SIGNED this *30th* day of *October, 1973*

S. I. KOROMA,
Acting President.

LS

No. 20

1973

Sierra Leone

The Freetown Municipality Act, 1973

Short title.

Being an Act to Consolidate and Amend the Law with respect to the Municipal City of Freetown

[*1st November, 1973.*] Date of Commencement.

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

PART I—PRELIMINARY

1. This Act shall come into force on such date as the President shall fix by notice published in the *Gazette*. Commencement.

2. In this Act, unless a contrary intention appears— Interpretation.

"annual value" means the amount at which the premises can reasonably be expected to be let in the open market in average years;

"assessed annual value" means the annual value of any premises as entered in the Valuation Roll for the time being in force;

"assessed premises" means any premises which appear in the Valuation Roll for the time being in force;

"City" means the Town of Freetown, created a Municipal City by the Freetown Municipality Act, 1893;

"City Fund" means the Fund into which the revenue of the Corporation is paid in terms of section 61;

"Corporation" means the Mayor, Aldermen, Councillors and Citizens of the City of Freetown;

"corporate land" means land belonging to or held in trust for the Corporation;

"Council" means the City Council of Freetown established under this Act;

"Electoral Commission" means the Commission established in accordance with subsection (1) of section 27 of the Constitution;

"Minister" means the Minister charged for the time being with responsibility for the subject of internal affairs;

"occupier" means a tenant, sub-tenant, or any person in the actual occupancy of any premises;

"owner" includes joint owner, lessee, tenant for life, and any other person in the actual possession of or entitled to receive the rents of premises of any tenure or description, and the agent or attorney of such persons or any of them and any other person who has an interest in or draws the rents from such premises;

"premises" means any land together with any building thereon;

"streets" includes any highway and any public bridge and any road, lane, footway, square, court, alley and passage to which the public have access whether a thoroughfare or not;

"Town Clerk" means the Town Clerk appointed to the Council under section 29, and shall include the Deputy Town Clerk;

"Town Engineer" means the Town Engineer appointed under section 29 and includes an Assistant City Engineer;

"Treasurer" means the Treasurer appointed under section 29;

"Valuer" includes a deputy valuer, an assistant valuer and referencer.

PART II—CONSTITUTION AND GOVERNMENT OF CITY

City of Freetown to be body corporate.

3. The City of Freetown is hereby declared to be a Municipal City and the inhabitants thereof a body corporate, bearing the corporate name of the "Mayor, Alderman, Councillors and Citizens of Freetown", with a perpetual succession and common seal, to be approved and, as necessary from time to time, altered by the Corporation, and with power to sue and be sued.

Corporation to act by the City Council.

4. The Corporation shall be capable of acting by the Council established by section 7 and called the "City Council of Freetown", and the Council shall exercise all powers vested in the Corporation by this Act or otherwise.

Limits of the City.

5. The City shall comprise the area lying within the limits of the following boundaries—

ALL THAT AREA lying south of the Sierra Leone River and east of the north Atlantic Ocean in Freetown in the Western Area of Sierra Leone the boundary whereof commencing at a point whose geographical co-ordinates are latitude 13° 26′ 00″ N, longitude 13° 08′ 33″ W, where the Kola Tree Brook meets the Sierra Leone River on the Northern bank of Bunce River; thence in a south-easterly direction for 1¾ miles to a point on the left bank of the Orugu River, thence along the Northern bank of the Orugu River aforesaid in a general south-westerly direction to a point whose geographical co-ordinates are latitude 9° 24′ 48″ N; longitude 13° 10′ 10″ W; thence in a northerly direction for 7,000 feet to the porcupine ridge trig point; thence in north-westerly direction for 17,500 feet to WD.19 which is on the western bank of Granville Brook with the intersection of the Freetown Municipality Boundary; thence in a south-westerly direction along the western bank of the Granville Brook to WD. 10: thence to WD. 11; thence to PB. 5708, PB. 5709 and thence to WD. 12 which is on the northern residential line of Freetown to Leicester Road and thence in a north-westerly direction along the northern residential line of Freetown to Leicester Road to WD. 16 which is on the intersection of the Freetown Municipality Boundary with Freetown to Leicester Road and thence in a westerly and south-westerly directions along the Freetown Municipality Boundary to the intersection of High Bay Brook with the Freetown Municipality Boundary and thence along the same course of the Freetown Municipality Boundary on to a point on the Red Pump Water whose geographical co-ordinates are latitude 8° 27′ 37″ N; longi-

tude 13° 15′ 05″ W; thence in a south-westerly direction for 1½ miles to a point on the northern bank of Babadori River south-west of Mirimboe Village; thence along the southern bank of Babadori River aforesaid on a north-westerly and southerly directions for 5,500 feet to the source of a stream north of Upper Gbendembu; thence along the said stream passing through the Gbendembu Bridge until it meets Cockerill Bay on the North Atlantic Ocean; thence along the High Water Mark at Cockerill Bay, Lumley Creek, Elbow Corner, Man-of-War Bay, Aberdeen Bay, Pirate Bay, Cockle Bay, White Man's Bay, Kroo Bay, Susan's Bay, Destruction Bay, Fourah Bay, Cline Bay and along the Sierra Leone River to the point of Commencement including Tasso Island thus enclosing an area of 26 square miles and 3 square miles respectively, as the same may be bounded, known, described or distinguished on the map registered as No. M.H.C.P./Z/70 in the Ministry of Lands.

Division of City into wards. Act No. 44 of 1961.

6. For the purposes of this Act the City shall be divided into such wards as may from time to time be prescribed by the Minister under the provisions of subsection (1) of section 3 of the Franchise and Electoral Registration Act, 1961.

PART III—ESTABLISHMENT AND CONSTITUTION OF THE COUNCIL

Establishment and constitution of the City Council of Freetown.

7. As from the date of commencement of this Act the City Council of Freetown established under the Freetown Municipality Act, Chapter 65 of the Laws of Sierra Leone shall cease to exist and in place thereof and as successor thereto there is hereby established the City Council of Freetown constituted in the manner hereinafter provided.

Constitution of Council.

