrar General.

(3) If any such expatriate officer as aforesaid die leaving property in any place in Sierra Leone, other than in Bonthe in the Sherbro Judicial District, the Administrator and Registrar General may subject to the approval of the President, appoint a public officer to act as his agent in the administration of the estate of such deceased.

(4) If any such expatriate officer as aforesaid die leaving property in Bonthe in the Sherbro Judicial District or in the Provinces, then the District Officer of the District in which such property is left shall be ex-officio agent of the Administrator and Registrar General in the administration of the estate of such deceased:

Limitation of
administration

Provided that the District Officer may appoint a public officer in his district to act as such agent in his place.

34. The administration of such estate by the Administrator and Registrar-General shall be limited to the collection and realization of the estate of the deceased within the jurisdiction, the payment of his funeral and testamentary expenses and debts within the jurisdiction, and the payment of the balance into the Treasury to the credit of the legal personal representative of the deceased.

Publication of
notice by
Administrator

35. As soon as possible after the Administrator has taken over the administration of the estate of any expatriate officer he shall cause a notice of the fact to be published in the Gazette and such other public papers as he shall deem expedient, requiring all persons having any claim against the estate of the deceased so send in such claim to the Administrator within thirty days, and may, if he thinks fit, require that any claim be supported by affidavit of the person making the same, or of any person cognisant of the facts relating thereto.

Certain articles to
be sent to the
Consular Officer
As amended by
Act 29/1972

36. Where the estate is solvent any watch, jewellery, letters or other property of the deceased which, in the opinion of Administrator and Registrar-General, ought not to be sold shall be securely packed and forwarded to the Consular Officer or appropriate authority of the country of origin of the deceased officer for despatch to the legal personal representatives of the deceased officer. The Administrator shall give notice to the Minister that this has been done.

Rendering of
accounts and the
Order of Court.
As amended by
Act 29/1972

37. (1) Upon the completion of the administration of the estate, the Administrator shall file in the Court his accounts and those of the agent, if any, and the vouchers relating thereto together with an affidavit or affidavits in verification. The Court shall, on passing such accounts, order the net balance due to the estate to be lodged with the Accountant General with a view to being paid to the Consular Officer or appropriate authority of the country of origin of the deceased officer on behalf of the legal personal representative of the deceased.

- (2) The Administrator and Registrar-General shall, on receipt of the order of the court, send to the Minister a copy of the said order of the accounts as finally passed by the Court and the vouchers relating thereto, and of the affidavit or affidavits in verification, together with a request that the Consular Officer or appropriate authority of the country of origin of the deceased officer may be instructed accordingly.
- (3) If at any time subsequent to the filing of the accounts and vouchers as aforesaid there shall be brought to the knowledge of the Court the existence of assets or of claims against the estate of the deceased which were unknown to the Administrator and Registrar-General or not included in the accounts at the time of such filing, the Court on being satisfied by affidavit or otherwise of the existence of assets, or of the validity of such claims may order that the accounts be amended as circumstances may require, and pass the amended accounts accordingly.

Interim accounts

38. The Administrator and the Registrar-General may, by leave of the court, and subject to such terms as to the future administration of the estate as the court may deem just, pass any accounts prior to the completion of the administration. In any such case the procedure prescribed in section 37(2) shall be followed as to any balance shown to be due to the estate by such accounts, but the Minister shall in addition be notified that the administration has not been completed.

Change of
administration by
Order of Court

39. The court may at any time, on application being made to it for the purpose, or of its own motion, order that the Administrator and Registrar-General shall cease to administer an estate.

Any such order shall be made on such terms as the court shall think fit, and the court may by the same or another order name some other person to act as administrator.

Power to
administer where
assets do not
exceed £50

ADMINISTRATION OF SMALL ESTATES

40. (1) Notwithstanding anything contained in this or any other assets within Sierra Leone the gross value of which does not exceed fifty pounds, the Administrator and the Registrar-General may by notice in the Gazette and in some other public paper advertise his intention to administer the estate under the provisions of this section and at the expiration of the time limited by such notice he may apply to the court for an order to administer the estate, which order the court may grant or refuse at its discretion:

Provided that where the gross value of the estate does not exceed ten pounds no notice shall be published:

And provided further that no order shall be made for the Administrator and the Registrar-General to administer such estate if letters of administration of the intestate have been granted to an administrator unless the court under section 16 sub-section (4) has revoked such grant.

(2) It shall not be obligatory for the Administrator and Registrar-General to file in court his account and vouchers in respect of an estate administered under this section unless he is required to do so by a beneficiary or creditor of the deceased, and receives payment of such sum as the Administrator and Registrar-General may reasonably require to cover the costs of preparing, filing and passing the accounts:

Provided that all persons interested shall have the right to inspect and make copies of such account.

(3) The Administrator and Registrar-General shall publish in some public papers a notice calling upon all creditors to send in their claims against the deceased within a reasonable time to be stated by him in such notice:

Provided that where the gross value of the estate does not exceed ten pounds the Court may on the application of the Administrator and Registrar-General dispense with the publication of such notice,

(4) Upon the expiration of the time so stated or if publication of the notice to creditors is dispensed with as hereinbefore provided, after such period as the Court may fix, the Administrator and Registrar-General shall pay all claims of which he shall have received notice and which have been proved to his satisfaction and shall distribute the residue (if any) among the persons interested in accordance with the rules of distribution in the Second Schedule hereto annexed, In the case of illegitimacy of the deceased or his children, such distribution shall be made among such the persons who, in the opinion of the Administrator and Registrar-General, would, but for such illegitimacy, have been entitled to the same according to the rules of distribution aforesaid.

Power to remit
fees in estates not
exceeding £50

(5) The Administrator and Registrar-General may on his own motion and shall at the request of any beneficiary or of any creditor who has proved his claim to the satisfaction of the Administrator and Registrar-General apply to the Court for directions as to any claim or as to the persons who are entitled to the estate as creditors or beneficiaries.

41. Notwithstanding anything contained in this or any other Act the court may at the time of making an order for the Administrator and Registrar-General to administer an estate the gross value of which does not exceed fifty pounds remit

Wages or salary
not exceeding £10
to be paid to widow

all fees and costs usually payable upon an administration by the Official Administrator and to substitute therefore one fee, equivalent to one-tenth of the gross value of the estate, and may order that any formalities or proceedings, which may appear to him to be unnecessary, be dispensed with, and may give all directions as it may consider expedient for the effective and economical administration of the estate.

or relative of deceased person in certain cases

42. In case any person employed in the service of any Government Department or of the City Council of Freetown or of the Rural Area Council shall die leaving any sum of money not exceeding ten pounds due to him as wages or salary, and probate of his will or letters of administration be not produced to the officer responsible for the payment of the said sum; or if notice in writing of the existence of a will and intention to prove the same or notice of intention to take out letters of administration be not given to the said officer within the period of two months from the death of such person so employed as aforesaid; or if such notice be given but such will be not proved or letters of administration be not taken out and the probate and letters of administration produced to the said officer within the period of four months' from the death of such person; the officer may after the period of two or four months, as the case may be, pay the sum due as aforesaid, at his discretion to the widow and relatives of the deceased person or anyone or more of them and shall thereupon notify the Administrator and Registrar-General accordingly.

Native Intestate Estates not within jurisdiction of Local Court.
"Local" substituted for "Native" by Act. No.20 of 1963 sec.3

ADMINISTRATION OF NATIVE ESTATES

Administrator and Registrar-General to ascertain customary law

43. (1) Notwithstanding anything contained in this Act, where any native dies intestate leaving assets in Sierra Leone which are not within the jurisdiction of any Local Court the distribution of such assets after payment of the debts of the deceased and the costs of administration shall be according to native law and custom.

Sec. 43(2), (3) & (4) amended by Act No.16 of 1975

- (2) Where the Administrator and Registrar-General administers any such estate he shall request the District Officer of the area, or the Paramount Chief of the Chiefdom concerned, or the Tribal Headman of the tribe to which the deceased belonged to ascertain from the Local court or from members of the tribe, as the case may be, the names of persons entitled to the balance of the estate and on such names being certified to him by the District Officer, or the tribal Headman, as the case may be, shall pay such balance of the estate to the persons so named.
- (3) Where the District Officer, or the Paramount Chief of the Chiefdom concerned or the Tribal Headman certifies that there are no known persons entitled under customary law to the balance of the estate and there appears to be any person or persons who were dependent on the deceased or who would have been entitled had the deceased been a non-native, the Minister may direct the Administrator and Registrar-

General to pay the balance of the estate to such person or persons in such proportions as he may think equitable.

- (4) The receipt of the persons certified by the District Officer or the Paramount Chief of the Chieftdom concerned or the Tribal Headman or of the persons to whom the Minister directs that payment shall be made as the case may be, shall be a valid and effectual discharge in favour of the Administrator and Registrar-General against all persons whatsoever, in respect of the balance of the estate so paid over and effectual discharge in favour of the Administrator and Registrar-General against all persons whatsoever in respect of the balance of the estate so paid over.

Annual Report of
Administrator and
Registrar-general

"House of
Representative
substituted for
"Parliament" by
sec.7 Act No.29 of
1972

GENERAL

Rules of Court
Cap. 7.

44. The Administrator and Registrar-General shall in every year in the month of April transmit to the Financial Secretary, to be laid before the Parliament, a return of all monies paid, received and invested in respect of all the estates of deceased persons administered by him during the preceding year, distinguishing the particular estate in which the same have been so received, paid or invested, and he shall also publish twice in every year, in the months of April and October a like return in the Gazette in respect of the six months ending on the 31st day of December and 30th day of June, respectively.

45. Rules of Court may be made in accordance with section 24 of the Courts Act, for the effectual execution of this Act, and for fixing the costs to be allowed, or in respect of the matters herein contained, and the performance thereof, and also for altering the number of days by this Act limited for the doing of everything by this Act prescribed or authorised to be done, and substituting other days for the same as, in the opinion of the Rules of Court Committee, shall be necessary and proper.

Section 19

Until such rules are made, the rules in the Third Schedule hereto annexed shall be in force.

SECOND SCHEDULE

RULES OF DISTRIBUTION

1. If a woman die intestate leaving a husband the whole of the estate shall go to him.
2. If a man die intestate leaving a widow and children or issue the widow shall be entitled to one-third of the estate, and the children

or issue the remaining two-thirds equally between them per stripes.

3. If a man dies leaving children or issue but no widow, the children and issue take the whole between them per stripes
4. If a man die leaving a widow but not children or issue the widow shall take one-half absolutely and the half shall be divisible amongst this nearest relatives of next-of-kin.

Relatives of the half-blood taking equal with relative of the full entitled to the whole.

5. If a man die leaving no widow or children or issue, the father will be entitled to the whole.
6. (1) If a man die leaving no widow, child, issue or father; the mother, brothers and sisters will take in equal shares. Brothers and sisters of the half-blood share equally with brothers and sisters of the full-blood.
- (2) If any brother or sister shall have died in the life-time of the intestate, leaving children, such children shall stand in loco parentis, provided the, mother or any brother or sister be living.

* Rules of Court have been made prescribing the fees to be paid for the administration of estates by the Administrator and Registrar-General. None have been made yet to replace the Third Schedule. The First Schedule, which prescribes a form or application to the Court, and the Third Schedule, which is in the nature of Rules of Court, are for convenience printed together with the Rules about fees in the Volume containing the subsidiary legislation of the Courts Act (Cap.7).

7. If there be no brother or sister, nor child of such brother or sister, the mother shall take the whole.
8. If there be no mother, the brothers and sisters take equally, the children of such brothers and sisters as may be standing in loco parentis.
9. If there be no next-of-kin the estate shall go to the State.

CHAPTER 46

ADMINISTRATION OF ESTATES BY CONSULAR OFFICERS

ARRANGEMENT OF SECTIONS

SECTION

8 of 1940
"Ordinance"
substituted by "Act"

1. Short title
2. Administration of Estates by Consular Officers
3. Variation of Schedule

Act 29/1972

CHAPTER 46

ADMINISTRATION OF ESTATES BY CONSULAR OFFICERS

An Act to enable Consular Officers of Certain States to Administer the Estates of Deceased Foreign Nationals of such States.

Short title
"Colony"
substituted by
"Sierra Leone".
Act 29/1972

Administration of
Estates by
Consular Officer

[18TH JULY, 1940]

WHEREAS it is expedient that effect should be given in Sierra Leone to the provisions of certain Treaties of Commerce and Navigation mentioned in the Schedule hereto

1. This Act may be cited as the Administration of Estates by Consular Officers Act, and shall apply to Sierra Leone.
2. Whenever any subject or citizen of any State mentioned in the first column of the Schedule hereto-
 - (a) dies within Sierra Leone, or
 - (b) dies outside Sierra Leone leaving property within Sierra Leone,

"Official
Administrator"
replaced by
"Administrator and
Registrar General"
By Act 19/1972

and no person other than the Administrator and Registrar-General is present in Sierra Leone at the time of his death who is rightfully entitled to administer the estate of such deceased person, the Consul, Vice-Consul or Consular Officer of such State within Sierra Leone may take possession and have the custody of the property of such deceased person, and may apply the same in payment of his debts and funeral expenses, and may retain the surplus for the benefit of the persons entitled thereto; but such Consul, Vice-Consul or Consular Officer shall immediately apply for; and shall be entitled to obtain from the Court, Letters of Administration of the property of such deceased person, limited in such manner and for such time as to the Court shall seem fit.

Variation of
Schedule
"President"
substitutes
"Governor" by Act
29/1972

3. It shall be lawful for the President by Order published in the Gazette to vary the Schedule-

- (a) by deleting therefrom any State when the provisions of the Treaty with that State mentioned in the Schedule shall have ceased to have effect;
- (b) by adding thereto any State with whom the Government of Sierra Leone shall make a Treaty of Commerce and Navigation containing provision similar to any of the provisions mentioned in the Schedule.

SCHEDULE*

Name of State	Title of Treaty	Date of Treaty	Provision
Finland	Treaty of Commerce and Navigation between the United Kingdom and Finland	14 th December, 1923	Article 19 (Third Paragraph)
Estonia	Treaty of Commerce and Navigation between the United Kingdom and Estonia	18 th January, 1926	Article 22
Hungary	Treaty of Commerce and Navigation between the United Kingdom and Hungary	23 rd July, 1926	Article 14
Yugoslavia	Treaty of Commerce and Navigation between the United Kingdom and the Kingdom of the Serbs, Croats and Slovenes	12 th May, 1927	Article 24
Turkey	Treaty of Commerce and Navigation between the United Kingdom and Turkey	1 st March, 1930	Article 28
Roumania	Treaty of Commerce and Navigation between the United Kingdom and Roumania	6 th August, 1930	Article 28
Thailand	Treaty of Commerce and Navigation between the United Kingdom and Siam (Thailand)	23 rd November, 1937	Article 19

* There are also the following Consular Conventions, concluded in 1951 or thereafter, which contain clauses providing for the administration of estates by Consular Officers, and the preambles' of which state that their provisions shall apply to all territories for whose international relations the United Kingdom is responsible-

Name of State	Title of Convention	Date of Convention	Provision
Norway	Consular between the United Kingdom and Norway	22 nd February 1951	Part VI Article 22
United States	Consular between the United Kingdom and the United States	6 th June, 1951	Part VII Article 18
France	Consular between the United Kingdom and France	31 st December. 1951	Part VI Article 29
Sweden	Consular between the United Kingdom and Sweden	14 th March, 1952	Part VI Article 22
Greece	Consular between the United Kingdom and Greece	17 th April, 1953	Part VI A Article 22
Mexico	Consular between the United Kingdom and Mexico	20 th June, 1954	Part VI Article 23
Italy	Consular between the United Kingdom and Italy	1 st June, 1954	Part VI Article 23
Germany	Consular between the United Kingdom and Germany	30 th July, 1956	Part VI Article 21

BIRTHS AND DEATHS

Contents:

1. Aku Mohammedan Burial Grounds Act Cap 91
2. Burial Registration (Freetown) Act Cap 94
3. Births and Deaths Act No.11 of 1983

Cap. 91]

SECTION

Aku Mohammedan Burial Board

CHAPTER 91

AKU MOHAMEDAN BURIAL BOARD.

ARRANGEMENT OF SECTIONS

1. Short title.
2. The Aku Mohammedan cemetery to be vested in a Burial Board.
3. Appointment of the Board
4. Chairman of the Board.
5. Resignation from the Board.
6. Filling of vacancies.
7. Meetings of the Board.
8. Quorum at meetings of the Board.
9. Board may sue and be sued.
10. Appointment of clerk to the Board.
11. Duties of the clerk.
13. Conditions under which burials may take place.
14. Burial permit fees.
15. Registration of burials.
16. Default of clerk.
17. Offences relating to burials.
18. Failure to apply for burial permit.

SCHEDULE
CHAPTER 91

AKU MOHAMMEDAN BURIAL BOARD

26 of 1931

An Act to Vest the Aku Mohammedan Cemetery at Fourah Bay in a Burial Board, and to make Provision for its Management and Control as a Cemetery.

[7TH DECEMBER, 1931.]

Short title

“Ordinance”

Substituted For “Act”

by Act No. 29 of

1972 sec. 7

The Aku Mohammedan cemetery to be vested in a Burial Board

1. This Act may be cited as the Aku Mohammedan Burial Board Act.

2 The portion of land at Fourah Bay commonly known as the Aku Mohammedan Cemetery and described in the Schedule is hereby vested in the Burial Board to be appointed under this Act, which Board shall be responsible for its management and control as a cemetery.

3. The Board shall consist of six Mohammedans to be appointed by the President who shall, when making any such appointment, consult the Imam for the time being of the Fourah Bay Mosque.

Appointment
of the Board.
“Governor” substituted
for “President” by Act
No 29 of 1972 sec. 7.

4. The Imam of the Fourah Bay Mosque, if a member of the Board, shall *ex officio* be chairman, but if he be not a member, the Board shall elect a chairman from their own number:

Chairman of
the Board

Provided that if the members of the Board are unable to come to a decision, the chairman shall be nominated by the President.

5. Any member of the Board may resign from the board at any time by giving one month's notice in writing of his intention so to do to the chairman.

Resignation
from the
Board

6. On the occurrence of a vacancy by death, resignation otherwise, the chairman shall forthwith report the same to the President who shall thereupon make a fresh appointment to fill the vacancy. A vacancy shall be deemed to have occurred if any member of the Board is absent from Sierra Leone for continuous period of more than twelve calendar months.

Filling of
vacancies.
“Sierra Leone” replaces
“Colony” Act No.29 of 1972

7. The Board shall meet as often as, in the discretion of the Chairman, is necessary for the transaction of business.

Meetings of
the Board

8. At all meetings of the Board any number not less than three members of such Board shall be a sufficient number for transacting business and exercising all the powers of the Board.

Quorum at
meetings of
the Board.

9. The Board may sue and be sued by the name of the Aku Mohammedan Burial Board.

Board may sue
and be sued

10. The Board shall appoint, and may remove at pleasure, a clerk to the Board and may pay such clerk such remuneration as may be reasonable:

Appointment
of clerk to the
Board

Provided that such appointment, removal and remuneration shall be subject to the approval of the Chief Registrar of Births and Deaths.

11. The duties of the clerk shall be-

Duties of the
clerk

- (a) To attend all meetings of the Board;
- (b) To be present at all burials taking place in the cemetery;

(c) To issue burial permits in the manner hereinafter prescribed and to account to the Board for all fees received by him in payment for the said permits;

(d) To execute all lawful orders of the Board;

(e) To execute all orders given by the Health Department with relation to the sanitary condition of the said cemetery;

(f) To keep a Burial Register Book in the manner hereinafter provided.

Conditions under-
which burials may
take place

12. No burial shall take place in the said cemetery unless and until a burial permit has been obtained from the clerk, who is hereby authorised and required to issue such permit upon production of a burial certificate or Coroner's order and upon payment of the appropriate fee.

Burial permit fees

13. (1) A fee of two shillings and sixpence in the case of an adult, and of two shillings in the case of a child under the apparent age of sixteen years, shall be payable for a burial permit; provided that the board may, in any case, remit all or any part of such fee.

(2) The amount received by the Board in fees shall be applied by it in payment of the remuneration of the clerk to the Board, in the repair and upkeep of the said cemetery, and as to the balance, if any, in such manner as the Board in its discretion shall see fit.

Registration of
burials

14. (1) The Chief Registrar of Births and Deaths shall, on application, supply the clerk to the Board with a Burial Register Book in which shall be entered, numbered in successive order in each year, the name, sex, place of abode and apparent age of all persons buried in the said cemetery and the day, month and year of such burial.

(2) When each such Burial Register Book is filled up, the clerk to the board shall deliver the same into the custody of the Chief Registrar of Births and Deaths, and thereupon such book shall be deemed to be a Burial Register Book prescribed by the Burials Registration (Freetown) Act, for all the purposes of that Act.

Cap. 94.

Default of clerk.

15. If the clerk to the burial board willfully permits any burial to take place in the said cemetery for which a permit has not first been obtained, or willfully omits to make any entry required by section 14 (1), or willfully make or concurs in

making any false entry, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five pounds or to imprisonment, with or without hard labour, for a period not exceeding two months.

16. All burials under this Act shall be conducted in a decent and orderly manner; and every person guilty of any riotous, violent or indecent behaviour at any burial under this Act, or willfully obstructing such burial or any religious service thereat, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months.

Offences
relating to
burials

17. (1) Any person who knowingly attends or takes part in any burial in the said cemetery, for which a burial permit has not been obtained, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five pounds, or to imprisonment, with or without hard labour, for a period not exceeding two months.

Failure
to apply for
burial permit

(2) Any person who takes part in or attends any such burial as is mentioned in sub-section (1) shall be deemed to have known that no burial permit had been obtained unless he shall satisfy the court to the contrary.

SCHEDULE

All that piece or parcel of land situate at Kennedy Street in the City of Freetown bounded on the north by an irregular line forming the boundaries of private properties 503 feet in length, on the South by Crown Land 469 feet in length, on the East by Kennedy Street aforesaid 288 feet in length, and on the West by an irregular line forming the boundaries of private properties 340 feet in length.

Cap. 94]

CHAPTER 94

BURIALS REGISTRATION (FREETOWN)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Cemetery Clerk to keep books for the entry of the deaths of persons buried.

SCHEDULE OF FEES

CHAPTER 94

BURIALS REGISTRATION (FREETOWN)

An Act to Provide for the Registration of Burials

27 of 1908
28 of 1929
O. in C.
22 of 1929
Short title

[17TH SEPTEMBER, 1908.]

1. This Act may be cited as the Burials Registration (Freetown) Act.

Cemetery
clerk to keep
books for the
entry of the
death of persons
buried

2. (1) The clerk of all cemeteries vested in the Mayor, Councilors and Citizens of the City of Freetown shall continue to keep books for the registration of the deaths of persons buried in such cemeteries and on every person being so buried such Cemetery Clerk shall enter in such books, numbered in successive order in each year, the name, place of abode and age of such person and the day, month and year when buried.

(2) When any such book shall be filled up the Cemetery Clerk shall deliver the same into the custody of the Chief Registrar of Births and Deaths.

(3) All such books so heretofore kept and all books heretofore kept by the sextons of cemeteries in pursuance of the provisions of an Act, intituled an Act to legalise the forms of certain Register Books of Marriages and Books of Burials, and now in the possession of the Cemetery Clerk as aforesaid or of the Chief Registrar of Births and Deaths, and all such books to be kept as herein directed, and every copy of the same, or extract therefrom, certified to be a true copy or extract under the hand of such Cemetery Clerk or Chief Registrar of Births

and Deaths shall be evidence of the death and burial of such person as therein set forth.

Sec. 2(4)

(4) The fees set forth in the schedule hereto shall be demanded and received by the Cemetery Clerk as aforesaid and the Chief Registrar of Births and Deaths for and in respect of the several matters therein mentioned, and all such fees shall be payable by means of such adhesive stamps as are legally in use in Sierra Leone and shall form part of the general revenue of the Sierra Leone.

“Colony” replaced with Sierra Leone by Sec 7 Act No. 29 of 1972.

(5) The said fees may from time to time be annulled or altered or added to by an order of the President and other fees may in like manner be imposed.

“President” replaces “Governor” by sec 7 Act No. 29 of 1972.

(6) On application the Chief Registrar of Births and Deaths shall supply such Cemetery Clerk with Burial Register Books.

SCHEDULE

1. For searching the Registry Books of Burials, for every half-hour or fraction thereof
during which the search shall
continue.....
2. For a certified extract from the Registry Books of Burials...

(a)
SIGNED this 6th day of December, 1983.

SIAKA STEVENS,
President.



No. 11



19 1983

The Births and Deaths Registration Act,

Short title

Being an Act to Amend and Consolidate the Laws relating to the registration of Births and Deaths throughout Sierra Leone; and for matters incidental thereto

BE IT ENACTED by the President and Members of Parliament in this present parliament assembled, as follows:-

Date of
commence-
ment.

PART I

PRELIMINARY

1. This Act shall come into force on a date to be fixed by the Minister by Commencement notice in the *Gazette*:

Provided that different dates may be appointed for different parts of Sierra Leone.

