

In Her Majesty's name I assent to this Act this *25th day of August, 1961.*

S. A. BENKA-COKER,
Acting Governor-General.



No. 37



1961

Sierra Leone

An Act to amend the Crown Lands Ordinance, 1960

No. 19
of 1960.

(*31st August, 1961*) Date of commencement.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Crown Lands (Amendment) Act, 1961. Short title.

Repeal of sec. 3 of Ord. No. 19 of 1960. **2.** Section 3 of the Crown Lands Ordinance, 1960 (herein-after referred to as the principal Ordinance) is hereby repealed.

Amendment of section 4 of Ord. No. 19 of 1960. **3.** Section 4 of the principal Ordinance is hereby repealed and replaced by the following new section—

“Grants to be made by Minister. **4.** The Minister may make grants of Crown Lands in such manner and subject to such conditions as may be required and as he may deem proper”.

Amendment of sec. 5 of Ord. No. 19 of 1960. **4.** Section 5 of the principal Ordinance is hereby amended by the insertion therein immediately after the words “by the Minister” of the words “or a public officer authorised by him in that behalf”.

Repeal of secs. 9, 17 & 19 of Ord. No. 19 of 1960. **5.** Sections 9, 17 and 19 of the principal Ordinance are hereby repealed.

Passed in the House of Representatives this *27th day of July*, 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.

Assented to in Her Majesty’s name this *5th day of June, 1963.*

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



No. 18

1963

Sierra Leone

An Act to Amend the Crown Lands Act

No. 19
of 1960.

(*6th June, 1963*) Date of commencement.

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. This Act may be cited as the Crown Lands (Amendment) Act, 1963, and shall apply to all Crown grants made on or after the first day of January, 1961. Short title and application.

Repeal of sections 12, 13, 20, 28 of Act No. 19 of 1960.

2. Sections 12, 13, 20, and 28 of the Crown Lands Act, 1960, are hereby repealed.

Passed in the House of Representatives this *21st day of March*, in the year of our Lord one thousand nine hundred and sixty-three.

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.SLD/15/60

CHAPTER 116

PUBLIC LANDS

An Ordinance to repeal The Public Lands Ordinance, 1896, and to make other provision in lieu thereof.
(12th April, 1808)

6 of 1898
12 of 1924
44 of 1924
12 of 1928
24 of 1932
26 of 1945
10 of 1946
P.N. 148
of 1959

1. This Ordinance may be cited, for all purposes, as the Public Lands Ordinance.
2. In this Ordinance, unless the context otherwise requires —

“Public work “means any work not coming within the provisions of the Railway Ordinance executed, maintained or repaired, and any measure or undertaking prosecuted, whether wholly or partly, at the public expense;
“Land “includes all land, whether covered with water or otherwise, together with all buildings and erections, if any, thereon, and, where such meaning may be inferred, any right to the same;
“Minister “means the Member of Executive Council charged for the time being with responsibility for the subject of lands;
“Chief Justice “includes any Judge of the Supreme Court of Sierra Leone in its civil jurisdiction.

Cap. 134.
P.N 148 of 1959.

Short Title.
Interpretation.

PART I—ACQUISITION OF LANDS FOR THE SERVICE OF THE COLONY

Power to enter to survey.

3. (1) Whenever the Governor in Council resolves that any land is required for any public work, the Governor may from time to time, by writing under his hand, authorise any person, together with his agents servants or workmen, to enter as often as may be necessary upon such land, and there to survey and take levels, to make borings or trial pits and to do such other acts as may be necessary with a view to the taking or appropriating of any such land.

(2) The report of any such person, together with a plan of such land, shall be laid before the Governor and House of Representatives.

Warrant for acquisition of land.

4. Whenever the Governor, with the advice and consent of the House of Representatives, shall by resolution declare that any land shall be acquired for any Public work, it shall be lawful for the Governor, by warrant under his hand and the public seal of the Colony, to direct that such lands shall be acquired for the service of the Colony.

Every such warrant may be in the Form A in the schedule hereto, and shall be published in the *Gazette*.

Service of notice on owners.

5. Whenever, by any such warrant, as in the last section mentioned, it is directed that any land shall be acquired for the service of the Colony, the Director of Surveys and Lands shall cause to be served personally on the person or persons entitled to sell or interested in any lands specified in such warrant, or if he or they cannot be found, shall cause to be left at his or their last usual place or places of abode or business with some inmate thereof, to be given to such person or persons, and in case no such person can be ascertained or found, shall cause to be left with the occupier of such lands, or if there be no such occupier, shall cause to be affixed on some conspicuous part of such lands, within eight days from the date of such warrant, a notice in the Form B in the schedule hereto, or as near thereto as possible.

6. After the lapse of twenty-one days from the publication of any such warrant in the *Gazette* it shall be lawful for the Director of Surveys and Lands, with all necessary Workmen and other servants, to enter upon such land, and also to set out, appropriate and take so much of such land as is specified in the said warrant. Power to enter and take land.

7. When the Director of Surveys and Lands shall set out, appropriate and take the land specified in any such warrant, he shall cause such land to be marked out, and a notice to be posted in some conspicuous part of such land, and such notice shall be in these words, viz.:—“Taken for the service of the Colony,” and shall be signed by the Director of Surveys and Lands. All such land, when so set out, appropriated or taken, shall be vested in Her Majesty the Queen, free from all other estates and all liens, rights, charges and encumbrances whatsoever. Land to be marked out.

8. Within eight days after any such appropriation, the Director of Surveys and Lands shall cause a plan of the land so set out, appropriated and taken as aforesaid, together with a certificate, under his hand, to the effect that the same has been taken and appropriated for the service of the Colony, to be registered in the Office of the Registrar General. Plan and certificate to be registered.

9. When any land has been taken and appropriated for the service of the of the Colony, whether under the provisions of this or any other Ordinance, the registration of a plan of such Land, together with the certificate in the Office of the Registrar General, as in the last section mentioned, shall conclusive evidence that such land has been set out, appropriated and taken for the service of the Colony under the Provisions of this Ordinance. Registration to be conclusive.

Land
injuriously
affected.

10. If any land be so cut through and divided by the taking and appropriation of part of such land for any public works as to leave a portion thereof practically useless to the owner for the purpose for which he had been accustomed to use the land, it shall be lawful for the owner of such land, by notice in writing to be served on the Director of Surveys and Lands, at any time, before an agreement is come to, for the purchase of the land taken as aforesaid, or before the assessment of the price to be paid for such land under the provisions of this Ordinance, to require the Governor, on behalf of her Majesty the Queen, to purchase not only the land actually taken as aforesaid, but also the land rendered useless as aforesaid by reason of the severance aforesaid, and thereupon it shall be lawful for the Governor to purchase the land rendered useless as aforesaid, or, if he refuse to do so, it shall be lawful for the Chief Justice, if he shall find as a fact that any portion of the said land has been, by the severance, rendered useless as aforesaid, to adjudge that the Governor shall purchase the same and determine the price to be paid for the same in the same way as if such land was actually taken for any public work.

Resale of
land.

11. It shall be lawful for the Minister to resell any land purchased under the provisions of the last preceding section, and any moneys arising from any such sale shall be carried to, and form part of, the general revenue of the Colony.

Part of house
etc., not to be
taken.

12. Nothing in this Ordinance shall be deemed to authorize the Director of Surveys and Lands to take a part only of any house, building or manufactory, but where a part of land on which any house, building or manufactory stands is required for any public work it shall be lawful for the owner of such house, building or manufactory to require the Director of Surveys and Lands to take the whole house, building or manufactory:

Provided that it shall be lawful for the Minister to resell any portion of any such house, building or manufactory that may not be required for any such public work, and any moneys arising from any such sale shall be carried to, and form part of, the general revenue of the Colony.

13. Whenever any land which has been acquired under the provisions of this Ordinance for a public work is not required for the purposes thereof, or the said public work has been abandoned, it shall be lawful for the Minister to sell, exchange, lease or in any other manner dispose of such land, and any moneys arising from the said sale, exchange, lease or other disposal thereof shall be carried to, and form part of, the general revenue.

Power of
Minister to
sell, lease,
etc., land
when public
work
abandoned, or
land is
superfluous to
requirements

14. If in any case in which, according to the provisions of this Ordinance, the Director of Surveys and Lands is authorized to enter upon and take any land, and the owner or occupier of any such land, or any other person, refuse to give up possession thereof, or hinder the Director of Surveys and Lands, his workmen or servants from entering upon or taking possession of the same, it shall be lawful for the Governor to issue his warrant in the Form C in the schedule hereto, or as near thereto as possible, directed to the Sheriff, ordering him to deliver possession of the same to the Director of Surveys and Lands, and upon receipt of such warrant the Sheriff shall deliver possession of any such land accordingly; and the costs accruing by reason of the execution of such warrant, to be taxed by the Master of the Supreme Court, subject to review by the Chief Justice, shall be paid by the person refusing to give possession or hindering the Director of Surveys and lands, his workmen or servants as aforesaid, and the amount of such costs shall be deducted and retained by the Governor from the compensation, if any, then payable by him to such person, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to the Magistrate for that purpose, he shall issue his warrant accordingly.

Cases in
which the
owner, etc.,
refuses to give
up possession,
etc.

PART II—COMPENSATION

Compensation
to be allowed.

15. The owners and occupiers of, and all other persons interested in, any land which may be appropriated, and taken or entered upon as aforesaid, shall be entitled to and shall receive, compensation for the value of the land so taken and appropriated, and for all damages sustained by such owners, occupiers and other persons, by reason of the exercise, as regards such Land, of the powers granted by this Ordinance, the amount of such compensation to be ascertained and determined as here-in after provided.

Agreed
compensation.

16. It shall be lawful for the Governor, for and on behalf of Her Majesty, to contract and agree with the owner or occupier or any other person interested in any land which may be appropriated and taken for the service of the Colony, or be affected by the exercise of the powers as regards such land Granted by this Ordinance, for the compensation to be allowed, either in respect of the actual value of the land, or in respect of damages incurred by reason of the exercise of any of the said powers, and any sum or sums so agreed on as last aforesaid, or which shall be awarded under the provisions of this Ordinance, shall be paid by the Accountant General

Cases of
disputed
compensation,
etc.

17. In all cases in which any land has been appropriated, taken or entered upon under the provisions of this Ordinance, or has been injuriously affected by the exercise of any of the powers granted by this Ordinance, if within twenty-one days after the publication of the warrant in the Gazette that such land shall be acquired for the service of the Colony as hereinbefore provided, no claim shall have been lodged with the Director of Surveys and Lands in respect of such lands, or if the person who may have lodged any claim and the Governor shall not have agreed as to the amount of compensation to be paid for the interest of any such person, or if any such person shall not have given satisfactory evidence of his alleged interest, or if separate and conflicting claims are made in respect of the same land, the amount of compensation due, if any, and every such disputed interest or title shall be settled in accordance with the following provisions—

(a) Application may be made by motion *ex parte*—

(1) By or on behalf of the Attorney General, or

(2) In the event of the Attorney General making no such application within eight days after the registration of the Plan of any land, and of the certificate of the Director of Surveys and lands that such land has been set out, appropriated and taken for the service of the Colony in the Office of the Registrar General, either by, or on behalf of, the Attorney General, or of any person or persons claiming to be the owner, occupier, or to be otherwise interested in any such land, to the Chief Justice, who shall have jurisdiction to hear and determine in all such cases as aforesaid.

(b) The Attorney General, or other person or persons applying to the Court as last aforesaid, shall cause the records in the Registrar General's Office to be searched in order to ascertain whether or not there are or are not any mortgages or other charges affecting any of such land, or any part thereof, and in the event of there being any mortgage or other charge, affecting any such land or any part thereof, shall produce at the hearing of any such application a report of all such mortgages or charges, the nature, the persons interested thereunder or affected thereby, and the Court shall thereupon direct that the value of the land so appropriated be ascertained, that the amount of compensation which ought to be paid to the several persons interested therein be determined, what notices shall be given or served to enable all persons interested to protect their rights, and the manner in which such notices shall be given or served, and shall further appoint the

time and the place at which he will sit to hear and determine the matter, and the Master of the Court shall cause public notice of the time and place so appointed to be published in the *Gazette*.

- (c) The Court shall, after hearing evidence in that behalf, assess the amount of compensation to be paid by the Government to the owner of the land the subject of the application, and to all persons having any just right, title or interest in respect of the said land or any portion thereof, and whenever it shall appear that any such land is owned, either wholly or in part by, or that the occupier or any person injuriously affected as aforesaid is an infant, lunatic, or a person who is absent from the Colony, it shall be lawful for the Court to appoint a guardian or curator to protect the interest of any such infant, lunatic, or absentee, and every such guardian or curator shall be subject to the control and direction of the Court.

- (d) On the day appointed for the hearing-

(1) The Attorney General, or any person on his behalf, and every person interested in the land the subject matter of the said application, may appear before the Court and may tender such evidence as may be relevant in support of their alleged rights and the value thereof, and may cross-examine any witness produced in any adverse interest, and may produce any adverse testimony;

(2) The Attorney general, or any person on his behalf, or any person interested as aforesaid, may summon any witness who may be required.

- (e) When the owner, or any person claiming to be the owner, of such land, or to possess or represent the possessor of any interest therein, shall not appear at the time appointed for the hearing, a decision may be given ex parte upon hearing the evidence adduced by the Attorney General, or any person on his behalf, and such decision shall be as effectual as if given after hearing and in the presence of all parties.
- (f) The written report of the Director of Surveys and Lands, or any surveyor or engineer nominated by him, as to the value of such land, shall be evidence thereof, but shall not exclude any other evidence of such value. Such report may be proved by a copy thereof under the hand of the Director of Surveys and Lands, or of any such surveyor or engineer as last aforesaid, as the case may be, but any of them may be called to give evidence by any party having interest. Proof of the signature of such copy shall not be required, unless the Court sees reason to doubt the genuineness thereof.
- (g) Compensation shall not be awarded to any party in respect of unoccupied land. Any land shall be deemed to be unoccupied where it is proved that beneficial use thereof for cultivation or inhabitation, or for collecting or storing water, or for any industrial purposes, has not been made for twelve years next prior the date of which such land has been set out, appropriated and taken for the service of the Colony under the provisions of this Ordinance.

Matters to be considered in determining compensation 10 of 1946.

18. (1) In determining the amount of compensation to be awarded for land acquired under this Ordinance, the Court shall take into consideration the following matters and no others, namely—

- (a) the market value at the date of the publication of the warrant under section 4 of this Ordinance;
- (b) any increase in the value of other land of the person interested likely to accrue from the use to which the land acquired will be put;
- (c) the damage, if any, sustained by the person interested at the time of the taking possession of land by reason of severing such land from his other land;
- (d) the damage, if any, sustained by the person interested at the time of the taking and appropriation of the land by reason of the acquisition injuriously affecting his other property whether movable or immovable in any other manner or his actual earnings;
- (e) if, in consequence of the acquisition, he is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change;
- (f) the damage, if any, sustained by persons interested by reason of the imposition of any easement or exercise of any other rights of user on the basis of amount by which the value of the land shall have been diminished thereby; and

- (g) where land is, and but for the compulsory acquisition would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if the Court is satisfied that reinstatement in some other place is *bona fide* intended, be assessed on the basis of the reasonable cost of equivalent reinstatement.

(2) For the purpose of paragraph (a) of sub-section (1) of this section—

- (a) if the market value has been increased by means of any improvement made by the owner or his predecessor in interest within two years before the publication of the warrant under section 4, such increase shall be disregarded if the improvement was made in contemplation of proceedings for the acquisition of the land being taken under this Ordinance;
- (b) when the value of the land is increased by reason of the use thereof or any premises thereon in a manner which could be restrained by any Court or is country to land or is detrimental to the health of the inmates of the premises or to the public health the amount of the increase shall not be taken into account;
- (c) the effect of any expressed or implied condition of title restricting the use to which the land may be put shall be taken into account.

Matters to be neglected in determining compensation.

19. In determining the amount of compensation to be awarded for land acquired under this Ordinance the Court shall not take into consideration.

- (a) the degree of urgency which has led to the acquisition;
- (b) any disinclination of the person interested to part with the land acquired;
- (c) any damage sustained by the person interested which, if caused by a private person, would not be a good cause of action;
- (d) any damage which is likely to be caused to the land or buildings acquired after the date of the publication of the warrant under section 4 by or in consequence of the use to which it will be put;
- (e) any increase to the value of the land or building acquired likely to accrue from the use to which it will be put when acquired;
- (f) any outlay on additions or improvements to the land acquired, which was made after the date of the publication of the warrant under section 4, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair;
- (g) any increase to the value of the land by reason of any work done thereon by or at the expense of the Governor in Council prior to the acquisition;

- (h) The special suitability or adaptability of the land for any purpose if that purpose is a purpose to which it could be applied only in pursuance of statutory powers, or for which there is no market apart from the special needs of a particular purchaser or the requirements of the Governor in Council.