8. The Council shall consist of the Mayor, Aldermen, and Councillors elected as hereinafter provided.

Councillors to be elected for each Ward.

9. (1) Each Ward of the City shall be represented by four elected Councillors, each of whom (whether or not he is subsequently elected Alderman) shall retire after holding office for three years but shall be eligible for re-election.

(2) If a vacancy should occur in the office of Councillor or Alderman otherwise than at a general election, any person elected to fill such vacancy shall hold office until the next general election.

(3) Any person elected at the first general election after the commencement of this Act shall be deemed, for the purposes of this section, to have been elected for a term of three years ending on the day immediately before the date on which the second general elections are held.

Appointment of first Alderman.

10. (1) The Councillors shall as soon as practicable after each general election hold a meeting and elect eight of their number to be Aldermen. One such Alderman shall be elected from the Councillors returned for each ward and shall represent the ward for which he has been returned.

(2) After the election of Aldermen, the Councillors and Aldermen shall elect a fit person from among the Aldermen and Councillors or persons qualified to be elected as Councillors to be the Mayor of the City of Freetown.

(3) Whenever thereafter the office of Mayor shall become vacant, the Council shall elect one of their number or any person qualified to be elected as a Councillor to be Mayor.

(4) Any Alderman or Councillor elected at any time to the office of Mayor shall not thereby be deemed to have vacated his office of Alderman or Councillor as the case may be.

Election of Mayor not to create vacancy.

(5) Notwithstanding the provisions of subsection (5) of section 14 the election of eight Councillors to be Aldermen as provided in subsection (1) shall not be deemed to create any vacant seat in the Council.

Election of first eight Aldermen not to create vacancy.

11. Whenever a vacancy occurs in the office of Alderman representing one of the wards of the City, the Council shall elect one of the elected Councillors returned for that ward to be an Alderman.

Election of Alderman when vacancy occurs.

12. (1) The Mayor shall receive such allowance as the Council may determine.

Remuneration of Mayor.

(2) The Mayor shall hold office for one year and shall then retire, and if he held the position of Alderman or Councillor prior to his election shall revert to that position, but in any case shall be eligible for re-election.

Mayor to hold office for one year.

(3) The Mayor shall, by virtue of his office, be a Justice of the Peace for the Judicial District of Freetown, and shall, unless disqualified to be Mayor, continue to be such a Justice during the next year after he ceases to be Mayor.

Mayor to be a Justice.

(4) The Mayor shall have precedence over all other Justices acting in, and for, the Judicial District of Freetown, and be entitled to take the chair at all meetings of Justices held in the said Judicial District, at which he is present, by virtue of his office of Mayor; except that he shall not, by virtue of this section, have precedence over any Police Magistrate engaging in administering justice.

Mayor to have precedence over Justices.

13. (1) The Mayor may from time to time appoint any one of the Aldermen to act as Deputy Mayor in the event of and during the illness or absence of the Mayor.

Appointment of Deputy Mayor.

(2) The Mayor may terminate any such appointment at any time.

(3) Any such appointment or the termination thereof shall be recorded in the minutes of the Council.

(4) A Deputy Mayor may, while acting as such, do all acts which the Mayor might do provided that he shall not by virtue of his office act as a Justice.

Qualifications of elected Councillors.

14. (1) Subject to the provisions of subsection (2), a person shall be qualified for election as a Councillor for any one ward if he—

(*a*) is literate in the English Language; and

(*b*) is entitled to be registered as an elector under the Franchise and Electoral Registration Act, 1961 and his name is in the Register of Electors for any ward in the City.

Act No. 44 of 1961.

Disqualification for membership of Council.

(2) Notwithstanding the provisions of subsection (1), a person shall be disqualified for election as a Councillor and if a Councillor his seat shall become vacant—

(*a*) if he is—

(i) not a citizen of Sierra Leone, or

(ii) being a citizen of Sierra Leone he is disqualified for membership by virtue of the provisions of subsection (1) of section 22 of the Constitution; or

Act No. 6 of 1971.

(*b*) if and while he holds any office or place of profit in the gift or disposal of the Council other than that of Mayor; or

(*c*) is under sentence of death or is serving, or has within the immediately preceding five years completed the serving of, a sentence of imprisonment (including a sentence of preventive detention or corrective training) without the option of a fine of or exceeding twelve months imposed by a Court in Sierra Leone for any felony or for any offence involving dishonesty and has not received a free pardon; or

(*d*) if he is a lunatic so found under the laws for the time being in force in Sierra Leone; or

(*e*) if and while he has, directly or indirectly, by himself or a partner any share or interest in any contract or employment with, by or on behalf of the Council, and has not—

(i) if he is a candidate for election, published within one month before the day of election in some newspaper circulating in the ward for which he is a candidate a notice setting out the nature of his share or interest in such contract or employment; or

(ii) if he is a Councillor, as soon as possible disclosed that interest to the Council; or

(*f*) if he is disqualified from membership of the Council under any law for the time being in force in Sierra Leone relating to offences connected with elections:

Provided that a person shall not be disqualified by reason of his being interested in—

(*a*) any sale, purchase or lease of land to or from the Council; or

(b) any newspaper in which any notice or advertisement relating to the affairs of the Council is inserted; or

(*c*) any agreement with the Council for the loan of money, or any security for the payment of money by the Council; or

(*d*) any company which contracts with the Council for lighting or supplying water, or insuring against fire any property of the Council; or

(*e*) any company incorporated by, or under, an Act of Parliament.

(3) The seat of a Councillor shall also become vacant— When Councillor's seat to become vacant.

(*a*) upon his death; or

(*b*) if by writing addressed to the Mayor, he resigns his seat in the Council; or

(*c*) if, without leave of the Mayor, he is absent for a period of six consecutive months from the meetings of the Council; or

(*d*) if being an elected Councillor he ceases to be qualified under subsection (1).

(4) (*a*) When the seat of a Councillor becomes vacant the Mayor shall forthwith declare the seat of such member to be vacant, and the Town Clerk shall forthwith notify the Minister and such Councillor, if practicable, of such declaration of vacancy:

Provided that a Councillor whose seat shall have been declared vacant under this subsection may, within fourteen days after the date of being notified of such declaration, apply to a Judge in Chambers to have such declaration set aside, and notice of the intention to make such application and the grounds thereof shall be given to the Town Clerk within seven days after such declaration.