2. In this Act, unless the context otherwise requires

Interpretation

(a) "Birth" means live-birth or still-birth;

(b) "Chief registrar" means the person appointed by the Minister to be Chief Registrar under Section 3;

- (c) "Death" means the permanent disappearance of all evidence of life at any time after live-birth has taken place;
- (d) "District" means Greater Freetown area, rural area of Western Area or any of the administrative districts of the provinces;
- (e) "Legal wedlock" means wedlock in accordance with the Laws of Sierra Leone or the Customary Laws;
- (f) "Live-birth" means the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction breathes or shows any other evidence of life;
- (g) "Still birth" means the birth of a child which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being completely expelled from its mother, breathe or show any other signs of life;
- (h) "Mining area" means any area where digging, drilling water diversion and extraction for the processing of minerals is carried out;
- (i) "Minister" means the Minister for the time being charged with responsibility for matters relating to health;
- (j) "Occupier of the house" includes the person usually residing in such house, owner, and keeper, master or the agent;
- (k) "Plantation" means any land, not less than ten acres in area which is being prepared for or actually produces coffee, pepper, rubber, cola, palm or such other products of the soil as the Minister may notify in the *Gazette*;
- (l) "Prescribed" means prescribed by rules made under this Act.
- (m) "Register" means register of births or deaths, as the case may be kept under or by virtue of this Act.
- (n) "Registrar" means Registrar or Assistant Registrar of Births and Deaths or of Births or of Deaths;
- (o) "Registration" means registration by Chief Registrar or any person declared by this Act to be an officer of or under the, control of the Chief Registrar;

PART 11

REGISTRATION-ESTABLISHMENTS

- 3 (1) The Minister may by notice published in the *Gazette* appoint a person to be known as the Chief Registrar of Births and Deaths Sierra Leone. Chief Registrars
- (2) The Minister may also appoint a Deputy Chief Registrar and such other officers with such designations as he thinks fit, for the purpose of discharging, under the superintendence and direction of the Chief Registrar such functions of the Chief Registrar under this Act as the Minister may from time to time authorise them to discharge.
- (3) The Chief Registrar may issue general directions regarding registration of births and deaths in the area to which this Act extends and shall take steps to co-ordinate and unify the activities of Registrars and other officers in the matter of registration of birth and deaths and submit to the Minister an annual report on the working of this Act in the said area
4. The Minister may notice published in the *Gazette*, divide the country into such registration divisions as he may think fit. Registration Divisions
5. (1) The Minister may appoint a District Registrar for each district. District Registration
- (2) The District Registrar shall superintend, subject to the direction or the Chief Registrar, the registration of births and deaths in the district and shall be responsible for carrying into execution in the

district, the provisions of this Act and the orders of the Chief Registrar issued from time to time for the purposes of this Act.

Registrar

6. (1) The Minister may appoint a Registrar for each local area comprising the area within the jurisdiction of a town council chiefdom or a section of a chiefdom, or other local authority or any other area or a combination of any two or more of them:

Provided that the Minister may appoint, in the case of a prescribed institution, any officer or other employee of the institution as a Registrar for the institutional events.

- (2) Every Registrar shall, without fee or reward, enter in the register maintained for the purpose all information given to him under section 7 or section 8 and shall take steps to inform himself carefully of every birth and of every death which takes place in his jurisdiction and to ascertain and register the particulars required to be registered.
- (3) Every Registrar shall have an office in the local area for which he is appointed:

Provided that the Registrar may be perambulatory as the Chief Registrar may direct.

- (4) Every Registrar shall attend office for the purpose of registering births and deaths on such days and at such hours as the Chief Registrar may direct; and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Registrar a board bearing in the official language, his name with the addition of "Registrar of Births and Deaths" for the local area for which he is appointed and the days and hours of his attendance.
- (5) Every Registrar shall be paid such remuneration as may be determined by the Minister after consultation with the Establishment Secretary and the Minister of Finance.

PART III

REGISTRATION OF BIRTHS AND DEATHS

Persons required
to register

7. It shall be the duty of the persons specified below, to give or cause to be given, either orally or in writing, according

to the best of their knowledge and belief within thirty days of a birth and fourteen days of death information to the Registrar of the several particulars required to be entered in the forms prescribed by the Minister under section 20:

Provided that when the information is given orally the Registrar shall fill it in the prescribed form in the presence of a witness in accordance with the information given, read it out and explain it to the informant, who shall thereupon sign it or put his left thumb print on the form which the witness shall sign-

- (a) In respect of births in a house, not being any place referred to in paragraphs (a) to (h), the doctor, midwife, nurse or any medically trained person who attended such births, and in case any such person was not present at birth, the father or mother, the head of the house (the head being the person who is so recognised) or the occupier of the house and in the absence of any such person, the oldest male person present therein any time during the period within which the birth has to be reported;
- (b) In respect of deaths in a house, not being any place referred to in paragraphs (c) to (h), the head of the house, (the head being the person so recognised), and if the head is not present then every other relative present at the death, or the occupier of the house and in the absence of such persons, the person causing the body of the deceased to be buried:

Provided that any of the persons hereinbefore mentioned may produce a medical certificate specified in Section 10;

- (c) In respect of births and deaths in a hospital, health centre maternity or nursing home, clinic or other like institution, the medical officer the sister, midwife, nurse or other person in charge of the institution or a person authorised by any of them in that behalf;
- (d) In respect of any birth occurring on the way to a hospital, or before admission into any institution, the doctor, midwife or other medical personnel who attended the mother during the early post-natal period not exceeding one week;
- (e) In respect of births and deaths in a prison or lockup, the officer-in-charge;

- (f) In respect of births and deaths in a workhouse, boarding-house, lodging-house, hotel tavern, barrack, shop charitable institution or place of public resort, the person in charge thereof;
- (g) In respect of births and deaths in a moving vehicle the person in charge;
- (h) In respect of births and deaths on board any vessel within territorial waters, the master of the vessel:

Provided that the information required to be registered is furnished directly to the Chief Registrar;

- (i) In respect of any new born child or dead body found deserted in a public place, the village headman in the case of a village, and to the officer-in-charge in the local police station elsewhere:

Provided that such headman or officer may give the required information only to the extent he possess; and provided further that any person who finds such child or dead body, or in whose charge such child or dead body may be placed, shall notify such fact to the headman or officer;

- (j) In respect of births and deaths in any other place, such person as may be prescribed:

Provided that in the case of deaths in which an inquest is held the officer who conducts the inquest shall give or cause to be given the information.

Special
provision
in certain
areas

8. In the case of births and deaths in a plantation, mining area and labour lines, the superintendent or manager shall give or cause to be given to the Registrar the information referred to in section 7:

Provided that the person referred to in paragraph (a) to (i) of section 7 shall furnish the necessary particulars to the superintendent or manager.

9. It shall be the duty of-

- (a) The doctor, midwife or any other medical or health attendant, Village Maternity Assistant, Nursing Aid, Traditional Birth Attendant other than those who were present or were attached to institutions listed in paragraphs (c) and (d) of section 7;
- (b) The keeper or the owner of a place set apart for the disposal of dead bodies or any other person required by a local authority to be present at such place;

Duty of
certain
persons to
notify birth
and deaths

Births and Deaths Registration

- (c) The village headman, police, tax collector, health inspector, forest ranger or any other local functionary designated by the Minister;
- (d) The parish priest, imam or other officiating at religious Services connected with a birth or death; to notify every birth or death or both about which he gathers knowledge in the course of performance of his duties, to the Registrar of the area within such time and in such manner as may be prescribed.

10. (1) In the case of the death of any person who has been attended during his last illness by a registered medical practitioner, it shall be the duty of that practitioner to forthwith issue, without charging any fee to the person required under this Act to give information concerning the death, a certificate in the prescribed form stating, to the best of his knowledge and belief, the cause of death and the certificate shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act.

Certificate of cause of death

- (2) In the case of the death of any person who has been attended during his last illness by a dispenser, nurse or medical attendant, it shall be their duty to forthwith issue without charging any fee to the person required under this Act to give information concerning the death, a statement in the prescribed form indicating to the best of their knowledge and belief the cause of death; and the statement shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act:

Provided that where an inquest or enquiry is held on the body of any deceased person, a medical certificate of the cause of death need not be given to the Registrar, but the certificate of the finding of the jury or coroner, furnished by the coroner, shall be sufficient.

- (3) In the case of the death of any person who has not been attended during his last illness by a registered medical practitioner, a dispenser, nurse or medical attendant, it shall be the duty of the Registrar to investigate the cause of death according to the prescribed procedure:

Provided that where the Registrar is not satisfied that the cause of death is natural he may refer the case to the police or coroner or medical officer of the area, and it shall be lawful for the burial to be delayed until the investigation is completed.

Extracts
of registra-
tion entries
be given to
informant.

11. The Registrar shall, as soon as the registration of a birth or death has been completed, give without fee or reward, to the person who gives information under section 8, under his hand and the official seal of his office, an extract of the prescribed particulars from the register relating to such birth or death.

Power of
Registrar to
obtain
information
regarding birth
or death

12. The Registrar may either orally or in writing require any person to furnish any information within his knowledge in connection with a birth or death in the locality within which such person resides and that person shall be bound to comply with such requisition.

Registration

13. (1) When the birth of any child has been registered of the name without a name and a name is given subsequently, the parent or of a child, guardian of such child may within twelve months next after registration of the birth, apply in the prescribed form to the Registrar who registered the birth for the registration of the name and the Registrar upon the receipt of that application shall, without fee, enter forthwith in the register the name mentioned in the application as the name of the child and sign and date the entry, the application together with a certified copy of the entry of the birth with the name so added shall be sent to the District Registrar:

Provided that in the case of alteration of the name already registered the parent or guardian of the child or the person whose name is changed shall pay the prescribed fee together with a request in writing for the change of name in the register and the Registrar shall enter the new name in block letters without any erasure of the original entry and shall initial and date the new entry.

(2) For entry of the name in a birth register after twelve but not later than sixty months from birth, the parent or guardian shall submit an affidavit and pay the prescribed fee; the Registrar shall thereupon enter the name in the register and sign and date the entry and also enter in the margin the receipt number of the fee received.

Birth
Certificate
required for
baptizing
child

14. Every minister of religion or other person who baptizes any infant whose birth is required by this Act to be registered shall performing the rite of baptism upon such infant require the before production to him of a certificate of registration of the birth of such infant signed by the Registrar of the area within which such infant as born.

Registration of
birth of child born
out of legal wed-
lock

15. In the case of a child born out of legal wedlock the Registrar shall not enter in the register of birth the name of any person as father of such child unless at the joint request of the mother and of the person acknowledging himself to be the father of such child and such person

shall in such case sign the register together with the mother.

16. (1) Any person required by this Act to give information concerning a birth, who before such birth is registered, removes out of any registration division in which such birth has taken place, may within three months after such birth, give a declaration in writing of the particulars required to be registered, concerning such birth, to the Registrar, on payment of the prescribed fee, who shall receive and attest the declaration and send the same to the Registrar of the division in which the birth took place, and the last mentioned Registrar shall enter the birth in the register of his division.
- (2) A person making a declaration in pursuance of this section in the case of any birth shall be deemed to have complied with the provisions of this Act as to giving information concerning that birth.
17. (1) Upon registration of a still-birth, or death the Registrar shall also issue a burial permit in the prescribed form, and the keeper or clerk of any cemetery shall not permit the body of any deceased person or still-born child to be buried in such cemetery without the production of a permit; but if the Registrar is not satisfied as to the cause of death or still-birth he shall withhold the burial permit and shall cause enquiries to be made concerning the still-birth or death; and for that purpose it shall be lawful for the Registrar to enter any house where the body of the deceased person or still-birth child is lying:
- Burial permit and Burial
registration
- Provided that when an inquest is held on the body of a deceased person, the Coroner's order shall be the authority for burial.
- (2) The keeper or clerk of all cemeteries shall keep a register in the prescribed form for entering particulars of dead persons buried in such cemeteries, and when such register is filled up, he shall deliver the same to the Town Council or the Village Area Committee which shall ensure their safe custody and availability to the Chief Registrar when needed.
18. (1) Any birth or death of which information is given to the Registrar after the period prescribed in section 7, but within one year of its occurrence shall be registered only on the payment of the prescribed fee and the production of an affidavit made before a notary public or any officer authorised in that behalf by the Minister.
- Delayed
Registration

- (2) Any birth or death which has not been registered within one year of its occurrence (and any birth or death which occurred prior to the coming into force of this Act but not registered), shall be registered only on an order made by the Chief Registrar after verifying the correctness of the birth or death and on payment of the prescribed fee.
- (3) The provision of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified thereof and any such birth or death may be registered during the pendency of any such action.

Correction or
cancellation of
entry in register

1919. Any Registrar, who discovers any error to have been committed in the form or substance of any entry of birth or death in any register kept by him under this Act or if it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the Minister with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error by striking off the original entry and writing in red the correct entry above the original entry without alteration of the original entry or cancel the entry and sign and date the correction or cancellation.

PART IV

MAINTENANCE OF RECORDS AND STATISTICS

Registrars to
keep registers
in the
prescribed form

20. (1) Every Registrar shall keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction.
- (2) The Chief Registrar shall cause to be printed and supplied, a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed; and a copy of such forms shall be posted in some conspicuous place on or near the outer door of the office of every Registrar.

Search of
Births and
Deaths Register

21. (1) Subject to any rules made in that behalf by the Chief Registrar including rules relating to the payment of fees and postal charges, any person may-
- (a) Cause a search to be made by the Registrar for any entry in a register of births and deaths; and

(b) Obtain an extract from such register relating to any birth or death.

(2) All extracts given under this section shall be certified by the Registrar or any other officer authorised by the Minister to give such extracts and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

22. The registration offices shall be inspected and the registers kept therein shall be examined in such manner and by such authority as may be specified by the Chief Registrar.

Inspection of registration office

23. (1) Every Registrar shall send to the Chief Registrar or to any officer specified by him at such intervals and in such forms as may be prescribed a return regarding the entries of births and deaths in the register kept by such Registrar.

Registrars to send periodical returns to the Chief Registrar compilation

(2) Without prejudice to any existing legislation the Chief Registrar shall cause the information in the returns furnished by the Registrar to be compiled and shall publish, for the information of the public, a statistical report on the registered births and deaths during the year at such intervals and in such form as may be prescribed as a supplement to the report prescribed in sub-section (3) of section 3.

PART V

OFFENCES AND PENALTIES

24 (1) Any person who-

Offences and penalties.

(a) Fails without reasonable cause to give information which it is his duty to give under any of the provisions of sections 7 and 8; or

(b) Gives or causes to be given, for the purpose of being inserted in any register of births and deaths, any information which he knows or believes to be false regarding any of the particulars required to be known and registered; or

(c) Refuses to write his name, description and place of abode or to put his thumb mark in the register as required by section 7; or

(d) Wilfully refuses to answer any question put to him by the Registrar relating to the particulars required to be registered concerning a birth or death;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred leones..

- (2) Any Registrar or Assistant Registrar who neglects or refuses, without reasonable cause, to register any birth or death occurring in his jurisdiction or to submit any returns as required by section 23 or demands any fee from the public for registration within the prescribed time, shall be guilty of an offence and shall be liable to a fine not exceeding three hundred leones.
- (3) Any medical practitioner who neglects or refuses to issue a certificate under section 10 and any person who neglects or refuses to deliver such certificate shall be guilty of an offence and shall be liable to a fine not exceeding three hundred leones.
- (4) If any person wilfully obstructs the Registrar or any other officer duly authorised in the lawful exercise of the powers vested in him under this Act, he shall be guilty of an offence and be liable to a fine not exceeding one hundred Leones.
- (5) Any person who without reasonable cause, contravenes any of the provisions of this Act, or any rules thereunder for which no penalty is expressly provided, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred leones.
25. (1) Subject to such conditions as may be prescribed any officer authorised by the Chief Registrar with the prior approval of the Minister by a general or special order in this behalf may either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected or having committed an offence under this Act by way of composition of such offence a sum of twenty leones which shall be paid into the Consolidated Fund.
- (2) On the payment of such sum of money. such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.
- (3) The officer receiving any sum of money under this section shall issue to the person paying it an official receipt for the payment and the receipt shall state the contravention in respect of which the money was paid.
26. No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the Chief Registrar by general or special order in that behalf.
27. All Registrars and Assistant Registrars shall while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, be deemed to be public servants within the meaning of Section 156 of the Constitution of Sierra Leone.

Power to
compound
offences

Sanction
for prosecution

Registrars
deemed to be
public servants
Act No 12 of
1978

PART VI
MISCELLANEOUS

28. (1) The Chief Registrar shall subject to such rules as may be made by the Minister in that behalf, cause to be registered information as to births and deaths of citizens of Sierra Leone outside Sierra Leone

Special provision
as to registration
of births and
deaths of citizen
outside Sierra
Leone

(2) In the case of any child born outside Sierra Leone in respect of whom registration has not been done as provided in sub-section (1), if the parents of the child return to Sierra Leone with a view to settling therein, they may at any time within sixty days from the date of arrival of the child in Sierra Leone and within five years of the date of birth get the birth of the child registered under this Act in the same manner as if the child was born in Sierra Leone and the provisions of section 18 shall apply to the birth of such child after the expiry of the period of sixty days

29. (1) No suit, prosecution or other legal proceeding shall lie against the Minister, the Chief Registrar, or any person exercising any power or performing any duty under this Act for any thing which is done in good faith or intended to be done in pursuance of this Act or any rule or order made thereunder.

Protection of
action taken in
good faith

(2) No suit or other legal proceeding shall lie against any such person for any damage as prescribed in sub-section (1).

30. (1) The Minister may by notice published in the *Gazette* make rules to carry out the purposes of this Act.

Rules

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for-

- (a) The forms of registers of births and deaths required to be kept under this Act;
- (b) The period within which and the form and the manner in which information should be given to the Registrar under Section 7;
- (c) The period within which and the manner in which births and deaths shall be notified under section 9;
- (d) The person from whom and the form in which a certificate as to the cause of death, shall be obtained or the manner in which the cause of death is ascertained;

- (e) The particulars of which extract may be given under section 11;
- (j) The authority which may grant permission for registration of a birth or death under sub-section 18;
- (g) The fees payable for registration made under section 18,
- (h) The submission of reports by the Chief Registrar under sub-section (3) of section 3;
- (i) The search of births and deaths registers and the fees payable for such search and for the grant of extracts from the registers;
- (j) The forms in which, and the intervals at which, the returns and the statistical report under section 23 shall be furnished and published;
- (k) The custody, production and transfer of the registers and other records kept by the Registrars;
- (l) The correction of errors and the cancellation of entries in the register of births and deaths;
- (m) Any other matter which has to be, or may be, prescribed.

Repeal and savings

31. On the coming into force of this Act in any area, the Births and Deaths Registration Act (Cap 92), the Births and Deaths (Protectorate) Registration Act (Cap 93) and the Births and Deaths Registration (Amendment) Act; 1960 (Act No. 15 of 1960) shall be deemed to have been repealed in that area:

Provided that notwithstanding such repeal any thing done or any orders or regulations made under the provisions of any such Act shall continue in force and have effect as if made under the corresponding provisions of this Act.

Minister's power to make orders to remove difficulties

32. If any difficulty arises in giving effect to the provisions of this Act in their application to any area, the Minister may be order make such provisions or give such directions not inconsistent with the provisions of this Act as appears to the Minister to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section in relation to any, area after the expiration of two years from the date on which this Act comes into force in that area.

Passed in Parliament this 31st day of August, in the year of our lord one thousand nine hundred and eighty-three

1983

J. W. E. DAVIES. *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 true and correctly printed copy of the said Bill.

J. W. E. DAVIES. *Clerk of Parliament*

CHILDREN

Contents:

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5. Children and Young Persons Act Cap 44
6. Legitimacy Act No. 7 of 1989
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THE BASTARDY LAWS AMENDMENT ACT, 1872.

(35 & 36 Vict, c. 65.)

An Act to amend the Bastardy Laws

{ 10th August, 1872. }

1. This Act may be cited as “The Bastardy Laws Amendment Act, 1872.” Short title.
2. [Section 2 repealed by 46 & 47 vict.c.39]
3. **Putative father to be summoned to petty sessions on application of mother of bastard child.** – Any single woman who may be with child or who may be delivered of a bastard child may either before the birth or at any time within twelve months from the birth of such child, or at any time thereafter, upon proof that the man alleged to be the father of such child has within the twelve months next after the birth of such child paid money for its maintenance, or at any time within the twelve months next after the return to England or the man alleged to be the father of such child, upon proof that he ceased to reside in England within the twelve months next after the birth of such child, make application to any one justice of the peace acting for the petty sessional division of the county, or for the city, borough, or place in which she may reside, for a summons to be served on the man alleged by her to be the father of the child, and if such application be made before the birth of the child the woman shall make a deposition upon oath stating who is the father of such child, and such justice of the peace shall thereupon issue his summons to the person alleged to be the father of such child to appear at a petty session to be holden {upon a day specified in such summons} for the petty sessional division, city, borough, or other place in which such justice usually acts.
4. **Justices in petty session may make an order on the putative father for maintenance, education, etc, of bastard child, and enforce the same by distress and commitment (Amended by Act. 12/1988).-**
(1) After the birth of such bastard child, on the appearance of the person so summoned, or on proof that the summoned, or on proof that the summons was duly served on such person, or left at his last place of abode {a reasonable time} before the petty session, the justices in such petty session shall hear the evidence of such woman and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the said justices, they may adjudge the man to be the putative father of such bastard child; and they may also, if they see fit, having regard to all the circumstances of the case, proceed to make an order on the putative father for the payment to the mother of the bastard child, or to any person who may be appointed to have the custody of such child, under the provisions of the said recited Act, of a sum of money weekly, not exceeding

one hundred leones a week, for the maintenance and education of the child, and of the expenses incidental to the birth of such child, and of the funeral expenses of the child, provided it has died before the making of such order, and of such costs as may have been incurred in the obtaining of such order, and of such the application be made before the birth of the child, or within two calendar months after the birth of the child, such weekly sum may, if the said justices think fit, be calculated from the birth of the child; and at any time after the expiration, of (fourteen clear days) from the making of such order as aforesaid it be made to appear to any one justice, upon oath or affirmation, that any sum to be paid in pursuance of such order has not been paid, such justice may, by warrant under his hand and seal, cause such putative father to be brought before any two justices, and in case such putative father neglect or refuse to make payment that any sums due from him under such order, or since any commitment for disobedience to such order as herein-after provided, together with the costs attending such warrant, apprehension, and bringing up of such putative father, such two justices may, by warrant under their hands and seals, direct the sum so appearing to be due, together with such costs, to be recovered by distress and sale of the goods and chattels of such putative father, and may order such putative father to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he give sufficient security, by ways of recognizance or otherwise, to the satisfaction of such justices, for his appearance before two justices on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security, but if upon the return of such warrant, or if by the admission of such putative father, it appear that no sufficient distress can be had, then any such two justices may, if they see fit, by warrant under their hands and seals, cause such putative father to be committed to the common goal or house of correction of the country, city, borough, or place where they have jurisdiction, there to remain, without bail or mainprize, for any term, not exceeding three calendar months unless such sum and costs, and all reasonable charges attending the said distress, together with the costs and charges attending the commitment and conveying to goal or to the house of correction, and of the persons employed to convey him thither, be sooner paid and satisfied.

[Subsection 2 added by Act. 12/1988]

(2) Where any order under the said section 4 for the payment of a weekly sum is in force at the date of the commencement of this Act, either the court which made the order or a court of summary jurisdiction for the place where the person who is entitled under the order to receive the payment resides may, on the application of the person so entitled, by order, vary the existing order by increasing the amount payable there under to such a sum not exceeding one hundred leones a week as the court having regard to all the circumstance of the case, thinks proper. '

5. **Time of cessation of order.**- No order for the maintenance and education or for

contribution towards the relief of any such child made in pursuance of this Act shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of thirteen years, or after the death of such child: provided that the justices may in the order direct that the payments to be made under it in respect of the child shall continue until the child attains the age of sixteen years, in which case such order shall be in force until that period.

6. [Section 6 repealed by 36 & 37 Vict. c.9, s.2]
7. **Payments for bastard children.-** When and so often as any bastard child for whose maintenance an order has been made by justice on the application of the mother shall become chargeable to any parish or union, any two justices having jurisdiction in the parish or union in petty sessions may, if they shall see fit, by order under their hands and seals, from time to time appoint some relieving or other officer of the parish or union to which such bastard child shall be so chargeable to receive on account of such parish or union or union such proportion of the payments then due or becoming due under the said order as may accrue during the period for which such child is chargeable, and such appointment shall remain in force for the period of one whole year whenever the bastard child shall be or have become chargeable, as aforesaid, and may afterwards from time to time be renewed by endorsement under the hand of any one justice for the like period; and any payment so ordered to be made shall be recoverable by the relieving officer or other officer appointed to receive it in the manner provided for recovery of payments under an order obtained by the mother.
8. [Section 8 repealed by 36 & 37 Vict. c.9, s.2]
9. **Appeals:-** The court of quarter sessions, on appeal to them against any order made pursuant to the provisions of this Act, may, if they think fit, reduce the amount directed to be paid for the maintenance and education or on account of this relief, of the child named in such order, and they shall thereupon alter the order accordingly.
10. **Construction** – This Act shall be deemed to be incorporated with the said recited Act, and shall be constrained as if the said recited (except such parts thereof as have been repealed or amended by this Act) and this Act were one Act.
11. **Extent:-** This Act shall not extend to Scotland or Ireland.

[Schedule 1. repealed by 46 & 47 Vict. c. 39 (SLR.). Schedule 2 repealed by 36 & 37 Vict. c.9, s.2]

THE BASTARDY LAWS AMENDMENT ACT, 1873.

(36 & 37 Vict. C. 9)

An Act to Amend the Bastardy Laws.