20. (1) Any final judgment of the Court respecting compensation or in the case of disputed interest or title shall be subject to the like appeal to which other final judgments of any Court are subject, including appeal to the West African Court of Appeal and to Her Majesty's Privy Council where such appeal is allowed by law.

(2) The party who may desire to appeal against such judgment shall proceed according to any Rules of Court or Order in Council for the time being regulating appeals, and if an appeal is not perfected within the period prescribed, the judgment of the Court or Court of Appeal, as the case may be, shall be final.

(3) The decision of any Court having competent jurisdiction, whether original or appellate, where appeal has been taken in manner above mentioned, respecting compensation, or on any question of disputed interest or title, shall be final and conclusive in regard to all persons upon whom notices have been served or who have appeared and claimed or on whose behalf any person having authority to that effect has claimed any lands or any interest therein:

Provided that persons upon whom notices have not been served, and who have not appeared or claimed or on whose behalf no claim has been made, may do so at any time within one year after the date of the final decision.

Payment
after one
year.

To be
complete
discharge.

Proviso.

(4) In all cases where any compensation has been awarded, except where a valid written title to the land shall be delivered, payment thereof shall be postponed until the period of one year shall have elapsed from the date of the judgment, or judgment on appeal, whereupon it may be paid over to the person who shall then appear by the judgment of the Court to have the best right thereto, and such payment shall, as concerns the Colonial Government, operate as a complete discharge and acquaintance of such compensation and of all claims in respect of such lands or any interest therein:

Provided that such payment shall not hinder any subsequent proceedings at the instance of any persons having or alleging better right thereof as against the person to whom such payment may have been made.

SCHEDULE

Proviso.

FORM A

WARRANT THAT LAND SHALL BE ACQUIRED FOR THE SERVICE OF THE COLONY

Sierra Leone
(L.S.)

By His Excellency,

.....
Governor

Whereas on theday of.....19....., the Governor, with the advice and consent of the House of Representatives, by Resolution, declared that the land hereinafter described, that is to say [*insert description of land*], should be acquired for a Public Work:

Now, therefore, I do hereby, under the provisions of the Public Lands Ordinance, by this my warrant under my hand and the Public Seal of the Colony, direct that the said land be acquired for the service of the Colony.

Dated this.....day of.....19.....

FORM B

Sec. 5

NOTICE

Notice is hereby given that the following land [*described land, denoting the boundaries by physical marks wherever practicable*] is to be acquired for the service of the Colony.

Any person claiming to be possessed of, or to have any right, title or interest in, the said land, or to be injuriously affected by any such acquisition, is required, on or before the day of (*twenty-one days after the date of publication of warrant in the Gazette*), to forward to the Director of Surveys and Lands a statement of his right or interest, and the evidence thereof, and of any claim made by him in respect of the value of such land or of his interest therein.

The Governor is willing to treat for the purchase of the said land, but if no such statement is lodged with the Director of Surveys and Lands before the date hereby prescribed, the land is label to be dealt with as unoccupied land.

Dated theday of19.....

.....
Director of Surveys and Lands

FORM C

Sec. 14

WARRANT TO THE SHERIFF

To the Sheriff of the Colony of Sierra Leone:

Whereas by a warrant dated the day of.....19....., under the hand of the Governor and the Public Seal of the Colony, it was directed that the following land [*describe land*] should be acquired for the service of the Colony:

And whereas twenty- one days have elapsed since the publication of the said warrant in the *Gazette*.

These are therefore to command you to put the Director of Surveys and Lands, or any person authorized by him in that behalf, in possession of the said land and premises.

Dated theday of19.....

S.L. — Vol.III—2*

CHAPTER 117

UNOCCUPIED LANDS

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Claim by Crown to unoccupied land.
4. What is unoccupied land.
5. Time for claimants to send in their claims.
6. Persons wrongfully claiming land.
7. Principles of decisions.
8. Undisputed claims.
9. Crown reservation.
10. When land to be deemed Crown land.
11. Power to make rules.

CHAPTER 117

UNOCCUPIED LANDS

An Ordinance for more readily ascertaining the Ownership of Unoccupied Lands. 12 of 1911
12 of 1928.

[22ND APRIL, 1911]

1. This Ordinance may be cited as the Unoccupied Lands (Ascertainment of Title) Ordinance. Short title.

2. The expression “certified copy” means a copy of a register certified in accordance with the law relating to the registration of instruments affecting land. Interpretation.

Claim by Crown to unoccupied land.

3. Whenever the Director of Surveys and Lands shall be of opinion that any land is unoccupied land, it shall be lawful for him to cause such land to be marked out and a notice to be posted in some conspicuous part of such land, and such notice shall be in these words, viz.: "Claimed as Crown Land" and shall be signed by the Director of Surveys and Lands, and dated.

What is unoccupied land.

4. For the purposes of this Ordinance, all land shall be deemed to be unoccupied land where it is not proved, by the person claiming the same, that beneficial use thereof for cultivation or inhabitation, or for collecting or storing water, or for any industrial purposes, has been made for twelve years next prior to the commencement of this Ordinance:

Exceptions.

Provided that the following lands shall not be deemed to be unoccupied land, namely—

(1) Where the person claiming the same is able to produce the instrument or instruments, by virtue of which he is in possession thereof, or the register thereof, or a certified copy showing a title to such lands extending over a period of not less than twelve years prior to the commencement of this Ordinance:

(2) Where the land forms part of the lands included in—

- (a) The Public Register and plan of town lots of Freetown;
- (b) The Public Register and plan of town and country lots of Bonthe;
- (c) The Public Register and plan of town and country lots of York Island.

(3) Where the land is planted with banana, coffee, cocoa, gum, kola or plantain trees, or other trees of a permanent economic value.

5. Within a period of six months after the posting of the notice referred to in section 3 hereof, it shall be lawful for all persons claiming the land referred to in such section to send written notice to the Director of Surveys and Lands of their claims, and in such written notices the claimants shall set out the extent and boundaries of the lands claimed by them.

Time for claimants to send in their claims.

6. (1) Whenever it appears to the Supreme Court that any person is wrongfully claiming any unoccupied land, the Court, on the application of the Attorney General, may cause a summon to be served upon such person requiring him to appear before the Court at the time and place therein mentioned, and to produce the instrument or instruments, by virtue of which he claims such land, or the register thereof, or a certified copy, or to other-wise prove his right to claim the same.

Persons wrongfully claiming lands.

(2) If, on hearing such summons, the Court shall find that such person is wrongfully claiming such land, the Court may order him to give up possession for the same, and shall issue such process as may be necessary for carrying its order into effect.

(3) Any proceeding under this section shall be deemed to be a matter within the meaning of the Courts Ordinance.

Cap. 7.

7. On hearing such summons, the Court shall be guided by equity and good conscience only, and by the best evidence that can be Procured, although not such as may be required or be admissible in ordinary cases, nor shall it be bound by the strict rules of evidence or procedure in any case or by any technicalities or legal forms whatever.

Principles of decisions.

Undisputed
claims.

8. (1) If the Court shall be of opinion that the land is not unoccupied land, but that the person claiming the same cannot produce any instrument showing a title to such land extending over a period of not less than twelve years prior to the commencement of this Ordinance, or the register thereof, or a certified copy, it shall report the same to the Governor, and thereupon the Governor may issue a Crown Grant of such land to such person aforesaid, subject to such reservations and conditions as the Governor shall determine.

(2) Such Crown Grants shall be, as near as may be, in the words or to the effect of the form in the schedule hereto.

Crown
reservation.

9. All Crown Grants made under this Ordinance shall be deemed to contain an express reservation to Her Majesty of all mines, metals, minerals, precious stones and mineral oils, and of a right on the part of Her Majesty, or her nominees, to enter on lands conveyed by such grant, to dig, convert and carry away the said metals, minerals, precious stones, and mineral oils, and for the purposes aforesaid to sink, erect and make all necessary pits, shafts, erections, machinery, roads and other conveniences and things.

When land to
be deemed
Crown land.

10. If no person shall claim the said land so marked out as provided in section 3 hereof within the said period of six months, such land shall be deemed to be Crown Land.

Power to
make rules
Cap. 7.

11. The provisions of section 24 of the Courts Ordinance shall be deemed to extend to making rules for the purpose of carrying out the provisions of this Ordinance.

THE SCHEDULE

Sec. 8 (2)

This grant made the.....day of.....in
pursuance of the Unoccupied Lands (Ascertainment of Title) Ordinance.

Witnesseth that Her Majesty Queen Elizabeth II, doth hereby grant unto
and to the use of (A.B.) his heirs and assigns forever, by the tenure of free and
common socage all that all that piece or parcel of land situate, lying, and being
at.....

(L. S.)

Governor of the Colony of Sierra Leone.

CHAPTER 122

PROVINCES LAND

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and construction.
2. Interpretation.
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4. Non-native not to acquire greater interest than lease for 50 years.
5. (1) Revision of rent.
(2) Indorsement on lease.
6. Tenancy exceeding three years to be under seal.
7. Construction of defective lease.
8. Determination of tenancies from year to year.
9. Voidable deed.
10. Record and evidence.
11. Fixtures, buildings and economic trees.
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 - (1) Rent.
 - (2) Care in removal.
 - (3) Making good damage.
 - (4) Notice to Tribal Authority.
 - (5) Purchase by Tribal Authority.
 - (b) Compensation for economic trees.
 - (c) Enquiry as to value.
 - (d) Powers of District Commissioner, etc., at enquiry.
12. Definition of economic trees.
13. Settler's fee.
14. Saving of Cap. 121 and Cap. 223.
15. Registration by District commissioner of existing title to lands.
16. Power of Governor to make rules.

CHAPTER 122

PROTORATE LAND

An Ordinance to make Provision Relating to the Tenure of Land by Non-Natives in the Protectorate.

[1st August, 1927]

16 of 1927.
34 of 1928.
32 of 1933.
1 of 1935.
Rules Nos. 1.
15 of 1930.
24 of 1933.

WHEREAS all land in the Protectorate is vested in the Tribal Authorities who hold such land for and on behalf of the native Communities concerned: Preamble.

AND WHEREAS it is expedient to make provision regulating the interests in land which such Tribal Authority may grant to non-natives.

1. This Ordinance may be cited as the Protectorate Land Ordinance, and shall be read and construed as one with the Protectorate Ordinance. Short title and construction Cap. 60.

2. In this Ordinance unless the context otherwise requires – Interpretation.

“decree book” means any book of record of such a nature as those in which, before the passing of this Ordinance, there were entered the terms on which Tribal Authorities consented to the settlement of non-natives on lands in the Protectorate: or any other form of record which the Governor shall by Order prescribe;

“deed” means an agreement under seal;

“non native means any person etc. presented by Act 29/72;

“Tribal Authority” means paramount chiefs and their councillors, and men of note, or sub-chiefs and their councillors, and men of note;

“tenancy at will” means a tenancy in which the lessee holds at the will of the lessor, and which may be determined without notice by either the lessor or the lessee;

“tenancy at sufferance” means the tenancy of a person who having originally come into possession of land by a lawful title holds such possession after the determination of his title. Such tenancy may be determined without notice by the lessor;

“term of years” means an interest in land created by lease and subject to a yearly rent payable at regular periodic intervals;

“lease” means a grant of the possession of land by the tribal authority, as lessor, to a non-native, as lessee, for a term of years or other fixed period with the reservation of a rent.

(2) In the purposes of this ordinance “Non-native” shall not include the government. (Act 15/61

Conditions on which non-natives may occupy land in the Protectorate.

3. (1) No land in the protectorate shall be occupied by a non-native unless he has first obtained the consent of the Tribal Authority to his occupation of such land.

(2) Any non-native who shall occupy land in the Protectorate without the approval of the District Commissioner shall be a tenant at will within the meaning of this Ordinance.

(3) Whenever any non-native shall, with the consent of the Tribal Authority and the approval of the District Commissioner, occupy land respect of which no lease shall be executed by the Tribal Authority as lessor and the non-native as lessee, a memorandum of the terms of such occupation, consent to which shall have been given by the Tribal Authority with the approval of the District

Commissioner, shall be drawn up and entered in the decree book or in such other manner as the Governor may by Order prescribe, by the District Commissioner and shall set out—

- (a) the annual consideration to be paid by the non-native for occupation of the land;
- (b) the duration of the land to be occupied;
- (c) the duration of the term, which shall in no case be for more than three years;
- (d) any special conditions (such as an undertaking to establish permanent cultivation of crop, such as rubber, cocoa, etc.) with which the non-native has to comply in consideration of occupying the land without payment or at a reduced annual rental;
- (e) whether or not the interest of the non-native may be assigned or, in the case of death, is intended to devolve on his executors, administrators or assigns.

4. No non-native shall acquire a greater interest in land in the Protectorate than a tenancy for a term of fifty years; but nothing in this shall greater section prevent the insertion in any lease of a clause providing for the renewal of such lease, for a second or further terms not exceeding twenty-one years.

Non-native not to acquire greater interest than lease for 50 years.

5. (1) The rent reserved under any lease of land in the Protectorate shall be subject to revision by the District Commissioner— from whom there shall be a right of appeal to the provincial Commissioner— every seven years:

Revision of rent.

Provided that no increase of rent shall be sanctioned by the District Commissioner by reason only of improvements made by the tenant or his predecessors in title.

Proviso.

Indorsement
on lease.

(2) A note of any such revision of rent shall be endorsed on the lease and entered by the District Commissioner in the decree book.

Tenancy
exceeding
three years to
be under seal.

6. No tenancy for a term exceeding three years shall be created by any agreement not under seal.

Construction
of defective
lease

7. No tenancy by this Ordinance requires to be created by agreement under seal shall, unless it is duly made by deed and unless the District Commissioner has endorsed thereon his consent, be construed as creating a greater interest than a tenancy from year to year.

Determination
of tenancies
from year to
year.

8. Every tenancy from year to year shall be determinable by either party giving three months notice to the other. Such notice shall expire at the end of a current year of the tenancy.

Voidable deed.

9. Every deed creating a tenancy of land shall be voidable by either party, unless it—

- (a) is executed in the presence of two witnesses by the lessor before the District Commissioner of the district in which the land is situated; and is executed, in the presence of two witnesses, by the lessee or his attorney or his agent before a Magistrate; and
- (b) has endorsed upon it certificates of execution in their presence signed respectively by the District Commissioner and the Magistrate before whom it was executed; and
- (c) provides that the lessees shall not sublet or assign his interest thereunder except with the consent of the Tribal Authority with the approval in writing of the District Commissioner, provided that such consent shall not be unreasonably withheld; and

(d) contains stipulations with regard to all the matters set out in rule 3 to the schedule to this Ordinance; and

(e) is registered in the office of the administrative and Registrar General with three months after being executed by both parties Registrar General.

10. The terms of all leases to which his consent is required shall be recorded by the District Commissioner in the decree book, and such record shall be admissible in all courts of law in the Colony and Protectorate as *prima facie* evidence of the matters therein stated. Record and evidence.

11. The reversion in all fixtures affixed to the land by the tenant, whether fences or of whatever other nature so ever, and any building erected by him thereon, and of all economic trees, shall, whether the tenancies concerned were created before the date of the coming into operation of this ordinance or not in the case of a tenant at will, or in the case of a tenant on suffer-ance, be in the Tribal Authority; but in the case of a tenancy created by lease, in the absence of any agreement to the contrary contained therein- Fixtures buildings and economic trees.

- (a) any fixture affixed to the land by the tenant whether fences or of whatever other nature so ever, and any building erected by him thereon which is not so affixed or erected in pursuance of some obligation in that behalf or instead of some fixture or building belonging to the Tribal Authority, shall be the property of and be removable by the tenant before or within two months after the termination of the tenancy: Removability.

Provided that—

(1) Before the removal of any fixture or building the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the Tribal Authority in respect to the land: Rent.