(*b*) The order of the Judge in Chambers as to the disqualification or otherwise of the Councillor shall be final and conclusive.

(5) Except as provided in subsection (5) of section 10 the seat of a Councillor shall become vacant if he is elected to the office of Alderman.

PART IV—VALUATION OF PREMISES

Existing Valuation Roll deemed to be prepared under this Act.

15. Until such time as the first Valuation Roll is duly made and deposited under the provisions of this Act, the Valuation Lists in force for the time being under the Freetown Municipality Act, Chapter 65 of the Laws of Sierra Leone and in force at the commencement of this Act shall be deposited at the Town Clerk's Office and be deemed for all purposes to be a Valuation Roll duly prepared and approved under the provisions of this Act.

Assessment of premises.

16. There shall be liable to be assessed in accordance with the provisions of this Part all premises (including premises owned by or in the occupation of the Corporation) within the City boundaries except—

(*a*) any church, chapel, mosque, meeting-houses or other premises, or any part thereof, exclusively used for public religious worship;

(*b*) premises used exclusively as a hospital and not so used exclusively for purposes of gain;

(*c*) premises used principally as a university, college, school or Sunday school and not so used for purposes of gain;

(*d*) burial grounds, and crematoria;

(*e*) premises declared by a resolution of the Council with the approval of the President to be exempted from assessment.

Appointment of Assessment Committee.

17. (1) The Council shall before the 1st day of June in the year immediately following the year in which this Act shall come into force, and thereafter from time to time as may be necessary, appoint an Assessment Committee, consisting of eight members of the Council, one of whom shall be the Mayor and the Assessment Committee shall be deemed to be properly constituted whenever five members are present at a duly convened meeting thereof.

(2) Valuation Lists showing the assessed annual value of a premises assessable under section 16 shall be prepared by the valuers and approved by the Assessment Committee in accordance with the provisions contained in Part I of the First Schedule hereto.

Permanent Secretary Ministry of Housing and Country Planning to transmit particulars under sections 14 and 19 of Cap. 66.

18. The Permanent Secretary, Ministry of Housing and Country Planning shall transmit to the Town Clerk, for the information of the Valuers, the particulars contained in any notices given to the Permanent Secretary, Ministry of Housing and Country Planning in pursuance of section 14 or section 19 of the Freetown Improvement Act.

Deposit of Valuation Roll.

19. (1) The first Valuation Roll prepared under the provisions of this Act shall be deposited at the Town Clerk's Office on or before a day to be appointed by the Council and thereafter a Valuation Roll shall be deposited thereat on or before the 1st day of February in every year. Any person owning or in the occupation of or interested in any assessable premises shall be entitled to inspect the Valuation Roll and to take copies thereof and extracts therefrom free of charge.

(2) The Town Clerk shall forthwith publish a notice of the deposit of the Valuation Roll:

Provided that, in the year 1973, the Valuation Roll shall be deposited at the Town Clerk's Office on or before a day to be appointed by the Council.

20. Objections to and amendments to any Valuation Roll shall be determined and made in accordance with the provisions of Part I of the First Schedule hereto. Objections to Valuation Roll.

21. Every Valuation Roll deposited as aforesaid shall be in force until the new Valuation Roll in substitution for the same be deposited. Valuation Roll to subsist until deposit of new Roll.

PART V—ELECTION PROCEDURE

22. (1) All elections of members of the Council shall be held in accordance with the provisions of the Electoral Provisions Act, 1962. Election. Act No. 14 of 1962.

(2) On such date after the commencement of this Act as the Minister may by Order declare there shall be a general election of members of the Council; and thereafter an election to fill the vacancies caused by the retirement of those members whose term of office has expired shall be held triennially on the first day of April, or on a day not later than the ninetieth day thereafter as the Minister may appoint.

23. Whenever a vacancy has occurred among the elected members of the Council, otherwise than by retirement or expiration of terms of office, the Council with the prior approval of the Electoral Commisson shall appoint and notify to the Town Clerk the day for the holding of an election to fill such vacancy: Bye Elections.

Provided that where the vacancy is caused by the death or retirement of an elected member whose unexpired term of office is less than six months an election to fill the vacancy shall not be held unless the Council so directs.

PART VI—MEETINGS OF THE COUNCIL

24. (1) The Council may from time to time make, amend or revoke Standing Orders not inconsistent with the provisions of this Act to regulate the proceedings of the Council. Standing Orders.

(2) Until varied or revoked by Standing Orders made under subsection (1), the Standing Orders contained in Part II of the First Schedule hereto shall be in force.

(3) The Standing Orders for the time being in force shall at all times be followed and observed, and shall be binding upon the Council.

25. The minutes of any meeting of the Council or of any committee of the Council purporting to have been approved by the Council or committee and signed by the presiding member shall be *prima facie* evidence of the matters referred to therein and shall be received in evidence without further proof. Minutes of Council *prima facie* evidence.

26. No act or proceeding of the Council or of a committee shall be questioned on account of any vacancy in their body or on the ground that a Councillor or Alderman to be elected has not been elected. Acts of Council valid despite vacancies.

Member interested not to take part in proceedings.

27. (1) No member of the Council shall vote or take part in the discussion of any matter before the Council or a committee in which he has directly or indirectly by himself, his wife, or partner, any pecuniary interest, or in which a company of which he is a shareholder has any pecuniary interest; and no member of the Council shall receive any salary or shall exact or accept any fee or reward whatsoever for or on account of anything done or to be done by him by virtue of this Act, or on any account whatsoever relating to this Act:

Provided that nothing in this section shall be deemed to debar the Mayor from receiving any allowance under section 12.

Disclosure of interest.

(2) Where any officer or member of the Council has directly or indirectly by himself, his wife, or partner any interest in any contract or offer to contract which is under consideration by the Council such member shall disclose his interest therein to the Council.

Proceedings in respect of qualification.

28. (1) Proceedings may be instituted in the High Court against any person acting as a member of the Council, on the ground of his being disqualified under this Act from so acting, by any person who is a registered elector within a Ward of the City:

Provided that proceedings under this section shall not be instituted after the expiration of six months from the date on which he so acted.