{24th April, 1873}

{Preamble recites 35 & 36 Vict. c. 65}

1. This Act may be cited as “The Bastardy Laws Amendment Act, 1873.” Short title.
[S. 2 rep. 46 & 47 Vict: c. 39 (S.L.R.), S. 3 rep. 56 & 57 Vict. c. 54 (S.L.R).]]
4. **Proof of service of summons in certain cases.-** In cases where the putative father of any bastard child resides out of the petty sessional district where the mother applies for a summons or order of maintenance, it shall be lawful to prove by affidavit in the form referred to in the second schedule to this Act, or to like effect that such summons or order has been duly served. Any affidavit purporting to be so made and attested shall be received in evidence, and shall be deemed to be duly made and attested until the contrary be shown.
5. **Guardians may recover cost of relief of bastard child in certain cases:-**
When a bastard child becomes chargeable to a union or parish, the guardians may apply to two justices having jurisdiction in the union or parish, in petty sessions, and thereupon such justices may summon the man alleged to be the father of the child to appear before any two justices having the like jurisdiction, to show cause why an order should not be made upon his appearance, or on proof that the summons was duly served on him, or left at his last place of abode, {a reasonable time} before the petty sessions, the justices in such petty session shall hear the evidence of the mother, and such other evidence as she or the said guardians may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the said justice, they may adjudge the man to be the putative father of such bastard child, and they may proceed to make an order upon such putative father to pay to the guardians or one of their officers such sum, weekly or otherwise, towards the relief of the child during such time as the child shall continue or afterwards be chargeable, as shall appear to them to be proper; and any payment so ordered to be made shall be recoverable by the relieving officer, or other officer appointed to receive it, in the manner provided by the said recited Act for the recovery of payments under an order obtained by the mother: Provided as follows:

- (1) That no payments shall be recoverable under such order except in respect of the time during which the child is actually in receipt of relief;
 - (2) That an order under this section shall not be made, and if made shall cease except for the recovery of arrears, when the mother or the child has obtained an order under the said recited Act or this Act;
 - (3) That nothing in this section shall be deemed to relieve the mother of a bastard child from her liability to maintain such child;
 - (4) That any person upon whom an order is made under this section shall have the same right of appeal against such order as in the case of an order obtained on the application of the mother;
 - (5) That if after an order has been made under this section the mother should apply for an order under the said recited Act or this Act, the order made under this section shall be prima facie evidence that the man upon whom the order is made is the father of the child.
6. **Issue of new or altered forms of proceedings:-** The Local Government Board may issue such new or altered forms of proceedings in matters of bastardy as they shall deem necessary or expedient for giving effect to the provisions of the said recited Act and of this Act.
 7. **Adjournment of proceedings where two justices not present:-**
If at the time appointed for the hearing of any case in and by any summons issued under the said recited Act or this Act two justices having jurisdiction to hear the same shall not be present, it shall be lawful for any one justice then present to adjourn the hearing to a certain time and place to be then appointed in the presence of the party or parties or their respective counsel, attorneys, or agents then present; and in the meantime the said justice may suffer the defendant to go at large upon his entering into a recognizance with or without surety or sureties, at the discretion of the said justice, conditioned for his appearance at the time and place to which such hearing shall be adjourned.
 9. **This and recited Act to be construed as one Act [The recited Act is the Bastardy Laws Amendment Act 1872, 36 & 37 Vict. c. 9]:-** This Act shall be deemed to be incorporated with the said recited Act, and shall be construed as if the said recited Act (except such parts thereof as have been repealed or amended by this Act) and this Act were one Act.
 10. **Extent of Act:-** This Act shall not extend to Scotland or Ireland.

SCHEDULES

FIRST SCHEDULE

{First Schedule repealed by 56 & 57 Vict. c. 54 (S.L.R.).}

SECOND SCHEDULE

Section 4

Affidavit of Service.

I, A. B., one of the officers of the constabulary of the county of _____,
_____, make oath and say, that I did, on the _____ day of _____
18_____, duly serve the defendant with a summons {or order}, a true copy whereof is
herewith annexed, marked A, by delivering the same personally to the defendant {or by
leaving the same with _____ at the place of abode of the defendant}.
{I endorse a copy summons (or order) thus _____ . This paper,
marked A, is the paper referred to in the annexed affidavit.}
Sworn at _____, in the country of _____
this _____ day of _____ 18_____, before me,
_____,
Justice of Peace for the said county.

CHAPTER 31

PREVENTION OF CRUELTY TO CHILDREN

ARRANGEMENT OF SECTIONS

PART I.-GENERAL

SECTION

1. Short title.
2. Interpretation.
3. Right of parent, etc. to administer punishment.

PART II.-CRUELTY TO CHILDREN

4. (1) Acts of cruelty.
(2) Interference of third party on behalf of child.
(3) Death of child.
5. Suffocation of infants.
6. Abusing a girl under thirteen years of age.
7. Abusing a girl between thirteen and fourteen years of age.
8. Allowing children to be in brothel.
9. Indecent assault and attempt to have carnal knowledge.
10. Procuration.
11. Offences by house-holders, etc.
12. Abduction of girl for immoral purposes.
13. Encouragement of seduction by guardian, etc.
14. Corroboration in certain cases.
15. (1) Determination of age by the Court.
(2) Presumption of age.
(3) Defence of age.

PART III - ARREST OF OFFENDERS AND PROTECTION OF CHILDREN

16. (1) Power of Court to compel parent, etc., to enter into recognisance to look after girl.
17. (1) Arrest without warrant.
(2) Power of police to grant bail.
18. (1) Power of police to lodge child in place of safety till brought before the Court.
(2) Power of Court to order detention of child pending hearing .
(3) Power of Court to detain child.
19. (1) Power of Court to order removal of child from custody of unsuitable person.
(2) Limitation of power of Court to make such order when child has fit legal guardian.
(3) Method of making such order.
(4) Order void on acquittal.
(5) Power of President to order discharge of child and to make rules.
(6) Emigration.
20. (1) Maintenance of child committed to care of any person.
(1) (a) Escape.
(1) (b) Harboring.
(2) Power to order parent to contribute to maintenance of child.
(3) Payment of contributions.
(4) Variation of order.

SECTION

- (5) Power of any court before which a person is charged to make order.
- 21. Contribution orders.
- 22. (1) Power of magistrate to issue warrant to search for or remove a child.
 - (2) Apprehension by same warrant.
 - (3) Removal of child by force if necessary.
 - (4) Mode of executing warrant.
 - (5) Name.

PART IV.-EVIDENCE AND PROCEDURE

- 23. (1) Extension of power to take deposition of child.
 - (2) Preservation and transmission of deposition.
- 24. Admission of deposition in evidence.
- 25. Evidence of child of tender years.
 - (a) Corroboration of child of tender years.
- 26. Absence of child at hearing.
- 27. (1) Mode of charging offences in relation to several children.
 - (2) Inclusion of different offences in same information.
 - (3) Limitation of time in summary proceedings.
 - (4) Continuous offence.
- 28. Power in case of charge under sections 6 or 7 to convict under Section 9.
- 29. Evidence of wife or husband of accused.
- 30. Definition of carnal knowledge.
- 31. Consent to indecent assault no defence.
- 32. Saving liability to other criminal proceedings.

SCHEDULE

CHAPTER 31

PREVENTION OF CRUELTY TO CHILDREN

An Act to Prevent Cruelty to Children

42 of 1926

[24TH DECEMBER, 1926.]

PART I.-GENERAL

Short title and
application

1. This Act may be cited as the Prevention of Cruelty to Children Act and shall apply throughout Sierra Leone

Amended by Act .
No. 29 of 1963 .
sec.2 & 3

Interpretation

2. For the purposes of this Act, unless the context otherwise requires-

The short title of this Ordinance has been, hitherto, the "Children Act".

“child” means a person under the age of sixteen years;

“information” includes information in a court of summary jurisdiction;

“guardian” includes any person who, in the opinion of the court, having cognisance of any case in relation to a child or in which a child is concerned, has for the time being the charge of or control over the child;

" legal guardian" in relation to a child means a person appointed, according to law, to be his guardian by will or deed or by order of a court of competent jurisdiction;

"place of safety" means any police station, Government hospital or dispensary, or any other suitable place, the occupier of which is willing temporarily to receive a child.

3. Nothing in this Act shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.

Right of
parent etc. to
administer
punishment

PART II.-CRUELTY TO CHILDREN

4. (1) If any person over the age of sixteen years, who has the custody, charge, or care of any child, wilfully assaults, ill-treats, neglects, abandons, or exposes such child or causes or procures such child to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb or organ of the body and any mental derangement), that person shall be guilty of a misdemeanour and shall be liable-

Acts of
cruelty

(a) on conviction before the *High Court* to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any period not exceeding two years; and

Punishment
As amended
by Act
No.29 of
1972 section
7.

(b) on summary conviction to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any period not exceeding six months;

And for the purposes of this section a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury to his health if he fails to provide adequate food, clothing, medical aid, or lodging for the child.

Cap. 31 *Prevention of Cruelty to Children*

Interference of third party on behalf of child (2) A person may be convicted of an offence under this section notwithstanding that actual suffering or injury to health, or the likelihood of such suffering or injury to health, was obviated by the action of another person.

Death of child (3) A person may be convicted of an offence under this section notwithstanding the death of the child in respect of whom the offence is committed.

Suffocation of infants 5. Where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) whilst the infant was in bed with some other person over sixteen years of age, and that that other person was at the time of going to bed under the influence of drink, that other person shall be deemed to have neglected the infant in a manner likely to cause injury to its health within the meaning of this Act.

Abusing a girl under thirteen years of age. 6. Whosoever shall unlawfully and carnally know and abuse any girl under the age of thirteen, whether with or without her consent, shall be guilty of felony, and shall be liable on conviction before the High Court to imprisonment, with or without hard labour, for any period not exceeding fifteen years.

Abusing a girl between thirteen and fourteen years of age 7. Whosoever shall unlawfully and carnally know and abuse any girl being above the age of thirteen years and under the age of fourteen years, whether with or without her consent, shall be guilty of a misdemeanour, and shall be liable on conviction before the High Court to imprisonment with or without hard labour, for any period not exceeding two years.

Allowing children to be in brothels 8. *If any person having the custody, charge, or care of a child above the age of four allows that child to reside in or to frequent a brothel, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any period not exceeding six months.*

Indecent assault and attempt to have carnal knowledge 9. *Whosoever commits an indecent assault on or attempts to have carnal knowledge of any girl under fourteen years of age shall be guilty of a misdemeanour, and shall on conviction before the High Court be liable to imprisonment, with or without hard labour, for any period not exceeding two years.*

9A. *Where a marriage has been formally concluded either under customary law or otherwise, the invalidity of the marriage does not make the husband guilty of an offence under sections 6, 7, or 9 because he has or attempts to have sexual intercourse with a girl or indecently assaults her, if he believes her to be his wife and has reasonable cause for that belief.*

As amended by
Act No 29 of
1963 sec 4

Procuration

10. *Any person who procures or attempts to procure any child not being a common prostitute, or of known immoral character, to have*

unlawful carnal connection, either within or without *Sierra Leone*, shall be guilty of misdemeanour, and shall be liable on conviction before the *High Court* to imprisonment for any period not exceeding two years, with or without hard labour.

“Sierra Leone replaces “Queen’s dominions” by Act No. 29 of 1972.

11. Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any child to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known, shall be guilty of a felony, and shall be liable on conviction before the High Court to imprisonment for any period not exceeding two years, with or without hard labour.

Offences by house-holders, etc

12. Any person who, with intent that any unmarried girl under the age of sixteen years should be unlawfully and carnally known, takes or causes to be taken such girl out of the possession and against the will of her father or mother or any other person having the lawful care or charge of her, shall be guilty of a misdemeanour, and shall be liable on conviction before the High Court to be imprisoned for any period not exceeding two years, with or without hard labour.

Abduction of girl for immoral purpose

13. (1) If any person having the custody, charge, or care of a child causes or encourages the seduction or prostitution or unlawful carnal knowledge of that child, he shall be guilty of a misdemeanour, and shall be liable on conviction before the High Court to imprisonment, with or without hard labour, for any period not exceeding two years.

Encouragement of seduction by guardian, etc.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction or prostitution or unlawful carnal knowledge (as the case may be) of a girl who has been seduced or become a prostitute or been unlawfully carnally known, if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

14. No person shall be convicted of any offence under section 6, 7, 9 or 10 of this Act upon the evidence of one witness, unless such witness be corroborated in some material particular by evidence implicating the accused.

Corroboration in certain cases

15. (1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child,

Determination of age by the Court

the court shall make due enquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court, to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and, where it appears to the court that the person so brought before it is of the age of sixteen years or upwards, that person shall, for the purposes of this Act, be deemed not to be a child.

Presumption of age

(2) Where in a charge or information for an offence under this Act, or any of the offences mentioned in the schedule to this Act, it is alleged that the person by or in respect of whom the offence was committed was a child or was under or above any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or to have been under or above the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or to have been under or above that age, as the case may be, unless the contrary is proved.

Defence of age

(3) Where a person is charged with an offence under this Act in respect of a person under or apparently under a specified age, it shall be a defence to prove that the person was actually of or over that age:

Provided always that when a person is charged with an offence under sections 7, 11 or 12 of this Act, it shall be a sufficient defence if it appears to the court or jury that the person so charged had reasonable cause to believe that the girl was of or above the specified age.

PART III - ARREST OF OFFENDERS AND PROTECTION OF CHILDREN

Power of Court to compel parent, etc. to enter into recognisance to look after a girl

16. (1) Where it is shown to the satisfaction of a court of summary jurisdiction, on the complaint of any person, that a child is, with the knowledge of her parent or guardian, exposed to risk of seduction or prostitution or of being unlawfully carnally known or living a life of prostitution, the court may adjudge her parent or guardian to enter into a recognisance to exercise due care and supervision in respect of the child.

(2) The provisions of the Criminal Procedure Act, with respect to recognisances in courts of summary jurisdiction (including the provisions as to the enforcement thereof) shall apply to recognisances under this section.

17. (1) Any constable may take into custody without warrant,

Arrest with-
out warrant.

any person-

(a) who within view of the constable commits an offence under this Act, or any of the offences mentioned in the schedule to this Act, where the name and residence of such person is unknown to the constable and cannot be ascertained by the constable, or

(b) who has committed, or who the constable has reason to believe has committed, an offence under this Act or any of the offences mentioned in the schedule to this Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

(2) Where a constable arrests any person without warrant in pursuance of this section, the Commissioner, the Assistant Commissioner or Superintendent or Assistant Superintendent or an Inspector, or Sub-Inspector of Police or the officer in charge of the police station to which such person is brought, or a District Officer shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognisance, with or without sureties, as may in the judgment of the officer of police or District Officer be required to secure the attendance of such person upon the hearing of the charge.

Power of
police to
grant bail

18. (1) A constable or any person authorised by a magistrate may take to a place of safety any child in respect of whom an offence under this Act, or any of the offences mentioned in the schedule to this Act, has been, or there is reason to believe has been committed.

Power of
police to
lodge child
in place of
safety till
brought
before the court

(2) A child so taken to a place of safety, and also any child who seeks refuge in a place of safety, may there be detained until he can be brought before a court of summary jurisdiction, and that court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require, until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the conviction or discharge of such person.

Power of
Court to
detention of
child pending
hearing.

(3) Where it appears to a court of summary jurisdiction that an offence under this order, or any of the offences mentioned in the schedule to this Act has been committed in respect

Power of court
to detain child

of any child who is brought before the court and that it is expedient in the interest of the child that an order should be made under this sub-section, the court may, without prejudice to any other power under this Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and, if a charge is made against any person within that time, until the charge has been determined by the conviction or discharge of that person, and in case of conviction for such further time not exceeding twenty-one days as the court which convicted may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child.

Power of Court to order removal of child from custody of unsuitable person.

19. (1) Where a person having the custody, charge or care of a child has been-

(a) convicted of committing in respect of such child an offence under this Act, or any of the offences mentioned in the schedule to this Act, or

(b) committed for trial for any such offence, or

(c) bound over to keep the peace towards such child, by any court,

that court either at the time when the person is so convicted, committed for trial or bound over, and without requiring any new proceedings to be instituted for the purpose, or at any other time, may, if satisfied on inquiry that it is expedient so to deal with the child, order that the child be taken out of the custody, charge or care of the person so convicted, committed for trial, or bound over, and be committed to the care of a relative of the child or some other fit person named by the court (such relative or other person being willing to undertake such care), until he attains the age of sixteen years, or for any shorter period, and that court or any court of like jurisdiction may of its own motion, or on the application of any person, from time to time by order renew, vary and revoke any such order.

Limitation of power of Court to make such order when child has fit legal guardian.

(2) If the child has a parent or legal guardian, no order shall be made under this section unless the parent or legal guardian has been convicted of or committed for trial for the offence, or is under committal for trial for having been, or has been proved to the satisfaction of the court making the order to have been, party, or privy to the offence, or has been bound over to keep the peace towards the child or cannot be found.

Method of making such order

(3) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the

child; and the consent of any person to undertake the care of a child in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind him.

- (4) Where an order is made under this section in respect of a person who has been committed for trial, then, if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the order shall forthwith be void, except with regard to anything that may have been lawfully done under it. Order void on acquittal
- (5) The President may at any time in his discretion discharge a child from the care of any person to whose care he is committed in pursuance of this section either absolutely or on such conditions as the President approves, and the President may, if he thinks fit, make rules in relation to children so committed to the care of any person, and to the duties of such persons with respect to such children. Power of President to order discharge of child and to make rules.
As amended by Act No. 29 of 1972 sec.7
- (6) The President, in any case where it appears to him to be for the benefit of a child who has been committed to the care of any person in pursuance of this section, may empower such person to procure the emigration or repatriation of the child, but, except with such authority, no person to whose care a child is so committed shall procure his emigration or repatriation. Emigration
20. (1) Any person to whose care a child is committed under this Act shall, whilst the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his maintenance, and the child shall continue in the care of such person, notwithstanding that he is claimed by his parent or any other person, and if any person-
- (a) Knowingly assists or induces, directly or indirectly, a child to escape from the person to whose care he is so committed; or Escape
- (b) Knowingly harbours, conceals, or prevents from returning to such person, a child who has so escaped, or knowingly assists in so doing; Harboring
- he shall be guilty of an offence, and shall on summary conviction be liable to a fine not exceeding twenty pounds, or to be imprisoned, with or without hard labour, for any period not exceeding two months.
- (2) Any court having power so to commit a child shall have power to make an order on the parent or other person liable to maintain the child to contribute to his maintenance during such period as aforesaid such weekly sum, not exceeding ten shillings, as having regard to the ability of the parent or other person Power to order parent to contribute to maintenance of child

seems reasonable, and such orders shall be enforceable in the same manner as a judgment debt.

Payment of
contributions

(3) Any such order may be made on the complaint or application of the person to whose care the child is for the time being committed, and either at the time when the order for the committal of the child to his care is made, or subsequently, and the sums contributed by the parent or such other person shall be paid to such person as the court may name, and be applied for the maintenance of the child.

Variation of
order

(4) Any order made under this section may, on application being made either by the parent or such other person or by the person to whose care the child is for the time being committed, and after fourteen days' notice of such application has been given to the other of such parties, be varied by any court which would have had power to make the order.

Power of
any court
before which
a person is
charged to
make order.

(5) An order under this section may be made by any court before which a person is charged with an offence under this Act, or any of the offences mentioned in the schedule to this Act, and without regard to the place in which the person to whom the payment is ordered to be made may reside.

Contribution
orders

21. The persons liable to maintain a child against whom an order to contribute to the maintenance of the child may be made under this Act shall include his step-parent, and, if the court having cognisance of the case thinks fit, a person cohabiting with his mother, whether or not the person so cohabiting is his putative father, and in the case of illegitimacy his putative father:

Provided that where the child is illegitimate and an affiliation order for his maintenance has previously been made on the application of his mother, the court shall not (unless in view of the special circumstances of the case the court thinks it desirable) make an order for contribution against the putative father.

Power of
magistrate to
issue
warrant to
search for or
remove a
child

22. (1) If it appears to a magistrate or Justice of the Peace on information on oath laid by any person who, in the opinion of the magistrate or Justice of the Peace, is acting in the interests of a child that there is reasonable cause to suspect-

(a) that a child has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction in a manner likely to cause the child unnecessary suffering, or to be injurious to his health; or

(b) that an offence under this Act, or any offence mentioned in the schedule to this Act, has been or is

being committed in respect of a child, the magistrate or Justice of the Peace may issue a warrant-

(i) authorising any constable named therein to search for such child and, if it is found that he has been or is being assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of the child, to take him to and detain him in a place of safety until he can be brought before the court, or

(ii) authorising any constable to remove the child with or without search to a place of safety and detain him there until he can be brought before the court;

and the court before whom the child is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose care he was had been committed for trial for an offence under this Act.

- (2) The magistrate or Justice of the Peace issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before the court and proceedings to be taken against such person according to law. Apprehension by same warrant
- (3) Any constable authorised by warrant under this section to search for any child or to remove any child with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom. Removal of child by force if necessary
- (4) Every warrant issued under this section shall be addressed to and executed by a constable who shall be accompanied by the person laying the information if such person so desire, unless the magistrate by whom the warrant is issued otherwise directs, and may also, if the magistrate or Justice of the Peace by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner. Mode of executing warrant

Name
- (5) It shall not be necessary in any information or warrant under this section to name the child.

PART IV.- EVIDENCE AND PROCEDURE.

23. (1) Where a magistrate or Justice of the Peace is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any child in respect of whom an offence under this Act, or any of the offences mentioned in the schedule to this Act, is alleged to have been committed, would involve serious danger to the life or health of the child, the magistrate or Justice of the Peace may take in writing the deposition

Extension of power to take deposition of child

of the child on oath, and shall thereupon subscribe the deposition and add thereto a statement of the reason for taking the deposition, and of the day when and place where the deposition was taken, and of the names of the persons (if any) present at the taking thereof.

Preservation
and trans-
mission of
deposition

(2) The magistrate or Justice of the Peace taking any such deposition shall transmit it with his statement-

- (a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and
- (b) in any other case, to the clerk of the court in which the deposition has been taken;
and the clerk of the court to whom any such deposition is transmitted shall preserve, file and record the deposition.

Admission
of deposition
in evidence

24. Where on the trial of any person for an offence under this Act, or any of the offences mentioned in the schedule to this Act, if the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed would involve serious danger to the life or health of the child, any deposition of the child, duly taken, shall be admissible in evidence either for or against the accused person without further proof thereof-

- (a) if it purports to be signed by the magistrate or Justice of the Peace by or before whom it purports to be taken; and
- (b) if it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use it as evidence, and that that person or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child making the deposition.

Evidence of
child of tender
years

25. Where, in any proceeding against any person for an offence under this Act, or for any of the offences mentioned in the schedule to this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of that child may be received, though not given upon oath, if, in the opinion of the court the child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and the evidence

Prevention of Cruelty to Children

of the child, though not given on oath, but otherwise duly taken and reduced into writing, shall be deemed to be a deposition within the meaning of this Act:

Provided that-

(a) a person shall not be liable to be convicted of any offence unless the testimony admitted by virtue of this section, and given on behalf of the prosecution, is corroborated by some other material evidence in support thereof implicating the accused; and

Corroboration
of child of
tender years

(b) any child, whose evidence is received as aforesaid and who wilfully gives false evidence under such circumstances that, if the evidence had been given on oath, he would have been guilty of perjury, shall be liable on summary conviction to be adjudged such punishment as might have been awarded had he been charged with perjury, and the case dealt with summarily under the Perjury Act.

Cap. 43.

26. Where in any proceedings with relation to an offence under this Act, or any of the offences mentioned in schedule to this Act, the court is satisfied that the attendance before the court of any child in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child.

Absence of
child at the
hearing

27. (1) Where a person is charged with committing an offence under this Act, or any of the offences mentioned in the schedule to this Act, in respect of two or more children, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not be liable to a several separate penalty for each child except upon separate informations. children

Mode. of
charging
offence in

Inclusion of
different
offences in
same
information

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of these offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3) A person shall not be summarily convicted of an offence under this Act or of an offence mentioned in the schedule to this Act, unless the offence was wholly or partly

Limitation
time in summary
proceedings

Continuous
offences

Power in case of charge
under sections 6 or 7 to
convict under section 9

Evidence of wife, or
husband of accused

Definition of carnal
knowledge

Consent to indecent
assault no offence.

Saving of liability to
other criminal
proceedings

committed within six months before the information was laid, but, subject as aforesaid, evidence may be given of acts constituting or contributing to constitute the offence, and committed at any previous time.

(4) When an offence under this Act, or any offence mentioned in the schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information or summons the date of the acts constituting the offence.

28. Any person charged with an offence under sections 6 or 7 may be found guilty of an offence under section 9 of this Act.

29. The wife or husband of a person charged with an offence under this Act, or any of the offences mentioned in the schedule to this Act, may be called as a witness either for the prosecution or for the defence and without the consent of the person charged.

30. Whenever upon the trial for any offence punishable under this Act it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.

31. It shall be no defence to a charge of indecent assault on a child under fourteen years of age to prove that he or she consented to the act of indecency.

32. This Act shall not exempt any person from any proceeding for an offence which is punishable at common law or under any other Act or under any act of general application.

SCHEDULE

Any offence under section 27 or 56 of the Offences against the Person Act, 1861, and any offence against a child under sections 5, 42, 43 or 62 of that Act.

Any other offence involving bodily injury to a child

Cap 41]

Corporal Punishment

CHAPTER 41

CORPORAL PUNISHMENT

ARRANGEMENT OF SECTIONS

SECTION

- 1. Short title.
- 2. Interpretation.
- 3. No corporal punishment of adults except for certain prison offences.
- 4. Restriction of corporal punishment of juveniles.
- 5. Corporal punishment of juveniles in lieu of other punishments.
- 6. Determination of age.
- 7. Exemptions.
- 8. Maximum for juveniles.
- 9. Limitations as to time.
- 10. When sentence to be carried out.
- 11. Detention pending punishment.
- 12. Type of instrument and manner of use.
- 13. Punishment to be in private.
- 14. Rules.

CHAPTER 41

CORPORAL PUNISHMENT

12 of 1953 **An Act to Regulate the Infliction of Corporal Punishment.**

[17TH SEPTEMBER, 1953.]

1. This Act may be cited as the Corporal Punishment Act.

short title
“Ordinance” replaced
by “Act” by Act No. 29 of .
1972 sec.7

2. In this Act unless the context otherwise requires

Interpretation

" adult" means a person of the age of seventeen years or over;
“juvenile” means a person under the age of seventeen years.