Care in removal. (2) in the removal of any fixture or building the tenant shall not do any avoidable damage to any other building or other part of the land:

Making good damage. (3) immediately after the removal of any fixture or building the tenant shall make good all damage occasioned to any other building or other part of the land by the removal:

Notice to Tribal Authority. (4) the tenant shall not remove any fixture or building without giving one month's previous notice in writing to the Tribal authority of his intention to remove it:

Purchase by Tribal Authority. (5) at any time before the expiration of the notice of intention to remove any fixture or building, the Tribal Authority, by notice in writing given by him to the tenant, may elect to purchase any fixture or building comprised is the notice of intention to remove and any fixture or building thus elected to be purchased shall be left the tenant, and shall become the property of the Tribal authority, who shall pay to the tenant the fair value thereof to an incoming tenant of the land;

Compensation for economic trees. (b) the Tribal Authority shall pay to the tenant the fair value to any incoming tenant of the land of any economic trees which shall have been economic planted by the tenant;

Enquiry as to value. (c) if there is any dispute as to the value of any fixture or building or any economic trees, the District Commissioner shall hold an enquiry and give his decision thereon. If either the Tribal Authority or the tenant is dissatisfied with the said decision, there shall be a right of appeal to the Provincial Commissioner who shall hold a further enquiry and whose decision shall be final;

Powers of District Commissioner, etc., at enquiry. Cap. 7. (d) for the purpose of such enquiry the District Commissioner and the Provincial Commissioner shall have all the powers conferred upon the Magistrates' Courts by the Courts Ordinance, or any Ordinance amending or substituted for the same.

12. For the purposes of the last preceding section, the term economic trees shall include all trees, shrubs and plants which are grown or cultivated for their intrinsic value. Definition of economic trees.

13. Every non-native residing in a chiefdom who does not hold a lease of land within the chiefdom, other than a non-native employed by a person holding a lease and residing on the land held under such lease, shall, in lieu of the customary presents or contribution of labour sanctioned by native law, pay to the Paramount Chief, in respect of each year or portion of a year of such residence, a settler's fee. Settler's fee.

In no case shall the wife or husband or children of a settler who resides with him or her be liable to pay any settler's fee:

Provided that it shall be lawful for a Paramount Chief, with the consent of the Provincial commissioner, to forgo exacting payment of the whole or any part of such fee in the case of a non-native resident within the chiefdom who —

(i) by his knowledge of any special trade or calling, or by his maintenance of any school or other institution, is in the opinion the Paramount chief conferring a benefit on the chiefdom; or

(ii) is employed by a person engaged in any industrial undertaking

For the purposes of this section the term "industrial undertaking" shall have the same meaning as in the Employers and Employed Ordinance.

*Section 33 of the Local Tax Ordinance, Cap.63, enacts that this section 13, about settlers fees, shall cease to apply in parts of the Protectorate to which it (Chapter 63) has been applied, with provisions which save acts done, rights acquired and so on. Chapter 63 has been applied to all parts of the Protectorate except the Toli Chiefdom in the Kono District (P.N. 1 of 1955 and P.N. 70 of 1959)

Saving of
Cap. 121
And Cap.
230.

14. Nothing in this Ordinance contained shall be deemed –

- (a) to affect any interest obtained or which may hereafter be obtained under the Concessions Ordinance, or the Palm Oil Ordinance; or
- (b) except in so far as is expressly provided by this Ordinance, to affect any interest obtained under Protectorate Native Ordinance,* 1924, before the coming into force of this Ordinance.

Registration
by District
Commissioner
of existing
titles to land.

15. (1) Every non-native claiming any title to land in the Protectorate shall, before the first day of April, 1929, produce to the District Commissioner all documents of title upon which he bases such claim, or, in the absence of such documents, a memorandum of the terms of such occupation signed by the lessor and lessee, which documents or memorandum shall be entered by the District Commissioner in the decree book or in such other manner as the Governor may by Order prescribe.

(2) The claim of a non-native to a title to any land in the Protectorate, documents of title to which or a memorandum as to which have not been produced in conformity with the last preceding sub-section, shall be disallowed by every court in the Protectorate.

Power of
Governor to
make rules.

16. The Governor in Council may make rules for any or all of the following purposes–

- (a) fixing the amount payable as settlers’ fees either generally or in a particular locality;
- (b) prescribing the terms to be embodied in leases;
- (c) directing the manner in which leases shall be recorded;

- (d) prescribing the procedure in submitting deeds of lease for revision of rent;
- (e) specifying the person to whom rents and settlers’ fees shall be paid and the manner in which such rents and fees shall be brought to account;
- (f) generally for the more effectual carrying out of the provisions of this Ordinance;

Provided that until varied or revoked by any such rules, the rules contained in the schedule to this Ordinance shall be in force.

*Since repealed

SCHEDULE

1. Every non-native residing in a chiefdom who does not hold a lease of land within the chiefdom, shall pay to the Paramount Chief a settler’s fee of one pound per annum, or of two shillings per mensem at the option of the payer during the continuance of his residence in such chiefdom.

Section 16
Rules 15 of
1930 24 of
1933 Settler’s
fee.

2. Settlers’ fees shall fall due in advance on the first day of January in each year in the case of a yearly fee and on the first day of each month in the case of a monthly fee:

Mode of
payment of
settlers’ fees.

Provided that a non-native shall not be required to pay a settlers’ fee in respect of the month in which he took up his residence in the chiefdom.

3. Every lease required by this Ordinance to be by deed shall state–

Terms of
deed.

- (a) the rent;
- (b) the term;
- (c) the purpose for which the land is to be used;
- (d) whether the interest is assignable;
- (e) where buildings of permanent construction are to be erected, the rights of the parties to and in respect of such buildings at the expiration or determination of the lease;
- (f) in cases where the lease is for a longer period than seven years, that the rent is subject to revision every seven years by the District Commissioner subject to right of appeal to the Provincial Commissioner.

Decree book.

4. The terms of all leases to which the consent or approval of the District Commissioner is required shall be recorded by the District Commissioner in the decree book, in the same manner in which the term of leases have therefore been recorded.

5. The District Commissioner shall keep a rent roll of all the rents due to each Tribal Authority in his district, and all rents in respect of tenancies, whether created before the date of the coming into operation of this Ordinance or not, shall be payable to him. He shall place all moneys so received by him on deposit in the colonial Treasury pending disbursement.

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

MAURICE H. DORMAN,
Governor.



No. 15



1961

Sierra Leone

As Ordinance to Amend the Protectorate Land Ordinance

Cap 186.

[1st August, 1927] Date of
commence-
ment.

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

1. This Ordinance may be cited as the Protectorate Land (Amendment) Ordinance, 1961 and shall be deemed to have come into operation on the 1st day of August, 1927.

Short title and
commence-
ment.

2. Section 2 of the Protectorate Land Ordinance is hereby amended as follows—

Amendment
of section 2
of Cap. 186.

- (a) by renumbering the section as 2. (1); and
- (b) by the addition thereto of the following subsection (2)–

“(2) For the purposes of this Ordinance, the expression “non-native” shall not include the Government.”

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 Representative.

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 Representative.

M.P. MS/91

Assent to in Her Majesty's name this 15th day of January, 1963.

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



No. 61

1962

Sierra Leone

**An Act to Provide for the Control and Protection of Land
Development by Non-Citizens**

[17th January, 1963] Date of commencement.

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. This Act may be cited as the Land Development ^{Short title.} (Protection) Act, 1962, and shall apply to the Western Area only.

Interpretation.

2. In this Act—

“**Board**” means a Board consisting of the Ministers responsible for Trade and Industry, Lands, Finance, and Development and the Attorney-General, of which the Minister of Lands shall be the Chairman.

“**Non-Citizen**” means—

- (a) an individual who is not a citizen of Sierra Leone, and
- (b) any company or partnership which is controlled by a person or persons who are not citizens of Sierra Leone;

“**Reserved Leaseholds**” mean leaseholds of which the unexpired term exceeds twenty-one years.

Non-citizens not to purchase freeholds.

3. No non-citizen shall purchase or receive in exchange or as a gift any freehold land in the Western Area.

Non-citizens not to purchase long leases in Western Area without the Licence of the Board.

4. (1) No non-citizen shall purchase or receive in exchange or as a gift any reserved leaseholds in the Western Area without first obtaining a licence from the Board.

(2) The Board may grant licences to purchase or receive in exchange or as a gift reserved leaseholds to non-citizens on such terms and conditions as it shall think fit and every such licence shall contain a description of the land to which it applies.

(3) At least three weeks before the grant of any such licence the Board shall publish a notice of its intention to grant the same in the *Gazette* specifying the land and the name of the intending purchaser.

5. (1) Any conveyance, lease, grant, transfer, declaration, agreement, settlement or other disposition (other than an assent in favour of persons entitled under a will or on an intestacy) which, apart from the provisions of this Act, would have been effective (whether at law or in equity) to vest in a non-citizen (whether alone or together with any other person) the property in freehold land or, if the purchase has not been previously authorized by a licence issued under section 4, in reserved leaseholds, shall vest the land (whether freehold or leasehold) in the Board for the whole estate or interest conferred by, or in virtue of, the instrument and the Board shall cause the Sheriff to sell the same by public auction.

Effect of conveyance to non-citizen.

(2) The proceeds of sale after deducting—

- (a) The costs of the sale, and
- (b) Any payments which may have become due under a lease vested in the Board by virtue of this section;

shall be paid into the Consolidated Revenue Fund, unless the Board is satisfied that the failure to observe the law was due to genuine and excusable mistake or ignorance (whether of law or fact), in which case it may, if it thinks fit, cause to be paid out of the residual proceeds of the sale to the person or persons whose purchase of the freehold or leasehold land caused it to vest in the Board a sum not exceeding the original purchase price (or in the case of a gift or exchange such sum as the Board shall think fit).

6. The Registrar-General shall not register any such instrument relating to freehold land or reserved leaseholds other than an assent in favour of persons entitled under a will or on an intestacy, until he is satisfied either —

Instruments not to be registered unless provisions this Act have been observed.

- (a) that a licence covering the transaction sought to be registered has been obtained under section 4, or
- (b) that the person or persons to whom the freehold land or reserved leaseholds are being transferred or granted is not a non-citizen.

7. (1) Nothing in this Act shall in any way affect any mortgage made before the commencement of this Act or in anyway limit the powers or remedies of the mortgagee of any such property.

(2) Nothing in this Act shall apply to any transfer of property by way of mortgage made after the commencement of this Act but no order of foreclosure shall be made in favour of a mortgagee of any such property unless he has previously obtained a licence from the Board authorising him to take fore-closure proceedings with respect to the property in question.

(3) Nothing in this section shall be construed as exempting any person who purchases or leases any property from the mortgagor or mortgagee thereof from complying with the provisions of section 4; but, notwithstanding the provisions of section 3, a non-citizen may, after obtaining a licence under section 4, purchase the freehold on a sale by the mortgagee of property subject to a mortgage made before the commencement of this Act, and for the purpose of granting any such licence the transaction shall be deemed to be a purchase of reserved leaseholds.

Passed in the House of Representatives this *14th* day of December, in the year of our Lord one thousand nine hundred and sixty-two.

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.

Assent to in Her Majesty's name this *8th day of June, 1965.*

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



No. 11



1965

Sierra Leone

An Act to Amend the Provinces Land Act

Cap. 122.

[10th June, 1965] Date of commencement.

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. This Act may be cited as the Provinces Land (Amendment) Act, 1965.

Amendment of section 9 of Cap. 122. 2. Section 9 of the Provinces Land Act is hereby amended by the repeal and replacement of paragraph (e) thereof by the following new paragraph—

“(e) is registered in the office of the Administrator and Registrar-General within three months after being executed by both parties.”

Passed in the House of Representatives this 7th day of May, in the year of Our Lord one thousand nine hundred and sixty-five.

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. P1/1/1.

SIGNED this 26th day of August, 1976.

SIAKA STEVENS,
President.



No. 18



1976

Sierra Leone

The Provinces Land (Amendment) Act, 1976

Short title.

(26th August, 1976) Date of commencement.

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

1. Section 14 of the Provinces Land Act is hereby repealed. Repeal of Section 14 of Cap. 122.

Passed in the House of Parliament this 5th day of *August*, in the year of our Lord one thousand nine hundred and seventy-six.

M. MUNU,
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.

M. MUNU,
Clerk of Parliament.

(ii) In sub section (3) substitute—

- (a) for the word “Consent” in line 2, the word “Approval”.
- (b) for the words “The Secretary of State” in line 2, the word “Parliament”
- (c) for the word “Consented” in line 3, the word “Approved”.

CHAPTER 122

PROVINCES LAND

Between the definition of “deed” and of “Tribal Authority” Section 2. insert the following new definition—

“non-native” means any person who is not entitled by customary law to rights in land in a Province”.

CHAPTER 126

FORTIFICATION SKETCHING

Delete the words “whether a British subject or an alien” Section 5. in line 2.

Delete the words “Troops of the Colony” in line 2 and replace with the following—

“Sierra Leone Military Forces”

CHAPTER 133

MOTOR VEHICLES (THIRD PARTY INSURANCE)

Delete the words “or by the Imperial Government” in line 2 of Section 5. paragraph (a).

CHAPTER 134

RAILWAY

In the definition of “engineer” delete the words “the Secretary of State, or” Section 2.

Delete the words “the Secretary of State” in line 2 and replace with the word “Parliament” Section 3.

For the words “Queen’s enemies” in *paragraph (b)* of Section 32. subsection (1) substitute the words “enemies of the Republic”.

CHAPTER 136
MARAMPA RAILWAY AND HARBOUR WORKS
CONSTRUCTION

- Section 33.
- (i) In line 4 of subsection (1) delete the words “a British Section 33.subject” and replace with the following- “an African of Sierra Leone origin”.
 - (ii) In line 5 of subsection (1) delete the words “Great Britain or”.

CHAPTER 112
PUBLICATIONS

For the expression “Trustees of the British Museum” wherever it occurs substitute the following expression—

“Public Archives of Sierra Leone.”

CHAPTER 119
DEFENCE LANDS ACQUISITION

- Section 2. In the definition of “defence purposes” delete the comma and the words “in relation to the Secretary of State for Air” occurring immediately after the word “and” in line 5.
- Section 3. In subsection (1), delete the words beginning with “The Commissioners” in line 1 and ending with the word “severally” in line 3 and replace with the following words—
“The President may”,
- Section 8. Delete the words “authority, being the Commissioners for executing the office of Lord High Admiral in the United Kingdom, the Secretary of State for War or the Secretary of State for Air” in lines 9 to 12, and replace with the following word. “State”.

CHAPTER 120
AIRFIELDS AND DEFENCE LANDS (ACQUISITION OF
CLEARANCE RIGHTS)

- Section 2. (i) In the definition of “airfield”—

- (a) Delete the words” the Air Navigation (Colonies, Protectorates and Mandated Territories) Order, 1929”, and replace with the words “any law”,
- (b) Delete the words” or of any of Her Majesty’s Air Forces”

- (ii) Delete the definition of “defence land” and replace with the following—

“Defence land” means land held or acquired for defence purposes” and insert the following new definition—

“Defence purposes” has the meaning assigned to it by the Defence Lands Acquisition Act.”

- (iii) Delete the definition of “land” and replace with the following definition—

“Land” has the meaning assigned to it by the Defence Lands Acquisition Act.”

CHAPTER 121
CONCESSIONS

- (i) Delete the words “consent of the Secretary of State” in paragraph Section 6.
- (c) of subsection (1) and replace with the words following—

“Approval of Parliament”

Substitute a full stop for the comma immediately after the word “Parliament” in paragraph (e) of the proviso to paragraph (f) of subsection (2), and delete the words thereafter following. Section 9.

For the word “British” wherever it occurs in sections 65 and 90 substitute the words “Sierra Leone”. Sections 65, 90.

STATE LANDS ACT
(No. 19 of 1960)

For the word “Colony” in line 2 there shall be substituted the words “Western Area”. Section 1.

CARRIAGE OF DECK PASSENGERS ACT

(No. 30 of 1960)

- Section 8. Replace the words “the United Kingdom.” in line 3 of subsection (3) with the words “Sierra Leone”.

SIERRA LEONE MILITARY FORCES ACT

(No. 34 of 1961)

- (i) Delete the word “Royal” wherever it is used to describe this Act.
- (ii) For the expression “Her Majesty’s” wherever it occurs substitutes the expression “Sierra Leone Government”.
- Section 2. (i) Replace the definition of “Court of Appeal” with the following—
- “Court of Appeal” means the Court of Appeal established under section 66 of the Constitution “;
- (ii) Replace the expression “Her Majesty’s Forces” and the definition thereof with the following—
- “Sierra Leone Military Forces” means any of the naval, military or air forces raised by the Government of Sierra Leone”;
- (iii) In the definition of the word “public” delete the words “or to the Government of the United Kingdom

- Section 62. For the word “the Commonwealth” in line 2, substitute the words “Sierra Leone”.