(2) Where in proceedings under this section it is proved that the defendant has acted as a member of the Council, while disqualified from so acting, the Court shall have all or any of the following powers—

(*a*) to make a declaration to that effect and to declare that the seat of the defendant in the Council is vacant;

(*b*) to grant an injunction restraining the defendant from so doing;

(*c*) to order that the defendant shall forfeit to the Government of Sierra Leone such sum as the Court may think fit, not exceeding one hundred leones for each occasion on which he so acted while disqualified.

PART VII—OFFICERS OF THE COUNCIL AND ACCOUNTS

Appointment of Officers.

29. (1) The Council may from time to time appoint a Town Clerk, a Deputy Town Clerk, a Medical Officer of Health, a Treasurer, an Accountant, a Town Engineer, a Chief Sanitary Superintendent, a Valuer, a City Bailiff, Bailiffs and such other officers as it may deem necessary and may at any time in its discretion terminate such appointments:

Provided that in the case of the Medical Officer of Health the following special conditions shall apply—

(*a*) The appointment shall not be for a limited time only;

(*b*) He may not be dismissed without the consent of the President; and

(*c*) He must be—

(i) a duly qualified Medical Practitioner; and

(ii) the holder of a diploma in sanitary science, public health or state medicine:

Provided further that in the case of the Chief Sanitary Superintendent the following special conditions shall apply—

(*a*) The appointment shall not be for a limited time only;

(*b*) He may not be dismissed without the consent of the President; and

(*c*) He must possess such qualifications as the President may by rules prescribe.

(2) Subject to the terms of any contract with the Council, the Town Clerk shall hold office during the pleasure of the Council.

Town Clerk responsible for records.

30. (1) The Town Clerk shall have the charge and custody of and be responsible for all books, deeds, records and other documents and these shall be kept as the Council may direct.

When Deputy Town Clerk to act.

(2) The Deputy Town Clerk shall act for the Town Clerk during the illness, absence or other incapacity of the Town Clerk.

Powers of City Bailiffs.

31. (1) The City Bailiff, whilst in the performance or execution of the duties of his office, shall have the like powers, privileges and immunities as the Sheriff of Sierra Leone.

(2) Every bailiff duly appointed may serve or execute any process which by this Act or any other Act is directed to be served or executed by the City Bailiff.

Officers to give security if so required.

32. The Council may require an officer to give security as it may think proper for the due execution of such officer's duties.

Officers to render accounts when directed.

33. Every officer of the Council shall at such times and in such manner as the Council may direct deliver to the Council a true account in writing of all matters committed to his charge, and of his receipts and payments, with vouchers and a list of persons from whom money is due in connection with his office, showing the amount due from each person; and every such officer shall pay all money due from him to the Treasurer.

Accounts and Audit.

34. (1) (*a*) The Council shall cause to be kept true accounts in accordance with such instructions as the President may issue from time to time; and such accounts together with all books, vouchers and papers relating thereto, together with a balance sheet, shall be laid not later than the 30th day of September in each year before an Auditor appointed by the President.

(*b*) The Auditor shall make and sign a report on such accounts and balance sheet; and a duplicate copy of such report shall be sent to the Minister, who shall cause a copy of the balance sheet and Auditor's report to be published in the *Gazette*.

(2) The Council shall permit the Auditor to check any cash in its possession and to have access to its accounts and all books, vouchers and papers relating thereto at any time during the usual office hours.

(3) The original balance sheet and the accounts in full and the Auditor's report thereon shall be open to inspection at the office of the Town Clerk during office hours by any person whose name appears upon the register of voters on payment of a fee of ten cents.

Power of Auditor to call for books etc.

35. For the purpose of any audit under this Act, the Audtior may by summons in writing require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do or to produce any such books, deeds, contracts, accounts, vouchers, receipts or other documents or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a fine on summary conviction not exceeding four leones.

Power of Auditor to surcharge illegal payments.

36. (1) (*a*) The Auditor acting in pursuance of section 34 shall disallow every item of account contrary to law and shall certify the amount of any deficiency or loss incurred by the negligence or misconduct of any person or of any sum which ought to have been but is not brought into account by any person.

(*b*) The Auditor shall surcharge the amount on the person who has made or authorised the making of the illegal payment or whose default has caused the deficiency or loss or failure to bring to account, as the case may be.

(*c*) On application by any party aggrieved the Auditor shall state in writing the grounds upon which his certificate is based, and also of any disallowance which he may have made.

Appeals against decision of Auditor.

(2) (i) Any person who is aggrieved by any surcharge or disallowance as aforesaid may, where the disallowance or surcharge relates to an amount exceeding two hundred leones, appeal to the High Court, and may, in any other case appeal either to the High Court or to the President:

Provded that any such appeal shall be made within fourteen days of the person being notified of the surcharge or disallowance, or within such further period, as the Court or President, as the case may be, may allow.

(ii) The Court or President on such appeal shall have power to confirm, vary or quash the decision of the Auditor and to remit the case to the Auditor with such directions as the Court or President thinks fit for giving effect to the decision on appeal.

(iii) Where an appeal is made to the President under this subsection, he may, at any stage of the proceedings, state in the form of a special case for the opinion of the High Court any question of law arising in the course of the appeal.

(3) (i) In the case of a surcharge, the person surcharged may, whether or not he appeals under subsection (2), apply to the tribunal (whether the High Court or the President) to whom he appealed, or if he does not appeal, the tribunal (whether High Court or President) to whom he might have appealed, for a declaration that in relation to the subject matter of the surcharge he acted reasonably, or in the belief that his action was authorised by law, and the Court or President, if satisfied there is proper ground for so doing, may make a declaration to that effect. Application for relief.

(ii) Where such a declaration is made, the Court or the President may, if satisfied that the person surcharged ought fairly to be excused, relieve him either wholly or in part from personal liability in respect of the surcharge, and the decision of the Court or the President shall be final.

(iii) Any application for relief under this subsection shall be made within fourteen days of the person being notified of the surcharge, or within such further period as the Court or the President, as the case may be, may allow.