3. Notwithstanding anything to the contrary contained in any law now in force, it shall not be lawful for any Court to order the infliction of corporal punishment on any adult:

No Corporal

Provided that, subject to section 7, nothing in this section contained shall render it unlawful for corporal punishment to be inflicted on a prisoner in accordance with the provisions of the Prisons Act and of any rules made thereunder.

punishment of

Adults except

for certain prison
Offences

Prisons Act No. 22 of 1960

Corporal Punishment

- | | |
|---|---|
| <p>4. Where under this Act or any other Act or law now in force or hereafter in force it is provided that any person shall be liable to undergo corporal punishment, such punishment shall, if awarded to a juvenile, be in accordance with the provisions of this Act.</p> | <p>Restriction of Corporal punishment of juvenile
See also cap 44</p> |
| <p>5. When any juvenile has been convicted of any offence under any Act or law now or hereafter in force, other than an offence punishable with death, it shall be lawful for the Court by which such juvenile has been convicted to order corporal punishment in lieu of any other punishment which may lawfully be inflicted upon him for such offence.</p> | <p>Corporal punishment of juvenile in lieu of other punishments</p> |
| <p>6. In determining the age of any offender for the purpose of deciding whether or not to order the infliction of corporal punishment under this Act or any other Act or law, the Court may, in the absence of direct evidence of age, adjudge such age according to the appearance of the offender.</p> | <p>Determination of age</p> |
| <p>7. No sentence of corporal punishment shall be passed upon any-</p> <p style="margin-left: 20px;">(a) female;</p> <p style="margin-left: 20px;">(b) person sentenced to death;</p> <p style="margin-left: 20px;">(c) person over the age of forty-five years.</p> | <p>Exemptions</p> |
| <p>8. The Court ordering the infliction of corporal punishment upon a juvenile shall in every case specify the number of strokes to be administered. The number of strokes which may be ordered in any such case, whether for one or more distinct offences shall not exceed twelve.</p> | <p>Maximum for juveniles</p> |
| <p>9. No sentence of corporal punishment shall be carried out</p> <p style="margin-left: 20px;">(a) in instalments; or</p> <p style="margin-left: 20px;">(b) within fourteen days of the infliction on the same person of any previous corporal punishment in terms of this or any other Act or law.</p> | <p>Limitations as to time</p> |
| <p>10. A sentence of corporal punishment shall be carried into effect without unnecessary delay and shall in no case be carried into effect after the expiration of six months from the passing of such sentence.</p> | <p>When-sentence to be carried out</p> |
| <p>11. A juvenile sentenced to undergo corporal punishment may be detained in prison or in such other place as the court may order, for such time as may be necessary for carrying the sentence into effect.</p> | <p>Detention pending punishment</p> |

12. Where a sentence of corporal punishment is passed on a juvenile by any Court, no instrument other than a birch rod or cane of the diameter of half an inch or less shall be used for the infliction of such punishment, and such instrument shall not be applied to any part of the body of such juvenile other than to his buttocks	Type of instrument and manner of use
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13. The infliction of corporal punishment on any juvenile in terms of the order of any court shall be carried out in private by a constable in the presence of either a Police Officer not below the rank of Assistant Superintendent, or an Administrative Officer, and a Medical Officer, and the parent or guardian of the juvenile shall have the right to be present thereat. Provided that no corporal punishment shall be inflicted unless a Medical Officer considers that the juvenile is in a fit condition to receive such punishment.	Section 13 deleted and replaced by Act 29 of 1972
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14. It shall be lawful for the President to make rules from time to time for the matter carrying out of the provisions of this Act	Rules. “ President” replaces “Governor’ by section 7 of
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Act No. 29 of 1972

CHAPTER 44

CHILDREN AND YOUNG PERSONS ACT

ARRANGEMENT OF SECTIONS

SECTION.

1. Short title

PART 1 – PRELIMINARY

2. Interpretation

PART 11 – SPECIAL PROVISIONS AS TO PROCEDURE

3. Juvenile courts.
4. Special juvenile courts.
5. Bail of children and young persons arrested.
6. Association with adults whilst in custody.
7. Juvenile court may dispose of all cases other than homicide.
8. Charge to be explained.
9. Accused to be asked to show cause.
10. Record of proof of offence.
11. Hearing.
12. Cross-examination of witnesses.
13. Accused may question prosecution witnesses.
14. Duty of court when accused is without counsel.
15. Defence.
16. Procedure upon proof of offence.
17. Attendance at court of parent of child or young person charged with an offence.
18. Determination of age.
19. Persons appearing to be of the age of seventeen years or upwards.

PART III – TREATMENT OF YOUNG OFFENDERS

20. (1) Appointment of probation officers.
(2) Probation orders.
21. Power to vary conditions of release.
22. Provision in case of offender failing to observe conditions of release.
23. Power to order parent to pay fine instead of child or young person.
24. Imprisonment.
25. Alternative punishment in certain cases.
26. When approved school order may be made.

PART IV CHILDREN AND YOUNG PERSONS IN NEED OF CARE AND PROTECTION

27. Power of juvenile courts in respect of children in need of protection.
28. Power of parent or guardian to bring child or young person before juvenile court.
29. Conditions of orders made under section 27 and 28.
30. Contribution orders.

PART V – APPROVED SCHOOL

31. Approved school.
32. Approved school order.
33. Approved school order may not come into immediate operation.

SECTION.

34. Authority for detention.
35. Extension of period of detention.
36. Supervision and recall after expiration of order.
37. Power of manager to bring person detained before a court.
38. Discharge, transfer, and release from approved school.

PART VI – REMAND HOMES

39. Establishment of remand homes.
40. Provisions as to custody of children and young persons in remand homes.

PART VII – APPEALS

41. Time for appeal.

PART VIII – GENERAL

42. Power to make rules.
43. Saving.

CHAPTER 44

CHILDREN AND YOUNG PERSONS

An Act relating to Children and Young Persons.

(31ST DECEMBER, 1945)

1. This Act may be cited as the Children and Young Persons Act, and shall apply to Sierra Leone. Short title.

PART 1 - PRELIMINARY

2. In this Act, unless the context otherwise requires-

Interpretation.
“Governor” substituted by
“President” by Act 29/1972

‘approved school’ means a school established by the President under the provisions of section 31 or any place or institution declared to be an approved school under the provisions of that section;

child; means a person under the age of fourteen years;

guardians’ in relation to a child or young person includes any person who, in the opinion of the court having cognisance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over child or young person;

‘juvenile court’ means a magistrate’s court sitting as prescribed in sub section (1) and (2) of section 3 for the hearing and determination of cases relating to children or young persons and includes a juvenile court held by a magistrate and two or more justice of the peace by virtue of an order in council made under section 4.

19 of 1952.

‘probation officer’ means a person appointed as such under this ordinance and includes a deputy probation officer or assistant

officer.

‘young person’ means a person who is fourteen years of age or upwards and under the age of seventeen years.

PART II – SPECIAL PROVISIONS AS TO PROCEDURE

3. (1). A magistrate’s court when hearing charges against children or young persons shall; if practicable, unless the child or young person is charged jointly with any other person not being a child or young person, sit in a different building or room from that in which the ordinary sittings of the court are held, or on different times from those at which the ordinary sittings are held. **Juvenile courts.**

(2). If in the course of any proceedings in a magistrate’s court it appears to the court that the person charged or to whom the proceedings relate is under the age of seventeen years the court’s hall continue with the hearing and determination of the case in accordance with the provisions of this ordinance, but nothing herein shall be deemed to make it necessary for such court to adjourn the case in order to comply with the provisions of this section, and a court so sitting shall be a juvenile court for the purposes of this Act.

(3). If in the course of any proceedings in a juvenile court it appears to the court that the person charged or to whom the proceedings relate is of the age of seventeen years or upwards the court shall proceed with the hearing and determination of the case in accordance with the provisions of the criminal procedure ordinance but nothing herein shall be deemed to make it necessary for such court to adjourn the case into the public court room unless the court considers it desirable so to do; and the court so constituted shall be a magistrate’s court; **Cap 39.**

Provided that where the juvenile court is being held by a magistrate and two or more Justices of the Peace in accordance with the provisions of an order made under section 4 the justices of the peace shall withdraw and the magistrate shall proceed with the hearing and determination of the case. **19 of 52.**

(4). Provision shall be made for preventing persons apparently under the age of seventeen years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court from association with adults charged with or convicted of any offence other than an offence with which the person apparently under the age of seventeen years is jointly charged or convicted.

(5). In a juvenile court no person other than the members and officers of the court, the relatives of the accused and the parties to the case, their advocates, and other persons directly concerned in the case, shall, except by leave of the court, be allowed to attend:

Provided that bona fide representatives of a newspaper or

news agency shall not be excluded except by special order of the court; provided further that no person shall publish the name, address, school, photograph or anything likely to lead to the identification of the child or young person before the juvenile court save with the permission of the court or in so far as required by the provisions of this Act. Any person who acts in contravention of the provisions of this proviso shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding ten, pounds.

- | | | |
|-----|---|---|
| 4. | Notwithstanding the provisions of section 32 of the courts ordinance the President acting on the advise of Cabinet may by order provide that, in any judicial district specified therein, a juvenile court may subject to the directions of the Chief Justice, be held by a magistrate having Jurisdiction therein and two or more Justices of the Peace. | Special
juvenile court
Cap 7
19 of 1952
Amended by
Act.29/1972 |
| 5. | Where a person apparently under the age of seventeen years is apprehended with or without a warrant and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought shall- | Bail of
children
and young persons
arrested. |
| | (a) unless the charge is one of homicide or any offence punishable with imprisonment for a term exceeding seven year; or | |
| | (b) unless it is necessary in the interest of such person to remove him from association with any undesirable person; or | |
| | (c) unless the officer has reason to believe that the release of such a person would defeated the ends of justice, | |
| | release such person on a recognisance being entered into by him or by his parents or guardian, or other responsible person, with or without sureties for such amount as will in the opinion of the officer secure the attendance of such person upon hearing of the charge. | |
| 6. | It shall be the duty of the Commissioner of Police to make arrangements for preventing, so far as practicable, a child or young person while in custody, from associating with an adult, other than a relative charged with an offence. | Association with
adults whilst in
custody. |
| 7. | When a child or young person is brought before a juvenile court for any offence other than homicide the case shall be finally disposed of in such court. | Juvenile court
may dispose of
All cases other
than homicide |
| 8. | It shall be the duty of a juvenile court when hearing a charge against a child or young person to explain to him in simple language the substance of the alleged offence. | Charge to be
explained. |
| 9. | After explaining the substance of the alleged offence the court shall ask the child or young person what he has to say in explanation thereof and whether he admits the offence. | Accused to be
asked to show
cause. |
| 10. | If the statement made by the child or young person amounts to a | Record of |

	plea of guilty the court shall record that the offence is proved.	proof of evidence.
11.	If the child or young person does not admit the offence or if the Court does not accept the accused's statement as a plea of guilty the court shall then hear the evidence of the witnesses for the prosecution.	Hearing
12.	At the close of the evidence to each witness the court shall put to the witness such questions as appear to be necessary or desirable—either for the purpose of establishing the truth or otherwise of the facts alleged or to test the credibility of the witness.	Cross-examination of witnesses
13.	The accused may put questions to each witness produced against him, and the answer of the witness thereto shall be part of his evidence.	Accused may question prosecution witnesses.
14.	If the accused does not employ counsel, the court shall, at the close of the examination of each witness for the prosecution, ask the accused whether he wishes to put any questions to that witness.	Duty of court when accused is without counsel
15.	If after the prosecution witnesses have given their evidence the court is satisfied that the facts properly before it establish a prima facie case against the accused which if unanswered, would leave no reasonable doubt as to his guilt the court shall hear the witnesses for the defence and any further statement which the accused may wish to make in his defence.	Defence .
16.	If the child or young person admits the offence and the court accepts his plea or if after hearing the witnesses the court is satisfied that the offence is proved the court shall record that the offence is proved and shall then, except in cases where the circumstances are so trivial as not to justify such a procedure, obtain such information as to his character, antecedents, home life, occupation and health as may enable it to deal with the case in the best interest of the child or young person, and may put to him any question arising out of such information for the purpose of obtaining such information or for special medical or observation the court may from time to time remand the child or young person or may release him on bail.	Procedure upon proof of offence.
17.	Where a child or young person is charged with any offence' the court may in its discretion require the attendance of his parent or guardian and may make such orders as are necessary for the purpose.	Attendance at court of parent of child or person with an offence.
18.	(1)When a person is brought before any court otherwise than for the purpose of giving evidence and it appears to the court that he is a child or young person the court shall, having made such inquiry as it considers necessary, record a finding as to the age of such person. (2) No order or judgement of a juvenile court shall be invalidated by any subsequent proof that the person has not been correctly stated to the court, and the age found by the court to be age of the person brought before it shall, for the purposes of this Act, be	Determination of age.

deemed to be the true age of that person.

19. Where it appears to the Court that any person brought before it is of the age of seventeen years or upwards, that person shall for the purpose of this Act be deemed not to be a child or young person.
- Persons appearing
to be of the age of
Seventeen
years or
upwards**

PART III TREATMENT OF YOUNG OFFENDERS

20. (1)The President may, by notice in the Gazette, appoint a fit and proper person or persons of either sex, and either by name or as holding any public office for the time being, to be a probation officer or officers for each district, and may from time to time appoint a deputy probation officer for any district to act in the absence or during the illness or incapacity of the probation officer, and may appoint an assistant probation officer to perform under the direction of the probation officer all or any of the duties of a probation officer in any portion of a district.
- Appointment
of probation
officers.**

A probation officer when acting under a probation order shall be subject to the control of the courts for the district for which he is appointed.

- (2)Where a child or young person is charged with an offence other than homicide, and the court is satisfied that the charge is proved, the court may make an order discharging the offender conditionally on his entering into a recognisance, with or without sureties, to be of good behaviour and to appear to be further dealt with when called upon at any time during such period, not exceeding three years, as may be specified in the order.
- Probation
orders.**

A recognisance entered into under this section shall, if the court so order, contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order, such person being willing to undertake such supervision, and such other conditions for securing such supervision as may be specified in the order.

- (3)The person named in any probation order shall be –

- (a)a probation officer appointed by the President for the district or for which the court acts; or
- (b) if the court considers it expedient on account of the place of residence of the offenders, or any special reason, a probation officer appointed by the President for some other district, or
- (c) if the court considers that the special circumstances of the case render it desirable, or if no person has been appointed as a probation officer, a person who has not been appointed a probation officer for any district.

- (4)The person named in such an order may at any time be relieved of his duties, and in any such case or in any case of the death of the person so named, another person may be substituted by the court before which the offender is bound by his recognisance to appear for conviction or sentence.

- (5)It shall be the duty of the probation officer, subject to the control of the Court-

- (a) to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order or subject thereto as the probation officer may think fit;
- (b) to see that he observes the conditions of his recognisance;
- (c) to report to the court as to his behaviour; and
- (d) to advise, assist and befriend him and when necessary to endeavour to find him employment.

21	The court before which any person is bound by this Act to appear to be further dealt with may, after notice to the offender, vary the conditions of the recognisance and may, on being satisfied that the conduct of the person has been such as to make it necessary that he should remain longer under supervision, discharge the recognisance.	Power to vary conditions of release
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22.	(1) If the court before which an offender is bound by recognisance to appear to be further dealt with, or any court, is satisfied by information on oath that the offender has failed to observe any of the conditions of the recognisance, it may issue a warrant for his apprehension, or may if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties (if any) requiring him or them to attend at such court and at such time as may be specified in the summons.	Provision in case of offender failing to observe conditions of release.
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(2) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by recognisance to appear to be further dealt with, be brought before any other magistrate's court

(3) The court before which an offender on apprehension is brought or before which he appears in pursuance of such summons as aforesaid may, if it is not the court before which he is bound by recognisance to appear to be further dealt with, remand him to custody or on bail until he can be brought before the last-mentioned court.

(4) A court, before which a person is bound by recognisance to appear to be further dealt with, on being satisfied that he has failed to observe any condition of the recognisance, may forthwith deal with him as for the original offence.

23.	(1) Where a child or young person has been found guilty of an offence for the commission of which a fine, compensation or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, compensation or costs, whether with or without any other punishment, the court may in any case and shall if the offender is a child, order that the fine, compensation or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.	Power to order parent to pay fine instead of child or young person.
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(2) An order under this section may be made against a parent

or guardian who, having been required to attend has failed to do so, but no such order shall be made without giving the parent or guardian an opportunity of being heard.

- (3) Any sums imposed and ordered to be paid by a parent or guardian under this section may be recovered from him by distress.
- (4) A parent or guardian may appeal against an order under this section to the High Court.

24. (1) No child shall be sentenced to imprisonment. **Imprisonment**

(2) No young person shall be sentenced to imprisonment unless the court considers that none of the other methods in which the case may be legally dealt with the provisions of this or any other Act is suitable.

(3) A young person sentenced to imprisonment shall, so far as circumstance permit, not be allowed to associate with adult prisoners.

25. Where a child or young person is charged with any offence other than homicide or other than an offence punishable with imprisonment for a term exceeding seven years, and the court is satisfied that the offence is proved, the court, may, in addition or alternatively to any order which may be made, under this Act in its discretion either- **Alternative punishment in in certain cases.**

(a) discharge the child or young person without making any order;

(b) order the child or young person to be repatriated at the expense of Government to his home or district or origin; or

(c) order the child or young person to be handed over to the care of a fit person or institution named in the order, such person or institution being ready to undertake such care.

26. (1) Where a child or young person is charged with an offence punishable, in the case of an adult, with imprisonment and the court is satisfied that the offence is proved, the court may order that he be committed to custody of an approved school until he attains the age of eighteen years or for any shorter period. **When approved school order may be made**

Provided that no person shall be committed to an approved school for a shorter period than two years, unless at the time of the order the young person is over the age of sixteen years in which case the order for committal shall be for the period until such person attain the age of eighteen years.

(2) An order made under this Section is in the Act referred to as an approved school order.

PART IV - CHILDREN AND YOUNG PERSON IN NEED OF CARE AND PROTECTION

27 (1) Any administrative officer, police officer above the rank of sub inspector or authorized person may bring before a juvenile court any child or young person who- **Power of juvenile court in respect of children in need of protection**

(a) is found begging or receiving alms (whether

or not there is any pretence of singing, , performing offering anything for sale or otherwise), or being in any street, premises or place for the purpose of so begging or receiving alms; or

(b)is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship; or

(c) is either falling into bad association, or exposed to moral danger, or beyond control; or

(d)is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child or young person, his mother, undergoing imprisonment; or

(e) is under the care of a parent or guardian of criminal or drunken habit; or

(f) frequents the company of any reputed thief or common or reputed prostitute; or

(g) is being persistently ill-treated or neglected by his parent's or guardian; or

(h) is lodging or residing in a house or that of a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstance calculated to cause, encourage or favour the seduction or prostitution of the child or young person.

And the court before which a person is brought as coming within one of those description, if satisfied on enquiry of that fact, may either-

(i) order him to be sent to an approved school ; or

(ii) commit him to the care of any fit person, whether a relative or not, or any institution willing to undertake the care of him until the child or young person attains the age of 18 years or for any shorter period.

Provided that the Court may at any time on the application of the person or institution to whose care any female child or young person is committed under this section, and with the consent of such child or young person, extend the period for which she was so committed until she attain the age of 21 years; or

(iii) order his parent or guardian to enter into a recognisance to exercise proper care and guardianship: or

(iv)without making any other, or in additional to making an order either of the last two foregoing paragraphs make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2)For the purpose of this section the expression “authorised” person means a probation officer or any other person authorized by the governor to institute proceedings under this section.

28. Where the parent or guardian of a child or young person privies to a juvenile court that he is unable to control the child or young person, the court, if satisfied.

Power of
parents or
Guardian to
bring child or
young person
before juvenile
court

(a) That it is expedient so to deal with the child or young person, and

(b)that the parent or guardian understands the results which will follow 22 of 1949.
from and consents to the making of the order, may order the child or
young person to be sent to an approved school, or may order him
to be placed for a specified period, not exceeding three years under
the supervision of a probation officer, or of some other person appointed
for the purpose by the court , or (without making any other or in addition
to making such order as in last mentioned) may commit him to the care
of any fit person, whether a relative or not, who is willing to undertake
the care of him.

29. The following provisions shall apply in respect of the preceding two sections **Conditions of orders made under sections 27 and 28.**

(1) An order for committal to an approved school shall be an approved 22 of 1949.
school order and shall, whilst the order is in force, have the like control
over him as the parent, and shall be responsible for his maintenance,
and he shall continue in the care of such person or institution,
notwithstanding that he is claimed by his parent or any other
person and if any person.

(2) Every order shall be in writing.

(3) Any person or institution to whose care a child or young person
is committed shall, whilst the order is in force, have the like control
over him as the parent, and shall be responsible for his maintenance,
and he shall continue in the care of such person or institution,
notwithstanding that he is claimed by his parent or any other person
and if any person-

(a) knowingly assists or induces directly or indirectly, a person in respect
of whom an order has been made to escape from the person or institution
of whose care he is committed; or

(b) knowingly harbours, conceals or prevents from returning to such person
or institution, a person in respect of whom an order has been made who

has so escape, or knowingly assists in so doing, he shall be liable to a fine
not exceeding twenty-five pounds or to imprisonment for three months or
both such fine and imprisonment.

(4) The President may at any time discharge a child or young person
from the cares of any person or institution to whose care he has been
committed by a court, either absolutely or on such conditions as the
President approves, and he may, if he thinks fit, make rules in
relation to children or young persons so committed to the care of
any person or institution, and to the duties and remunerations of
such persons or institution with respect to such children or young
persons.

30. (1) Any court having power to commit a child or young person to **Contribution orders.**
an institution, fit person or approval school shall have power to
make orders on the parent or guardian or other person liable to maintain the
child or young person to contribute to his maintenance during the period 22 of 1949 of
committal such sums as the court shall think fit and may from time
to time vary such orders. Such orders shall be known as contribution order.

(2) A contribution order may be made on the application of the person or institution to whose care the child or young person is for the time being committed or, in the case of an approved school on the application of the manager thereof, and either at the time when the order for the committal of the child or young person is made or subsequently, and the sums contributed by the person on whom the contribution order was made shall be paid to such person or institution as the court may name or to the manager of the approved school, as the case may be, and applied for the maintenance of the child or young person;

(3) In default of payment of any sum due under a contribution order, the person or institution or the manager of the approved school, as the case may be, in whose favour the contribution order was made may sue for the same as a civil debt owing to him by the person on whom such order was made.

(4) A person on whom a contribution order has been made under this section shall give notice of any change of address, to the person or institution or the manager of the approved school, as the case may be, in whose favour the contribution order was made, and if he fails to do so without reasonable excuse he shall be liable to a fine not exceeding ten pounds.

PART – V – APPROVED SCHOOL

31. (1) The President may establish schools or may declare any school or institution to be an approved school for the purposes of this Act. **Approved School.**

(2) The President may appoint a fit and proper person or persons to be the manager or managers of any approved school under this section.

32. (1) An approved school order shall specify- **Approved school order**

(a) the school to which the child or young person is to be sent; and

(b) the person who is to be responsible for conveying him to such school

(2) Every such order shall contain such information as is in the opinion of the court material to be known by the manager of such school.

(1) A certified copy of every such order shall be delivered to the person responsible for conveying the child or young person to the school and shall be delivered by him to the manager thereof.

(2) Such order shall be sufficient authority for the detention of the child or young person in such school according to the tenor thereof.

33. The operation of an approved school order may be suspended pending completion of arrangements for the reception of the child or young person **Approved school order**

into an approved school, or on account of his ill-health or for other good and sufficient reason, and in such a case the court may remand him in custody or may order him to be committed to the care of some fit and proper person willing to undertake such custody, or may release him on bail. **may not come into immediate operation.**

34. (1) A child or young person whilst detained in an approved school in **Authority**

accordance with the provisions of this Act and whilst being conveyed to or from such school shall be deemed to be in legal custody and if he escape may be apprehended without warrant and brought back thereto. for detention.

(2) Any person who knowingly assists or induces a child or young person to escape from an approved school or knowingly harbours or conceals a child or young person who has so escaped, or prevents him from returning, shall on summary conviction be liable to a fine not exceeding twenty-five pounds or to imprisonment for three months or to both such fine and imprisonment.

35. If the manager of an approved school is satisfied that a person whose period of detention therein is about to expire needs further care or training he may, with the approval of the President, detain him for a further period not exceeding one year, so, however, that he is not detained beyond the date upon which he attains the age of eighteen years. Extension
of period
of
detention

36. (1) A person sent to an approved school shall after the expiration of the period of his detention be under the supervision of the manager of his school until he attains the age of eighteen years. Supervision
and recall
after expiration
of order
12 of 1947.

(2) (a) If the manager of a school is satisfied that it is in the best interest of the person under supervision as aforesaid that the said person should be recalled to the school, the manager shall make application to the court for an order authorising him to recall such person to the school.

(b) Notice of any application as aforesaid shall be served on the person whom it is intended to recall and on the parent or guardian of such person to give him and the parent or guardian as the case may be an opportunity of being present at the hearing thereof.

(c) If, after hearing the manager of the school, and after hearing what, if anything, the person in respect of whom the order is sought and his parent or guardian have to say, the magistrate is of the opinion that it is in the best interest of the said person that he should be recalled, the magistrate shall make an order accordingly, authorising the manager to recall such person to the school, and the manager may thereupon recall to the school forthwith such person.

(d) If any person in respect of whom an order has been made as aforesaid shall without lawful excuse fail to obey any such order, he may be apprehended without warrant and taken to the school.

(3) A person who has been so recalled shall be released as soon as the manager thinks that he can properly be released and in no case shall he be detained after he has attained the age of eighteen years.

(37) If the manager of an approved school is satisfied that any person committed to the school is of so unruly or depraved a character that it is undesirable that he should remain at such school, he may cause such person to be brought before a magistrate's court having jurisdiction in the place where the school is situated or before the court which made the approved school order, and such court may in respect of such person make any order which could have Power of
manager to
bring
person
detained
before
a court.

been legally made by the committing court under the provisions of this Act.

(38) The Manager of an approved school may-

Discharge transfer
and release from
Approved school

- (a) with the approval of the Governor order any child or young person to be removed from one approved school to another.
- (b) order any child or young person to be release from an approved school on condition hat such child or young person shall live under the charge of any trustworthy and respectable person named in the order of release willing to receive and take charge of him and to keep such child or young person employed at some trade, occupation or calling.

PART VI – REMAND HOMES

(39)

(1) The President may by Order establish a remand home in respect of any area which shall be specified in the order and any remand home so established may be situate either within or without the area for which it is established.

Establishment
of remand
homes
22 of 1949.

- (2) The President may with the consent of the authority or person responsible for the management of any institution other than a prison establish a remand home is situated.
- (3) A child or young person who may lawfully be remanded in custody to any place situated within the area for which a remand home has been established may be so remanded to the remand home for such area wherever such home is in such institution as any part thereof.

(40)

(1) The order or judgement in pursuance of which a child young person is committed to custody in a remand home shall be delivered with the child or young person to the person –in charge of the home and shall be sufficient authority for his detention in the home in accordance with the tenor thereof.

Provisions
as to
custody
of children
and young
persons in
remand home
22 of 1949

- (2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in legal custody.
- (3) The President shall cause remand homes to be inspected, and may by Order make rules as to the running and management of remand homes, and as to their inspection, and as to the classification, treatment, employment, and control of children and young persons detained in custody in remand homes, and for the children and young person while so detained being visited from time to time by persons appointed in accordance with those rules.
- (4) A child or young person who escape from a remand home may be apprehended without warrant and brought back thereto, and any person who knowingly assists or induces a child or young person so to escape, or knowingly harbours or conceals a child or young person who has so escaped, or prevent him from returning, shall on summary conviction be liable to a fine not exceeding twenty-five pounds or to imprisonment for three months or to both such fine and imprisonment.

