

ACTS

Supplement to the Sierra Leone Gazette Vol. CXII, No. 32

dated 11th June, 1981

SIGNED this 9th day of June, 1981.

SIAKA STEVENS,
President.

LS

No. 2

1981



Sierra Leone

The Courts (Amendment) Act, 1981

Short title.

[11th June, 1981] Date of
Commence-
ment.

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

1. Section 6 of the Courts Act, 1965 (hereinafter referred to as the principal Act) is hereby repealed and replaced by the following new section—

Repeal and
replacement
of Section 6 of
Act, No. 31
of 1965.

"Criminal
jurisdiction.

6. (1) In addition to any criminal jurisdiction which may be conferred upon Magistrates' Courts by any other enactment, every such Court shall, notwithstanding any enactment to the contrary, have jurisdiction to try summarily—

(a) (i) any offence committed within the territorial waters of Sierra Leone, or in any port, harbour, wharf, airport in Sierra Leone punishable by sentence of imprisonment for a term not exceeding five years or a fine not exceeding twenty-five thousand leones, or both such imprisonment and such fine;

(ii) any offence punishable by sentence of imprisonment for a term not exceeding five years or a fine not exceeding two thousand leones or both such imprisonment and such fine;

(b) with the consent of the accused but not otherwise any offence if during the course of a preliminary investigation the Court shall conclude that, having regard to the circumstances of the case, the offence is one which if proved can be suitably punished by a sentence of imprisonment for a term not exceeding seven years or a fine not exceeding three thousand leones;

Provided that the Court shall not try summarily under this section any of the offences specified in the Second Schedule.

Procedure
where offence
appears un-
suitable for
summary
determina-
tion.

(2) If, in the course of the hearing, circumstances should appear which shall cause the Court to be of the opinion that the offence, on account of its aggravated character or other sufficient reason, is not suitable to be disposed of upon summary trial, the Court may, instead of adjudicating, commit the defendant for trial on indictment before the High Court and in such case shall follow the procedure directed in Part III of the Criminal Procedure Act in relation to preliminary investigation.

(3) Where under paragraph (b) of subsection (1) a Magistrate's Court has ceased to enquire into an Information as a preliminary investigation and begun

to try the information summarily, the Court may, at any time before the conclusion of the evidence for the prosecution, discontinue the summary trial and resume the preliminary investigation.

(4) No Magistrate's Court presided over by Justices of the Peace shall impose a sentence of imprisonment for a term exceeding one year or a fine exceeding three hundred leones or both such imprisonment and such fine."

2. Subsection (1) of Section 7 of the principal Act is hereby amended by the substitution of the words "five thousand leones" for the words "one thousand five hundred leones" appearing in line eight thereof. Amendment of subsection (1) of Section 7 of Act No. 31 of 1965.

3. The Second Schedule of the principal Act is hereby repealed and replaced by the following new Schedule— Repeal and replacement of Second Schedule.

SECOND SCHEDULE

"LIST OF OFFENCES NOT TRIABLE SUMMARILY UNDER SECTION 6

1. Any offence punishable by death or imprisonment for life.
2. Arson, contrary to sections 2, 3 or 17 of the Malicious Damage Act, 1861. 24 and 25 Vict. C. 97.
3. Wounding or causing grievous bodily harm with intent, contrary to section 18 of the Offences against the Person Act, 1861. 24 and 25 Vict. C. 100.
4. Blasphemy and offences against religion.
5. Bigamy and offences against the laws relating to marriages.
6. Composing, printing or publishing blasphemous, seditious or defamatory libels.
7. Unlawful combinations and conspiracies, except conspiracies or combinations to commit any offence which the Court has jurisdiction to try either with or without consent when committed by one person.
8. Offences against the Treason and State Offences Act, 1963. Act No. 10 of 1963.
9. Rape and attempted rape.

10. Any offence against sections 23 and 26 of the Larceny Act, 1916.
11. Any offence against the Forgery Act, 1913.”

Passed in Parliament this *8th* day of *April*, in the year of our Lord one thousand nine hundred and eighty-one.

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 a true and correctly printed copy of the said Bill.

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