(4) (i) When the Court, or President acting under the powers conferred by paragraph (ii) of subsection (2), confirms or varies the decision of the auditor, or where no appeal or application has been made in accordance with the immediately preceding subsections against the amount surcharged by the Auditor, and the amount surcharged or the amount surcharged as varied, or any amount of which a person surcharged is not relieved in accordance with paragraph (ii) of subsection (3), is not made good to the Council, to the satisfaction of the Auditor within fourteen days of the decision of the Court or President as the case may be, or, where no appeal or application as aforesaid has been made, within fourteen days of the date of the surcharge by the Auditor, the amount shall, on complaint made, or action taken by the Town Clerk in the name and on behalf of the Council, be recoverable either summarily or otherwise, as a civil debt. Powers of Town Clerk to sue for recovery of payments surcharged.

(ii) In any proceedings for the recovery of such an amount, a certificate signed by the Auditor shall be conclusive evidence of the facts certified, and a certificate signed by the Treasurer that the amount certified to be due has not been paid to him shall be conclusive evidence of non-payment, unless it is proved that the amount certified to be due has been paid since the date of the certificate.

(5) Unless the contrary is proved, a certificate purporting to be signed by the Auditor or the Treasurer shall be deemed to have been signed by the Auditor or Treasurer, as the case may be.

PART VIII—POWERS AND DUTIES OF THE CORPORATION

37. Within the City the Corporation shall have and exercise all the rights, powers and duties conferred or imposed upon the Corporation by this or any other Act. Power and duties of Corporation.

Corporation may be given authority to exercise powers of specified Acts.

38. (1) The President may by Order direct that the Corporation shall be the authority for giving effect within the City to any specified provisions of such Acts as may be mentioned in the Order and the Corporation shall thereupon have and exercise all the rights, powers and duties conferred or imposed upon the President or any officer or authority by such provisions (exclusive of the powers of the President) subject to such limitations and restrictions as may be set out in the Order.

Transfer to Corporation of powers and duties of Government Officers.

(2) The Corporation may exercise any powers and may perform any duties for the time being vested in or imposed upon any Government Officer which the President may by Order declare to be transferred to the Corporation.

Annual Estimates.

39. (1) On or before the 30th day of June in each financial year, the Council shall prepare estimates of the anticipated revenue from all sources, and of the sums required to meet the expenses, during the following financial year.

Provision of rate in Estimates.

(2) In case the estimated revenue would otherwise be insufficient to meet the estimated expenditure, it shall be lawful for the Council to provide in the estimates for the imposition of a rate in accordance with the provisions in that behalf contained in Part XII.

Certified copy of Estimates to be sent to Minister for information of President.

(3) A certified copy of the Estimates shall forthwith be sent to the Minister for the information of the President.

Estimates to be open for inspection.

(4) The approved estimates shall be open to inspection by any person whose name appears in the register of electors at the office of the Town Clerk.

Duties of Council.

40. (1) It shall be the duty of the Corporation—

(*a*) to keep all roads, streets, lanes, squares and public places well and sufficiently lighted;

(*b*) to provide public markets, slaughter-houses and all such matters and things as may be necessary for the convenient use of such markets and slaughter-houses, and to regulate the same:

Provided always that the Corporation shall not open any such market or slaughter-house to the public until it has been appointed to be a public market or slaughter-house under the provisions of the Public Health Act, 1960, and shall close any such market or slaughter-house whenever it is ordered to be closed under the provisions of the aforesaid Act.

Act. No. 23 of 1960.

(2) It shall also be the duty of the Corporation to provide for the cleaning of all roads, streets, lanes, squares and public places and for the disposal of refuse:

Provided that these duties shall not be undertaken by the Corporation until such date as may be fixed by the President by notice in the *Gazette* after consultation with the Council.

Acts lawful for Council to perform.

41. It shall be lawful for the Corporation—

(*a*) to impose and take stallages, rents and tolls in respect of the use by any person of any market or slaughter-house belonging to or provided by the Corporation;

(*b*) to issue licences under Part X of this Act;

(*c*) to provide, establish, lay out, plant, improve, maintain and regulate parks, gardens and other places of resort or recreation in the City for the use of the public:

(*d*) to cause the names of all public roads, streets, lanes and squares to be affixed therein and to cause the houses in such public roads, streets, lanes and squares to be numbered;

(*e*) to plant and maintain trees along the sides of any public road, street, lane or square and to erect guards to protect such streets:

Provided that the streets, lanes or squares shall not be unduly obstructed thereby;

(*f*) to provide and maintain schools and educational facilities within the City subject to the provisions of the Education Act, 1964; Act No. 63 of 1964.

(*g*) to establish, maintain and carry on libraries and museums, grazing grounds, cattle corrals and car parks;

(*h*) to undertake, maintain and carry on public transport services within or without the City;

(*i*) with the consent of the President to engage in the purchase, distribution and sale of any commodity in the public interest;

(*j*) (1) subject to the consent of the President, and to the provisions of the Town and Country Planning Act, to— Cap. 81.

(i) lay out building plots upon or otherwise subdivide, any land the property of the Council for the purpose of housing schemes for inhabitants of the City or for the purpose of factory, industrial business or workshop sites;

(ii) to erect and maintain dwelling houses with their appurtenant outbuildings on plots or sub-divisions of land referred to in sub-paragraph (i);

(iii) to convert buildings into dwelling houses and to alter, enlarge, repair and improve the same; and

(2) subject to the provisions of section 45 to sell, let or otherwise dispose of any such plots or sub-divisions of land and the buildings, if any, thereon ;

(*k*) to provide for the relief of the poor;

(*l*) to maintain and operate a Fire Brigade;

(*m*) to provide and regulate the use of public cemeteries in the City and notwithstanding anything contained in the Public Health Act, 1960, to close any such public cemeteries in accordance with bye-laws made under this Act;

Act No. 23 of 1960.

(*n*) to repair and maintain second class roads within the City;

(*o*) to undertake with the approval of the President all other matters and services as the Council may consider necessary for or conducive to public safety, health or convenience.

Corporation to make bye-laws.