SIERRA LEONE NATIONALITY AND CITIZENSHIP ACT

(No. 10 of 1962)

- Section 2. (i) Replace the definition of the word “alien” in subsection (1) with the following—
- “Alien” means a person who is not a citizen of Sierra Leone”.
- (ii) In the definition of the expression “protected person” insert immediately after the word “country” in line 2, the expression “(other than Sierra Leone)”.

Assent to in Her Majesty’s name this 14th day of November, 1962.

S. A. BENKA-COKER,
Acting Governor-General



No. 48

1962

Sierra Leone

**An Act to Amend the Airfields and Defence Lands
(Acquisition of Clearance Rights) Act**

Cap 120.

(22nd November, 1962) Date of commencement.

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. This Act may be cited as the Airfields and Defence Lands Short title.
(Acquisition of Clearance Rights) (Amendment) Act. 1962.

Replacement of section 2 of Cap. 120.

2. Section 2 of the Airfields and Defence Lands (Acquisition of Clearance Rights) Act is hereby repealed and replaced by the following new section—

- “Interpre- 2. In this Act, unless the context otherwise requires—
tation.
- “Aircraft” means any type of air-supported vehicle, whether mechanically propelled or not, and includes all types of aerodynes and aerostats;
- “Airfield” means any area of ground or water under the control of the Government and used for the landing and departure of aircraft;
- “Authorized officer” means the Director of Surveys and Lands or such other public officer as may be appointed for the purposes of this Act by the Minister of Lands;
- “Court” means the Supreme Court;
- “Defence land” means land in the possession or occupation of the Minister of Defence;
- “Land” includes all land whether covered by water or not.”

Passed in the House of Representatives this 2nd day of *August*, in the year of our Lord one thousand nine hundred and sixty-two.

J. W. E. DAVIES
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament the House of Representaives and found by me to be a true and correctly printed copy of the said Bill.

J. W. E. DAVIES
Clerk of the House of Representatives.

M.P. C/3/12

CHAPTER 66

FREETOWN IMPROVEMENT

An Ordinance for the improvement of the City of Freetown

23 of 1899
32 of 1908
8 of 1926
(1st January, 1900) 22 of 1940
10 of 1941
27 of 1941
29 of 1942
P.N. 165 of 1942
Sec. 23 of
13 of 1912
Sec. 29 of
12 of 1924
30 of 1953

PART I—PRELIMINARY

1. This Ordinance may be cited as the Freetown Improvement Ordinance. Short title.
2. This Ordinance, except in cases where its application is expressly limited, applies to the whole of the city: Application.

Provided nevertheless that this Ordinance shall not apply to any ‘land or building belonging to or held in trust for the Imperial or Colonial Government.
3. This Ordinance is divided into eight parts as follows— Division of Ordinance.
Part I.—Preliminary
Part II.—Sub-divisions of Wards
Part III.—Buildings (general)
Part IV.—Roofing of buildings
Part V.—Unfinished and dilapidated buildings
Part VI.—Fences
Part VII.—Streets
Part VIII.—Miscellaneous
4. (1) In this Ordinance, unless the context otherwise requires— Interpretation and delegation.
30 of 1953.

“barbed wire” means any wire with spikes or jagged projections;

“builder “ means the master builder or other person who is employed to execute or who actually executes any work upon any building;

“building” means any structure whatsoever, including a wall, except where such wall is used only as a fence;

“dwelling house” means any building used wholly or in part for human habitation;

“owner” includes any person in possession of any land or building, other than as a tenant from year to year or for any less term, or as a tenant at will, and also includes a person who is receiving or entitled to receive the rent of any land or building whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive it if the land or building were let to a tenant;

“street” includes any highway, road, avenue, alley, footpath, square, court or other thoroughfare or open space over which the public have a right of passage;

“ward” means a ward of the city; any reference to “this Ordinance” shall be deemed to include a reference to any rules which may be made under the powers conferred by section 62.

(2) Any of the powers or duties conferred or imposed by this Ordinance on the Director of Public Works may, whenever the Director of Public Works so determines, be exercised by any other servant of the Government appointed by the Director of Public Works to act on his behalf, and all references to the Director of Public Works in this Ordinance shall be construed accordingly.

PART II—SUB-DIVISION OF WARDS

5. For the purpose of this Ordinance the wards of the city are sub-divided into sections, each of which is named after the ward of which it forms a part. Sub-divisions of wards into sections.

6. The Central Ward is sub-divided into, and consists of, six sections to be called—Central—Ward—First, Second, Third, Fourth, Fifth and Sixth Section respectively. The said sections are as follows, that is to say— Sections of Central Ward.

(1) The Central Ward (First Section) comprises the area within a line which starts from a point on the bank of the Sierra Leone River, opposite Bathurst Street, and passes thence up Bathurst Street to its junction with Pademba Road, thence along Pademba Road to its junction with Poultny Street, thence across Government House to the top of Garrison Street, thence down Garrison Street to the beach at Susan’s Bay, thence along the bank of the Sierra Leone River in a westerly direction till the said line reaches its starting point.

(2) The Central Ward (Second Section) comprises the area within a line which starts from a point on the bank of the River, opposite Bathurst Street, and passes thence up Bathurst Street to its junction with Pademba Road, thence in a southerly direction along Pademba Road, to its junction with Upper Brook Street, thence down Upper Brook Street to its junction with Westmoreland Street, thence along Sanders or Ede-oroko Brook to its junction with the Sierra Leone River, and thence in an easterly direction along the bank of the Sierra Leone River till the said line reaches its starting point.

(3) The Central Ward (Third Section) comprises the area within a line which starts from a point on the beach at Susan’s Bay, opposite Garrison Street, and passes thence in an easterly direction along the said beach to Nicol Brook, thence up Nicol Brook, to where Frederick Street crosses the said brook, thence along Frederick Street

to its junction with Circular Road, thence along Circular Road in a northerly direction to its junction with the top of Upper Howe Street, thence down Upper Howe Street to its junction with Garrison Street, thence down Garrison Street till the said line reaches 'it's starting point.

(4) The Central Ward (Fourth Section) comprises the area within a line which starts at the junction of Pultney Street and Pademba Road, and passes thence in an easterly direction along the north ends of Soldier Street, Fort Street and Hill Street until it meets the boundary of the War Department property at Tower Hill, thence in a southerly direction along the said boundary till it meets Circular Road, thence along Circular Road in a westerly direction to its junction with Pademba Road, thence along West Street to the point where it meets Sanders Brook, thence along Sanders Brook to the point where Upper Brook Street meets Westmoreland Street, thence up Upper Brook Street to its junction with Pademba Road, thence along Pademba Road in a northerly direction till they said line reaches its starting point.

(5) The Central Ward (Fifth Section) comprises an area within a line which starts at the junction of Nicol Brook and Western Boundary of War Department property at Mount Aureol; thence in a southerly direction along the War Department Boundary to the Freetown Water Works Reservation Boundary, thence in a westerly direction along the Freetown Water Works Reservation Boundary to its junction with Highbay Brook, thence in a northerly direction, along Highbay Brook to its junction with Sanders Brook, thence in a north-westerly direction along Sanders Brook until its junction with West Street, thence in an easterly direction along West Street to its junction with Pademba Road, thence in an easterly and, northerly direction along Circular Road to its junction with Frederick Street, thence in an easterly direction along Frederick Street to its junction with Nicol Brook, thence in a southerly direction along Nicol Brook till the said line reaches its starting point.

(6) The Central Ward (Sixth Section) comprises the area within a line which starts at the junction of Fort Street with Circular Road, and passes thence up Circular Road in an easterly direction to its junction with King Street, thence along Circular Road in a northerly direction till it meets Frederick Street, thence along Circular Road to its junction with Upper Howe Street, thence down Upper Howe Street to its junction with Garrison Street, thence in a westerly direction along Garrison Street and across Government House grounds until it meets Pademba Road at its junction with Pultney Street, thence in an easterly direction along the north ends of Soldier Street, Fort Street and Hill Street till it meets the boundary of War Department property at Tower Hill, thence along the said boundary in a southerly direction till the said line reaches its starting point.

7. The East Ward is sub-divided into, and consists of, three Sections of East Ward. sections to be called East Ward-First, Second and Third Section respectively. The said sections are as follows, that is to say—

(1) The East Ward (First Section) comprises the area within a line which starts at the crossing of First Street over Nicol Brook, and passes thence along First Street to its junction with Mountain Cut, thence in a northerly direction along Mountain Cut to its junction with Kissy Road thence along Kissy Road to its junction with Bombay Street, thence along Bombay Street to its junction with George Street, thence along George Street to its junction with Patton Street, thence along Patton Street to its junction with Malta Street, thence along Malta Street, to its junction with Savage Square, thence along Savage Square to its junction with Davies Street, thence along Davies and Maltby Streets to the junction of Maltby Street with Ross Road, thence down Ross Road to the bank of the Sierra Leone River, thence in a westerly direction along the bank of the Sierra Leone River to the mouth of Nicol Brook, thence up Nicol Brook till the said line reaches its starting point.

(2) The East Ward (Second Section) comprises the area within a line which starts at a point on the left bank of Granville Brook which the centre line of Kissy Road if produced in a straight line in an

easterly direction will meet, and passes thence along this last-mentioned line in a westerly direction to Kissy Road, and along Kissy Road to its junction with Bombay Street, thence along Bombay Street to its junction with George Street, thence along George Street to its junction with Patton Street, thence along Patton Street to its junction with Malta Street, thence along Malta Street to its junction with Savage Square, thence along Savage Square, to its junction with Davies Street thence along Davies and Maltby Streets to the junction of Maltby Street with Ross Road, thence down Ross Road to the bank of the Sierra Leone River, thence in an easterly direction along the bank of the Sierra Leone River until it joins the left bank of Granville Brook, thence up the left bank of Granville Brook till the first-mentioned line reaches its starting point.

(3) The East Ward (Third Section) comprises the area within a line which starts from the point where the southern boundary of the city crosses Nicol Brook, and passes in an easterly direction along the said boundary until it meets the left bank of Granville Brook, thence down the left bank of Granville Brook to a point on Granville Brook which the centre line of Kissy Road if produced in a straight line will, meet, thence along the last-mentioned straight line to easy and, thence along Kissy Road to its junction with Mountain Cut, thence in a southerly direction along Mountain Cut to its junction with First Street, thence along First Street in a westerly direction to where it crosses Nicol Brook, thence up the said brook till they said line reaches its starting point .

Sections of
West Ward.

8. West Ward is sub-divided into and consists of five sections to be called West Ward-First, Second, Third, Fourth, Fifth Section respectively. The said sections are as follows, that is to say—

(1) The West Ward (First Section) comprises the area within a line which starts from the junction of Upper Brook Street and Westmoreland Street, and passes thence along Sanders Street to its junction with Priscilla Street, thence along Priscilla Street to Alligator Brook, thence down Alligator Brook to the bank of the Sierra Leone River, thence along the said bank to the mouth of Sanders Brook, and thence up Sanders Brook till the said line reaches its starting point.

(2) The West Ward (Second Section) comprises the area within a line which starts at the junction of Priscilla Street and Sanders Street, and passes thence along Priscilla Street till it meets Alligator Brook, thence up the said brook to its crossing with Morgan Street, thence along Morgan and Sanders Streets to the junction of Sanders Street with Campbell Street, thence along Campbell Street to its junction with Pademba Road, thence along Pademba Road to Sanders Brook, thence down Sanders Brook to Westmoreland Street, thence along Westmoreland and Sanders Streets till the said line reaches its starting point.

(3) The West Ward (Third Section) comprises the area within a line which starts at Alligator River at its crossing with Morgan Street, thence it passes along Morgan Street to its junction with Sanders Street, thence along Sanders Street to its junction with Pademba Road, thence along Pademba Road to Sanders Brook, thence up Sanders Brook to its junction with Highbay Brook, thence up Highbay Brook to the Freetown Water Works Reservation Boundary, thence in a westerly direction along the Freetown Water Works Reservation Boundary to Alligator River, thence down Alligator River till the said line reaches its starting point.

(4) The West Ward (Fourth Section) comprises the area within a line which starts at a point on Alligator Brook, where it is crossed by King Tom Bridge and passes thence down Alligator Brook to the bank of the Sierra Leone River thence along the said bank in a westerly direction until it meets the point on the right bank of Congo Town Brook where that brook is crossed by Ascension Town Road, thence along Ascension Town Road in an easterly direction till the said line reaches its starting point.

(5) The West Ward (Fifth Section) comprises the area within a line which starts at a point on Alligator River where it is crossed by Kingtom Bridge, thence it runs in a southerly direction along Alligator River to Mereweather Road, thence in a Westerly direction along Mereweather Road to its junction with King Harman Road, thence in a north-westerly direction along King Harman Road

to its junction with Admiralty Road, thence in a westerly direction along Admiralty Road to its junction with Riverside Drive, thence due west to Cantonments Road, thence in a south-westerly direction along Cantonments Road to the right bank of the Congo River, thence in a northerly direction along the right bank of the Congo River to its junction with Ascension Town Road, thence along Ascension Town Road till the said line reaches its starting point.

(6) The West Ward (Sixth Section) comprises the area within a line which starts at a point on Alligator River where it is crossed by Mereweather Road, thence in a westerly direction along the Mereweather Road to its junction with King Harman Road, thence in a north-westerly direction along King Harman Road to its junction with Admiralty Road, thence in a westerly direction along Admiralty Road to its junction with River side Drive, thence due West to Cantonments Road (footpath), thence in a south-westerly Direction along Cantonments Road to the right bank of the Congo River, thence in a southerly direction along the Congo River, to its junction with the Freetown Water Works Reservation Boundary, thence in an easterly and northerly direction along the Freetown Water Works Reservation Boundary until its junction with Alligator River, thence in a north-westerly direction along Alligator River till the said line reaches its starting point

Division line between two sections.

9. Where the line of delimitation of any section passes up, down or along any street or brook, it shall, unless the contrary appears, be deemed to pass along the middle of such street or book.

PART III—BUILDINGS (GENERAL)

Part III to have effect subject to Orders by Governor in Council.

10. The provisions of this Part of the Ordinance shall have effect subject to such Orders as may be made by the Governor in Council in accordance with the powers conferred by section 63.

New building.

11. Every new building shall be constructed in accordance with the provisions of this Ordinance and of any Rules made thereunder.

A building shall be deemed to be new whenever the external walls thereof have not been carried higher than the footings previously to the day on which this Ordinance shall come into operation. Any other building shall be deemed to be an old building.

Old building.

12. Any alteration, addition, or other work made or done for any purpose, except that of necessary repair not affecting the construction of any external or party wall, in, to or upon any old building, or in, to or upon any new building, after the roof has been covered in, shall to the extent of such alteration, addition or work be subject to this Ordinance and whenever mention is hereinafter made of any alteration, addition or work in, to, or upon any building it shall, unless the contrary appears from the context, be deemed to imply an alteration, addition or work to which this Ordinance applies.

Alterations and additions to old building.

13. Whenever any old building has been, or shall be, taken down to any extent exceeding one-half of such building, such half to be measured in cubic feet, or shall be converted into a dwelling house, such building not having been originally constructed for human habitation, the rebuilding or conversion thereof shall be deemed to be the erection of a new building, and every portion of such old building that is not in conformity with this Ordinance shall be forthwith altered or taken down as the case may require.

Rebuilding old building.

14. Before the erection of a new building is commenced, the person or builder intending to erect the same shall give to the Director of Public Works notice in writing of such intention, and shall accompany such notice with a plan of the proposed building, which shall include or be accompanied by such particulars as to the construction and intended use thereof as will enable the Director of Public Works to ascertain that the provisions of this Ordinance will be complied with:

Intention to erect new building to be notified.

Provided always that in the case of buildings of not more than one storey—

(1) Where the frontage on any street does not exceed twenty-five feet,

(2) Where the external walls thereof are principally constructed of wood, the Public Works Department may dispense with a plan if the design of the proposed building is sufficiently indicated by a description thereof. Such notice shall be upon the form according to the first schedule hereto or upon any other form made in pursuance of this Ordinance, and copies of such forms shall be obtainable on application at the Public Works Department, free of cost.

Notification of time for completion of building.

15. In the notice accompanying the plan or description of proposed building, the person giving such notice shall state the limit of time within which he proposes to complete the building, and the Director of Public Works may, within one month after receiving the same, fix any other time for the completion thereof; and if the Director of Public Works shall not fix any other time for that purpose, the time stated in the said notice shall be deemed to be fixed by the Director of public works for the completion of the building.

Approval and disapproval of plans for new buildings
30 of 1953.

