

CONSTITUTIONAL INSTRUMENT

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CONSTITUTIONAL INSTRUMENT No. 1 OF 2007

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THE CONSTITUTION OF SIERRA LEONE

(Act No. 6 of 1991)

THE HIGH COURT (DIVISIONS) ORDER, 2007.

Short title.

In exercise of the powers conferred on him by subsection (3) of section 131 of the Constitution of Sierra Leone, 1991, the Chief Justice hereby makes this Order.

1. The High Court shall have the following divisions:—

Creation of divisions of High Court.

- (a) Commercial and Admiralty Division;
- (b) Family and Probate Division;
- (c) Land and Property Division;
- (d) General Civil Division; and
- (e) Criminal Division.

2. A division shall hear and determine the matters set out in the Schedule in relation to it.

Matters to be adjudicated on by a division.

Assignment
of Judges.

3. (1) The Chief Justice shall assign to each division such Judge of the Superior Court of Judicature as he may determine and shall publish such assignment as a Government Notice.

SCHEDULE

The Commercial and Admiralty Division

This division shall hear and determine any case arising out of trade and commerce in general including any case relating to-

- (i) a business document;
- (ii) the export or import of goods;
- (iii) the formation and governance of a corporation, business or other forms of commercial organizations;
- (iv) winding up of companies and business or commercial organizations;
- (v) the dissolution of partnerships or taking of partnership accounts;
- (vi) corporate and mercantile matters including agencies, joint ventures, mergers, restructuring or payment of commercial debts;
- (vii) unfair competitions;
- (viii) mortgages and debentures;
- (ix) bankruptcy and insolvency;

- (xxv) all other claims of a commercial and admiralty nature.

Family and Probate Division

This division shall hear and determine all family and probate matters including—

- (i) ancillary issues pursuant to divorce such as
 - (a) custody of minor children;
 - (b) child support;
 - (c) division of property;
 - (d) maintenance, alimony and other spousal support;
- (ii) adoption, guardianship, wardship and placement of children and all cases relating to children's welfare and interest;
- (iii) paternity issues;
- (iv) domestic violence;
- (v) medical and welfare cases;
- (vi) declaratory proceedings concerning incapacitated adults;
- (vii) HIV testing and related issues especially for children;
- (viii) all contentious probate business including grant or revocation of probate or letters of administration;
- (ix) the administration of estates of deceased persons;

- (x) succession and other inheritance issues;
- (xi) wills and interpretation of wills;
- (xii) contesting of wills and other testamentary dispositions;
- (xiii) validity and determination of any question of construction arising under a will, trusts or other testamentary instruments and declarations of the rights of the person interested therein;
- (xiv) contesting of distribution of deceased's estates generally and all other probate, family and related issues.

Land and Property Division

This division shall hear and determine all real estate and property matters including-

- (i) sale, exchange or partition of land or the raising of charges on land;
- (ii) validity of voluntary and other conveyances, statutory declarations and other instrument purporting to transfer, transmit or establish title to land;
- (iii) rectification, setting aside or cancellation of deeds or other instruments relating to land;
- (iv) leaseholds including commercial and industrial leases;
- (v) disputes relating to title to land and other rights and interests in land;
- (vi) trespass, nuisances and other torts affecting rights or interests in land;
- (vii) recovery of land from squatters and other persons in adverse or other unlawful possession;

- (viii) land title registration;
- (ix) land utilization, surveying, planning and zoning;
- (x) compulsory acquisition of land by the State;
- (xi) all landlord and tenant matters;
- (xii) all other matters relating to land and property.

The General Civil Division

This division shall hear and determine all civil matters in respect of which the High Court has original or appellate jurisdiction and not specifically assigned to any other division of the High Court.

The Criminal Division

This division shall hear all criminal matters in respect of which the High Court has original or appellate jurisdiction.

MADE this *6th* day of *December*, 2006.

HON. JUSTICE ADE RENNER-THOMAS,
Chief Justice.