42. (1) The Corporation may from time to time make under the corporate seal such bye-laws as to them seem meet for the proper carrying out and enforcing of the provisions of this Act, including provision for the issue of licences and permits and the payment of fees therefor. Such bye-laws may impose a fine not exceeding twenty leones or in default of payment imprisonment not exceeding two months for the breach of any such bye-laws, and in the case of a continuing offence, a further penalty not exceeding two leones for each day after written notice of the offence has been served on the offender.

(2) With regard to such bye-laws the following provisions shall apply—

(*a*) the Corporation shall not make a bye-law until the expiration of thirty days after a notice of the Corporation's intention to make the same shall have been published in the *Gazette*; and

President's approval of bye-laws.

(*b*) a bye-law made by the Corporation shall not come into force unless and until it is approved by the President and subsequently published in the *Gazette*.

(3) Any offence against such a bye-law may be prosecuted summarily.

Powers of Police not to be affected.

43. Nothing in this Part contained shall operate to affect, alter, or derogate from, the ordinary or special statutory or other lawful powers and functions of the police, whether exercisable under the provisions of any Act to which the Corporation is authorised under section 38 to give effect, or otherwise.

PART IX—CORPORATE PROPERTY AND CONTRACTS

Property vested in Corporation.

44. The property mentioned in the Second Schedule hereto with the appurtenances thereto is hereby declared to be vested in the Corporation.

Corporation may acquire property.

45. The Corporation may acquire such movable and immovable property as may be necessary or expedient for carrying into effect the provisions of this or any other Act applicable to the City; but the Corporation shall not sell, mortgage, lease or otherwise alienate or dispose of any immovable property so acquired without the previous written consent of the President.

Compulsory acquisition of land.

46. When there is any hindrance to the acquisition by purchase of any land or building required for carrying into effect the provisions of this or any other Act applicable to the City, the President upon the application of the Corporation and after such enquiry as he may think proper may declare that the land or building is required for a public purpose; and he may direct that proceedings be taken under the provisions of the Public Lands Act, Cap. 116. for acquiring the same for the Government, and for determining the compensation to be paid to the parties interested. The President may then vest such land or building in the Council by means of a certificate under his hand and the Public Seal of Sierra Leone to the effect that the same has been made over to the Corporation. The compensation for such acquisition, if any, shall in the first instance be paid by the Government; but the Corporation shall refund to the Government any compensation so paid and all expenses incidental to such acquisition incurred by the Government.

Borrowing at interest.

47. (1) The Corporation may, with the previous written consent of the President, borrow at interest on the security of any corporate land or any funds of the Corporation or the City rate or of all or any such securities, such moneys as the Corporation may from time to time think necessary or expedient for carrying into effect the provisions of this or any other Act applicable to the City.

(2) The Corporation may invest funds of the Corporation in such stocks and in such other manner and to such extent as the President may from time to time approve.

Powers of President to impose conditions as to repayment of money borrowed.

48. (1) Where the President approves a mortgage or charge he may, as a condition of his approval, require that the money borrowed on the security of the mortgage or charge be repaid, with all interest thereon, in thirty years, or any less period, and either by instalments or by means of a sinking fund, or both.

(2) In that case the sums required for providing for the repayment of the principal and interest of the money borrowed shall be, by virtue of this Act, a charge on all or any of the following securities, namely, the land comprised in the mortgage (without prejudice to the security thereby created), or any such other corporate land or moneys or the City rate, or of any part thereof respectively, as the President may direct.

Provisions as to sinking fund.

49. Where money borrowed is directed to be repaid by means of a sinking fund, the Corporation shall, out of the rents and profits of the land on which, or out of the revenue of Corporation or the City rate on which the sums required for the sinking fund are charged under this Act, invest such sums at such times and

in such manner as the President may direct, and may from time to time, with the like direction, alter or change any such investment.

Provisions for replacing purchase or compensation money.

50. Where purchase money or compensation has been paid in respect of land or any interest therein purchased or taken from the Corporation, or in respect of permanent damage to land of the Corporation, and the President shall approve of the payment of the money or compensation to the Corporation, the President may, as a condition of his approval, require provision to be made for investing a sum equivalent to the amount of money so paid.

Investment of proceeds of sale or exchange.

51. Where the President approves of the sale or exchange of any corporate land, or of any interest therein, such approval may be subject to such conditions as he thinks fit in relation to the investment for the benefit of the Corporation of the money arising from the sale or exchange.

Corporation may enter into contracts.

52. The Corporation may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this or any other Act applicable to the City.

Provisions as to contracts by Corporation.

53. With respect to contracts made by the Corporation under this Act, the following provisions shall be observed namely—

(1) Every contract of whatever value made by the Corporation, shall be in writing and sealed with the corporate seal of the Corporation.

(2) Every such contract shall specify the work, materials, matters or things to be furnished, had or done, the price to be paid, and the time or times within which the contract is to be performed, and shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed.

(3) Before contracting of the execution of any works under the provisions of this Act, the Council shall obtain an estimate in writing of the probable expense of executing the work in a substantial manner.

(4) Before any contract of which the value or amount exceeds five hundred leones is entered into by the Corporation, public notice shall be given describing the nature and purpose thereof and inviting tenders for the execution of the works so described and the Corporation shall require and take sufficient security for the due performance of the contract.

Such public notice shall, where the contract exceeds two hundred leones in value or amount, specify a period of not less than two weeks during which tenders may be made.

Use of corporate seal.

54. The corporate seal shall not be used or affixed to any document except in pursuance of a resolution in that behalf passed at a duly constituted meeting of the Council and recorded in the minutes.

PART X—MUNICIPAL LICENCES

Certian trades etc. to require licences.

55. (1) It shall be unlawful for any person to exercise, carry on or practise in the City any of the trades, businesses or professions set forth in the first part of the Third Schedule without having first taken out a licence for that purpose.

Licences for vehicles.

(2) Every owner of any vehicle mentioned in the second part of the Third Schedule, who shall either reside in the City or therein exercise, carry on or practise any trade, business or profession or shall use any such vehicle in any public place in the City, shall take out a licence for such vehicle, and pay for such licence the fee set forth in the second part of the said Schedule:

Provided that it shall not be necessary for licences to be taken out for any vehicle belonging to the Government of Sierra Leone or to a foreign state for the use of a Consular establishment where the President certifies that reciprocal privileges are enjoyed by Sierra Leone Consular establishments in the territories of such foreign state.