16. (1) Within one month after receiving a notice of intention to erect a new building the Director of Public Works may either-

- (a) If he is of the opinion that the plan and description of the proposed building comply in all respects with the provisions of this Ordinance, signify his approval thereof by issuing a permit in writing (hereinafter called a building permit) authorizing the erection of the building and specifying, if he thinks fit, the purposes for which the building or any part thereof may be used; or
- (b) If he is of the opinion that the plan or description of the proposed building fails to comply with any of the provisions of this Ordinance (for which purpose he may take into consideration any statement by the applicant as to the intended use of the

building), signify his disapproval thereof by issuing, a notice to the applicant pointing out in what respects the plan or description fails to comply with the said provisions:

Provided that if for any reason the Director of Public Works is unable to arrive at a decision within the said period of one month he shall issue a notice to the applicant informing him that a decision will be communicated to him within such further period, not exceeding one month, as may be specified in the notice.

(2) If, within one month after receiving a notice of intention to erect a new building accompanied, by a description and plan, (unless a plan be dispensed with) the Director of Public Works fails to signify his approval or disapproval as aforesaid or to issue a notice in accordance with the proviso to the last preceding subsection or, having issued such notice, fails to communicate decision to the applicant within the time specified therein the applicant may, notwithstanding anything hereinbefore contained, proceed to erect the building according to the plan and description, provided that the building be otherwise in accordance with the provisions of this Ordinance.

(3) In the event of any discrepancy between the plan or description of the building and any of the provisions of this Ordinance, the said provisions shall prevail, notwithstanding that the Director of Public Works may have signified his approval of the plan or description as aforesaid,

17. Where the Director of Public Works has signified his approval of the erection of a new building subject to the condition that such building or some part thereof shall be used for a specified purpose, any person who, without the permission in writing of the Director of Public Works, uses the building or that part thereof for a different purpose shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred pounds, and to a further fine not exceeding ten pounds for every day during which the offence continues:

Use of buildings
30 of 1953.

Provided that a Magistrate shall not convict any person charged with an offence against this section if such person proves to the Magistrate's satisfaction—

- (a) That, at the time when he first used the building for a purpose different from that specified in the condition, he had no notice of the condition; and
- (b) That, within a month of receiving such notice, he complied with such condition and has continued to do so since.

Alteration of buildings erected without notice.

18. If such building be begun without such notice having been given and, where a plan is required, without such plan having been furnished, or without the approval of the Director of Public Works within the said one month, or otherwise not in accordance with the provisions of this Ordinance, the owner and builder thereof shall be deemed to have committed an offence and shall for every such offence be liable, upon summary conviction, to a penalty not exceeding one hundred pounds; and the Director of Public Works may, at any time before or within twelve months next after the completion of the building, make complaint thereof before a Police Magistrate, who, upon being satisfied of the default of such owner or builder, shall order such building to be altered, taken down or demolished as the case may require, and upon failure of the owner or builder within one month from the date of such order to alter, taken down or demolish the building, the Director of Public Works may cause it to be altered, taken down or demolished pursuant to such order, and the expenses, incurred by the Director of Public Works in respect thereof shall be repaid to him by the person failing to comply with the provisions aforesaid, and shall be recoverable as damages.

30 of 1953

(2) The Director of Public Works shall be under no liability to any person in consequence of anything done or omitted to be done by him in, accordance with the provisions of this section.

19. Upon the commencement of any building and also upon the completion of the structure of the said building when the roof has been covered in, and at any time thereafter, in case of any repair, addition or alteration thereto, the owner, occupier or builder shall give to the Director of Public Works notice in writing of such commencement and completion as the case may require. Such notice shall be upon the form according to the second schedule hereto or upon any other forms made in pursuance of this Ordinance, and copies of such form shall be obtainable on application to the Director of Public Works, free of cost

Notification of commencement and completion of building.

20. Any person neglecting to give notice for seven days after the commencement or completion of any building, or of any repair, addition or alteration thereto, shall be deemed to have committed an offence under this Ordinance, and shall for such offence be liable, upon summary conviction, to a penalty not exceeding one hundred pounds.

Non-notification an offence.

21. If the Director of Public Works has reasonable grounds for believing that any of the provisions of this Ordinance have not been or are not being complied with in respect of any building, whether such building has been completed or is in the course of construction, he may enter upon any land for the purpose of inspecting the building, and may enter and inspect the building; and any owner, occupier or builder refusing to admit the Director of Public Works or to afford him reasonable facilities for the purpose of inspection shall be guilty of an offence and shall be liable on summary conviction, to a fine not exceeding one hundred pounds and to a further fine not exceeding ten pounds for every day during which the offence continues:

Inspection of buildings 30 of 1953.

Provided that in the case of an occupied building the Director of Public Works shall not, without the consent of the occupier, enter the building and inspect the interior thereof unless he shall first have obtained a search warrant as provided in the Criminal Procedure Ordinance.

Cap. 39.

Notice to
amend
building.

22. If the Director of Public Works by inspection of any Building finds any portion of any work the building thereat not to be in accordance with the provisions of this Ordinance he shall cause notice in writing, in the form according to the third schedule hereto, to be given or left on the said premises for the person engaged in carrying out such work to amend the same.

Omission to
amend an
offence.

23. If the person so engaged shall not forthwith amend the same in the manner necessary to make such work conform to this Ordinance, he shall be deemed to have committed an offence punishable, upon summary conviction, by a penalty not exceeding one hundred pounds, and not exceeding ten pounds for everyday that he shall so make default.

Correction of
frontages
30 of 1953.

24. (1) When any building, any part of which projects on to or over any street, has been taken down in order to be rebuilt or altered, the Director of Public Works may require the same to be set backwards to such extent and in such manner as he shall direct.

(2) Failure to comply with any such requirement of the Director of Public Works shall be deemed to be a failure to comply with the provisions of this Ordinance.

Notification
to remove
new
projections.

25. The Director of Public Works may give notice to the occupier of any building to remove or alter any porch, shed, projecting window, balcony, verandah, shoot, step, or similar, projection which, after this Ordinance comes into operation, shall be erected or placed against or in front of any building, on or over any street contrary to this Ordinance, and such occupier shall, within fourteen days after the service of such notice upon him, remove such porch, shed, projecting window, balcony, verandah, shoot, step, or projection or alter the same in such manner as shall have been directed by the Director of Public Works, and in default thereof shall be liable to a penalty not exceeding one hundred pounds; and the Director of Public Works in such case may remove any such porch, shed, projecting

window, balcony, verandah, shoot, step, or projection, and the expenses of the Director of Public Works for, or incident to, such removal shall be paid by the occupier so making default, and shall be recoverable as damages:

Provided always that, except in the case in which such porch, shed, projecting window, balcony, verandah, shoot, step, or projection shall be made or put up by the occupier, such occupier shall be entitled to deduct the expenses of removing the same from the rent payable by him to the owner of the building.

26. If any such porch, shed, projecting window, balcony, verandah, shoot, step, or projection was, or shall be, erected or place against, or in front of, any building on, or over, any street before this Ordinance comes into operation, the Director of Public Works may cause the same to be removed or altered as he thinks fit:

Powers of
Director of
Public Works
with regard to
existing
projections.

Provided that the Director of Public Works gives notice of such intended removal or alteration to the occupier of the said building fourteen days before such alteration or removal is begun and if such porch, shed projecting window, balcony, verandah, shoot, step or projection shall be proved by the owner or occupier to have been lawfully made and without a condition subjecting the same to removal, the Director of Public Works shall make reasonable compensation to every person who suffers damage by such removal or alteration.

27. (1) If the Director of Public Works is of the opinion that any building or thing attached thereto is in a ruinous state or is, by reason of its condition, construction or situation, likely to cause danger to any person, he may forthwith cause the building to be fenced off for the protection of passers-by, and if he considers that there is any immediate danger, may take all such steps as he deems necessary to prevent any person from being injured thereby, and shall forthwith cause notice in writing in the form in the fourth schedule to this Ordinance, to be given to the owner of the building, if he be known and resident within the city, and shall cause a copy of

Notice to
owner to take
down
dangerous
building
30 of 1953.

the said notice be affixed to the door or other conspicuous part of the building or shall otherwise give notice to the owner thereof, requiring him to take down, repair, rebuild or secure the building or thing attached thereto in such manner and within such time as may be specified in the notice.

(2) The Director of Public Works shall be under no liability to any person in consequence of anything done or omitted to be done by him in accordance with the provisions of this section.

On failure of owner, Director of Public Works may take down or repair 30 of 1953.

28. (1) If the owner, after notice has been given as provided in section 27, does not begin to take down, repair, rebuild or secure the building referred to in the notice within the space of seven days or such shorter period as may be specified in the notice and complete the taking down, repairing or securing as speedily as the circumstances will allow, or if no owner can be found the Director of Public Works may make complaint thereof before a Magistrate, who upon being satisfied of the failure of the owner to comply with the requirements of the notice (whether it has been served upon him or not) shall make an order directing the owner to take down, repair, rebuild or secure, to the satisfaction of the Director of Public Works, within such time as may be fixed by the Magistrate, the building or such part thereof as appears to the Director of Public Works to be in a ruinous state or likely to cause danger to any person; and in case the same be not taken down, repaired, rebuilt or secured within the time so limited, or if no owner can be found; on whom to serve the order, the Director of Public Works shall, with all convenient speed, cause the building or so much thereof as appears to him to be likely to cause danger to any person, to be taken down, repaired, rebuilt or secured in such manner as he deems necessary; and all the expenses incurred by the Director of Public Works in connection with the putting up of any fence and the doing of any other thing which he is authorized to do by section 27, and of taking down, repairing, rebuilding or securing the building shall be paid by the owner of the building.

(2) The Director of Public Works shall be under no liability to any person in consequence of anything done or omitted to be done by him in accordance with the provisions of this section

29. If such owner can be found within the city, and if on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses, upon proof thereof before the Magistrate, may be levied by distress, and the Magistrate may issue his warrant for the levy to be made accordingly.

Expenses to be levied by distress on the owner.

30. If such owner cannot be found within the city, or sufficient distress of his goods and chattels cannot be made, the Director of Public Works, after giving twenty-eight days' notice of his intention to do so by posting a printed or written notice in a conspicuous place on such building, or on the land whereon such building stood, may take such building or land, provided that such expenses be not paid or tendered to him within the said twenty-eight days, making compensation to the owner of such building or land in the manner provided by the Public Lands Ordinance, in the case of lands taken otherwise than with the consent of the owners and occupiers thereof, and the Director of Public Works shall be entitled to deduct out of such compensation the amount of the expenses aforesaid, and thereupon to sell or otherwise dispose of the said building or land

If owner not found the Director of Public Works may take house or ground, making compensation.

Cap. 116.

31. If any building or any part of the same be taken down or demolished by virtue of the powers conferred by this Ordinance, the Director of Public Works may sell the materials thereof, or so much of the same as shall be taken down or demolished, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building, and the Director of Public Works shall restore any surplus arising from such sale to the owner of such building, on demand; nevertheless the Director of Public Works, although he sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are herein- before given to him for compelling the payment of the whole of the said expenses.

Sale of materials by Director of Public Works restoring to owner over-plus arising from sale

Recovery of
expenses
from
occupier.

32. It shall be lawful for the Director of Public Works to require the payment of any expenses, which the owner of any premises may be liable to pay under this Ordinance, from any person who then, or at any time thereafter, occupies such premises: and the owner shall allow every such occupier to deduct all sums of money, which he so pays or which are levied by distress, out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent:

Provided always that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him or which, after such demand of such expenses from such occupier, and after notice not to pay the owner any rent without first deducting the amount of such expenses, becomes payable by such occupier; unless he refuse, on application made to him for that purpose by, or on behalf of, the Director of Public Works, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie upon such occupier.

PART IV—ROOFING OF BUILDINGS

Part IV to
have effect
subject to
Orders of
Governor in
Council.

33. The provisions of this Part of the Ordinance shall have effect subject to such Orders as may be made by the Governor in Council in accordance with the powers conferred by section 63

Prohibition of
inflammable
roofs.

34. From and after the times hereinafter respectively mentioned no roof of any building within the sections hereinafter specified shall be, or remain, covered externally with any other than non-inflammable materials, that is to say-

(1) Within the First, Second and Third Sections of the Central Ward, from and after the expiration of one year from the date of the coming into operation of this Ordinance;

(2) Within the Fourth Section of the Central Ward, the First Section of the East Ward and the First Section of the West Ward, from and after the expiration of two years from the date of the coming into operation of this Ordinance;

(3) Within the Second Section of the East Ward and the Second Section of the West Ward, from and after the expiration of three years from the date of the coming into operation of this Ordinance:

Provided nevertheless that the Governor in Council may by Order exempt any building from the operation of this section, and for such time, if any, as may be prescribed in the said Order:

Provided also that a dwelling house may be thatched for such period and subject to such conditions as may be specified in writing by the Director of Public Works. For the purpose of this proviso "dwelling house" means a building intended wholly for human habitation and excludes the use of any part thereof for the purposes of trade.

35. The owner of any building having any roof made of materials contrary to the provisions of the last preceding section of this Ordinance, shall be guilty of an offence, and shall be liable, upon summary conviction, to a penalty not exceeding one hundred pounds, and to a further penalty of ten pounds for each day that the offence continues. ^{Liability of owner.}

36. Where the owner of a building fails to make the roof in accordance with the provisions of section 34 of this Ordinance, it shall be lawful for the Director of Public Works, by notice in writing to be given to the occupier of such building, to require him to do so; and if he thereafter continue in the occupation thereof he shall be liable to make such roof in accordance with the provisions of the said section. ^{Liability of occupier.}

Provided nevertheless that, subject to any contract made or to be made between the occupier and the owner, the occupier shall upon making the roof as aforesaid be entitled to deduct cost thereof from the rent payable to the Owner, and to occupy the building until the rental shall be sufficient to repay such cost, unless the owner shall in the meantime pay the cost to him.

Powers of Director of Public Works in case of default owner and occupier.

37. In default of the owner or occupier making the roof of a building in accordance with the provisions of section 34 of this Ordinance, it shall be lawful for the Director of Public Works to make such roof, or otherwise to take down the same or the whole building; and the expenses for so making or taking down the roof or building shall be repaid by the owner to the Director of Public Works and be recoverable in the manner prescribed in sections 30, 31 and 32 of this Ordinance in the case of dangerous ruinous buildings pulled down.

PART V—UNFINISHED AND DILAPIDATED BUILDINGS

Part V to have effect subject to Orders of Governor in Council.

38. The provisions of this Part of the Ordinance shall have effect subject to such Orders as may be made by the Governor in Council in accordance with the powers conferred by section 63.

Limit of application of Part V.

39. Part V of this Ordinance shall apply to the First, Second, Third and Fourth Sections of the Central Ward, the first section of the East Ward and to the First Section of the West Ward.

Fine for unfinished building.

40. There shall be paid to the Director of Public Works in respect of every building which shall be commenced, and shall be, and remain in an unfinished state for a period of six months from and after the time which the Director of Public Works as aforesaid fix for its completion, a sum equal to double the value of the city rate at which the same, if finished, would be liable to be assessed under the provisions of the Freetown Municipality Ordinance, and such amount shall be paid by the occupier of such unfinished building, and if there be no occupier by the owner thereof.

Cap. 65.

PART VI—FENCES

41. Every plot of land, or part thereof, which shall have no building thereon abutting on a street, and every stone quarry abutting on a street, whether public or private, shall be enclosed and kept enclosed by the owner or occupier thereof with a fence less than four feet high and of uniform height or level; and made with stone, brick, iron, wood, or living plants where the use of a fence of living plants is not prohibited by this Ordinance: Fencing of land abutting on street.

Provided always that all such fences made of living plants shall be kept carefully cropped of all superfluous branches.

42. Such fence if made with wood in any of the First, Second, Third and Fourth Sections of the Central Ward, or in the First Section of the East Ward, or in the First Section of the West Ward shall be of wood cut in uniform widths and fixed, at uniform distances and shall be secured with nails or screws and not with rope or withes. Wooden fences.

43. In the First, Second, Third and Fourth Sections of the Central Ward, in the First Section of the East Ward, and in the First Section of the West Ward, no fence shall be made of living plants except with the written approval of the Director of Public Works, Fence of living plants.

44. No fence abutting on any street shall be made with barbed wire. Prohibiting of barbed wire.

45. (1) Where, at the date of the coming into operation of this Ordinance, there is abutting on a street any fence which shall not be in accordance with the provisions of this Ordinance such fence shall, within six months thereafter, be removed by the owner or occupier thereof- Removal of fence.

- (a) If such owner or occupier fail to remove any such fence, or
- (b) Where any fence abutting on a street shall be made contrary to the provisions of this Ordinance;

such fence shall be deemed to be a nuisance to such street; and it shall be lawful for the Director of Public Works to serve a notice in writing on the occupier of the land on which such fence is found, requiring him within a time therein stated, which shall not be less than one month, nor more than three months after the date of the notice, to abate such nuisance.

