

In Her Majesty's name I assent to this Ordinance this  
20th day of April, 1961.

MAURICE H. DORMAN,  
*Governor.*

LS

No. 16



Sierra Leone

1961

**An Ordinance to Amend the Matrimonial Causes  
Ordinance, 1949**

No. 9 of  
1949.

[11th May, 1961.] **Date of com-  
mencement.**

**BE IT ENACTED** by the Legislature of Sierra Leone, as follows:—

1. This Ordinance may be cited as the Matrimonial Causes Short title.  
(Amendment) Ordinance, 1961.

2. Subsection (2) of section 3 of the Matrimonial Causes Amendment  
Ordinance, 1949 (hereinafter referred to as the principal Ordinance) is hereby repealed and replaced by the following of Ord. No. 9 of 1949.  
subsection—

“(1) 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 being annulled, on the date of the decree shall be deemed to be their legitimate child notwithstanding the annulment.”

Repeal and replacement of section 26 of the principal Ord.

3. Section 26 of the principal Ordinance is hereby repealed and replaced by the following section—

“Power to discharge or vary orders for alimony and maintenance.”  
 26. (1) Where the court has made any order under this Ordinance 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.

(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 of the parties to the marriage.”

Insertion of new section 29A in principal Ord.

4. The principal Ordinance is hereby amended by inserting immediately after section 29, the following new section—

“ Maintenance.”  
 29A. (1) Where a husband has been guilty of wilful neglect to provide reasonable maintenance for his wife or the infant children 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 a proper deed or instrument to be executed by all necessary parties.”

Repeal and replacement of section 30 of the principal Ord.

5. Section 30 of the principal Ordinance is hereby repealed and replaced by the following section—

“ Jurisdiction of court cases where the petitioner is not domiciled in Sierra Leone.”  
 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 proceedings for nullity of marriage as they apply to proceedings for divorce.

(3) In proceedings under subsection (1) of section 29 of this Ordinance 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 there for a period of three years immediately preceding the commencement of the proceedings;

and in determining for the purposes of this subsection whether a woman is domiciled 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 Ordinance 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.”.

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

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 correct copy of the said Bill.

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