PART VII – APPEALS

Time for appeals

- (41) Every appeal against an order or sentence made a passed by a juvenile court under the provisions of this Act shall be entered within seven days of the date of the order or sentence appealed against. Provided that the High Court may for good cause admit an appeal out of time.

PART VIII - GENERAL

Powers to make rules

- (42) The President on the advice of Cabinet may make rules for carrying this Act into effect, and in particular for prescribing such matters relating to management control, discipline and interior economy of approved schools as may appear necessary.

Saving

- (43) Save in so far as other provision is expressly made in this Act nothing in the Act shall be deemed to affect any other law relating to the trial and punishment of offenders.

THE LEGITIMACY ACT, 1989

Being an Act to render legitimate the illegitimate children of parents who subsequently marry each other; and for connected purposes.

short title

BE IT ENACTED by the President and Members of Parliament in

Date of
Commencement

this present Parliament assembled, as follows:-

1. In this Act, unless a contrary intention appears –

Interpretation

“court” means the High Court;

“date of legitimation” means the date on which a person becomes legitimate or is recognised as such by virtue of this Act;

“disposition” means an assurance of any interest in property by any instrument whether *inter vivos* or by will;

“entailed interest” means an interest in tail or in tail male or in tail female or in tail special;

“intestate” includes a person who leaves a will but dies intestate as to some beneficial interest in his movable or immoveable estate;

“legitimated person” means a person legitimated by this Act;

“marriage” means: -

(a) a marriage which is recognised by the law of the place where it is contracted as the voluntary union for life of one man and one woman.

(b) a marriage entered into and subsisting between persons professing the Islamic faith which is valid according to Islamic Law or registered under the Islamic Marriage Act or any law governing the registration of such marriage in any other Country and the words “husband” and “wife” shall be construed accordingly; or

Cap.96.

(c) any marriage contracted or entered into in accordance with customary law and practice;

“Minister” means the Minister for the time being responsible for the registration of births and deaths.

2. (1) Subject to the provision of this section, where the parents of an illegitimate person marry or have married each other, whether before or after the commencement of this Act, the marriage shall, if the father or mother of the illegitimate person was or is at the date of the marriage resident in Sierra Leone, render that person, if living, legitimate from the commencement of this Act or from the date of the marriage, whichever last happens.

(2) The provisions contained in the Schedule to this Act shall have effect with respect to the re-registration of the birth of a person legitimated by the marriage of his parents.

- 3.** (1) A person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may whether domiciled in Sierra Leone or elsewhere, apply by petition to the High Court praying for a decree declaring that the petitioner is the legitimate child of his parents, and the High Court shall have jurisdiction to hear and determine such application and to make such decree declaratory of the legitimacy or illegitimacy of such person as the Court may deem just; and such decree shall be binding to all intents and purposes on all persons whomsoever.
- (2) Every petition under this section shall be accompanied by such affidavit verifying that petition, and of the absence or exclusion, as the Court may by any general rule direct.
- (3) In all proceedings under this section the Court shall have power to award and enforce payments of costs to any persons cited, whether such person shall or shall not oppose the declaration applied for, in case the said Court shall deem it reasonable that such costs should be paid.
- 4) A copy of every petition under this section and of the affidavit accompanying that petition shall, one month at least prior to the presentation by filing of such petition, be delivered to the Attorney-General and Minister of Justice, who shall be a respondent in the hearing of such petition and upon every subsequent proceeding relating thereto.
- (5) Where any application is made under this section to the Court, such person or persons (if any) besides the Attorney-General and Minister of Justice as the Court shall think fit shall, subject to the Rules made under this section, be cited to the proceedings or otherwise summoned in such manner as the Court shall direct, and may be permitted to become parties to the proceedings, and may oppose the application.
- (6) The decree of the Court shall not in any case prejudice any person, unless such person has been cited or made a party to the proceedings or is the next-of-kin, or personal representative of, or derives title under or through a person so cited or made a party; nor shall such decree of the Court prejudice any person if subsequently proved to have been obtained by fraud or collusion.
- (7) No proceeding to be had under this section shall affect any final decree already pronounced or made by any court of competent jurisdiction.
- (8) The Chief Justice may make Rules for carrying the provisions of this section into effect.
- 4.** (1) Subject to the provisions of this Act, a legitimated person and his spouse, children or more remote issue shall be entitled to take any interest-
- (a) in the estate of an intestate dying after the date of legitimation;
- (b) under any disposition coming into operation after the date of legitimation;
- (c) by descent under an entailed interest created after the date of legitimation;
- in like manner as if the legitimated person had been born legitimate.

**Re-registration
of birth of
legitimate person.**

**Right of legitimated
persons, etc to take
interests in property.**

(2) Where the right to any property, moveable or immoveable, depends on the relative seniority of the children of any person, and those children include one or more legitimated persons, the legitimated person or persons shall rank as if he or they had been born on the day when he or they became legitimated by virtue of this Act, and if more than one such legitimated person became legitimated at the same time, they shall rank as between themselves in order of seniority in accordance with their actual dates of birth.

5. Where a legitimated person or a child or remoter issue of a legitimated person dies intestate in respect of all or any of his moveable or immoveable property, the same persons shall be entitled to take the same interests therein as they would have been entitled to take if the legitimated person had been legitimated.

Succession
on intestacy of
legitimated
person and issue.

6. Where an illegitimate person dies after the commencement of this Act and before the marriage of his parents leaving any spouse, children or remoter issue living at the date of such marriage, then, if that person would, if living at the time of the marriage of his parents have become a legitimated person the provisions of this Act with respect to the taking of interests in property by, or in succession to the spouse, children and remoter issue of a legitimated person shall apply as if such person had been a legitimated person and the date of the marriage of his parents had been the date of legitimation.

Application to
Illegitimate
person dying before
marriage of parent.

7. A legitimated person shall have the same rights, and shall be under the same obligations in respect to the maintenance and support of himself or of any other persons as if he had been born legitimate, and, subject to the provisions of this Act, the provisions of any, Act relating to claims for damages, compensation, allowance, benefits or otherwise by or in respect of a legitimate child shall apply in like manner in the case of legitimated persons.

Personal rights
and obligations of
legitimated
persons.

8. (1) Where the parents of an illegitimate person marry or have married each other, whether before or after the commencement of this Act, and the father of the illegitimate person was or is at the time of the marriage domiciled in a country other than Sierra Leone by the law of which the illegitimate person became legitimated by virtue of such subsequent marriage, that person, if living, shall in Sierra Leone be recognised as having been so legitimated from the commencement of this Act or from the date of the marriage which ever last happens, notwithstanding that his father was not, at the time of the birth of such person domiciled in a country in which legitimation by subsequent marriage was permitted by law.

provisions as to
persons
legitimated by
extraneous
law

- (2) All the provisions of this Act relating to legitimated persons and to the taking of interest in succession to a legitimated person and spouse, children and remoter issue of a legitimated person shall apply in the case of a person recognised as having been legitimated under this section, or who would, had he survived the marriage of his parents, have been so recognised; and accordingly this Act shall have effect as if reference therein to a legitimated person included a person so recognised as having been legitimated.

9. (1) Where after the commencement of this Act the mother of an illegitimate child, such child not being a legitimated person, dies intestate as respect all or any of her moveable or immoveable property, the illegitimate child or if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.
- Right of
illegitimate
child and
mother of
illegitimate
child to
succeed on
intestacy of the
other.
- (2) Where, after the commencement of this Act, an illegitimate child, not being a legitimated person, dies intestate in respect of all or any of his moveable or immoveable property, his mother, if surviving, shall be entitled to take any interest therein to which she would have been entitled if the child had been legitimate and she had been the only surviving parent.
- (3) This section does not apply to or affect the rights of any person to take by purchase or descent any entailed interest in moveable or immoveable property.
10. Nothing in this Act shall affect the operation or construction of any disposition coming into operation before the commencement of this Act, or affect any rights under the intestacy of a person dying before the commencement of this Act.
- Saving.

SCHEDULE

(Section 2(2))

REGISTRATION OF BIRTHS OF LEGITIMATE PERSONS

1. The Chief Registrar may upon production of such evidence as appears to him to be satisfactory, authorise at any time the registration of the birth of a legitimated person whose birth is already registered under the Births and Deaths Registration Act, 1983 and such re-registration shall be effected in such manner and at such places as the Minister may by Regulations prescribe:
- Act No. 11
of 1983.
- Provided that the Chief Registrar shall not authorise the re-registration of the birth of any such person in any case where information with a view to obtaining such re-registration is not furnished to him by both parents, unless-
- (a) the name of person acknowledging himself to be the father of the legitimated person has been registered under the Births and Deaths Registration Act 1983; or
- (b) the paternity of the legitimated person has been established by an Affiliation Order or otherwise by a decree of a court of competent jurisdiction; or
- (c) a declaration of the legitimacy of the legitimated person has been under this Act.
2. It shall be the duty of the parents of a legitimated person, or in cases where re-registration can be effected on information furnished by one parent

and one of the parents is dead, of the surviving parent, within the time specified in this paragraph to furnish to the Chief Registrar information with a view to obtaining the re-registration of the birth of that person; that is to say

(a) if the marriage took place before the commencement of this Act within eighteen months after such commencement;

(b) if the marriage takes place after the commencement of this Act, within twelve months after this date of the marriage.

3. Where the parents, or either of them, fail to furnish the necessary information within the time specified for the purpose, the Chief Registrar may at any time after the expiration of that time require the parent whom he believes to have been legitimated by virtue of this Act, or either of them, to give him such information concerning the matter as he may consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at his office or at any other place appointed by him within such time, not being less than seven days after receipt of the notice, as may be specified in the notice.
4. The failure of the parents or either of them to furnish information as required by this schedule in respect of a legitimated person shall not affect the legitimating of that person.
5. No fee for re-registration under this schedule shall be charged if necessary information for the purpose is furnished within the time above specified, but in any other case there shall be charged in respect of such re-registration such fees as may be prescribed by regulations under this schedule.
6. This schedule shall be constructed as one with the Births and Deaths Registration Act, 1983

Act No.11
of 1983.

Passed in Parliament this 14th day of December, in the year of our Lord One thousand nine hundred and eight-nine

C.B. FOFANA
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 correctly printed copy of the said Bill.

SIGNED this 29th day of December, 1989.

J. S. MOMOH,
President.



No.9



Sierra Leone

1989

The Adoption Act, 1989

Being an Act to provide for the adoption of children in Sierra Leone
for connected purposes

Short title
and

Date of
commencement

BE IT ENACTED by the President and Members of Parliament
this present Parliament assembled, as follows:-

PART I GENERAL

Interpreta-
tion

1. In this Act unless the context otherwise requires

“adoption order” means an order made under subsection (1) of Section 2;

“Court” means the High Court;

“father”, in relation to an illegitimate child means the natural father

“juvenile” means a person who is under the age of seventeen years;

“parent” includes a father as defined by this Act, and a guardian.

“relative “ relative” in relation to a juvenile, means grand parent, brother, or sister, uncle or aunt or son or daughter of an uncle or aunt, whether of the full blood or by affinity and includes:-

(a) where a) where an adoption order has been made in respect of the juvenile or any other person, any person who would be a relative of the juvenile within the meaning of this definition if the adopted person were the child of the adopted born in lawful marriage.

(b) where the juvenile is illegitimate the father of the juvenile and any person who would be a relative of the juvenile within the meaning of this definition if the juvenile were the legitimate child of his mother and father,, will includes' any kind of testamentary disposition.

Power to make
adoption order

2. (1) Subject to the provisions of this Act, the Court may, upon an application made in the prescribed manner make an order authorising the applicant to adopt a juvenile .

(2) An adoption order may be made on the application of a husband and his wife authorising them jointly to adopt juvenile.

(3) An adoption order may be made authorising the adoption of a juvenile by the mother or father of the juvenile, either alone or jointly with her husband or his wife as the case may be.

Restrictions on
making adoption
orders

3. (1) An adoption order shall not be made unless the applicant or, in case of a joint application, one of the applicants-

(a) has attained the age of twenty-five and is at least twenty one years older than the juvenile; or

- (b) has attained the age of twenty-one and is a relative of the juvenile, or
- (c) is the mother or father of the juvenile.

(2) An adoption order shall not be made in favour of a sole applicant who is a male unless the juvenile is a son of the applicant or the Court is satisfied that there are special circumstances which justify an exceptional measure the making of an adoption order in such a case.

(3) Except as provided by Section 2, an adoption order shall not be made authorising more than one person to adopt a juvenile.

(4) An adoption order shall not be made in respect of a juvenile unless-

- (a) the applicant and the juvenile reside in Sierra Leone; and
- (b) the juvenile has been, continuously in the care and possession of the applicant for at least six consecutive months immediately preceding the date of the order; and
- (c) the applicant has at least six months before the application for the adoption order notified the Chief Social Development Officer of his intention to apply for an adoption order.

4. (1) Subject to the provision of this section, an adoption order shall not be made except with the consent of every person who is a parent of the juvenile

Consent of
parent to adoption

(2) The Court may dispense with the consent of any parent of the juvenile if the Court is satisfied that he has abandoned, neglected or persistently ill-treated the juvenile or that he cannot be found or is incapable of giving his consent or that his consent is unreasonably withheld.

(3) If, in the case of an application made within one year from the date of the commencement of this *Act*, it is shown to the satisfaction of the Court that during the period of four years ending with the date of the application the juvenile has been brought up, maintained and educated under any *de facto* adoption (whether by one person or by a husband and wife jointly) the Court may dispense with the consent of any parent of the juvenile

(4) Any consent under this section may be given either unconditionally or subject to conditions with respect to the religious persuasion in which the juvenile is to be brought up without knowing the identity of the applicant for the adoption order, and where consent so given by any person is subsequently withdrawn on the grounds only that he does not know the identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably withheld.

(5) While an application for an adoption order in respect of a juvenile is pending in any Court, any parent of the juvenile who has signified his consent to the making of an adoption order, in pursuance of the application shall not be entitled, with the leave of Court, to remove the juvenile from the care and possession of the applicant, and in considering whether to grant or refuse such leave the Court shall have regard to the welfare of the juvenile.

Other consents

5. (1) Where it appears to the court that any person who is not the parent of the juvenile has, under any order of a court or agreement, or under customary law or otherwise, any right or obligation in respect of the juvenile the court may, if it think fit, require that the persons consent shall be obtained before the adoption order is made

(2) Where a married man or woman is the sole applicant for an adoption order, the Court may, if it thinks fit require that the consent of any wife or husband of the applicant as the case may be, be obtained before the adoption order is made.

(3) It shall be the duty of the Chief Social Development Officer to prepare a report to assist the Court on an application for an adoption order to determine whether any person who is not a parent of the juvenile has any rights or obligations in respect of the juvenile and whether that person's consent ought to be obtained for the adoption order.

Functions

of court as to

Adoption orders

6. (1) The court before making an adoption order shall be satisfied-

(a) that every person whose consent is required under Section 4, and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which the application is made, and, in particular in the case of any parent, understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental right;

Adoption

- (b) that the order, if made, will be for the welfare of the juvenile, due consideration for this purpose being given to the wishes of the juvenile having regard to the age and understanding of the juvenile; and
- (c) that the applicant has not received or agreed to receive , and that no person has made or agreed to make to the applicant, any payment or other reward in consideration of the adoption except such as the court may order.
- (2) The Court, in an adoption order, may impose such terms and conditions as the court may think fit, and, in particular, may require the adopter by bond or otherwise to make for the juvenile such provisions (if any) as in the opinion of the Court is just and expedient .

7. (1) Subject to the provisions of this section the Court may upon any application for an adoption order postpone the determination of the application and make an interim order giving the custody of the juvenile to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance, education and supervision for the welfare of the juvenile and otherwise as the Court may think fit.

(2) The Court shall impose as conditions under subsection (1)-

- (a) that the juvenile shall be under the supervision of an officer appointed by the Chief Social Development Officer, and
- (b) that the juvenile shall not be taken out of Sierra Leone without the leave of the court.
- (3) All such consents as are required to an adoption order shall be necessary for an interim order but subject to a like power on the part of the Court to dispense with any such consent
- (4) An interim order shall not be made in any case where the making of an adoption order would be unlawful by virtue of subsection (4) of Section 3.
- (5) An interim order shall not be deemed to be an adoption order within the meaning of this Act.

Application to
a person who is
not a citizen of
Sierra Leone

8. Where the applicant or, in the case of a joint application either of the applicants is not a citizen of Sierra Leone, the Court shall in exercise of its powers under section 7 postpone the determination of the application and make an interim order for a period of not less than six months.

Children
Previously adopted

- 9 An adoption order or an interim order, may be made in respect of a juvenile who has already been the subject of an adoption order and the adopter under the previous adoption shall, if alive; be deemed to be the parent of the juvenile for all the purposes of this Act.

Jurisdiction
and procedure

- 10 (1) An application for an adoption shall be made to the Court.
- (2) The Chief Justice may make, rules in regard to any matter to be prescribed under this Act and dealing generally with all matters of procedure and incidental matters arising out of this Act or for carrying this Act into effect.
- 3) Rules under this section shall, among other things provide-
- (a) for the proceedings to be otherwise than in open court, except in such exceptional circumstances as may be provided for by the rules.
- (b) for the admission of documentary evidence of any consent required under Section 4 and Section 5;
- (c) for the admission in evidence of a certified copy of any entry in the Adopted Children Register;
- (d) prescribing the form of the direction to be given in an adoption order as to making an entry in that Register, and the manner in which the making of an adoption order shall be communicated to the Administrator and Registrar-General;
- (e) for requiring the Chief Social Development Officer to represent the interests of the juvenile in any proceedings with respect to an adoption order or an interim order;
- (f) for requiring the Chief Social Development Officer to prepare for the consideration of the Court on an application for an adoption order a report for the assistance of the Court in determining whether the order will be for the welfare of the juvenile.

- (g) as to searches in the Adopted Children Register and the fees to be charged in respect of the services made available in connection with that Register,
- (h) for recording adoptions against entries in the Register of Births.

11. (1) On the decision by a court on an application for the making of an adoption order, other than a decision to postpone the application and make an interim order, any person aggrieved may, subject to rules of court and subject to the rules of court and subject to the provisions of the Courts Act, 1965 appeal to the Court of Appeal.

(2) On any decision of the Court on an application for an adoption order, any person aggrieved may appeal to the Court of Appeal,

12. (1) Upon an adoption order being made –

(a) all rights, duties obligations and liabilities including any arising under customary law and practice of the parents of juvenile, or of any other person in relation to the future custody, maintenance and education of the juvenile (including all rights to appoint a guardian and to consent or give notice of dissent to marriage) shall be extinguished; and

(b) there shall vest in and be exercisable by and enforceable against, the adopter all such rights, duties, obligation and liabilities in relation to the future custody, maintenance and education of the juvenile as would vest in him if the juvenile were a child born to the adopter in lawful marriage .

(2) In respect of custody, maintenance and education, the juvenile shall stand to the adopter exclusively in the position of a child born to the adopter in lawful marriage.

(3) In a case where a husband and his wife are the adopters, they shall in respect of the custody, maintenance and education of the juvenile, and for the purpose of the jurisdiction of any Court to make orders as to the custody and maintenance of and rights of access to the juvenile, stand to each other and to the juvenile in the same relation as they would have stood if they had been the lawful father and mother of the juvenile and the juvenile shall stand to them respectively in the same relation as a lawful father and mother respectively .

PART II -DEVOLUTION OF PROPERTY

Intestacies

13. Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate in respect of any property for which he might have disposed of by will, that property shall devolve in all respect as if he the adopted person were the child of the adopter born in lawful marriage and were not the child of any other person.

Construction of
settlements and
wills

14. (1) In any disposition of property, whether or not reduced to writing made after the date of an adoption order-

(a) any reference whether expressed or implied to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or including a reference to the adopted person;

(b) any reference (whether expressed or implied) to the child or children of the adopted person's natural parents or either of them shall, unless the contrary intention appears be construed as not being, or as not including a reference to the adopted person;
and

(c) any reference (whether expressed or implied) to a person. related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if that were the child of the adopter born in lawful marriage and were not the child of any other person.

(2) A disposition made by will executed before the date of the adoption order shall not be treated for the purposes this section as made after that date by reason only that the will is confirmed by codicil executed after that date.

15. (1) Notwithstanding anything in Sections 13 and 14, trustees or personal representatives may convey or distribute any real or personal property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution, but nothing: in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person other than a purchaser without notice, who may have received it.

(2) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of Sections 13 and 14, in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent order, and in relation to any disposition of property made after that date.

16. (1) An adoption order shall not have effect to make the adopted person a member of any clan, lineage or other group recognised under customary law and practice, but if the adopter is a person subject to customary law and practice, then as from the date, of the adoption order, the adopted person shall be a person subject to customary law and practice and all such rules of customary law and practice (including those relating to intestacy) as applied in the case of the adopter shall apply in the case of the adopted person.

(2) Except as provided by subsection (1), a person adopted under an adoption order shall not, after the date of the adoption order, be a person subject to customary law and practice and except as so provided, no rules of customary law and practice shall apply in his case.

(3) In the case of a joint adoption by a husband and wife, references in this section to the adopter shall be taken as references to the husband

PART III-MISCELLANEOUS

17. Where an adoption order is made in respect of a juvenile in respect of whom a fit person order made by a Juvenile Court is in force, committing the juvenile to the care of any person, the fit person order shall cease to have effect.

Effect on fit
person's orders

18. (1) The Administrator and Registrar-General shall maintain at the office of the Administrator and Registrar-General a register to be called the Adopted Children Register in which shall be made such entries as may be directed to be made therein register by adoption orders but no other entries.

Adopted
children
register

(2) The Administrator and Registrar-General may by Public Notice make rules with respect to the Adopted Children Register and with respect to entries in the Register of Births relating to adopted persons and, in particular, rules with respect to amendment, and rectifications of the Adopted Children Register.

(3) The Administrator and Registrar-General shall, in addition to the Adopted Children Register, keep such other Register and books and make such entries therein, as may be necessary to record and make

traceable the connection between any entry in the Register of Births which has been marked "adopted" in pursuance of rules under this section, and any corresponding entry in the Adopted Children Register, but the Registers and books kept; under the provisions of this subsection shall not, nor shall any index thereof be open to public inspection and search, nor, except under any order by the Court, shall the Administrator and Registrar General furnish any person with any information contained in, or with any copy or extract from, such Registers or books.

Provision of
certain
payments

19. (1) It shall not be lawful for any person who is not the parent of the juvenile to receive, except with the sanction of the Court, any payment or other reward in consideration of the adoption of the juvenile under this Act or for any person to make or give or agree to make or give to an adopter or parent any payment or reward the receipt of which is prohibited by this subsection.
- (2) It shall not be lawful for an adopter, or for a parent of a juvenile to receive or agree to receive any payment or other reward for making or facilitating any arrangement under which a juvenile is placed in the care and possession of a person who is also not the parent of the juvenile, whether or not the arrangements will lead to the adoption of the juvenile
- (3) A person who contravenes this section shall be liable on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding five thousand Leones, or to both such fine and imprisonment.

Restriction on
sending juvenile
abroad for adoption

- 20 .(1) Except under the authority of an order made under Section 21, it shall not be lawful for any person to permit, or to cause or procure the care and possession of a juvenile to be transferred to a person who is resident outside Sierra Leone and who is not the guardian or a relative of the juvenile, if he knows or had reason to believe that the person to whom the care and possession of the juvenile is transferred has entered into any agreement or arrangement with the parent of the juvenile or with any other party which will or may lead to the adoption of the juvenile under the law of any country outside Sierra Leone.
- (2) A person who contravenes the provisions of this section shall be liable on conviction to a fine of not less twenty thousand leones or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

- Adoption* 11)S9
- No. 9) Subject to the provisions of this section, the Court may, upon the recommendation of the Chief Social Development Officer, and subject to such conditions and restrictions as it may deem fit, make an order authorizing the care and possession of the juvenile for whom an adoption order has been made to be transferred to a person resident outside Sierra Leone.
- (2) An order shall not be made under this section unless the court is satisfied that any person whose consent is required under section 4 for the making of an adoption order has in fact consented to the application under this section:
Provided that the consent of that person can properly be dispensed with in accordance with section 4.
- (3) An order shall be made under this section unless the court is satisfied that the person to whom the care and possession of the juvenile is proposed to be transferred is a suitable person to be entrusted therein, and the transfer is likely to be for the welfare of the juvenile, due consideration, for this purpose, being given to the wishes of the juvenile, having regard to the age and understanding of the juvenile.

Passed in parliament this 21st day of December, in the year of our Lord one thousand nine hundred and eighty-nine.

Order to send
juvenile abroad
for adoption

C. B. FOFANA *Clerk*
of Parliament

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by true and correctly printed Copy of the said Bill.

C. B Fofana
Clerk of Parliament

MARRIAGES

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Cap. 95]

Christian Marriage

CHAPTER 95

CHRISTIAN MARRIAGE

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SCHEDULES

CHAPTER 95

CHRISTIAN MARRIAGE

An Act to Consolidate and Amend the Law Regulating
Christian Marriages in Sierra Leone.

[1ST APRIL, 1907.]

1. This Act may be cited as the Christian Marriage Act, and shall apply to Sierra Leone.

2. In this Act the expression "Registrar General" shall include Deputy Registrar.

3. Persons desiring to be married according to the forms and ceremonies of a Christian denomination shall either cause banns of marriage to be published, or obtain a licence in the manner and form hereinafter provided.

4. One of the parties to an intended marriage after banns shall, two days at least before the date of the first publication thereof, deliver or cause to be delivered to the minister ordinarily officiating at the place of worship where such publication is to be made a notice of the full names of the parties to the intended marriage, and a description of their respective places of abode.

5. (1) Banns of marriage shall be published in a public. place of worship in the town or place where the parties to the intended marriage have resided for at least fifteen days before the first date of such publication, or if the parties have so resided in different towns or places, then in a public place of worship in each of the respective towns or places wherein they have resided,

22 Of 1906 sec. 30 of No. 12
of 1924 seec.24 of No. 44 of
1924 Act No. 29 of 1972.

Short title "Sierra Leone"
replaces "Colony" by sec 7 of
Act No. 29 of 1972.