Marking of vehicles.

(3) All vehicles mentioned in the second part of the Third Schedule, shall be numbered; excepting, subject to any bye-law, vehicles used primarily in the course of trade or husbandry. Such number shall be attached to, or marked on, a vehicle in such manner as to be readily visible.

Licences for entertainments.

(4) It shall be unlawful for any person to do in the City any of the acts or things mentioned in the third part of the Third Schedule without having first taken out a licence for that purpose and paid for such licence the fees set forth in the third part of the Third Schedule.

Licences subject to bye-laws and conditions.

(5) Every licence taken out under this section shall be subject to the conditions and restrictions which are authorised by any such bye-laws and are specified on the licence. Any person failing to comply with any condition or restriction so imposed or specified shall be guilty of an offence against this Act.

Power to impound bicycles, etc.

56. (1) It shall be lawful for any authorised Licence Inspector to inspect any vehicle mentioned in the second part of the Third Schedule, found or being used in any street within the City and to take possession of and impound any such vehicle which appears to him not to be validly licensed under subsection (2) of section 55.

(2) Such authorised Licence Inspector may use such force as is reasonably necessary to dispossess any person who refuses to comply with a direction to submit to inspection or to surrender any such vehicle and any person who refuses to comply with any such direction shall be guilty of an offence against this section and shall be liable on summary conviction to a fine not exceeding fifty leones:

Provided that any person so directed to submit a vehicle to inspection or to surrender the same need not comply with the direction until the authorised Licensed Inspector has produced his official identity card or other adequate evidence of his authority.

(3) Every vehicle so impounded shall be kept in a place to be appointed by the Council.

(4) Where any vehicle so impounded has been so kept by the Council for a period of three months and the owner has not claimed it and paid the licence fee due, the Council may cause the vehicle to be sold and the proceeds of such a sale shall be paid to the City Treasurer and may be expended or otherwise disposed of in the same manner as the City Rate and the title of the previous owner of any vehicle so sold shall be extinguished by the sale.

(5) For the purposes of this section the expression "authorised Licence Inspector" means any person so authorised by the Council for the purposes of this section who has been provided with an identity card.

(6) Any person who falsely represents himself as an authorised Licence Inspector shall be guilty of an offence against this section and shall be liable on summary conviction to a fine not exceeding fifty leones or to imprisonment for a period not exceeding six months.

Licences obtainable from Treasurer.

57. (1) Such licences may be obtained on application to the Treasurer at the Municipal offices, and he is hereby authorised and empowered to grant the same upon payment of the fee mentioned in this Part and in the Third Schedule.

Duration of Licences.

(2) Licence granted under this Part shall be yearly, half-yearly, and quarterly, and every such licence shall bear the date of, and commence on, the day of its being granted, and shall expire in the case of—

(*a*) a yearly licence, on the thirty-first of December in each year;

(*b*) a half-yearly licence, on the thirtieth of June or the thirty-first of December in every year;

(*c*) a quarterly licence, on the thirty-first of March, thirtieth of June, thirtieth of September or thirty-first of December in each year:

Provided that a licence for a bicycle or tricycle shall be a yearly licence.

Hawkers and pedlars.

(3) Every hawker or pedlar of manufactured goods shall, in addition to his licence, be supplied with a parchment which shall bear the name of the licensee, the number of his licence and the dates of issue and expiration of the same, and he shall be required to carry about such parchment with him and to produce the same when demanded by an Inspector of Licences or any member of the Police Force; and if he shall fail to produce such parchment the wares of such licensee shall be detained until he shall either give his full name and address or produce his licence or parchment. Any person giving a false name or address shall, in addition to any penalty which he may incur under this Part, be liable on summary conviction to a fine not exceeding two leones; and it shall be lawful for the Council to cause any wares so detained to be sold unless they

are claimed and taken away by the owner thereof within seven days after such detention; and all expenses of the Council, for or incidental to, the detention or selling of any such wares shall be repaid to it by the owner and be recoverable as damages or be deducted from the proceeds of the sale of any such wares.

Application of licence fees.

58. The fees paid for such licences shall be received and held for the use of the Corporation.

Penalties

59. (1) Any person exercising, carrying on, or practising any trade, business or profession mentioned in the first part of the Third Schedule, or being the owner or person making use in any public place in the City of any vehicle mentioned in the second part of the said Schedule or doing any of the acts or things mentioned in the third part of the said Schedule, who shall upon demand being made by any member of the Police Force or any Inspector of Licences of the Council, refuse or fail without reasonable cause to produce and show his licence for exercising, carrying on or practising any such trade, business or profession, or for such vehicle, or for doing any such acts or things, shall be liable on summary conviction to a fine not exceeding ten leones.

(2) Every person committing any breach of the provisions contained in this Part shall for every such offence be liable, on summary conviction thereof, to a fine not exceeding one hundred leones, and in default of payment to imprisonment for any period not exceeding six months.

(3) Any person who shall let out, hire or lend his licence, or who not having taken out a licence under this Part shall produce, exhibit or use any paper with intent to cause it to be believed that he had duly taken out a licence as aforesaid, shall for every such offence be liable on summary conviction thereof to a fine not exceeding forty leones, and in default of payment to imprisonment for any period not exceeding three months:

Provided that it shall be lawful for the Council to grant to any person such number of pedlars' licences and parchments as it may think fit, and such person may, while such licences are in force, transfer the same from and to any other person in his employ.

(4) Any person to whom such licence is transferred shall be deemed to be a licencee during such time as he holds such licence, and shall be subject to all the provisions of subsection (3) of section 57.

PART XI—REVENUE OF THE CORPORATION

Revenue of Council.