(2) If on the expiration of the time stated in the notice the occupier shall have failed to comply therewith, it shall be lawful for the Director of Public Works to apply to the Magistrate for a summary order, and the Magistrate, if satisfied that such fence is a nuisance as aforesaid, shall, by summary order direct the occupier, within a time to be stated in the order, to abate such nuisance; and on his failure to comply with such order the Director of Public Works may do whatever may be necessary to abate the nuisance and otherwise in the execution of the order, and recover in a summary manner the expenses incurred in connection therewith.

Penalty.

46. Any person, who contravenes any of the provisions of Part VI of this Ordinance, shall, be guilty of an offence, and shall upon summary conviction thereof be liable to a fine not exceeding, one hundred pounds and a further penalty of ten pounds for every day that the offence continues after the expiration of the time stated in the notice which shall have been served by the Director of Public Works under the provisions of the last preceding section.

PART VII—STREETS

Plots without buildings deemed to be occupied.

47. Every plot of land abutting on a street on which no building is, or shall be, erected or is in the course of erection, shall be deemed to be occupied by the owner thereof unless the same shall be proved by the owner to be in the actual occupation of some other person.

Prohibition of obstruction of streets.

48. Any person—

(1) Who shall place or leave or cause to be placed or left, without the consent of the Director of Public Works, any lumber, brick or stone, or any goods, bale, package, puncheon, barrel or cask, or any box, basket, tray or other impediment whatsoever—

(a) In any street,

(b) Upon any quay or wharf, except within the space of twenty feet from, the outward edge of such quay or wharf, or within such, space for any time exceeding three days from the time of the same being first placed upon such quay or wharf, or

(2) Whosoever by leaving, washing, cleaning or repairing any vehicle, whether a motor vehicle, cart or gig and whether in good or dismantled condition, or any part of such vehicle, any street, quay or wharf shall obstruct or impede the free passage of such street, quay or wharf, or

(3) Who shall do any of the aforesaid acts mentioned in this section on any land abutting on any street and not enclosed within a wall or fence, shall be guilty of an offence, and shall be liable, upon summary conviction, to a penalty not exceeding five pounds for each such offence and to a further penalty, of ten shillings for each day that the offence continues:

Provided nevertheless that it shall be lawful for the Director of Public Works to cause any such article to be removed from the street, and to, sell the same, unless it be claimed and taken away by the owner thereof within seven days after such removal; and the expenses of the Director of Public Works for, or incident to, the removing, keeping or selling of any such article shall be repaid to him by the owner, and be recoverable as damages, or be deducted from the proceeds of the sale of any such article.

49. No crossing over any open drain or gutter in any street shall be constructed except with the permission of the Director of Public Works and upon an approved plan. Crossings over open drains.

Removal of crossing over open drains.

50. After two years from the date of the coming into operation of this Ordinance, it shall be lawful for the Director of Public Works to remove, or order the owner to remove, any crossing made by any private person over any open drain or gutter in any street.

Prohibition of removal of soil or material from streets.

51. It shall not be lawful for any person to remove any soil, earth or other material from any street, or to change, divert or obstruct or attempt to change, divert or obstruct, any water course without the consent of the Director of Public Works under a penalty not exceeding twenty pounds, upon summary conviction before the Magistrate.

Notification of intention to lay out new street.

52. Every person who intends to make or layout any new street, or to layout any piece or parcel of land for building purposes, shall give notice in writing to the Director of Public Works and shall accompany such notice with a plan of the said street or piece of land, and lands adjoining thereto, to a scale of not less than forty feet to one inch. The level, width and building line of every new street, the size of the street blocks and building plots, the drainage arrangements and such areas as shall remain open spaces, shall be fixed under the direction of the Director of Public Works, and the building line so fixed shall be kept thereafter by every person erecting any building or structure in such street.

Failure of Director of Public Works to fix levels.

53. If the Director of Public Works does not fix such level and width within six weeks from the time of the delivery of such notice as aforesaid, unless the fixing of such level and width be delayed by the appeal hereinafter provided, the person giving such notice may proceed to lay out the street at any level and width which will allow of compliance with the other provisions of this Ordinance, as if such level and width had been fixed by the Director of Public Works; and in such case every change of the level and width which the Director of Public Works afterwards deems requisite, and the works consequent thereon, shall be made by the Director of Public Works, and the expense thereof, and any damage which and any which any person sustains in consequence of such alterations, shall be defrayed by the Council.

Liability of persons laying out streets without notice.

54. Every person who makes or lays out any such new street as aforesaid without causing such notice to be given to the Director of Public Works as aforesaid, shall be liable to defray all the expenses consequent upon any change of the level or width of the said street deemed requisite by the Director of Public Works, and every person who, in erecting any building in such street, does not keep the level and width fixed by the Director of Public Works shall be liable to defray all the expenses consequent upon any change which the Director of Works deems requisite, of the level or width of that part of the street on which such building abuts.

PART VIII – MISCELLANEOUS

55. (1) No person shall establish and carry on any foundry, forge, farrier's shop, or cooperage within the city without the licence in writing of the Director of Public Works and any person who shall establish or carry on any such foundry, forge, farrier's shop or cooperage without such consent as aforesaid, shall be guilty of an offence, and upon summary conviction thereof be liable to a penalty of twenty pounds and to a further penalty of one pound, for every day he shall so carry on the said business.

Foundry or forge not to be established without licence.

(2) Any person who shall be desirous of obtaining such consent shall, fourteen days before making application for the same, put up in front of the office of the Director of Public Works, and in front of the police office for Freetown a notice in the form prescribed in the fifth schedule hereto, within which period any person who shall deem that he would suffer annoyance or detriment, either in person or property, by the granting of such licence, shall be at liberty to state in writing to the Director of Public Works his objection to the granting thereof; and at the expiration of the said period the Director of Public Works, after hearing the opposing parties, shall either grant or refuse the licence, as to him in his discretion shall seem meet.

Penalty for establishing foundry or forge without licence.

Penalty upon occupiers obstructing execution of works or not disclosing owner's name.

56. If the occupier of any premises prevent the owner thereof from carrying into effect, with respect to such premises, any of the provisions of this Ordinance, or any order made in pursuance thereof, he shall be liable to a penalty not exceeding one hundred pounds for every day during the continuance of such refusal or neglect; and if the occupier of any premises when requested by, or on behalf of, the Director of Public Works to state the name and description of the owner of the premises occupied by him refuse, or willfully omit, to disclose or willfully mis-state the same, it shall be lawful for the Magistrate to summon the party to appear before him, and if the party summoned neglect or refuse to attend at the time and place appointed by the Magistrate and do not show good cause for such refusal, or if such wilful omission or mis-statement be proved, the Magistrate may impose upon the offender a penalty not exceeding one hundred pounds.

Appeals against order or act of Public Works Department.

57. (1) Any person who deems himself aggrieved by any order or direction of the Director of Public Works in relation to the level or width of a new street or to the level of any building thereon, or by any notice, order or act of the Director of Public Works in relation to the construction, repair, alteration, taking down or demolition of any building may, within fourteen days after notice to the occupier of any such order or notice, or after such act of the Director of Public Works, appeal to the Supreme Court against the same.

(2) Such person shall give seven days' clear notice in writing of his intention to appeal and the grounds thereof to the Director of Public Works.

(3) The said Supreme Court shall hear and determine the appeal, and either allow or disallow the same or make such order in the premises as shall be lawful.

(4) The said Supreme Court shall, subject to this Ordinance have the same powers, jurisdiction and authority with respect to any appeal, and the proceedings thereon and the costs as if the appeal were an ordinary action within its jurisdiction

58. Every notice, demand, or other document required by this Ordinance to be given or made by, or on behalf of, the Director of Public Works shall be in writing and signed by the person issuing the same, or, by such other person as is duly authorized in that behalf.

Authentica-
tion of
notices

59. In every case where the amount of any damage, costs or expenses is by this Ordinance directed to be ascertained or recovered in a summary manner, or the amount of any damage costs or expenses is by this Ordinance directed to be paid and the method of ascertaining the amount or enforcing the payment thereof is not provided for such amount shall, in case of dispute, be ascertained and determined by, and shall be recovered before, the Magistrate in the manner provided by section 79 of the Public health (Colony) Ordinance, for the recovery of a debt directed by the last-mentioned Ordinance, to be recovered summarily.

Recovery of
damages and
expenses.

60. The Director of Public Works may, from time to time as to him shall seem fit, alter or add to the forms contained in the schedules hereto or make other forms in substitution therefore.

Alteration of
of Forms.

61. It shall be lawful for the Director of Public Works to authorise any officer or person to do or perform any act which the Director of Public Works himself is empowered by this Ordinance to do or perform.

Authorisation
of officer to
perform acts.

62. (1) The Governor in Council may make rules for the better carrying into effect of the provisions of this Ordinance.

Power of
Governor in
Council to
make Rules
and Orders
30 of 1953.

(2) In particular, and without prejudice to the generality of the powers conferred by sub-section (1) of this section, the Governor in Council may make rules for all or any of the following purposes—

- (a) Prescribing the materials of which buildings generally or specified classes of buildings or any parts thereof shall be constructed;
- (b) Restricting the heights of building;

- (c) Prescribing the thickness of walls of buildings;
- (d) Providing, in relation to the construction, materials or situation of buildings, for the prevention of fire;
- (e) Determining and regulating the building line of buildings fronting on streets;
- (f) Prescribing the distances to be left between buildings, and the distances between buildings and the boundary lines of the plots on which they are situate;
- (g) Prescribing the proportion of the area of any plot which may be built upon;
- (h) Regulating the position of outhouses, cesspits and drains;
- (i) Regulating the drainage and disposal of rain water and waste water and prescribing the gutters and drains which shall be provided for that purposes;

*Cap. 190 of the 1946 Edition. It has been omitted from the Edition.

- (j) Prescribing the foundations upon which buildings shall be constructed;
- (k) Providing for the paving of the cartilage of buildings; and
- (l) Prescribing penalties, not exceeding a fine of one hundred pounds and in the case of a continuing offence a fine of ten pounds for

every day during which the offence is continued on summary conviction for the breach of any rule made under this section.

(2) The Governor in Council may, by Order, from time to time extend to any section of any ward, or any part thereof, the application of Parts IV, V, and sections 42 and 43 of Part VI of this Ordinance, and shall cause the said Order to be published in the Gazette on two occasions, with an interval of not less than one month; and any such Order shall, from the date of the Gazette in which the second publication shall be made, be deemed to be incorporated with this Ordinance, and the part or parts of this Ordinance, the application of which is so extended shall then apply to the sections or places which the Order shall specify.

63. (1) The Governor in Council may from time to time by order declare any area, to which this Ordinance applies or to which it may hereafter be applied, to be a Town Planning Area.

Governor in Council may declare area to be a Town Planning Area.

(2) Notwithstanding anything contained in this Ordinance, the Governor in Council if satisfied that it is necessary in order to give proper effect to the purposes of a Town Planning Scheme may by order prohibit or restrict the construction or repair of any building within the whole or any specified part of a Town Planning Area. Such orders may impose penalties for contravention thereof not exceeding a fine of one hundred pounds and give such powers of demolition of any unlawfully constructed or repaired building as the Governor in Council may think fit.

Sec 14 and
15.

FIRST SCHEDULE

THE FREETOWN IMPROVEMENT ORDINANCE

Notice of intention to build

..... Ward (.....Section)

*[Describe
nature of
building, such
as dwelling
house,
dwelling house
and
outbuilding
shop, etc.]

I hereby give to the. Public Works Department notice that I
intend to erect a *upon the.....side
of.....Freetown, particulars of which are described at
the foot hereof.

.....plan of said premises accompanies this notice.

I propose to complete the building within..... from the
commencement thereof.

Dated this.....day of.....19.....

..... (Name)

..... (Address)

To the Director of Public Works

Description of premises above referred to.

SECONDSCHEDULE

THE FREETOWN IMPROVEMENT ORDINANCE

Notice of commencement of Building

Sec. 19.

..... Ward (.....Section).

*(Describe
nature of
building as in
notice of
intention to
build).

I do hereby give you notice that I have commenced the
erection of a*upon the.....side of.....Freetown
pursuant to my notice of intention to build dated the.....day
of.....19.....

The erection of the building was commenced on
the.....day of.....19.....

Dated this.....day of.....19.....

..... (Name)

..... (Address)

To the Director of Public Works

THE FREETOWN IMPROVEMENT ORDINANCE

Sec. 19.

Notice of completion of Building

..... Ward (.....Section)

I hereby give you notice that I have completed
.....of the'upon the.....side
of.....referred to in my notice to you of the.....day
of.....19.....

Dated this.....day of.....19.....

..... (Name)

..... (Address)

To the Director of Public Works

THIRDSCHEDULE

THE FREETOWN IMPROVEMENT ORDINANCE

Sec. 22

Notice to Amend

To.....of.....or other, the owner, builder or persons
engaged in erecting.....upon the.....side of.....

Take notice that the.....are not in accordance
with the Freetown Improvement Ordinance and the Orders in Council
made there-under, and require amending in .the following particulars-

It is my duty to request you to at once carry out these works
to avoid further proceedings under the provisions of the above-
mentioned Ordinance.

Dated the.....day of.....19.....

Public Works Department

.....
Director of Public Works

FOURTH SCHEDULE

Sec. 27

THE FREETOWN IMPROVEMENT ORDINANCE

Notice as to Dangerous Buildings

To.....of.....or other, the owner or occupier of
a..... situated at.....or to whomsoever it may
concern.

Take notice that I have this day found the
said.....premises to be in a dangerous state so far as
regards.....and, pursuant to section twenty-six of the above-
mentioned Ordinance, I hereby give you notice to
within.....days of the date hereof.

Dated the.....day of..... 19.....

Public Works Department

.....
Director of Public Works

FIFTH SCHEDULE

Sec. 55

THE FREETOWN IMPROVEMENT ORDINANCE

Notice of Application for Licence

Notice is hereby given, that I.....residing in.....
Street in.....'do intend to make application to the Director of
Public Work on the.....day of.....for a licence to
establish* upon the premises: belonging to.....situated in
Street in the City of Freetown and numbered.....in the
plan of town lots. †

Assent to in Her Majesty's name this 3rd day of June 1964.

S. A. BENKA-COKER,
Acting Governor-General



No. 10



1964

Sierra Leone

**An Act to Amend the Freetown Improvement
(Extension) Act**

Cap. 77.

(4th June, 1964) Date of com-
mencement.

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. This Act may be cited as the Freetown Improvement Short title.
Extension) (Amendment) Act, 1964.

Amendment of section 2 of Cap. 77. 2. Section 2 of the Freetown Improvement (Extension) Act (hereinafter called the principal Act) is hereby amended by the substitution of a semi-colon for the full stop at the end thereof and the addition thereto of the following—

“Minister” means the Minister for the time being responsible for Housing and Country Planning”.

General Amendment of Cap. 77. 3. Wherever the words “Governor-General” or “Permanent Secretary of the Ministry of Works” occur in the principal Act there shall be substituted therefore the word Minister”.

Passed in the House of Representatives this 7th day of May, in the year of our Lord one thousand nine hundred and sixty-four.

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

P. M. MHCP/3/11

PUBLIC NOTICE No. 76 OF 1964 M.P.MHCP/3/11

Published 24th September, 1964

THE FREETOWN IMPROVEMENT (EXTENSION) ACT
 (Cap. 77)

THE FREETOWN IMPROVEMENT, (EXTENSION) ORDER, 1964

In exercise of the powers conferred on him by sections 3 and 5 of the Freetown Improvement (Extension) Act, the Governor-General, acting in accordance with the advice of the Cabinet, hereby makes the following Order:—

1. This Order may be cited as the Freetown Improvement (Extension) Order, 1964, and shall come into operation on the first day of September, 1964. Citation and commencement.

2. The areas delimited in Parts I and II of the First Schedule are hereby declared to be Urban Areas and shall be known respectively as the Second Urban Area and the Third Urban Area. Creation of Second and Third Urban Areas.

3. The provisions of the Freetown Improvement Act, which are specified in the Second Schedule, shall, subject to the modifications indicated therein, apply to the Second and Third Urban Areas. Certain provisions of Cap. 66 to apply to the Second and Third Urban Areas.

4. The provisions of section 63 of the Freetown Improvement Act are hereby applied to the First Urban Area. Section 63 of Cap. 66 to apply to First Urban Area.