Interpretation

Marriage by licence
As amended by sec. 2 of
Act No.16 of 1965 and sec.
3 of Act No. 48 of 1965

Notice of
banns

Publication of
banns

or if the parties are of different religious persuasions, then in each of the public places of worship of such religious persuasions, usually attended by the party, whether the same be situate in the same town or place or not.

On three
Sundays

(2) Such publication shall be made in an audible voice by a minister entitled to officiate in such place of worship in the face of the congregation some time during divine service in the morning, or, if there be no service in the morning, then during such service in the evening, and such publication shall be made on three successive Sundays, or, if there be no such service on three successive Sundays, such publication shall be made on three Sundays following each other on which such services are held.

Notice of
publication

(3) Immediately after the first publication of banns, the minister by whom such publication is made shall affix or cause to be affixed inside or outside the place of worship a copy of the notice of banns.

Every such copy shall be so affixed as to be conspicuous and also be protected from damage by the weather or other cause.

Certificate of
banns

(4) The minister who has published the banns as aforesaid shall, on the application of either party, give a certificate of such publication and that no lawful impediment was alleged.

Licence
As amended by
Sec. 3 of Act No.
16 and Act No.48
of 1965
respectively

6. (1) The Registrar-General in Freetown Judicial District and the Headquarters Judicial District and District Officers in the Sherbro Judicial District and in the Provinces, shall grant marriage licences without the publication of banns, such licences shall be according to the form in Schedule A hereto, with such addition and variation as may be necessary in each particular case.

(2) Before any such licences is granted, one of the two parties to the intended marriage shall appear personally before the Registrar-General, or the District Officer as the case may be, and make a summary declaration that he or she believes-

(a) that there is no impediment of consanguinity or affinity or other lawful hindrance to the said marriage, and

(b) when either of the parties not being a widow or widower shall be under the age of twenty-one years in the case of a person whose personal law is not customary law and eighteen years in the case of a person whose personal law is customary law, that the consent of the person or persons whose consent to marriage is required by the appropriate law has been obtained, or that there is no person having authority to give such consent; and in addition, where personal law of either of the parties is customary law;

(c) that neither of the parties is a party to a subsisting marriage, whether by customary law or otherwise.

7. No marriage may be celebrated under the provisions of this Act-

Impediments

(1) between persons who are related within the prohibited degrees of consanguinity or affinity according to the law of England;

Prohibited
degrees

(2) between persons of whom each or either not being a widow or widower is under the age of twenty-one years, in the case of a person whose personal law is not customary law and eighteen years, in the case of a person whose personal law is customary law unless the consent of the father, or if he should be dead or unable for any reason to give such consent, then of the guardian or guardians, if any, of such person or of a Judge of the High Court or District Officer under section 8 hereof, is first obtained;

Persons under
age
As amended by
sec. 2 of Act
No. 46 of 1963,
Act No. 29 of
1972.

(3) between persons either of whom is already married to some person other than a party to the intended marriage.

Previous
marriage
alleging
impediment

Any person knowing of any lawful impediment or hindrance to an intended marriage may inform the minister by whom any banns are published or who about to celebrate any marriage under this Act, or the Commissioner of Police or the District Officer of the District wherein such marriage is intended to be celebrated.

8. When the consent of any parent or guardian is required by this Act to an intended marriage, and there is no parent or guardian, or such parent or guardian is incapable of giving such consent, or unreasonably withholds such consent, the same may be given by writing under the hand of a Judge of the High Court:

Consent of
Judge.

Provided that if the marriage is intended to take place in any district of the Colony, other than the Police District of Free-town, such consent may also be given by the District Officer of the district where the marriage is to take place, and if the marriage is intended to take place in the Protectorate, such consent may be given by the District Officer of the district in which the marriage is intended to take place:

Consent of
commissioner

Provided further that such consent shall not be given unless the Judge or District Officer as aforesaid is satisfied that the intended marriage is a proper one, and the Judge and District Officer aforesaid are hereby empowered to examine persons on oath or demand sworn declaration with respect to any matter connected with such intended marriage.

Power to
examine oath

Celebration of marriage within three months of banns or debt of licence

9. When the parties to an intended marriage have satisfied the requirements of section 4 hereof, it shall be lawful for a minister of a Christian denomination who knows of no lawful

impediment to such marriage to celebrate the same according to the forms and ceremonies of the said denomination in any public place of worship belonging to the said denomination on any day within three months of the date of the last publication of banns or of the date of the licence, and between the hours of eight in the forenoon and three in the afternoon.

Marriage when invalid

10. No marriage celebrated in a public place of worship of a Christian denomination shall be valid-

Without banns or licence

(a) unless the parties thereto have caused banns of marriage to be duly published as hereinbefore provided or have obtained a licence; or

Impediments

(b) if there exists any such impediment thereto as is mentioned in sub-sections (1) and (3) of section 7; or

False names

(c) if celebrated under a false name or false names with the knowledge of both parties; or

Not in presence of two witnesses.

(d) unless celebrated in the presence of at least two witnesses.

Save as aforesaid every marriage celebrated under the provisions of this Act shall be valid until it be lawfully dissolved.

Registration

11. (1) In respect of every place of worship wherein marriages under this Act may be lawfully celebrated, there shall be kept by the minister in charge a marriage register book. Such books shall be in the form prescribed from time to time by the President, and shall be numbered counterfoil books.

(2) Immediately after the celebration of every marriage, the officiating minister shall register consecutively in such book the prescribed particulars relating to such marriage, and shall also register the same on the counterfoil. The register and the counterfoil shall be signed by the minister, the parties and the two witnesses. For the purpose of making the entries aforesaid, it shall be lawful for the minister to ask of the party's information as to the prescribed particulars, and the parties are hereby required to supply the minister with the required information.

(3) The minister shall forward the counterfoil aforesaid, duly filled in and signed as aforesaid, to the Registrar General. The counterfoil aforesaid shall be forwarded as aforesaid with all reasonable despatch, and if sent by post shall be registered free of cost.

(4) On application and subject to payment being made therefore, the Registrar General shall supply ministers in charge as aforesaid with marriage register books.

12. The minister having the keeping for the time being of any such marriage register book; or any certified copy thereof, shall at all reasonable times, and subject to payment of the prescribed fees, allow searches to be made in such books or certified copies in his keeping, and shall, subject to payment of the prescribed fees, give a certified copy under his hand of any entry in the same.

Searches

13. No person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be therefore liable to any of the penalties imposed by the General Registration Act, or any Act amending the same, if within one month next after the discovery of such error he shall correct, in the presence of the parties married, the erroneous entry in the marriage register book according to the truth of the case by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereunto the day of the month and year when such correction shall be made, and shall send to the Registrar General an exact copy of the page in the marriage register book, showing the original entries as well as the corrections.

Correction of
accidental errors
in register
Cap. 255.

14. Any person upon whom any duties of registration are imposed by this Act shall be in respect of such duties an officer in the department of the Registrar General, and the provisions of the General Registration Act, or any Act amending the same, shall be deemed to be incorporated with this Act so far as the same are applicable.

Person having
duties of
registration to
be deemed an
officer of
Registrar
General's
department
Cap 255

15. Any minister who celebrates a marriage knowing of one or other of the impediments mentioned in section 7 of this Act, or otherwise than within the period and hours specified in section 9 hereof, or without due publication of banns or authority of a licence duly obtained, or in a place other than the place specified in the licence, shall be guilty of an offence, and liable on conviction thereof to a fine not exceeding one hundred pounds or imprisonment, with or without hard labour, for one year, or to both:

Liability of
minister
unlawfully
celebrating
marriage.

Provided always that no, minister who shall celebrate any marriage after due publication of banns or by licence, or between persons both or one of whom (not being a widow or widower)

Power as to
Marriage of
Minors
without
consent

shall at the time of such marriage be under the age of twenty-one years, shall be answerable or responsible or liable to any pain, penalty or proceeding for having celebrated such marriage without the consent of the parent or guardian or other person (if any) whose consent is required by law, unless such parent, guardian or other person shall forbid the marriage or give notice thereof to such minister before he has celebrated the same.

Bigamy

16. Whoever is guilty of, bigamy shall on conviction be liable to imprisonment, with or without hard labour, for any period not exceeding seven years.

For the purpose of this section, a marriage made in accordance with native law and custom shall not be deemed to be a marriage.

Marriage with
person
previously
married.

17. Whoever, being unmarried, goes through the ceremony of marriage with a person whom he or she knows to be married to another person, whether the other party to the ceremony has or has not such guilty knowledge as to be guilty of bigamy, shall be liable to imprisonment, with or without hard labour, for any period not exceeding five years.

For the purpose of this section a marriage made in accordance with native law and custom shall not be deemed to be a marriage.

False
declaration,
etc., for
banns or
licence

18. Whoever in any declaration, affidavit or statement required by law to be made for the purpose of enquiries antecedent to the publication of banns, or for the purpose of causing banns to be published, or a licence to be granted, declares, swears or states, any material matter which is false, shall, if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable to imprisonment for one year, or shall, if he does so knowing that such matter is false, on conviction be liable to imprisonment, with or without hard labour, for any period not exceeding five years.

False
pretence of
impediment
to marriage

19. Whoever endeavours to prevent a marriage by pretence that his consent thereto is required by law, or that any person whose consent is so required does not consent, or that there is any legal impediment to the performing of such marriage, shall, if he does so knowing that such pretence is false or without having reason to believe that it is true, on conviction, be liable to imprisonment, with or without hard labour, for any period not exceeding two years.

Personation

20. Whoever personates any other person in marriage or marries under a false name or description, with intent to deceive

the other party to the marriage, shall, on conviction, be liable to imprisonment, with or without hard labour, for any period not exceeding five years.

21. Whoever goes through the ceremony of marriage, or any ceremony which he or she represents to be a ceremony of marriage, knowing that the marriage is void on any ground and that the other person believes it to be valid, shall, on conviction, be liable to imprisonment, with or without hard labour, for any period not exceeding five years.

Fictitious
marriage

22. Whoever fails to comply with any duty imposed by this Act for non performance of which no special penalty or punishment is prescribed by this Act or by any Act hereafter amending the same and whoever fails to comply with any rules made under this Act, shall be liable, on summary conviction thereof, to a fine not exceeding five pounds for each such offence.

Non performance of
statutory duties

23. All offences under this Act shall upon committal from Courts having summary jurisdiction be tried upon information before the High Court.

Mode of trial of
offences
As amended by sec. 7
of Act No. 29 of 1972

24. (1) All marriages celebrated in a Christian place of worship before this Act comes into force which by law were valid at the date when this Act comes into force, or which, if so celebrated after such date, would have been valid under the provisions of this Act, and shall be deemed valid from the date of the celebration thereof unless lawfully dissolved.

Existing marriages
generally

(2) All marriages celebrated in a Christian place of worship in Provinces before the date when this Act comes into force according to the forms and ceremonies of the religious denomination to which such place of worship belongs shall be deemed valid from the date of the celebration thereof:

In the
provinces

Provided that nothing herein contained shall legalize any marriage which has been lawfully dissolved, nor any marriage either party to which had at the time of its celebration a lawful wife or husband living, nor any marriage between persons within the degrees of affinity or consanguinity specified in sub-section (1) of section 7, nor any marriage which if celebrated after the commencement of this Act would have been void under sub-sections (b) and (d) of section 10.

25. It shall be lawful for the President from time to time to make rules-

Power to
President to
make rules
"President"
replaces
"Governor"
by sec. 7 of
Act No. 29
of 1972

(a) prescribing the forms of registers notices and certificates; until such forms are prescribed the forms hitherto in use shall continue to be used;

(b) prescribing the amount of the fees to be paid, and the person to whom such fees shall be paid, for granting licences, permitting searches and for issuing certified copies or certified extracts required by this Act. Until otherwise prescribed such fees shall be regulated by Schedule B hereto;

(c) for giving effect to this Act and for regulating the duties and powers of the Registrar General in respect thereof.

Effect of
marriage with
native on
property

26. A marriage celebrated under this Act to which one of the parties is a native shall not have any effect on the property of such native:

Provided that nothing herein contained shall have the effect of preventing the parties to such marriage from coming to an agreement with respect to the control and enjoyment of their respective properties or of preventing such parties from disposing, by legal procedure and means, of their respective properties after their respective deaths.

The property of parties to a marriage celebrated under this Act shall, if both, be natives, be subject in all respects to the laws and customs of the tribe or tribes to which the parties respectively belong.

Ministers to
forward
descriptions
of place of
worship to
Registrar
General

27. Ministers who desire to celebrate marriages under this Act shall forward from time to time to the Registrar General adequate descriptions of the place or places of worship wherein or in respect of which marriage register books are intended to be kept.

Marriage *in
articulo
mortis*

28. Nothing in this Act shall be deemed to make it an illegal act to celebrate a marriage *in articulo mortis*, provided that such marriages shall not have any effect on the property of the parties to the marriage.

Marriage not
enforceable
because of
Promise to
marry etc.

29. In no case whatsoever shall any suit or proceeding be had in any court or before any jurisdiction whatsoever to compel the celebration of any marriage by reason of any promise or marriage contract entered into, or by reason of seduction, or of any cause whatsoever which shall arise after the passing of this Act, any law or usage to the contrary notwithstanding:

Provided always, that nothing herein contained shall prevent any person aggrieved from suing for, or recovering, damages in any court, or by any proceeding wherein and whereby damages may be lawfully recovered for breach of promise of marriage or for seduction, or other cause as aforesaid.

Damages for
breach of
promise

30. Nothing in this Act contained shall prevent any minister from receiving, for any duty performed by him under this Act, such fees or payments as have heretofore been customarily paid to such minister or may be agreed upon between him and the party or parties for whom such duties have been performed.

Continuing
payments to
ministers

SCHEDULE A.

FORM OF LICENCE OF MARRIAGE

Sec. 6

Whereas ye are minded, as it is said, to enter into a contract of marriage, and are desirous that the same may be speedily and publicly solemnised; and whereas you, C.D. (or you E.F.) have made a sworn declaration that you believe there is no impediment of kindred or alliance, or other lawful hindrance to the said marriage, and that you C.D. (or E.F.) not being a widower (or widow) are (or is) under the age of twenty-one years, and that the consent of G .H., whose consent to your (or his or her) marriage is required by law, has been obtained thereto (or that there is no person having authority to give such consent): Now, therefore, I by virtue of the power and authority vested in me in that behalf do hereby grant unto you, the aforesaid C.D. and E.F., full licence and permission to proceed to solemnises such marriage:

Provided that the said marriage be publicly solemnised in the presence of two witnesses, beside the minister solemnising the same. within three calendar months from the date hereof, in the *(here describe the church, chapel or building in which the marriage is to be solemnised)* between the hours of eight in the forenoon and three in the afternoon.

Signed,
(Registrar General
or District Officer).

SCHEDULE B.

(As amended by P.N.16/1964)

FEES

For a licence to marry without banns

For searching the Marriage Register Book, to be paid to the Registrar General or to the minister permitting the search, one shilling for every half-hour or fraction thereof during which the search shall continue-

For a certified extract

£. s. d.

5 5 0

2 2 0

0 10 0

Sec. 25 Rules 21 of 1929

Cap. 96]

SECTION.

Muslim Marriage

CHAPTER 96.

MUSLIM MARRIAGE.

ARRANGEMENT OF SECTIONS.

1. Short title.
2. Muslim marriages valid.
3. Reception by Courts of proof of Muslim marriage.
4. Application of Act to existing marriages.
5. Registration of marriages and divorces.
6. Duties of Registrars.
7. President to fix fees.
8. Registration subject to general registration law.
9. Devolution of property in case of intestacy.
10. Administrator and Registrar General to consult Tribal Authority.
11. President may make orders.

CHAPTER 96.

MUSLIM MARRIAGE.

20 of 1905.
2 of 1908.
30 of 1927.

An Act to Define the Law Relating to Muslim Marriages in Sierra Leone and to Provide Facilities for giving proof of such Marriages.

[3RD AUGUST, 1905.]

Short title.

1. This Act may be cited as the Muslim Marriage Act.

:

Muslim
marriages
valid.

2. Every marriage entered into and subsisting between persons professing the Muslim faith and domiciled in Sierra Leone which is valid according to Muslim law (hereinafter called a Muslim marriage) shall be valid for all civil purposes.

Reception by
Courts of proof
of Muslim
marriage.

3. Proof according to Muslim law of the existence, past or present, of a Muslim marriage, or of the dissolution of a Muslim marriage, shall be received in evidence by all the Courts in Sierra Leone and by any person having, by law or consent of parties, authority to hear and examine witnesses.

Section 1 of Act No. 10 of 1988 amended the Act by repealing the word "Mohammedan" and replacing it with the word "Muslim. "Ordinance" substituted by "Act" by sec. 7 of Act No.29 of 1972, "colony" replaced with "Sierra Leone" by sec. 7 of Act No.29 of 1972

Muslim Marriage

[Cap. 96]

4. This Act shall apply to Muslim marriages entered into before as well as after the date when it comes into operation:

Application of
Act to
existing
marriages.

Provided always that nothing in this Act contained shall be deemed to affect any rights, title, obligation, or liability already vested, acquired, accrued, or incurred, or any remedy or proceedings in respect thereof.

5. Muslim marriages and final divorces may be registered, and for this purpose it shall be lawful for the President to appoint persons to be Registrars for any district or place as he from time to time shall think fit. Such Registrars shall be selected from among the Muslim community of such district or place.

Registration
of marriages
and divorces.

6. (1) The Registrar when requested so to do shall enter in a book a record in English and Arabic of any Muslim marriage or final divorce, if satisfied that such marriage or final divorce is in accordance with Muslim law and that all requisite formalities according to Muslim law have been complied with.

Duties of
Registrars.

(2)- The Registrar shall send a certified copy in English and Arabic within one week of the making thereof to the Registrar General, who shall file the same in his office.

(3) A certified copy in English of any entry which has been filed as aforesaid shall be received by all the Courts of Sierra Leone and by any person having authority by law or consent of parties to hear or examine witnesses, as *prima facie* evidence that the marriage is a Muslim marriage.

(4) The Registrar General may at any time call upon a Registrar to produce his books for inspection.

7. The President may, by notice in the *Gazette*, from time to time fix the fees to be paid for registration and certified copies of entries in the registers, and the fees to be allowed to the Registrars and to a Tribal Authority for performing any duty under this Act.

President to
fix fees.
"President"
replaces
"Governor"
by sec. 7 of
Act No.29 of
1972

8. All Registrars appointed and all the registration carried out by virtue of this Act shall be subject to the law in force in Sierra Leone relating to Registrars and registration, so far as the same is applicable and not inconsistent with any provision of this Act.

Reiteration
subject to
general
registration
law

Cap. 96]

Muslim *Marriage*

Devolutin of property in case of intestacy.

Administrator
And Registrar
General to consult with
Tribal Authority

As amended
by section 2 of Act No.10 of 1988

President
May make
Orders.

9. (1) If any party to a Muslim marriage and being at the date of his death a Muslim, or if any person being unmarried and being at such date a Muslim, shall die intestate, the estate real and personal of such intestate shall be distributed in accordance with Muslim law .

(2) The following persons shall be entitled to take out letters of administration in the order named, viz.-

(a) The eldest son of the intestate, if of full age according to Muslim law;

(b) The eldest brother of the intestate, if of full age according to Muslim law;

(c) The official Administrator:

Provided always, that a creditor, not being a Muslim, may apply to the Court for letters of administration and, notwithstanding that letters of administration have already been granted to another person, the application of such creditor shall be granted, and the letters of administration already granted shall be cancelled, unless the previous grantee shall pay the debt, or prove to the satisfaction of the Court that nothing is owing from the estate of the intestate to the applicant.

(3) Save as regards distribution or any other matter expressly provided for in this section, the estates of the intestates to which this section applies shall be administered in accordance with the law of Sierra Leone.

10. Every Muslim, whether married under the provision or of this Act or however married, if of the age of not less than 21 years, may make a will in accordance with any enactment for the time being in force in Sierra Leone regulating the making of will.

11. The President may by order from time to time make provision for the better carrying out of the provisions of this Act

8.

CHAPTER 97

CIVIL MARRIAGE

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, construction and application.
2. Interpretation.
3. Registrars of Marriages.
4. Notice of marriage.
5. Supply of forms by Registrar.
6. Publication of notice.
7. Issue of certificate by Registrar on proof of necessary conditions by affidavit.
8. Marriage to take place within three months after date of notice.
9. Grant by President of licence to marry.
10. Caveat may be entered against issue of certificate.
11. When caveat entered question to be referred to Court.
12. Removal of caveat.
13. Compensation and costs.
14. Marriage in a Registrar's office.
Form to be observed.
15. Marriage when invalid.
16. Registration.
17. Correction of accidental errors in register.
18. Registrars deemed officers of Registrar General's department.
19. Registrar unlawfully celebrating marriage.
Penalty.
Proviso as to marriage of persons under age without consent.
20. False declarations for certificate or licence.
21. Fees.

SCHEDULES

CHAPTER 97

CIVIL MARRIAGE

An Act to Provide for Civil Marriages in Sierra Leone

[12TH SEPTEMBER, 1910.J

9 of 1910
21 of 1929
14 of 1953
"Sierra Leone" replaces "Colony and Protectorate" by Act No. 29 of 1972

1. This Act may be cited as the Civil Marriage Act, and shall be read and construed as one with the Christian Marriage Act (hereinafter referred to as the Principal Act), and shall apply to Sierra Leone.

Short title,
construction
and
application.
Cap. 95

Interpreta-
tion

2. In this Act, unless the context otherwise requires, the expression “Registrar “means a Registrar of Marriages.

Registrars of
Marriages,

3. For the purposes of this Act the Registrar General shall be Registrar of Marriages for the Police District of Freetown and the Headquarters Judicial District while the District Officers in Sierra Leone shall be Registrars of Marriages in their respective districts.

Notice of
marriage
As amended
by section 1
of Act No.
49 of 1965

4. Whenever after the commencement of this Act any person desires to be married in the Office of a Registrar, one of the parties to the intended marriage shall sign and give to the Registrar of the district, in which the marriage is intended to take place, a notice according to the form in schedule A hereto and shall pay the prescribed fee.

Supply of
forms by
Registrar

5. Every Registrar shall supply forms of notice gratuitously to any persons applying for the same.

Publication
of notice

6. Upon receipt of such notice the Registrar shall cause the same to be entered in a book to be called the ‘Marriage Notice Book,’ which may be inspected during office hours without fee. He shall also publish such notice by affixing or causing to be affixed, a copy of the same on the outer door of his office, to be kept exposed there until he shall grant his certificate as hereinafter mentioned, or until three months shall have elapsed.

Issue of
Certificate by
Registrar on
proof necessary
conditions by
affidavit

7. The Registrar, at any time after the expiration of twenty-one days and before the expiration of three months from the date of the notice, upon payment of the prescribed fee, shall thereupon issue a certificate according to the form in Schedule B hereto:

Provided always that he shall not issue such certificate until one of the two parties to the intended marriage shall appear personally and make an affidavit-

As amended by
sec 2 of Act
No. 49 of 1965

(a) That one of the parties to the intended marriage has resided within the district in which the marriage is intended to be celebrated for at least fifteen days before the granting of the certificate;

(b) That each of the parties to the intended marriage (not being a widower or widow) is –

(c) In the case of a person whose personal law is customary law not less than eighteen years of age; and

(ii) in every other case not less than twenty-one year of age, and where one of the parties is under the age of eighteen or twenty-one as the case may be, that the consent of the person or persons whose consent to such marriage is required by law has been obtained.

d) If the personal law of the either of the parties to the proposed marriage is customary law, that the following conditions have been fulfilled-

As amended by
sec. 3 of Act
No. 12 of 1965

(i) That neither of the parties is a party to the subsisting marriage; (ii) if the woman is under 18 years of age, that at least one of her parents or guardians has given his or her consent.

8. If the marriage shall not take place within three months after the date of the notice, the notice and all proceedings consequent thereupon shall be void, and fresh notice must be given before the parties can lawfully marry.

Marriage to take place
within three months
after date of notice

9. The President upon proof by affidavit made before the Registrar General that there is no lawful impediment to the proposed marriage, and that the necessary consent, if any, to such marriage has been obtained, may, if he shall think fit, dispense with the giving of notice and with the issue of the certificate of the Registrar and may grant his licence, which shall be according to the form in Schedule C hereto, authorising the celebration of a marriage between the parties named in such licence by a Registrar.

Grant by President of
licence to marry.

10. Any person whose consent to a marriage is hereby required, or who may know of any just cause why the marriage should not take place, may enter a caveat against the issue of the Registrar's certificate by writing at any time before the issue thereof the word "Forbidden" opposite to the entry of the notice in the Marriage Notice Book, and appending thereto his name and place of abode, and the grounds upon or by reason of which he claims to forbid the issue of the certificate, and the Registrar shall not issue his certificate until such caveat shall be removed as hereinafter is provided.

Caveat may be
entered against
issue of certificate.

11. Whenever a caveat is entered against the issue of a certificate, the Registrar shall refer the matter to the Chief Justice, and the Chief Justice shall thereupon summon the parties to the intended marriage and the person by whom the caveat is entered to appear before him, and shall require the person by whom the caveat is entered to show cause why the Registrar should not issue his certificate, and shall hear and determine the case in a summary way, and his decision shall be final.

When Caveat
question to be
referred to
Court

12. If the Chief Justice decides that the certificate ought to be issued he shall remove the caveat by canceling the word "*Forbidden*" in the Marriage Notice Book in ink, and writing in such Marriage Notice Book immediately below such entry

Removal
of caveat

and cancellation the words "cancelled *by order* of the Supreme Court," and signing his name thereto. The Registrar shall then issue his certificate and the marriage may proceed as if the caveat had not been entered, but the time that has elapsed between the entering and the removal of the caveat shall not be computed in the period of three months specified in section 7 hereof.

Compensation and costs

13. The Chief Justice may award compensation and costs to the party injured, if it has appeared that a caveat was entered on insufficient grounds.