60. The revenue of the Corporation shall be paid to the Treasurer and shall consist of the following moneys—

(1) all fees received for the inspection, and all moneys received for the sale, of any lists, books, accounts or documents in the custody of the Town Clerk;

(2) all fees for licences issued in the City under Part X of this Act;

(3) all fines, penalties, costs and amounts recovered in respect of any prosecution or action under this Act or under any of the bye-laws thereunder, unless by law directed to be otherwise disposed of;

(4) the rents and profits of all corporate lands, and the interest, dividends and annual proceeds of all money dues, chattels and valuable securities belonging to the Corporation or to any member or officer thereof in his corporate capacity;

(5) all rates, if any, levied under the provisions of this Act;

(6) all amounts paid to the Corporation by the Government whether as a grant-in-aid or endowment or otherwise;

(7) any rents, forfeitures, receipts or proceeds lawfully derived by the Corporation from any other source whatever not in this section specifically mentioned.

Application of revenue.

61. The revenue of the Corporation shall be paid into a fund known as the City Fund and shall be applicable to and charged with the following payments—

(1) the remuneration of officers and employees of the Corporation and the expenses incurred in respect of procuring, furnishing, equipping and maintaining of suitable offices for officers of the Corporation;

(2) (*a*) the amounts from time to time due to be paid to the Superannuation Fund in terms of the provisions of the Freetown Municipality Officers' Superannuation Act;

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(*b*) the gratuities which have been awarded under the provisions of the Freetown Municipality Officers' Superannuation Act;

(3) expenses incurred in providing such entertainment as the Council may consider incumbent on the Corporation;

(4) contributions by way of endowment or otherwise to charitable or philanthropic institutions which are established in the City and provide for the welfare of the people thereof;

(5) expenses incurred in connection with the travelling of any Alderman or Councillor when acting as representative of the Council;

(6) all expenses properly incurred by the Corporation in carrying this Act into effect;

(7) all other payments legally due and owing by the Corporation.

62. The President may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government of Sierra Leone to any office under the Corporation: Appointment of Government Officer to an office under the Corporation.

Provided that, as respects pension and other rights as an officer of the Government, such officer shall be deemed to be in the service of the Government whilst so employed:

Provided further that, whenever any pension, gratuity, or retiring allowance, is granted to any such officer, the Corporation shall, if so required, pay to the Government an annual or lump sum, as the case may be, which shall bear the same proportion to such pension, gratuity, or retiring allowance, as the period during which such officer has been in the employment of the Corporation bears to his total pensionable service under the Government.

63. No payment shall be made out of funds of the Corporation except under the authority of the Council, and every payment exceeding twenty leones shall be made by cheque signed by the Treasurer and countersigned by the Town Clerk. Order for payment of money.

64. All moneys belonging to the Corporation shall be paid into such Bank as the Council may from time to time appoint, and no money shall be withdrawn from such Bank except by cheque signed by the Treasurer and countersigned by the Town Clerk. Moneys to be paid into a Bank.

65. (1) It shall be lawful for the President from time to time on the application of the Council, supported by a majority of not less than twelve of its members of whom the Mayor shall be one, to make an order authorising all arrears of rates and other moneys due to the City Fund under and by virtue of this Act, or any part of such arrears, to be written off as irrecoverable debts in regard to which no further proceedings need be taken. President empowered to authorise the writing off of irrecoverable arrears of revenue.

(2) The President may make an order in respect of the whole or any part of the arrears specified in the application of the Council.

(3) This section shall apply to all arrears of rates and other moneys due to the City Fund under and by virtue of the Freetown Municipality Act, Chapter 65 of the Laws of Sierra Leone, in the same manner and to the same extent as it applied to the arrears mentioned in subsection (1).

PART XII—THE CITY RATE

66. (1) The rate provided for in the Estimates shall be a rate or rates at a uniform amount per leone on the assessed annual value of assessed premises and may be— The City rate.

(*a*) a single rate in respect of all assessed premises; or

(*b*) different rates in respect of assessed premises which are of different classes or are situated in different localities in the City.

Payment of City rate.

(2) The rate or rates provided for in the approved estimates (to be called the City Rate) shall be imposed and levied by the Corporation and shall be payable to the Treasurer on or before the 31st day of August following the date on which the estimates providing for the rate are approved, or such later date as the Council may by notice declare.

Notice of intention to impose and imposition of City rate.

67. The Council shall give at least one week's public notice of its intention to insert provision for a City rate in the Estimates, and shall within fourteen days after the insertion in such Estimates of a City rate give further public notice thereof:

Provided that in the proceedings to levy or recover any rate, it shall not be necessary to prove that any such notice was given, and failure to give any such notice shall not affect the right to levy or recover any rate.

Rate Book.

68. The Town Clerk shall keep a Rate Book in the Form prescribed in the Fourth Schedule hereto. Such Rate Book shall be kept at the office of the Town Clerk and shall be open to public inspection.

City rate to be a charge on premises.

69. The amount of the City rate due in respect of any premises together with poundage and levy expenses (if any), shall until paid be a charge on such premises, and such charge shall have priority over all other claims against premises except claims of the State.

Levy on owner's goods on non-payment. of City rate.

70. If any owner liable to the City rate under this Act, or his agent appointed under the provisions of section 76 shall refuse or neglect to pay the same at the time and in the manner hereinbefore appointed for the payment thereof, the Town Clerk is hereby empowered to issue a warrant under his hand and the seal of the Corporation directed to the City Bailiff requiring and commanding him to levy the rate on the goods and chattels of such defaulting owner, and the City Bailiff to whom such warrant shall be directed is hereby empowered and required to execute the said warrant and to make a return thereto within thirty days after the date thereof.

Poundage.

71. (1) The City Bailiff shall be entitled to a poundage of ten cents for every leone or any part thereof levied by virtue of any warrant directed to him by the Town Clerk and the same is hereby made chargeable upon the personal and real estate so levied upon. All such poundage fees shall be paid to the Treasurer and form part of the City rate.

(2) All goods and chattels, which shall be levied upon by the City Bailiff as aforesaid by virtue of any warrant from the Town Clerk, shall be sold by him by public auction to the highest bidder within ten days after the time of levying the same, and the City Bailiff shall cause such intended sale to be advertised at least five days before the sale, and the sum or sums of money arising from such sale the City Bailiff shall apply to the payment of the rate and poundage imposed by this Act, and all charges attending such levy and sale, and shall return the surplus (if any) to the person or persons entitled thereto.