PUBLIC NOTICE No. 75 OF 1964

M.P. MHCP/3/11

Published 24th September, 1964

THE FREETOWN IMPROVEMENT (EXTENSION) ACT
(Cap. 77)

THE FREETOWN IMPROVEMENT (EXTENSION) (SECOND AND
THIRD URBAN AREAS) (BUILDING LINES) RULES, 1964

In exercise of the powers conferred on him by section 6 of the
Freetown Improvement (Extension) Act, the Minister of Housing
and Country Planning hereby makes the following Rules:—

Citation. **1.** These Rules may be cited as the Freetown Improvement
citation. (Extension) (Second and Third Urban Areas) (Building
Lines) Rules, 1964.

Building lines
for certain
roads within
the Second
and Third
Urban Areas. **2.** No new building shall be erected within fifty-five feet of
the centre line of the following roads and parts of roads—

- (a) Freetown-Waterloo Road from the City
Boundary to Hughes Water at Wellington.
- (b) Freetown-York Road from the City Boundary
to Hamilton.
- (c) Congo Cross from the City Boundary-Signal
Hill to Bathurst Village.

MADE this 2nd day of April, 1964.

Issued under my hand,

G. DICKSON-THOMAS,
Minister of Housing and Country Planning

APPROVED by the House of Representatives this 18th day of September,
1964.

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

CHAPTER 124

WAR DEPARTMENT LANDS
(KORTRIGHT HILL AND KENNEDY RIDGE)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Vesting of land in the Secretary of State on behalf of Her Majesty.

CHAPTER 124

WAR DEPARTMENT LANDS
(KORTRIGHT HILL AND KENNEDY RIDGE)

**An Ordinance for giving Possession to the War Department⁵ of 1884.
of Land at Kortright Hill and Kennedy Ridge for the purpose of
Constructing Barracks and a Rifle Range thereon.**

(7TH MARCH, 1884.)

WHEREAS it is desirable that Her Majesty's Principal Secretary
of State for the time being for the War Department (hereinafter called
the said Secretary of State) should, on behalf of Her Majesty, Her
heirs and successors, have possession of lands at Kortright Hill and
Kennedy Ridge for the purpose of constructing barracks and a rifle
range thereon, and that the same should be vested in the said
Secretary of State:

AND WHEREAS an Ordinance instituted An Ordinance relating Preamble.
to the barracks and rifle range at Kortright Hill and Kennedy Ridge
has been passed in the Legislative Council of Sierra Leone enabling
the said Secretary of State to acquire compulsorily purchase land at
the said places:

AND WHEREAS due and sufficient notice has been given of
intention of the said Secretary of State to acquire land under that
Ordinance, and all claims for compensation under this Ordinance
have been satisfied.

1. This Ordinance may be cited as the War Department Lands Short title.
(Kortright Hill and Kennedy Ridge) Ordinance.

*Her Majesty Queen Victoria

Vesting of land in the Secretary of State on behalf of Her Majesty.

2. Immediately from and after the time that this Ordinance becomes law, the portion of land described in the schedule, together with all messusages, tenements, estates, and other hereditaments, and all streams therein included (but no portion of the stream referred to as Leicester Stream), shall be, remain, and continue vested in the said Secretary of State in trust for Her Majesty, Her heirs and successors:

Provided always that no works which may interfere with the running of adjacent streams shall be constructed on the said land without the permission of the Governor, signified in writing, and that it shall be lawful for the Director of Public Works, or for any person authorized by the Governor in that behalf to enter at any time upon the said lands, or any part thereof for the purpose of viewing and examining the building and construction of any such works, and of viewing and examining the condition of any stream running through, or rising out of, the said land.

Section 2.

SCHEDULE

The land at Kortright Hill and Kennedy Ridge to the S.E. of Freetown, which forms the subject of this Ordinance, is shown on the sketch C (deposited at Government House), and included in the following boundaries—

(1) From a boundary mark at Savage Bridge where the existing Path to Kortright Hill crosses White Water, up this stream to a boundary mark at the junction of Tipping Brook and Allen Stream.

(2) Along Allen Stream to a boundary mark at the spring from which it flows.

(3) From the spring in a southerly direction to a boundary mark at the pool in Leicester Stream known as Wawn's Dip.

(4) Down the Leicester Stream to a boundary mark at Streeten Falls.

(5) Along a path of which the plan B (deposited at Government House) is a survey. Boundary marks are placed at the points marked 1 to 9 on this plan.

CHAPTER 81

TOWN AND COUNTRY PLANNING

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

SECTION

1. Short title.
2. Interpretation.

PART II—TOWN AND COUNTRY PLANNING BOARD

3. Town and Country Planning Board established.
4. Majority decision Quorum.
5. Casting vote.

PART III—DECLARATION OF PLANNING AREAS AND POWERS OF BOARD

6. (1) Declaration of Planning Area.
- (5) Rules
- (6) (a) Applications to Supreme Court
- (b) Appeals.
7. Prohibition of development.
8. Vesting of powers in the Board.
9. Power of Board to delegate authority.
10. Planning Committee.
11. Duties and powers of Committee.

PART VI—PLANNING SCHEME

12. Outline planning schemes.
13. Detailed planning schemes.
14. Obligation to give information to Board.
15. Entry, examination and survey.
16. (1) Deposit of scheme.
- (2) Notice.
17. Approval by the Governor.
18. Deposit of approved scheme.

PART V—EXECUTION OF SCHEMES

19. Execution of scheme by Board.
20. (1) Power to carry out scheme
 - (2) Notice
 - (3) Penalty
21. Entry on land
22. Obstruction
23. Penalty for contravention of a scheme
24. (1) Acquisition of land by Board
 - (2) Compulsory acquisition
 - (3) Notice to owner, etc
 - (4) Entry
 - (5) Land to be marked out.
 - (6) Plan and certificate to be registered.
 - (7) Compensation.
 - (8) (a) Delivery of possession by Sheriff.
 - (b) Costs
 - (9) Land, etc., to be used solely for scheme.
 - (10) Sale of land, etc.

PART VI.—COMPENSATION AND BETTERMENT

25. Compensation for loss, etc.
26. No compensation in certain classes of cases.
27. Claims for compensation.
28. Recovery of betterment by Board.
29. Disputes.
30. Receipts and expenses of Board.

PART VII—MISCELLANEOUS

31. Revocation or modification of scheme at request of Board.
32. Service of notices, etc.
33. Power of Board to make regulations.

FIRST SCHEDULE

SECOND SCHEDULE

CHAPTER 81

TOWN AND COUNTRY PLANNING (COLONY)

An Ordinance to Make Provisions for Town and Country Planning.

(27th June, 1946)

PART I—PRELIMINARY

1. This Ordinance may be cited as the Town and Country Short title. Planning Ordinance.
2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.

“Building” means any building, erection, structure or any other building erected on or made on, in or under any lands and includes the land in or under which the building is situate;

“Building Operations” include any road or other works preliminary or incidental to the erection of buildings;

“Colony” means the Colony of Sierra Leone, including the Sherbro Judicial District;

“Development” in relation to any land includes any building or re-building operations and any use of the land or any building thereon for a purpose which is different from the purpose for which the land or building was being used until immediately before the date of the Order declaring a Planning Area under section 6 of this Ordinance;

Provided that the laying down by the occupier of farmland to fallow, or any change of crops grown or to be grown or in the method of their cultivation by the said occupier shall not be deemed to be development save in so far as the Governor or the Board may determine;

“Existing Building” means a building erected or constructed before the date of the Order declaring a Planning Area under section 6 or the Ordinance;

“Fence” includes any hoarding or paling used as such, and also banks and walls;

“Hedge” includes any tree or shrub forming a part of hedge;

“Land” includes land covered with water and also include incorporeal as well as corporeal hereditaments of every tenure or description, and any interest therein, and also an undivided share of land;

“Municipal Area” means the area within the authority of the City Council of Freetown or within the authority of the Council of any city or town now or hereafter established;

“Owner” includes joint owner, Jessee, tenant for life, and any other person in the actual possession of premises or entitled to receive the rents of premises of any tenure or description, and the agent or attorney of such persons or and of them, and any other person who has an interest in or draw the rents;

“Road” means any road whether public or private and includes any street, square, court, alley, lane, bridge, footway, trace, bridle path, passage or highway, whether thoroughfare or not;

“Scheme” means a scheme made under this Ordinance;

“Site” in relation to any buildings includes offices, out buildings, yards, courts or gardens occupied or intended be occupied therewith;

“Town Council” means the City Council of Freetown or the Council of any town now or hereafter established.

(2) For the purposes of this Ordinance the placing or keeping on any land of any shed, tent or other object, whether fixed or removable or movable or collapsible, which is not a building, shall be a use of such land.

PART II—TOWN AND COUNTRY PLANNING BOARD

3. (1) There shall be established a Board to be known as the Town and Country Planning Board (hereinafter referred to as the Board) consisting of a President to be appointed by the Governor, a representative of the Medical, Public Works and Surveys and Lands Departments, respectively, and not less than two and not more than four other members (one of whom shall be an Elected Member of the Freetown City Council), to be appointed by the Governor for such periods or period as he shall determine, provided that any one of the Heads of the Medical, Public Works and Surveys and Lands Departments may, for good cause, appoint a person to take the place of the representative of his department at any meeting of the Board.

Town and
Country
Planning
Board
established.

(2) Notwithstanding the provisions of the immediately preceding sub-section, the Governor may appoint the representative of any one of the departments therein referred to, to be President of the Board and in any such event it shall be lawful for the Governor to appoint an additional member to the Board.

(3) The Board shall be the authority for town and country planning in the Colony and shall be a body corporate and shall have perpetual succession and a common seal, which shall be officially and judicially noticed and the seal shall be authenticated by the signature of the President, or the member appointed under the provisions of section 4 of this Ordinance to preside, and one other member of the Board.

(4) Any member of the Board, who has any financial or other interest in any matter before it for determination, shall disclose such interest to the Board and shall take no part in the discussion on any such matter, nor vote thereon.

(5) The Board may sue and be sued in its corporate name.

(6) The Board with the approval of the Governor may appoint a suitable person to be Secretary to the Board, and may with the like approval appoint such other officers as may be necessary for carrying out the duties and functions of the Board.

Majority
decision.

4. All acts whatsoever authorised or required by this Ordinance to be done by the Board, and all questions that may come before the Board shall be done and decided by the majority of votes;

Quorum .

Provided that the Board shall not be competent to act in any case unless there be present at and throughout the meeting four members at least, of whom one shall be either the President or one of the members appointed in writing by the President to preside.

Casting vote.

5. The President or member presiding shall have an original vote in common with the other members, and also a casting vote, if upon any question the votes shall be equal.

PART III—DECLARATION OF PLANNING AREAS AND POWERS OF BAORD

Declaration
of Planning
Area.

6. (1) If the Board, after consultation in the case of Freetown with the City Council, in the case of any town hereafter established with the Council of such town, in the case of the Sherbro Urban District with the Sherbro Urban District Council, and in the case of other parts of the Colony with the Rural Area Council, is of the opinion that a scheme should be made for any area and makes representations to that effect (such representations to be accompanied by a plan) to the Governor in Council, the Governor in Council may by order declare that the area specified in such representations shall be a Planning Area;

Provided that the Governor in Council shall have power before approving to modify the area specified by the Board's representations by adding thereto or omitting therefrom any portion or portions of land.

(2) Such order shall come into operation upon the day of its publication in the *Gazette* and shall cease to have effect within three years from such date no scheme in respect of the Planning Area or any part thereof has been approved under the provisions of section 17 of this Ordinance.

(3) A copy of the order shall also be posted at such places within the Planning Area as the Board shall direct.

(4) When an area has been declared a Planning Area under the provisions of this section, the value of any building or land in such area shall, for the purposes of determining the amount of compensation or betterment payable under the provision of this Ordinance, be deemed to be the value of the building or land at the date of such declaration.

(5) The Governor in Council may make rules prescribing Rules. the manner in which compensation shall be assessed and such rules may provide for the appointment by the Governor of Committees to advise the Board as to the compensation which should be paid in planning areas, and the Board may either award compensation in accordance with such advice or award such other compensation as to the Board seems fit.

(6) (a) If the person to whom compensation is payable is Applications to Supreme Court. dissatisfied with any compensation awarded as aforesaid, the Board or such person may apply to the Supreme Court to determine the amount of compensation which should be paid.

(b) Any final judgement in any such case as aforesaid Appeals. shall be subject to the like appeal to which other final judgements of the Court is subject, including appeal to the West African Court of Appeal and to Her Majesty's Privy Council where such appeal is allowed by law.

Prohibition of development.

7. (1) When an order declaring a Planning Area has been published under section 6 of this Ordinance, no person shall within the Planning Area carry out any development of land or any construction, demolition, alteration, extension, repair or renewal of any building until a detailed scheme is approved under section 17 of this Ordinance for the area containing such land or building;

Provided that the Board may grant to any person applying in writing therefore permission in writing, subject to such conditions, one of which may be that in respect thereof, no compensation shall be payable, as it may deem necessary to impose, to develop land or to construct, demolish, alter, extend, repair or renew a particular building lying within the Planning Area;

And provided further that no such permission shall be necessary in respect of minor repairs the total cost or value of which does not exceed the sum of ten pounds in any one year.

(2) Every person who otherwise than under a final scheme proceeds with or does any work in a Planning Area without such permission as aforesaid shall be liable, on summary conviction, to a fine of ten pounds together with, in the cases of a continuation offence, a further fine of one pound for every day during which the offences continues after conviction.

Vesting of powers in the Board.

8. (1) When an order declaring a Planning Area in respect of an area lying wholly or partly within a municipal area has been published under section 6 of this Ordinance—

(a) The powers to undertake any of the matters described in the First Schedule to this Ordinance, which are or may be vested in the Town Council by virtue of the Ordinance establishing the Town Council, shall, if the Governor so directs, be transferred to and become vested in the Board, and shall, subject to any exercise by the Board of its powers under section 9 of this Ordinance, be exercised and performed exclusively by the Board in respect of the municipal area contained in the Planning Area;

Provided that any power vested in the Town Council to undertake road transport services or public utility service within the municipal area shall remain vested in the Town Council;

(b) The Board shall, subject to any exercise by the Board of its powers under section 9 of this Ordinance, be empowered exclusively to administer any regulations relating to town planning and building operations made by the Town Council.

(c) In respect of that part of the Planning Area which lies wholly outside the municipal area, the powers and duties relating to buildings roads or open spaces, conferred or imposed upon any person under any Ordinance shall become vested in the Board and shall, subject to any exercise by such Board of its powers under section 9 of this Ordinance be exercised exclusively by the Board.

(2) When an Order declaring a Planning Area in respect of an area lying wholly outside a municipal area is published under section 6 of this Ordinance, the powers and duties relating to buildings, roads or open spaces, conferred to imposed upon any person under any Ordinance, shall become vested in the Board and shall, subject to any exercise by the Board of its powers under section 9 of this Ordinance, be exercised and perform exclusively by the Board.

9. The Board may delegate to a Committee appointed under section 10 of this Ordinance or to any other person, all or any of the powers and duties conferred upon it by this Ordinance and in so doing may impose upon the Committee or upon such person or body of persons such conditions, exceptions and qualifications in the exercise of any powers so delegated as to the Board may seem fit;

Power of Board to delegate authority.

Provided that nothing herein contained shall authorise the Board to delegate the power to make regulations under section 33 of this Ordinance.

10. (1) When an order declaring a Planning Area has been published under section 6 of this Ordinance, the Board shall appoint a committee to be called the Planning Committee.

Planning committee.

(2) The Planning Committee shall consist of not less than five persons appointed by the Board for such period or periods as the Board may determine;

Provided that where the Planning Area lies wholly or in part within a municipal area, the Planning Committee shall include among its members the Medical Officer of Health of the Town Council concerned or if there is no such Medical Officer, then a Medical Officer appointed by the Director of Medical Services, the Town Engineer of such Council, or if there be no such Town Engineer, the Provincial or Executive Engineer, and not less than two members of such Council to be nominated by the Town Council.

(3) The chairman of any Planning committee shall be appointed by the Board from among the members of such Committee and he or the members presiding at any meeting of the Committee shall have an original vote in common with the other members, and also a casting vote if upon any question the votes shall be equal.

(4) All acts whatsoever authorised or required to be done by the Planning Committee shall be done and decided by the majority of votes;

Provided that the Planning committee shall not be competent to act in any case unless there be present at and throughout the meeting three members at least, of whom one shall be either the chairman or one of the members appointed in writing by the chairman to preside.

(5) Any member of a Planning Committee who has any financial or other interest in any matter coming before the Committee for determination, or who is financial or otherwise personally interested in any recommendation which the Committee may wish to make to the Board, shall disclose such interest to the Committee and if it is any matter on which a vote is to be taken by the Committee, he shall not vote on such matter.