Marriage in a Registrar's office

14. After the issue of the certificate by a Registrar under section 7 hereof or after the granting of a licence under section 9 hereof, the parties may, if they think fit, contract a marriage before such Registrar or the Registrar named in the licence, as the case may be, in the presence of two witnesses in his Office with open doors on any day within three months of the date of the issuing of the certificate or of the date of the licence and between the hours of nine in the forenoon and three in the afternoon and in the following manner-

Form to be observed.

The Registrar shall address the parties thus-

"Do I understand you A.B. and you C.D. that you come here for the purpose of becoming man and wife?"

Upon being answered in the affirmative he shall proceed thus-

" Know ye that by the public taking of each other as man and wife in my presence and in the presence of the persons now here, and by the subsequent attestation thereof by signing your names to that effect, you become legally married to each other although no other rite of a civil or religious nature shall take place, and that this marriage cannot be dissolved during your lifetime except by a valid judgment of divorce, and if either of you before the death of the other shall contract another marriage while this remains undissolved, you will be thereby guilty of bigamy, and liable to the punishment inflicted for that offence."

Each of the parties shall then say to the other-

"I call upon all persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wife (*or husband*)."

Marriage when valid

15. No marriage celebrated before a Registrar shall be valid-

. (a) unless the parties thereto have obtained a certificate of the Registrar or licence of the President;

(b) if there exists any such impediment thereto as is mentioned in sub-sections (1) and (3) of section 7 of the Principal Act;

(c) if celebrated under a false name or false names with the knowledge of both parties; or

(d) unless celebrated in the presence of at least two witnesses. Save as aforesaid, every marriage celebrated under the provisions of this Act shall be valid until it be lawfully dissolved.

16. (1) There shall be kept in the office of the Registrar a book to be called the "Marriage Register Book." Such book shall be according to the form of Schedule D hereto or such form as shall be prescribed from time to time by the President and shall be a numbered counterfoil book. Immediately after the celebration of a marriage, the Registrar shall register consecutively in such book the prescribed particulars relating to such marriage, and shall also register the same on the counterfoil. The register and the counterfoil shall be signed by the Registrar, the parties and the two witnesses.

Registration

(2) For the purpose of making the entries aforesaid it shall be lawful for the Registrar to ask of the parties information as to the prescribed particulars, and the parties are hereby required to supply the Registrar with the required information. The Registrar, other than the Registrar General, shall forward the counterfoil aforesaid duly filled in and signed as aforesaid to the Registrar General. The counterfoil aforesaid shall be forwarded as aforesaid with all reasonable dispatch, and if sent by post shall be registered free of cost.

17. No Registrar who shall discover any error to have been committed in the form of or substance of any entry of marriage shall be therefor liable to any of the penalties imposed by the General Registration Act, or any Act amending the same, if within one month next after the discovery of such error he shall correct in the presence, if possible, of the parties married, the erroneous entry in the Marriage Register Book according to the truth of the case by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereunto the day of the month and year when such correction shall be made, and shall send to the

Correction of
accidental
errors in
Register in Cap
255

Registrar General an exact copy of the page in the Marriage Register Book, showing the original entries as well as the corrections.

Registrars deemed officers of Registrar General's department. Cap. 255.

18. All Registrars shall be deemed to be officers in the department of the Registrar General, and the provisions of the General Registration Act, or any Act amending the same, shall be deemed to be incorporated with this Act in so far as the same are applicable.

Registrar unlawfully celebrating marriage

19. Any Registrar who celebrates a marriage knowing of one or other of the impediments mentioned in section 7 of the Principal Act, or otherwise than within the period and hours specified in section 14 hereof, or without a certificate or licence duly obtained, shall be guilty of an offence and liable on conviction thereof to a fine not exceeding one hundred pounds or imprisonment, with or without hard labour, for one year or to both:

Penalty

Proviso as to marriage of persons under age without consent

Provided always that no Registrar, who shall celebrate any marriage after certificate or licence duly obtained or between persons both or one of whom (not being a widow or widower) shall at the time of such marriage be under the age of twenty-one years, shall be answerable or responsible or liable to any pain, penalty or proceeding for having celebrated such marriage without the consent of the parent, guardian or other person (if any) whose consent is required by law, unless such parent, guardian or other person shall enter a caveat against the issue of the Registrar's certificate as hereinbefore provided.

False declarations for certificate or licence

20. Whoever in any affidavit required by law to be made for the purposes of enquiries antecedent to the issuing of a certificate under section 7 hereof, or the granting of a licence under section 9 hereof, swears to any material matter which is false, shall, if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, on conviction be liable to imprisonment for one year, or shall, if he does so knowing that such matter is false, on conviction be liable to imprisonment, with or without hard labour, for any period not exceeding five years.

"

,"

Fees

21. The fees prescribed to be paid under this Act shall be regulated by Schedule E hereto.

Civil Marriage

[Cap. 97

Name.	Condition.	rank or Profession.	Age.	or place of abode.	any, and by whom given.
Bridegroom ...	Bachelor or widower	Boatman	23	Congo Town	—
Bride	Spinster or widow	Laundress	18	Kissy	Father.

SCHEDULE A.

Sec. 4

NOTICE OF MARRIAGE.

To THE REGISTRAR of Marriages for the

..... of Sierra Leone.

I HEREBY give you notice that a marriage is intended to be had within three months from the date hereof between me the undersigned and the other party herein named.

Witness my hand, thisday of..19

Signature

SCHEDULE B.

REGISTRAR'S CERTIFICATE.

I,", , Registrar of Marriages in the Sierra Leone do hereby certify that on the day of .19, notice was duly entered in the Marriage Notice Book of this District of the marriage intended between the parties herein named and described, such notice being delivered under the hand of one of the parties, that is to say-

Sec. 7

Name	Condition	rank or Profession	Age	Consent	or place of abode.	of residence.
A.B •...	Bachelor	Boatman	19	E.F., the Father	Congo Town	
C.D •...	Spinster	Laundress	16	G.H., the Mother	Kissy	

Date of Notice entered 19
 Date of Certificate given } 9..... ..
 No caveat has been entered against the issue of this certificate.
 Or
 A caveat was entered against the issue of this certificate on the day of 19, but it has been cancelled.

Witness my hand this.....day of.19

(J.K) Registrar of Marriages.
..... : ... District.

NOTE.-This Certificate will be void, unless the marriage is solemnized
on or before the day of:19

(J.K)

Sec. 9

SCHEDULE C.

SPECIAL LICENCE

WHEREAS ye are minded, as it is said, to enter into a contract of marriage under the provisions of the Civil Marriage Ordinance, and are desirous that the same may be speedily celebrated; and whereas you A.B. (*or* you C.D.) have made an affidavit before the Registrar 'General of the . Colony that you believe there is no impediment of kindred or alliance, or other lawful hindrance to the said marriage, and that you A.B. (*or* C.D.) not being a widower (*or* widow) are (*or* is) under the age of twenty-one years, and that the consent of E.F., whose consent to your (*or* his *or* her) marriage is required by law, has been obtained thereto (*or* that there is no person having authority to give such consent) :

Now, therefore, in pursuance of the said Act, I do hereby dispense with the giving of notice and the issue of the certificate thereby prescribed, and do hereby authorise the Registrar of Marriages of the District of : to celebrate marriage between you A.B. and C.D. at (*place of celebration*), between the hours of nine o'clock in the forenoon and three o'clock in the afternoon and within three calendar months from the date hereof.

Given under my hand, this ;day of.19 ,

President

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ARRANGEMENT OF SECTIONS

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SECTION

Preamble

1. Short title.
2. Notice of marriage may be given by one of the parties.
3. Entry in Marriage Notice Book and publication of notice.
4. Issue by Registrar General of certificate of notice having been published, etc.

SCHEDULE

CHAPTER 98

FOREIGN MARRIAGE

An Act to give effect in Sierra Leone to the Foreign
Marriages Order in Council, 1913

10 of 1914,
28 of 1927

[15TH JUNE, 1914.]

WHEREAS by the Foreign Marriage Act, 1892, it is provided that all marriages between parties, of whom one at least is a British subject, solemnised in the manner in that Act provided in any foreign country or place by or before a marriage officer within the meaning of that Act shall be as valid in law as if the same had been solemnised in the United Kingdom with a due observance of all forms required by law:

Preamble

AND WHEREAS His Majesty the King in Council is authorised by the said Act to make regulations, and by the Foreign Marriages Order in Council, 1913, regulations have been made under the said Act modifying (*inter alia*) the requirements of the said Act as to residence and notice.

1. This Act may be cited as the Foreign Marriage Act

Short title
“Ordinance” amended to ‘Act’ Act
No. 29 of 1972 sec. 7.

Notice of marriage may be given by one of the parties.
55 and 56
Vict., c. 23

2. A notice of marriage intended to be solemnised under the Foreign Marriage Act, 1892, may be given in the Form A in the schedule hereto, by one of the parties intending such marriage who has had his or her usual place of abode for a period of not less than one week immediately preceding in any town or village of Sierra Leone, to the Registrar General.

Entry in Marriage Notice Book and publication of notice

3. The Registrar General shall cause every such notice to be entered in a book to be called " Marriage Notice Book " and shall also publish such notice by causing a copy of such notice to be affixed on the outer door of his office and there to be kept exposed until he grants his certificate hereinafter mentioned, or until three months shall have elapsed, and also by inserting at the cost of the party giving notice a like copy in a local newspaper for three consecutive weeks, or by banns as is by law provided.

Issue by Registrar General of certificate of notice having been published, etc.

4. The Registrar General at any time after the expiration of twenty-one days and before the expiration of three months from the receipt of the notice, unless he is aware of any impediment or objection which should obstruct the solemnisation of the marriage shall, on payment of a one pound one shilling, give a certificate in the Form B in the schedule hereto.

SCHEDULE

FORM A.

Sec. 2

To the Registrar General of Sierra Leone

I hereby give you notice that a marriage is intended to be had within three months from the date hereof at between me the under-signed and the other party named.

Name.	Condition.	Rank or Profession.	Age	Place or place of abode.	By and by whom
Bridegroom A.B.	Bachelor or Widower (as case may be).	Merchant, etc. (as case may be).	25	Freetown, Sierra Leone.	—
Bride C.D.	Spinster or Widow (as case may be).	Dressmaker, etc. (as case may be).	18	Hamburg, in the Empire of Germany	Father.

Witness my hand this day of 19

Signature

Foreign Marriage

[Cap. 98.

FORM B.

Registrar General's Certificate

Seo.4

I,Registrar General of Sierra Leone
do hereby certify that on the: day of 19 ,
notice was duly entered in the " Marriage Notice Book " at Freetown of the marriage
intended between the parties herein named and described.

Such notice being delivered under the hand of one of
the parties whose usual place of abode for a period of not less than one week
immediately preceding the date thereof has been atin this
Colony, that is to say-

Nam	Condition.	Occupation, rank or profession	Age.	Dwelling or place of abode.	Consent.
A.B.	Bachelor.	Merchant.	25	Freetown in	—
C.D.	Spinster	Dressmaker	18	Sierra Hamburg, in the Empire of Germany.	Father.

And I further certify that the said notice has been published in manner
provided by the Foreign Marriage Ordinance and that I am unaware of any
impediment which should obstruct the solemnisation of the marriage.

Witness my hand and seal this day of 19 ...

Registrar General.



No. 29



1966

Sierra Leone

The Foreign Marriage (Recognition) Act, 1966

Short title

Being An Act to provide for the Recognition of Foreign Marriages
Performed in Accordance with the United Kingdom Foreign
Marriage Act of 1892

[27th April. 1961]

Date of
commence-
ment

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the
advice and consent of the House of Representatives in this present
Parliament assembled, and by the authority of the same, as follows:-

1. This Act shall be deemed to have come into operation on
the 27th of April, 1961.

Commence-
ment

Recognition
of foreign
marriage
solemnised
in accordance
with 55 & 56
Vict. c.23
Cap. 97.

2. All marriages between parties one of whom at least is a citizen of Sierra Leone solemnized in accordance with the provisions of the United Kingdom Foreign Marriage Act, 1892, in any foreign country or place by or before a marriage officer as defined in section 11 of that Act shall be as valid as if the same had been performed in Sierra Leone in accordance with the provisions of the Civil Marriage Act.

Passed in the House of Representatives this *25th* day of *July in the year* of our Lord one thousand nine hundred and sixty-six.

J. W. E. DAVIES.
Acting Clerk of the House of Representatives

PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true- and correctly printed copy of the said Bill.

J. W. E. DAVIES,
Acting Clerk of the House of Representatives

Evidence (Marital Intercourse)

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CHAPTER 103

EVIDENCE (MARITAL INTERCOURSE)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Evidence of husband or wife as to access.

CHAPTER 103

EVIDENCE (MARITAL INTERCOURSE).

An Act to Amend the Law with regard to the Admissibility of the Evidence of a Husband or Wife in regard to Marital Intercourse

4 of 1952

[13TH MARCH, 1952.]

1. This Act may be cited as the Evidence (Marital
Intercourse) Act

Short title.

2. Notwithstanding any rule of law, the evidence of a husband or wife shall be admissible in any proceedings to prove that marital intercourse did or did not take place between them during any period:

Evidence of
husband or
wife as to
access

Provided that a husband or wife shall not be compellable in any proceedings to give evidence of the matters aforesaid.

CHAPTER 99

MARRIAGE OF BRITISH SUBJECTS (FACILITIES)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Marriages between British subjects resident in the Colony and British subjects resident in the United Kingdom.

CHAPTER 99

MARRIAGE OF BRITISH SUBJECTS (FACILITIES)

5 of 1916

An Act to Facilitate Marriages between British Subjects Resident in Sierra Leone and British Subjects Resident in the United Kingdom

[26TH AUGUST, 1916.]

Short title
"Sierra Leone"
replaces "Colony
and Protectorate".

1. This Act may be cited as the Marriage of British Subjects (Facilities) Ordinance, and shall apply to Sierra Leone.

Interpretation

2. For the purposes of this Act, the expression "certificate for marriage", in reference to certificates issued in Scotland, shall mean a certificate of due publication of notice of intention to marry.

Marriages
between
British
subjects
resident in
Sierra Leone
and British
subjects
resident in the
United
Kingdom.*

3. (1) Where a marriage is intended to be celebrated or contracted under the provisions of the Christian Marriage Act, or the Civil Marriage Act, in any part of Sierra Leone between a British subject resident in England, Scotland, or Ireland, and a British subject resident in the said Sierra Leone, a certificate for marriage issued in England by a Superintendent Registrar, or in Scotland or Ireland by a Registrar, or a certificate of proclamation of banns issued in Scotland, shall, in the said Sierra Leone, have the same effect for the purpose of authorising the celebration of such marriage in a public place of worship or for the purpose of contracting a marriage before a Registrar, as a

* 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 section.

Certificate of publication of banns under section 5 of the Christian Marriage Act, or a certificate issued under Section 7 of the Civil Marriage Act by the Registrar of the district in which such marriage is to be contracted respectively:

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Cap 97

Provided that nothing in this sub-section shall be deemed to authorise the contracting of a marriage by a native, contrary to the intention of section 4 of the Civil Marriage Act.

(3) Where a marriage is intended to be celebrated or contracted in the United Kingdom between a British subject resident in Sierra Leone and a British subject resident in England, Scotland, or Ireland, banns may be published and a certificate of such publication may be given under the provisions of the Christian Marriage Act, or notice of such intended marriage may be given and a certificate of such notice may be issued under the provisions of the Civil Marriage Act in like manner as if the marriage were intended to be celebrated or contracted in the said Sierra Leone.

CHAPTER 100

MARRIED WOMEN'S MAINTENANCE

7 of 1888 An Act to Provide for the Maintenance of Married Women who
32 of 1908 shall have been deserted by their Husbands

8 of 1962 [3RD JULY, 1888]

Short title 1.This Act may be cited as the Married Women's Maintenance
 Act.

Wife may 2.It shall be lawful for any married woman, who shall have
summon been deserted by her husband, to summon her husband before a
husband. Magistrate and thereupon such Magistrate, if satisfied that the for
desertion. husband, being able wholly or in part to maintain his wife or

 his wife and family, has wilfully refused or neglected so to do.
 and has deserted his wife, may order-

(1) That the husband shall pay to his wife such weekly sum .
not exceeding four pounds, as the Magistrate may consider to be . in
accordance with his means and with any means the wife may .
have for her support and the support of her family, and the said. . .
Magistrate, by whom any such order for payment shall be made, .
or any succeeding Magistrate sitting in his stead, shall have power
from time to time to vary the same, on the application of either the
husband or wife, upon proof that the means of either the husband . . or
wife have been altered in amount since the original order, or .
any subsequent order varying it, shall have been made:

:

(2.) Provided always that no order for payment of any such sum .
by the husband shall be made in favour of a wife who shall be .
proved to have committed adultery unless such

adultery has been condoned; and that any order for payment of any such
sum may be discharged by the Magistrate by whom such order was
made, or any succeeding Magistrate sitting in his stead, upon proof that
the wife has since the making thereof been guilty of adultery.

3. A summons under this Act shall be applied for and granted and served
in the same manner as summonses are now applied for, granted and served
in cases of assault or in such other manner as the said Magistrate shall
direct:

Provided always that in such case the said Magistrate, or any succeeding
Magistrate sitting in his stead, may re-hear any such summons at the
instance of the husband at any time, and confirm, discharge, or vary any
previous order thereon as he may think just.

3.If at any time after the expiration of one month from the making of
such order as aforesaid it be made to appear to any one Justice, upon oath
or affirmation, that any sum to be paid in pursuance of such order has not
been paid, such Justice may, by warrant under his hand and seal, cause the
defaulter to be brought before the Magistrate, and in case such defaulter
neglect or refuse to make payment of the sums due from him under such
order, or since any commitment for disobedience to such order as

hereinafter provided, together with the costs attending such warrant, apprehension, and bringing up of such defaulter, such Magistrate may, by warrant under hand and seal, direct the sum so appearing to be due, together with such costs, to be recovered by distress and sale of the goods and chattels of such defaulter, and may order such defaulter to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he give sufficient security, by way of recognisance or otherwise, to the satisfaction of such Magistrate, for his appearance before the Magistrate on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security; but if upon the return of such warrant, or if by the admission of such defaulter it appear that no sufficient distress can be had, then the Magistrate may, if he see fit, by warrant under his hand and seal, cause such defaulter to be committed to the common goal, without bail, for any term not exceeding three months, unless such sum and costs, and all reasonable charges attending the said distress, together with any costs and charges attending such commitment, be sooner paid and satisfied.

Application for summons

Proceedings for noncompliance with order

CHAPTER 101

MAINTENANCE ORDERS (FACILITIES FOR
ENFORCEMENT)

ARRANGEMENT OF SECTIONS

- SECTION
- 1. Short title.
 - 2. Interpretation.
 - 3. Enforcement in Sierra Leone of maintenance orders made in England or Ireland.
 - 4. Transmission of maintenance orders made in the Sierra Leone.
 - 5. Power to make provisional orders of maintenance against persons resident in England or Ireland.
 - 6. Power of Magistrate to confirm maintenance order made by a Court of summary jurisdiction in England or Ireland.
 - 7. Mode of enforcing orders.
 - 8. Application of Cap. 7.
 - 9. Rules for facilitating communications between Courts.
 - 10. Proof of documents signed by officers of Court.
 - 11. Depositions to be evidence.
 - 12. Power to extend application of Act to other territories within the British Commonwealth.

CHAPTER 101

MAINTENANCE ORDERS (FACILITIES FOR
ENFORCEMENT)

6 of 1921
20 of 1921
20 of ID29
10 of 1957

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

[23RD APRIL, 1921.]

Short title” Colony and Protectorate” are replaced by “Sierra Leone” by sec. 7 Act No. 29 of 1972.

Interpretation

- 1. This Act maybe cited as the Maintenance Orders (Facilities for Enforcement) Act, and shall apply to Sierra Leone.
- 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” mean 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 Act, 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 President, the President shall send a copy of the order to the proper officer of a Court in the Sierra Leone 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 Act, 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 Sierra Leone of maintenance orders made in England or Ireland. “Governor” replaced by “President” by sec.7 Act No.29 of 1972 “High Court” replaces “Supreme Court” by same Act

(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 High 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 High 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 Sierra Leone has, whether before or after the commencement of this Act, 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 President for transmission to the Secretary of State a certified copy of the order.

Transmission of maintenance orders made in the Sierra Leone

5. (1) Where an application is made to a Magistrate in Sierra Leone 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 President 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 President 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 President 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

against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.

6. (1) Where a maintenance order has been made by a Court of summary jurisdiction in England or Ireland, and the order is provisional only, and has no effect unless, and until, confirmed by a Magistrate in Sierra Leone, and a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed, has been transmitted to the President, and it appears to the President that the person, against whom the order was made, is resident in Sierra Leone, the President may send the said documents to a Magistrate with a requisition that a summons be issued calling upon the person to show cause why that order should not be confirmed and, upon receipt of such documents and requisition, the Magistrate shall issue such a summons and cause it to be served upon such person,

Power of
Magistrate to
confirm
maintenance
order made by
a Court of
summary
jurisdiction in
England or
Ireland

(2) At the hearing it shall be open to the person on whom the summons was served to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the Court which made the provisional order, stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings, shall be conclusive evidence that those grounds are grounds on which objection may be taken,

(3) If at the hearing the person served with the Summons does not appear, or on appearing fails to satisfy the Magistrate that the order ought not to be confirmed, the Magistrate may confirm the order, either without modification or with such modification as to the Magistrate, after hearing the evidence, may seem just.

(4) If the person against whom the summons was issued appears at the hearing and satisfies the Magistrate that for the purpose of any defence it is necessary to remit the case to the Court which made the provisional order for the taking of any further evidence, the Magistrate may so remit the case and adjourn the proceedings for the purpose.

(5) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming Magistrate, and where on an application for rescission or variation the Magistrate is satisfied that it is necessary to remit the case to the Court

which made the order for the purpose of taking any further evidence, the Magistrate may so remit the case and adjourn the proceedings for the purpose.

Mode of
enforcing
Orders

(6) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal against the confirmation of the order as he would have had against the making of the order had the order been an order made by the Magistrate confirming the order.

Cap 100

7. (1) A Magistrate in whose Court an order has been registered under this Act, or by whom an order has been continued under this Act, and the officers of such Magistrate's Court, shall take all such steps for enforcing the order as may be prescribed.

(2) Every such order shall be enforceable in like manner as an order made under the Married Women's Maintenance Act:

Provided that a Justice may, if he thinks fit, instead of issuing in the first instance a warrant, issue a summons requiring the defaulter to appear before a Magistrate.

Application
of Cap 7

8. The Courts Act shall apply to proceedings before Magistrates' Courts under this Ordinance in like manner as it applies to proceedings before Magistrates Courts under that Act, and the references in section 35 of the Courts Act to rules for regulating the practice and procedure of, and to forms for use by, Magistrates Courts, shall be deemed to include references to rules for regulating the practice and procedure of, and to forms for use by, Magistrate Courts, under this Act.

Rules for
facilitating
communication
between
Courts

9. The President may make rules as to the manner in which a case can be remitted by a court authorised to confirm a provisional order to the Court which made the provisional order, and generally for facilitating communications between such Courts.

Proof of
documents
signed by
officer of
Court

10. Any document purporting to be signed by a Judge or officer of a Court in England or Ireland shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a Court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the Court to sign the document.

11. Depositions taken in a Court of summary jurisdiction in England or Ireland, for the purposes of this Act may be received in evidence in proceedings before a Magistrate under this Act.

12. Where the President is satisfied that reciprocal provisions have been made by the Legislature of any territory within the British Commonwealth of Nations for the enforcement within such territory of maintenance orders made by Courts in Sierra Leone, the President may by Proclamation extend this Act to such territory, and the Act shall thereupon apply in respect of such territory as though the references to England or Ireland were references to such territory and the references to the Secretary of State were references to the Officer administering the government of such territory.

* Extended to Maintenance Orders made within the Colony of the Gambia by Proclamation of 1st September, 1924 (*Gazette* No. 2189 of 6th September, 1924); to those made within the Colony of the Gold Coast, Ashanti and the Northern Territories of the Gold Coast by Proclamation of 1st October, 1924 (*Gazette* No. 2194 of 4th October, 1924), to those made within Nigeria by Proclamation of 3rd January, 1925; to those made within the territory for the seat of Government of the Commonwealth of Australia by Proclamation of 2nd February, 1929; and to those made within Gibraltar by Proclamation of 1st June, 1929.

CHAPTER 102

MATRIMONIAL CAUSES

ARRANGEMENT OF SECTIONS

SECTION

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2. Interpretation.

PART II.-DIVORCE AND NULLITY OF MARRIAGE

3. New grounds for decree of nullity.
 4. Restriction on petitions for divorce during first three years after marriage.
5. Grounds of petition for divorce.
6. Provision as to making adulterer co-respondent.
7. Duty of court on presentation of petition for divorce.
8. Dismissal of respondent or co-respondent from proceedings.
9. Relief to respondent on petition for divorce.
10. Intervention by Attorney General.
 11. (1) Provisions as to costs where Attorney General intervenes or shows cause.
 - (2) Costs awarded to Attorney General to be paid into revenue.
 12. (1) Decree nisi for divorce or nullity of marriage.
 - (3) Prevention of delay in application for decree absolute.
 13. (1) Re-marriage of divorced persons.
 - (2) Relief for clergy of Church of England.

PART III.-JUDICIAL SEPARATION

14. (1) Decree for judicial separation. (3) Grounds for reversing decree. (4) Consequences of reversal.
15. (1) Wife's property in case of judicial separation. (2) Property to which the section applies.
16. (1) Protection of third parties.
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PART IV.-RESTITUTION OF CONJUGAL RIGHTS

17. Decree for restitution of conjugal rights.
18. (1) Periodical payments in lieu of attachment. (2) Mode of securing payments.

PART V.-ANCILLARY RELIEF

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 - (3) What may be included in one petition.
 - (4) Copies of petition to be delivered to Attorney General.
 - (5) Persons to be cited.
 - (6) Extent.
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SECTION

20. (1) Damages.
(2) Mode of trial.
(3) Directions as to damages.
21. (1) Alimony.
(2) Monthly or weekly payments.
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(4) After decree for restitution or judicial separation.
(5) Directions as to mode of payment of alimony.
22. (1) Power of court to order settlement of wife's property
2) On application by the husband.
23. Power of court to make orders as to application of settled property.
24. (1) Custody of children.
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25. Amendments as to maintenance, settlement of property, etc.
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PART VI.-MISCELLANEOUS

27. Power to allow intervention on terms.
28. (1) Evidence.
(2) Certain evidence in nullity proceedings to be *in camera*.
29. Proceedings for decree of presumption of death and dissolution of marriage.
- 29A. Maintenance
30. Jurisdiction of court in cases where the petitioner is not domiciled in Sierra Leone.

