

Assented to in Her Majesty's name this 30th day of July, 1966.

H. J. L. BOSTON,
Governor-General.

LS

No. 21



Sierra Leone

1966

The Courts (Amendment) Act, 1966

[30th July, 1966.]

Short title.
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. Section 2 of the Courts Act (hereinafter referred to as the principal Act) is hereby amended by substituting for the word and figure "subsection (2)" in the fourth line of the definition of Magistrate the words and figures "subsections (2) and (3)".

Amendment
of section 2
of Act No. 31
of 1965.

Amendment
of section 5
of Act No.
31 of 1965.

2. Section 5 of the principal Act is hereby amended as follows—

(a) by the deletion in the first line of subsection (2) thereof of the words “place in the Provinces or in the Sherbro”; and

(b) by the addition thereto of the following new subsection—

“(3) Subject to the general or special directions of the Chief Justice, a District Officer shall perform the functions and duties of a Magistrate in any district to which he has been appointed as such and a District Officer appointed to the Bonthe District shall also perform the functions and duties of a Magistrate in the Sherbro Judicial District.”.

Amendment
of section 42
of Act No. 31
of 1965.

3. Section 42 of the principal Act is hereby amended as follows—

(i) by the substitution for paragraph (a) of the first proviso to subsection (1) thereof of the following new paragraph—

“(a) against the acquittal or discharge of the accused or defendant except on a question of law;”

(ii) by the substitution for paragraph (a) of the proviso to subsection (3) thereof of the following new paragraph—

“(a) no appeal shall lie against the acquittal or discharge of the accused or defendant, except on a question of law; and”.

Amendment
of section 45
of Act No.
31 of 1965.

4. Subsection (4) of section 45 of the principal Act is hereby repealed and replaced by the following new subsection—

(4) (a) On an appeal against the acquittal or discharge of the accused or defendant, the Supreme Court may, notwithstanding that it is of the opinion that the question of law raised in the appeal might be decided in favour of the appellant, dismiss the appeal if it considers that no substantial miscarriage of justice has actually occurred.

(b) Subject and without prejudice to the provisions of paragraph (a), the Supreme Court may affirm, alter or reverse the decision appealed against or order a retrial of the accused or defendant.

(c) In every such case, the Supreme Court may give such consequential directions as it may deem fit.

Amendment
of subsection
(3) of

5. Subsection (3) of section 51 of the principal Act is hereby amended by the substitution for the figure “51” in the first line thereof of the figure “50”.

6. Section 57 of the principal Act is hereby amended as follows—

Amendment
of section 57
of Act No.
31 of 1965.

- (a) by renumbering that section as section 57(1); and
- (b) by adding at the end thereof the following new subsection—

“(2) Any person aggrieved by the acquittal or discharge of the accused or defendant before the Supreme Court may appeal to the Court of Appeal against such acquittal or discharge:

Provided that no such appeal shall lie except on a question of law.”.

7. Section 58 of the principal Act is hereby amended by the addition at the end thereof of the following new subsection—

Amendment
of section 58
of Act No.
31 of 1965.

“(6) (a) On an appeal against the acquittal or discharge of the accused or defendant the Court of Appeal may, notwithstanding that it is of the opinion that the question of law raised in the appeal might be decided in favour of the appellant, dismiss the appeal if it considers that no substantial miscarriage of justice has actually occurred.

(b) Subject and without prejudice to the provisions of paragraph (a), the Court of Appeal may—

(i) affirm or alter the decision appealed against;

(ii) except in cases where an accused has been acquitted of a criminal offence punishable by death, reverse the decision appealed against;

(iii) order a retrial of the accused or defendant.

(c) In every such case, the Supreme Court may give such consequential directions as it may deem fit.”.

Passed in the House of Representatives this 28th day of July, in the year of our Lord one thousand nine hundred and sixty-six.

S. V. WRIGHT,
Clerk of the House of Representatives.

THIS 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.

S. V. WRIGHT,
Clerk of the House of Representatives.

M.P. OPM 4/68