CHAPTER 102

MATRIMONIAL CAUSES

An Act to Amend the Law Relating to Divorce and
Matrimonial Causes

9 of 1949

[1ST NOVEMBER, 1950.]

1. This Act may be cited as the Matrimonial
Causes Act, and shall apply to Sierra Leone.

Short title and
application

PART I.-INTRODUCTORY

2. In this Act, unless the context otherwise requires

Interpretation

" court" means the High Court;
"marriage" means the union of one man and one woman for life to the
exclusion of all others, and the expressions " husband" and " wife" shall
be construed accordingly.

PART II.-DIVORCE AND NULLITY OF MARRIAGE

New grounds
for decree of
nullity

3. (1) In addition to any other grounds on which a marriage is by law void or voidable, a marriage shall be voidable on the ground-

(a) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage; or

(b) that the respondent was at the time of the marriage suffering from venereal disease in a communicable form; or

(c) that the respondent was at the time of the marriage pregnant by some person other than the petitioner;

Provided that, in the cases specified in paragraphs (b) and (c) of this sub-section, the court shall not grant a decree unless it is satisfied-

(i) that the petitioner was at the time of the marriage ignorant of the facts alleged;

(ii) that proceedings were instituted within a year from the date of the marriage; and

(iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree.

Replaced by
Act 16/1961

(2) Where a decree of nullity is granted in respect of a voidable marriage, any child who would have been the legitimate child of the parties to the marriage if it had been dissolved, instead of annulled, on the date of the decree shall be deemed to be their legitimate child notwithstanding the annulment.

(3) Nothing in this section shall be construed as validating any marriage which is by law void, but with respect to which a decree of nullity has not been granted.

Restriction
on petitions
for divorce
during first
three years
after
marriage

4. (1) No petition for divorce shall be presented to the court unless at the date of the presentation of the petition three years have passed since the date of the marriage:

Provided that a judge of the court may, upon application being made to him in accordance with rules of Court, allow a petition to be presented before three years have passed on the ground that the case is one of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent, but if it appears to the court at the hearing of the petition, that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree *nisi*, do so

subject to the condition that no application to make the decree absolute shall be made until after the expiration of three years from the date of the marriage, or may dismiss the petition, without prejudice to any petition which may be brought after the expiration of the said three years upon the same, or substantially the same, facts as those proved in support of the petition so dismissed.

(2) In determining any application under this section for leave to present a petition before the expiration of three years from the date of the marriage, the judge shall have regard to the interests of any children of the marriage and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said three years.

(3) Nothing in this section shall be deemed to prohibit the presentation of a petition based upon matters which have occurred before the expiration of three years from the date of the marriage.

(5) A petition for divorce may be presented to the court either by the husband or the wife on the ground that the respondent-

Grounds of
petition for
divorce

(a) has since the celebration of the marriage committed adultery; or

(b) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition; or

(c) has since the celebration of the marriage treated the petitioner with cruelty;

and by the wife on the ground that her husband has, since the celebration of the marriage, been guilty of rape, sodomy or bestiality.

6. (1) On a petition for divorce presented by the husband or in the answer of a husband praying for divorce the petitioner or respondent, as the case may be, shall make the alleged adulterer a co-respondent unless he is excused by the court on special grounds from so doing.

Provision as
to making
adulterer co-
respondent

(2) On a petition for divorce presented by the wife the court may, if it thinks fit, direct that the person with whom the husband is alleged to have committed adultery be made a respondent.

Duty of court on presentation of petition for divorce

7. (1) On a petition for divorce it shall be the duty of the court to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the petitioner and whether any collusion exists between the parties and also to inquire into any countercharge which is made against the petitioner.

(2) If the court is satisfied on the evidence that-

- (i) the case for the petitioner has been proved; and
 - (ii) where the ground of the petition is adultery, the petitioner has not in any manner been accessory to, or connived at, or condoned the adultery, or where the ground of the petition is cruelty the petitioner has not in any manner condoned the cruelty; and
 - (iii) the petition is not presented or prosecuted in collusion with the respondent or either of the respondents;
- the court shall pronounce a decree of divorce, but if the court is not satisfied with respect to any of the aforesaid matters, it shall dismiss the petition:

Provided that the court shall not be bound to pronounce a decree of divorce and may dismiss the petition if it finds that the petitioner has during the marriage been guilty of adultery or if, in the opinion of the court, the petitioner has been guilty-

- (a) of unreasonable delay in presenting or prosecuting the petition; or
- (b) of cruelty towards the other party of the marriage; or
- (c) where the ground of the petition is adultery or cruelty, of having without reasonable excuse deserted, or having without reasonable excuse wilfully separated himself or herself from, the other party before the adultery or cruelty complained of; or
- (d) where the ground of the petition is adultery or desertion, of such wilful neglect or misconduct as has conduced to the adultery or desertion.

Dismissal of respondent or co-respondent from proceedings

8. In any case in which, on the petition of a husband for divorce, the alleged adulterer is made a co-respondent or in which, on the petition of a wife for divorce, the person with whom the husband is alleged to have committed adultery is made a respondent, the court may, after the close of the evidence on the part of the petitioner, direct the co-respondent or the respondents, as the case may be, to be dismissed from the proceedings if the court is of the opinion that there is not sufficient evidence against him or her.

9. If in any proceedings for divorce the respondent opposes the relief sought, in the case of proceedings instituted by the husband, on the ground of his adultery, cruelty or desertion, or, in the case of proceedings instituted by the wife, on the ground of her adultery, cruelty or desertion, the court may give to the respondent the same relief to which he or she would have been entitled if he or she had presented a petition seeking such relief.

10. (1) The court may, if it thinks fit, direct that all necessary papers in the matter be sent to the Attorney General who shall instruct counsel to argue before the court any question in relation to the matter which the court deems to be necessary or expedient to have fully argued.

(2) Any person may at any time during the progress of the proceedings or before the decree *nisi* is made absolute give information to the Attorney General of any matter material to the due decision of the case and the Attorney General may thereupon take such steps as he considers necessary or expedient.

(3) If in consequence of any such information or otherwise the Attorney General suspects that any parties to the petition are or have been acting in collusion for the purpose of obtaining a decree contrary to the justice of the case, he may, after obtaining the leave of the court, intervene and subpoena witnesses to prove the alleged collusion.

11. (1) Where the Attorney General intervenes or shows cause against a decree *nisi* in any proceedings for divorce or for nullity of marriage, the court may make such order as to the payment by other parties to the proceedings of the costs incurred by him in so doing or as to the payment by him of any costs incurred by any of the said parties by reason of his so doing, as may seem just. Any costs ordered to be paid and any expenses incurred by the Attorney General shall be paid and met out of public revenue.

(2) Any costs ordered to be paid to the Attorney General in accordance with the immediately preceding sub-section shall be paid into the public revenue.

12. (1) Every decree for a divorce or for nullity of marriage in the first instance, shall be a decree *nisi* not to be made absolute until after the expiration of three months from the

Decree *nisi* for
divorce or nullity of marriage

pronouncing thereof, unless the court by general or special order from time to time fixes a shorter time.

(2) After the pronouncing of the decree *nisi* and before the decree is made absolute, any person may, in the prescribed manner, show cause why the decree should not be made absolute by reason of the decree having been obtained by collusion or by reason of material facts not having been brought before the court, and in any such case the court may make the decree absolute, reverse the decree *nisi*, require further inquiry or otherwise deal with the case as the court thinks fit.

Prevention
of delay in
application
for decree
absolute

(3) Where a decree *nisi* has been obtained, whether before or after the passing of this Act, and no application for the decree to be made absolute has been made by the party who obtained the decree, then, at any time after the expiration of three months from the earliest date on which the party could have made such an application, the party against whom the decree *nisi* has been granted shall be at liberty to apply to the court and the court shall, on such application, have power to make the decree absolute, reverse the decree *nisi*, require further inquiry or otherwise deal with the case as the court thinks fit.

Re- marriage
of divorced
persons

13. (1) As soon as any decree for divorce is made absolute, either of the parties to the marriage may, if there is no right of appeal against the decree absolute, marry again as if the prior marriage had been dissolved by death, or if there is such a right of appeal, may so marry again, if no appeal is presented against the decree, as soon as the time for appealing has expired, or, if an appeal is so presented, as soon as the appeal has been dismissed.

Relief for
clergy of
Church of
England

(2) No clergyman of the Church of Sierra Leone in communion with the Church of England shall be compelled to solemnise the marriage of any person whose former marriage has been dissolved on any ground and whose former husband or wife is still living or to permit the marriage of any such person to be solemnised in the Church or Chapel of which he is the minister.

PART III-JUDICIAL SEPARATION

Decree for
judicial
separation

14. (1) A petition for judicial separation may be presented to the court either by the husband or the wife on any grounds on which a petition for divorce might have been presented, or on the ground of failure to comply with a decree for restitution of conjugal rights or on any ground on which a decree for divorce *a mensa et thoro* might have been pronounced in England

immediately before the commencement of the Matrimonial Causes Act, 1857, and the provisions of this Act relating to the duty of the court on the presentation of a petition for divorce, and the circumstances in which such a petition shall or may be granted or dismissed, shall apply in like manner to a petition for judicial separation.

(2) Where the court in accordance with the said provisions grants a decree of judicial separation, it shall no longer be obligatory for the petitioner to cohabit with the respondent.

(3) The court may, on the application by petition of the husband or wife against whom a decree for judicial separation has been made, and on being satisfied that the allegations contained in the petition are true, reverse the decree at any time after the making thereof, on the ground that it was obtained in the absence of the person making the application, or, if desertion was the ground of the decree, that there was reasonable cause for the alleged desertion.

Grounds for reversing decree

(4) The reversal of a decree for judicial separation shall not affect the rights or remedies which any other person would have had if the decree had not been reversed in respect of any debts, contracts or acts of the wife incurred, entered into or done between the date of the decree and of the reversal thereof.

Consequences of reversal

15. (1) In every case of judicial separation-

(a) as from the date of the decree and so long as the separation continues any property which is acquired by or devolves upon the wife shall not be affected by any restraint upon anticipation attached to the enjoyment by the wife of any property under any settlement, agreement for a settlement, will, or other instrument; and if she dies intestate shall devolve as if her husband had been then dead;

Wife property in case of judicial separation

(b) if alimony has been ordered to be paid and has not been duly paid by the husband, he shall be liable for necessities supplied for the use of the wife.

(2) In any case where the decree for judicial separation is obtained by the wife, any property to which she is entitled for an estate in remainder or reversion at the date of the decree, and any property to which she becomes entitled as executrix, administratrix or trustee after the date of the decree, shall be deemed to be property to which this section applies, and for the purpose aforesaid the death of the testator or intestate shall be deemed to be the date when the wife became entitled as executrix or administratrix.

Property to which the section applies

Protection of
third parties

16. (1) Where a wife obtains a decree for judicial separation, the decree shall, so far as may be necessary for the protection of any person dealing with the wife, be valid and effectual until discharged, and the discharge or variation of the decree shall not affect any rights or remedies which any person would have had, if the decree had not been discharged or varied, in respect of any debts, contracts or acts of the wife incurred, entered into or done during the period between the date of the, decree and the discharge or variation thereof.

Effect of
subsequent
discharge of
decree

(2) Any person who, in reliance on any such decree as aforesaid, makes any payment to or permits any transfer or act to be made or done by the wife, shall, notwithstanding the subsequent discharge or variation of the decree, or the fact that the separation has ceased or has been discontinued, be protected and indemnified in the same way in all respects as if at the time of the payment, transfer or other act the decree were valid and still subsisting without variation in full force and effect, or the separation had not ceased or been discontinued, as the case may be, unless at that time that person had notice of the discharge or variation of the decree or that the separation had ceased or been discontinued.

PART IV.-RESTITUTION OF CONJUGAL RIGHTS

Decree for
restitution of
conjugal rights

17. A petition for restitution of conjugal rights may be presented to the court either by the husband or the wife, and the court, on being satisfied that the allegations contained in the petition are true, and that there is no legal ground why a decree for restitution of conjugal rights should not be granted, may make the decree accordingly.

periodical
payments in
lieu of
attachment

18. (1) A decree for restitution of conjugal rights shall not be enforced by attachment, but where the application is by the wife the court, at the time of making the decree or at any time afterwards, may, in the event of the decree not being complied with within any time in that behalf limited by the court, order the respondent to make to the petitioner such periodical payments as may be just, and the order may be enforced in the same manner as an order for alimony in proceedings for judicial separation

Mode of
security
payments

(2) The court may, if it thinks fit, order that the husband shall, to the satisfaction of the court, secure to the wife the periodical payments, and the court may for that purpose direct that a proper deed or instrument shall be executed by all necessary parties.

PART V.-ANCILLARY RELIEF.

19. (1) Any person who is a natural-born subject of Her Majesty, or who right to be deemed a natural- born of subject of Her Majesty depends wholly or in part on his legitimacy or on the validity of any marriage may, if he is domiciled in Sierra Leone or claims any real or personal estate situated in Sierra Leone, apply by petition to the court for a decree declaring that the petitioner is the legitimate child of his parents, and that the marriage of his father and mother or of his grandfather and grandmother was a valid marriage or that his own marriage was a valid marriage.

Declaration of
legitimacy etc

(2) Any person who is so domiciled or claims as aforesaid, may apply to the court for a decree declaring his right to be deemed a natural-born subject of Her Majesty.

Declaration of
nationality

(3) Applications under sub-sections (1) and (2) of this section may be included in the same petition and on any such application the court shall make such decree as the court thinks just, and the decree shall be binding on Her Majesty and all other persons whatsoever:

What may
be included
in one
petition

Provided that the decree of the court shall not prejudice any person-

(i) if it is subsequently proved to have been obtained by fraud or collusion; or

(ii) unless that person has been cited or made a party to the proceedings, or is the next-of- kin, or other real or personal representative of, or derives title under or through, a person so cited or made a party.

Copies of
petition to be
delivered to
Attorney
General

(4) A copy of every petition under this section and of any affidavit accompanying the petition shall be delivered to the Attorney General at least one month before the petition is presented or filed, and the Attorney General shall be a respondent on the hearing of the petition and on any subsequent proceedings relating thereto.

(5) In any application under this section such person shall, subject to rules of court, be cited to see proceedings or otherwise summoned as the court shall think fit, and any such persons may be permitted to become parties to the proceedings and to oppose the application.

Power to be
cited

(6) The provisions of this Act relating to matrimonial causes shall, so far as applicable, extend to any proceedings under this section.

Extent

Saving for
any final
judgment

(7) No proceedings under this section shall affect any final judgment or decree already pronounced or made by any court of competent jurisdiction.

Damages

20. (1) A husband may on a petition for divorce or for judicial separation or for damages only, claim damages from any person on the ground of adultery with the wife of the petitioner.

Mode of
trial

(2) A claim for damages on the ground of adultery shall be tried on the same principles and in the same manner as actions for criminal conversation were tried in England immediately before the commencement of the Matrimonial Causes Act, 1857, and the provisions of this Act with reference to the hearing and decision of petitions shall so far as may be necessary apply to the hearing and decision of petitions on which damages are claimed.

Directions as to
damages

(3) The court may direct in what manner the damages recovered on any such petition are to be paid or applied, and may direct the whole or any part of the damages to be settled for the benefit of the children, if any, of the marriage, or as a provision for the maintenance of the wife.

Alimony

21. (1) The court may, if it thinks fit, on any decree for divorce or nullity of marriage, order that the husband shall, to the satisfaction of the court, secure to the wife such gross sum of money or annual sum or money for any term, not exceeding her life, as having regard to her fortune, if any, to the ability of her husband and to the conduct of the parties, the court may deem to be reasonable, and the court may for that purpose order a proper deed or instrument to be executed by all necessary parties, and may, if it thinks fit, suspend the pronouncing of the decree until the deed or instrument has been duly executed.

Monthly or
weekly
payments.

(2) In any such case as aforesaid the court may, if it thinks fit, by order, either in addition to or instead of an order under subsection (1) of this section, direct the husband to pay to the wife during the joint lives of the husband and wife such monthly or weekly sum for her maintenance and support as the court may think reasonable:

Provided that-

(a) if the husband, after any such order has been made, becomes from any cause unable to make the payments, the court may discharge or modify the order, or temporarily suspend the order as to the whole or any part of the money ordered to be paid, and subsequently revive it wholly or in part as the court thinks fit; and

(b) Where the court has made any such order as is mentioned in this sub-section and the court is satisfied that the means of the husband have increased, the court may, if it thinks fit, increase the amount payable under the order.

(3) On any petition for divorce or nullity of marriage the court shall have the same power to make interim orders for the payment of money by way of alimony or otherwise to the wife as the court has in proceedings for judicial separation.

(4) Where any decree for restitution of conjugal rights or judicial separation is made on the application of the wife, the court may make such order for alimony as the court thinks just.

(5) In all cases where the court makes an order for alimony, the court may direct the alimony to be paid either to the wife or to a trustee approved by the court on her behalf, and may impose such terms or restrictions as the court thinks expedient, and may from time to time appoint a new trustee if for any reason it appears to the court expedient so to do.

22. (1) If it appears to the court in any case in which the court pronounces a decree for divorce or for judicial separation by reason of the adultery, desertion or cruelty of the wife that the wife is entitled to any property either in possession or reversion, the court may, if it thinks fit, order such settlement as it thinks reasonable to be made of the property, or any part thereof, for the benefit of the innocent party, and of the children of the marriage or any or either of them.

Any instrument made under any order of the court made under this section shall be valid and effectual, notwithstanding the existence of covertures at the time of the execution thereof.

(2) Where the application for restitution of conjugal rights is by the husband, and it appears to the court that the wife is entitled to any property, either in possession or reversion, or is in receipt of any profits of trade or earnings, the court may, if it thinks fit, order a settlement to be made to the satisfaction of the court of the property or any part thereof for the benefit of the petitioner and of the children of the marriage or either or any of them or may order such part of the profits of trade or earnings, as the court thinks reasonable, to be periodically paid by the respondent to the petitioner for his own benefit, or to the petitioner or any other person for the benefit of the children of the marriage, or either or any of them.

Power of court to make orders as to application of settled property.

23. The court may after pronouncing a decree for divorce or for nullity of marriage enquire into the existence of antenuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders with reference to the application of the whole or any part of the property settled either for the benefit of the children of the marriage or of the parties to the marriage, as the court thinks fit, and the court may exercise the powers conferred by this subsection notwithstanding that there are no children of the marriage.

Custody of children

24. (1) In any proceedings for divorce or nullity of marriage or judicial separation, the court may from time to time, either before or by or after the final decree, make such provision as appears just with respect to the custody, maintenance and education of the children, the marriage of whose parents is the subject of the proceedings, or, if it thinks fit, direct proper proceedings to be taken for placing the children under the protection of the court.

Powers of the Court

(2) On an application made in that behalf the court may, at any time before final decree, in any proceedings for restitution of conjugal rights, or if the respondent fails to comply therewith, after final decree, make from time to time all such orders and provisions with respect to the custody, maintenance and education of the children of the petitioner and respondent as might have been made by interim orders if proceedings for judicial separation had been pending between the same parties.

(3) The court may, if it thinks fit, on any decree of divorce or nullity of marriage, order the husband to secure for the benefit of the children such gross sum of money or annual sum of money as the court may deem reasonable, and the court may for that purpose order a proper deed or instrument to be executed by all necessary parties:

Provided that the term for which any sum of money is secured for the benefit of a child shall not extend beyond the date when the child will attain 21 years of age.

Amendments as to maintenance, settlement of property etc.

25. When a petition for divorce or nullity of marriage has been presented, proceedings under sections 21, 22, 23 and subsection (3) of section 24 of this Act (which, respectively, confer power on the court to order the provision of alimony, the settlement of the wife's property, the application of property which is the subject of marriage settlements, and the securing of money for the benefit of the children) may, subject to and in

accordance with Rules of Court, be commenced at any time after the presentation of the petition:

Provided that no order under any of the said sections or under the said sub-section (other than an interim order for the payment of alimony under section 21) shall be made unless and until a decree nisi has been pronounced, and no such order, save in so far as it relates to the preparation, execution, or approval of a deed or instrument and no settlement made in pursuance of any such order, shall take effect unless and until the decree is made absolute.

26. (1) Where the court has made any order under this Act for the making or securing of periodical payments the court shall have power to discharge or vary the order or to suspend any provisions thereof temporarily and to revive the operation of any provisions so suspended.

Power discharge
and vary orders for
alimony and
maintenance.
Replaced by Act.
16/1961

(2) The powers exercisable by the court under the preceding subsection in relation to any order shall be exercisable also in relation to any deed or other instrument executed in pursuance of the order.

(3) In exercising the powers conferred by this section, the court shall have regard to all the circumstances of the case, including any increase or decrease in the means of either parties to the marriage

PART VI. MISCELLANEOUS

27. In every case in which any person is charged with adultery with any party to a suit or in which the court may consider, in the interest of any person not already a party to the suit, that that person should be made a party to the suit, the court may, if it thinks fit, allow that person to intervene upon such terms, if any, as the court thinks just.

Power to allow
intervention on
terms

28. (1) The parties to any proceedings instituted in consequence of adultery and the husbands and wives of the parties shall be competent to give evidence in the proceedings, but no witness in any such proceedings, whether a party thereto or not, shall be liable to be asked or be bound to answer any question tending to show that he or she has been guilty of adultery unless he or she has already given evidence in the same proceedings in disproof of the alleged adultery.

Evidence

(2) In any proceedings for nullity of marriage, evidence on the question of sexual capacity shall be heard *in camera* unless in any case the judge is satisfied that in the interests of justice any such evidence ought to be heard in open court.

Certain
evidence in
nullity
proceedings to
be *in camera*.

29. (1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the court to have it presumed that the other party is dead and to have the marriage dissolved,

Proceedings
for decree of
presumption
of death and
dissolution of
marriage

Cap. 102]

Maintenance

Jurisdiction of court cases where the petitioner is not domiciled in Sierra Leone. Replaced by Act 16/1961

and the court, if satisfied that such reasonable grounds exist, may make a decree of presumption of death and of dissolution of the marriage.

(2) In any such proceedings the fact that for a period of 7 years or upwards the other party to the marriage has been continually absent from the petitioner, and the petitioner has no reason to believe that the other party has been living within that time, shall be evidence that he or she is dead until the contrary is proved.

(3) Sections 10, 11, 12 and 13 of this Act shall apply to a petition and a decree under this section as they apply to a petition for divorce and a decree of divorce respectively.

29A. (1) Where a husband has been guilty of willful neglect to provide reasonable maintenance for his wife or the infant child of the marriage, the court, if it would have jurisdiction to entertain proceedings by the wife for judicial separation, may, on the application of the wife, order the husband to make to her such periodical payments as may be just; and the order may be enforced in the same manner as an order for alimony in proceedings for judicial separation.

(2) Where the court makes an order under this section for periodical payments it may, if it thinks fit, order that the husband shall, to the satisfaction of the court, secure to the wife the periodical payments, and may for that purpose order proper deed or instrument to be executed by all necessary parties.

30 (1) The court shall have jurisdiction in proceedings by a wife for divorce, notwithstanding that the husband is not domiciled in Sierra Leone, if the wife is resident in Sierra Leone and has been ordinarily resident there for a period of three years immediately preceding the commencement of the proceedings. (2) Without prejudice to any jurisdiction exercisable by the court apart from this section, the provisions of the preceding subsection shall apply to the proceedings for nullity of marriage as they apply to proceedings for divorce.

(3) In proceedings under subsection (1) of section 29 of this Act the court shall have jurisdiction in the following cases only, that is to say –

(a) in any proceedings, if the petitioner is domiciled in Sierra Leone;

(b) in proceedings by the wife, if she is resident in Sierra Leone and has been ordinarily resident for a period of three years immediately preceding the commencement of the proceedings;

And in determining for the purpose of this subsection on whether a woman is domicile in Sierra Leone, her husband shall be treated as having died immediately after the last occasion on which she

knew or had reason to believe him to be living.

(4) Where a wife has been deserted by her husband or where her husband has been deported from Sierra Leone under any law for the time being in force relating to deportation or expulsion, and the husband was immediately before the desertion, deportation or expulsion domiciled in Sierra Leone, the court shall have jurisdiction for the purpose of any proceedings under this Act notwithstanding that the husband has changed his domicile since the desertion, deportation or expulsion.

(5) In any proceedings in which the court has jurisdiction by virtue of this section, the issues shall be determined in accordance with the law which would be applicable thereto if both parties were domiciled in Sierra Leone at the time of the proceedings.

WOMEN AND GIRLS

Content:

1. Protection of Women and Girls Act Cap 30

CHAPTER 30

PROTECTION OF WOMEN AND GIRLS

ARRANGEMENT OF SECTIONS

20f1927.

Short title

Procuration
The “Queen’s”
dominion was
substituted with
“Sierra Leone”
by virtue of Act
No. 29 of 1972.

Procuration of defilement of women by
threats

Penalty

No conviction on evidence of one uncorroborated witness.

SECTION

1. Short title.
2. Procuration.
3. Procuration of defilement of women by threats.
4. Penalty.
5. No conviction on evidence of one uncorroborated witness.

CHAPTER 30

PROTECTION OF WOMEN AND GIRLS.*

An Act to Make Provision for the Protection of Women and Girls

[23RD APRIL, 1927.] 1. This

Act maybe cited as the Protection of Women and Girls Act.

2. Any person who procures or attempts to procure any girl or woman under twenty-one years of age, not being a common prostitute or of known immoral character, to unlawful carnal connection, either within or without Sierra Leone, with any other person shall be guilty of an offence.

3. Any person who by threats or intimidation procures or attempts to procure any: woman or girl to have unlawful carnal connection, either within or without Sierra Leone, shall be guilty of an offence.

4. Any person who shall be convicted of an offence under this Ordinance shall be liable to be imprisoned, with or without hard labour, for a period not exceeding two years.

5. No person shall be convicted of an offence under this Ordinance upon the evidence of one witness unless such witness be corroborated in some material particular by evidence implicating the accused.