11. (1) (a) The Planning Committee shall furnish to the Board such particulars and information as the Board may require with regard to the present and future planning needs and the probable direction and nature of the development of its area. Duties and powers of committee.

(b) The Committee shall keep proper minutes of all its meetings, and on confirmation by the Committee, copies of such minutes shall be sent to the Board.

(2) The Planning Committee shall exercise such of the powers of the Board as may be delegated to it under the provisions of section 9 of his Ordinance.

PART IV—PLANNING SCHEMES

12. (1) (a) Every Planning Committee shall, at the request of the Board, submit to the Board, within such time as may be prescribed by the Board, an outline Planning scheme in respect of all lands within the Planning Area, with the general object of securing proper conditions of health, sanitation and communication and amenity and convenience in connection with the laying out and use of the land. Outline planning scheme.

(b) Any outline scheme submitted by a Planning Committee may be adopted by the Board with or without such modification or alterations as to the Board seems fit.

(2) Without prejudice to the powers of the Planning Committee under this Ordinance, every scheme to which this section applies shall make provision for all or any of the following matters, as may be prescribed by the Board—

- (a) Construction, diversion or alteration of streets, main roads and communications and general building lines;
- (b) Drainage, including sewerage;
- (c) Water supply;

- (d) The limitation of zones within which special trades and industries may be carried on or which are reserved exclusively for residential or other purposes;
- (e) The imposition of conditions and restrictions to the open space to be maintained about buildings and the particular height and character of buildings to be allowed in specified areas.

(3) If a Planning Committee fails or neglects to submit within the time prescribed such outline planning scheme as aforesaid, the Board may prepare an outline scheme and such scheme shall for all the purposes of this Ordinance be deemed to be an outline planning scheme prepared by the planning Committee.

(4) An outline planning scheme shall in all cases be accompanied by a plan or plans of the area.

(5) Any law relating to development, road construction or building operations in consistent with the provisions of a scheme the application of which would tend to hinder the carrying out of the scheme shall not apply to the area to which the scheme relates.

Detailed
planning
scheme.

13. (1) (a) When an outline scheme has been prepared the Planning Committee may at any time prepare for submission to the Board a detailed planning scheme with reference to any land within the planning area, or may adopt, with or without modifications for submission to the Board, any planning scheme proposed by all or any of the owners of such land;

Provided that if no such scheme as aforesaid is submitted and the Board is satisfied that a detailed planning scheme ought to be made by the Planning Committee as regards any land within the planning area, the Board may require the Planning Committee to prepare and submit a detailed planning scheme within such time as the Board shall prescribe.

- (b) Any detailed scheme submitted by a Planning Committee may be adopted by the Board with or without such modifications or alterations as to the Board seems fit.

(2) A detailed planning scheme shall in all cases be accompanied by a plan or plans of the area.

(3) If the Planning Committee fails to submit a detailed planning scheme within the time prescribed by the Board, the Board may prepare a detailed scheme and such scheme shall, for all purposes of this Ordinance, be deemed to be a detailed planning scheme prepared by the Planning Committee.

(4) A detailed planning scheme prepared or adopted under this section shall deal with the matters prescribed in section 12 (2) and, in addition, may make provision for any of the matters mentioned in the First Schedule to this Ordinance.

(5) A detailed planning scheme may provide for the redistribution of lands or for the readjustment of the boundaries and areas of such lands.

(6) Any law relating to development, road construction, or building operations inconsistent with the provisions of a scheme the application of which would tend to hinder the carrying out of the scheme shall not apply to the area to which the scheme relates.

14. (1) The Board may, for any purpose arising in relation to the making, enforcement or carrying out of a scheme, by notice in writing require the owner of any land or building in the area to which such scheme relates or is intended to relate to state in writing and deliver or forward by registered post to the Board within thirty days of the date of the notice, particulars of his estate, Interest in or right over or in respect of, such land or building, and the name and address, and the estate, interest or right (so far as they are known to him) if every person who to his knowledge has any estate or interest in or right over or in respect of such land or building.

Obligation to
give informa-
tion to Board.

(2) Every person required to make and deliver or forward a statement under this section who shall wilfully make and deliver or forward any false statement, or fail without reasonable cause or refuse to make and deliver or forward a statement, shall be liable, on summary conviction, to a fine of twenty-five pounds.

Entry
examination
and survey.

15. (1) The Board may at any time cause the whole or any part of any land to be entered upon, examined and surveyed and the circumstances and requirements thereof to be Investigated for the purpose of deciding whether or not a scheme should be made in respect of any such land or any part thereof and of making such scheme if decided upon.

(2) Any person authorised in that behalf in writing by the Board may, for the purpose of any entry, examination, survey or investigation which the Board is authorised by this section to cause to be made, and on production of such written authority, enter and there do anything which such person shall reasonably consider to be necessary for the said purpose.

Deposit of
scheme.

16. (1) When a scheme has been framed or adopted it shall be deposited in such place as the Board shall decide.

Notice.

(2) Notice of such deposit and of the period in which any person may inspect and make representations respecting the scheme shall be published by the Board in the Gazette and in local papers circulating in the Colony, and by exhibiting public notices in such other places in the Colony, as the Board may direct.

(3) Any person may within two months of the date of the notice of such deposit inspect, and make representations to the Board respecting the scheme, and upon the expiration of such period the Board shall forthwith submit the scheme, together with any such representations and any recommendation thereon by the Board, for consideration by the Governor.

17. A scheme in respect of the whole or part of a Planning Area shall not have effect unless and until it is approved by Order of the Governor, and before giving his approval the Governor may make such modifications thereof as he thinks fit; Approval by the Governor.

Provided that a scheme though approved may, subject to the provisions of section 31 of this Ordinance be modified or revoked.

18. When a scheme has been approved by the Governor in respect of the whole or Part of a Planning Area, a copy of it shall be deposited for inspection in such place within the Planning Area as the Board shall direct. Deposit of approved scheme.

PART V—EXECUTION OF SCHEMES

19. Where a scheme has been approved in respect of a Planning Area, the Board shall be the authority responsible for executing and enforcing the scheme. Execution of scheme by Board.

20. (1) Subject to the provisions of this section the Board may at any time— Power to carry out scheme.

- (a) Remove, pull down or alter, so as to bring into conformity with the provisions of the scheme, any building or other work which does not conform to those provisions, or the removal, demolition or alteration of which is necessary for carrying the scheme into effect, or in the erection or carrying out of which any provision of the scheme has not been complied with;
- (b) Where any building or land is being used in such manner as to contravene any provision of the scheme, prohibit it from being so used;
- (c) Where any land has been, since the date when the order declaring a Planning Area under section 6 of this Ordinance has been published, put to any use which contravenes any provision of the scheme reinstate the land;

- (d) Execute any work which it is the duty of any person to execute under the scheme in any case where delay in the execution of the work has occurred and the efficient operation of the scheme has been or is likely to be thereby prejudiced.

Notice. (2) Before taking any action under this section the Board shall serve a notice on the owner and on the occupier of the building or land in respect of which the action is proposed to be affected thereby, specifying the nature of and the grounds upon which it proposes to take such action.

(3) The date stated in a notice served under this section any the date on or after which the intended exercise of the power therein mentioned is intended to be begun shall be not less than three months when any building is affected, and in any other case not less than one month after the date of service of such notice, and the Board shall not do any act or thing in exercise of such power in relation to the building or land mentioned in the notice before such date.

Penalty. (4) Every such person who uses any building or land in a manner prohibited under this section shall, in addition to any civil liability, be guilty of an offence and liable, on summary conviction, to a fine of twenty-five pounds.

Entry on land. 21. Any person authorised in that behalf in writing by the Board may, on production of such written authority, enter on any land in a Planning Area to which a scheme relates and there make such inspection, survey, examination and investigation and there carry out such work as may be necessary for the purposes of the enforcement or carrying out of a scheme.

Obstruction. 22. Every person who wilfully obstructs or interferes with any person in the lawful exercise of any power conferred by this ordinance shall be liable, on summary conviction, to a fine of twenty five pounds.

23. Any person who wilfully does any act which is a contravention of a provision contained in a scheme or who wilfully fails to comply with a provision in a scheme shall be liable, on summary conviction, to a fine of fifty pounds and in the case of a continuing offence, to a further fine of five pounds for every day during which the offence continues after conviction. Penalty for contravention of a scheme.

24. (1) The Board may acquire such land or buildings as may be necessary or expedient for carrying into effect the provisions of a scheme. Acquisition of land by Board.

(2) Where the Board is unable to purchase by agreement any land or building required for carrying into effect the provisions of a scheme, the Governor in Council, upon the application of the Board and after consideration of any representation which may be submitted by the owner, and after such enquiry as he may think proper, may declare that any land or building shall be acquired for town or country planning purposes as the case may be and the Governor may thereupon by warrant under his hand and the public seal of the Colony directs that such land or building shall be acquired for town or country Planning purposes as the case may be. Compulsory acquisition.

Every such warrant may be in the Form A in the Second Schedule hereto and shall be published in the *Gazette*.

(3) Whenever by any such warrant as in the immediately preceding sub-section mentioned it is directed that any land or building shall be acquired for town or country planning purposes as the case may be the Board shall cause to be served personally on the building specified in such warrant, or if he or they cannot be found shall cause to be left at his or their last usual place or places of abode or business with some inmate thereof, to given to such person or persons, and in case no such person can be ascertained or found, shall cause to be left with the occupier of such land or building or if there be no such occupier, shall cause to be fixed on some conspicuous part of such land or building within fourteen days from the date of such warrant, a notice, in the Form B in the Second Schedule hereto, or as near thereto as possible. Notice to owner, etc.

Entry.

(4) After the lapse of twenty-one days from the publication of any such warrant in the *Gazette* it shall be lawful for the Board with all necessary workmen and other servants to enter upon such land or building and also to set out, appropriate and take so much of such land or building, as is specified in the said warrant.

Land to be marked out.

(5) When the Board shall appropriate and take any land or building as aforesaid, the Board shall cause a notice to be posted in some conspicuous part of such land or on such building as the case may be, and such notice shall be in the following words, viz.:—“Taken for Town Planning Purposes” or “Taken for Country Planning purposes” as the case may be and shall be signed by the President of the Board.

Any land or building so appropriated and taken shall thereupon vest in the Board, free from all other interests, liens, rights, charges and encumbrances whatsoever.

Plan and certificate to be registered.

(6) Within twenty-one days of any appropriation of any land as aforesaid, the Board shall cause a plan of the land so appropriated and taken together with a certificate under the hand of the President of the Board that the land has been appropriated and taken for town or country planning purposes as the case may be to be registered in the office of the Registrar General and the registration of such plan and certificate shall be conclusive evidence that such land has been appropriated for town or country planning purposes as the case may be.

Compensation.

(7) The provisions of this Ordinance relating to compensation shall apply to any land or building appropriated in accordance with this section.

Delivery of possession by Sheriff.

(8) (a) If in any case in which, according to the provisions of this Ordinance, the Board is authorized to enter upon and take any land or building, and the owner or occupier of any such land or building, or any other person, refuse to give up possession thereof, or hinder the Board, their workmen or servants from entering upon or

taking possession of the same, it shall be lawful for the Governor to issue his warrant in the Form C in the Second Schedule hereto, or as near thereto as possible, directed to the Sheriff, ordering him to deliver possession of the same to the Board and upon receipt of such warrant the Sheriff shall deliver possession of any such land or building accordingly.

(b) The costs accruing by reason of the execution of such warrant, to be taxed by the Master of the Supreme Court in accordance with the Rules of the Supreme Court subject to review by the Chief Justice, shall be paid by the person refusing to give possession or hindering the Board, their workmen or servants as aforesaid; and the amount of such costs shall be deducted and retained by the Governor from the compensation if any, then payable by him to such person, and if no compensation be payable to such person, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to a magistrate for that purpose he shall issue his warrant accordingly:

Provided that no costs shall be taxed under this section unless due notice has been given to the owner or occupier or any other person who has refused to give up possession to the Board, or who has in any way hindered the Board, their workmen or servants from taking possession or entering upon any land or building.

(9) Subject to the provisions of the immediately succeeding sub-section all lands and buildings acquired under this section for carrying into effect the provisions of a scheme shall be used only for or in connection with the scheme for which they were so acquired: Land, etc. to be used solely for scheme.

Provided that nothing in this sub-section contained shall be taken to preclude the Board, in furtherance of any scheme, from selling or otherwise disposing of any land acquired.

Sale of land
etc.

(10) When any scheme is revoked or abandoned, it shall be lawful for the Board to sell or otherwise dispose of any land or building acquired under this Ordinance, provided that the Board shall, in the first place, offer the land or building to the person from whom it was acquired before selling it to any other person.

PART VI—COMPENSATION AND BETTERMENT

Compensation
for loss, etc.

25. Subject to the provisions of this Ordinance, any person—

- (a) Whose property is injuriously affected by the coming into operation of any provision contained in a scheme or by the execution of any work under a scheme, or
- (b) Who, for the purpose of complying with any provision contained in a scheme or in making or resisting a claim under the provisions of this Ordinance relating to compensation and betterment, has incurred expenditure which is rendered abortive by a subsequent revocation or modification of the scheme,

shall, if he makes a claim within the time limited for the purpose by this Ordinance, be entitled to recover as compensation from the Board the amount by which his property is decreased in value, or, so far as it was reasonably incurred, the amount of the abortive expenditure, as the case may be.

No com-
pensation in
certain classes
of cases.

26. (1) No compensation shall be payable in respect of the prohibition imposed by sub-section (1) of section 7 of this Ordinance upon development of land or construction, demolition, alteration, extension, repair or renewal of buildings

(2) No compensation shall be payable in respect of any building the erection of which was begun after the date of the publication of the order declaring a Planning Area under section 6 of this Ordinance, unless such erection was begun Under and erected in accordance with the permission of the Board.

(3) No compensation shall be payable in respect of any of the following Provisions in a scheme, namely, any provision which—

- (a) Prescribes the location of buildings, the extent of the yards, gardens and cartilage of buildings;
- (b) Imposes any health conditions in connection with buildings;
- (c) Limits the number of buildings or the number of buildings of a specified class which may be constructed, erected on or made in or under any area;
- (d) Prohibits or regulates the sub-division of land;
- (e) Regulates or empowers the Board to regulate the size, height, spacing, design, colour and materials of buildings;
- (f) Controls, restricts or prohibits the objects which may be affixed to buildings;
- (g) Prohibits or restricts building operations permanently on the ground that by reason of the situation or nature of the land the erection of buildings thereon would be likely to involve danger or injury to health or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services;
- (h) Prohibits (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve danger

or injury to health, or detriment to the neighborhood, or restricts (otherwise than by way of restriction of building operations) the use of land so far as may be necessary for preventing such danger, injury or detriment;

- (j) Restricts the purposes for and the manner in which land or buildings may be used or occupied, or reserves or allocates any particular land or all land in any particular area for buildings of a specified class or classes or to be used for a specified purpose;
- (j) In the interests of safety, regulates, or empowers the Board to regulate the height and position of proposed walls, fences or hedges near the corners or bends of roads or at a railway level-crossing;
- (k) Limits the number or prescribes the sites of new roads entering a road or the site of a proposed road;
- (l) Fixes in relation to any road or intended road a line beyond which no building in that road or intended road may project unless, within a period of two years immediately preceding the publication of an Order under section Six (6) of this Ordinance declaring the Planning Area within which the scheme lies, the land was or formed the site of a building.
- (m) In the case of the erection of any building intended to be used for purposes of business or industry, requires the provision of accommodation for parking, loading, unloading or fuelling vehicles, with a view to preventing obstruction of traffic on any road;
- (n) Prohibits, restricts or controls, either generally or in particular places, the exhibition, whether on the ground, on any

building or any temporary erection, or on any vehicle, boat, aircraft or other movable object (whether on land or in water or in the air), of all or any particular forms of advertisements or other public notices; or

- (o) prohibits, restricts or controls, either general or in particular places, the exhibition, whether on the ground, on any building or any temporary erection, or on any boat, aircraft or other movable object (whether on land or in water or in the air), of all or any particular forms of advertisements or other public notices; or
- (p) Prevents remedies or removes injury to amenities arising from the ruinous or neglected condition of any building or by the objectionable or neglected condition of any land attached to a building or abutting on a road or situate in a residential area.

(4) Where any provision of a scheme is revoked or modified by a later scheme, no compensation shall be payable in respect of any property on the ground that it has been injuriously affected by any provision contained in the later scheme if and in so far as that later provision is the same, or substantially the same, as the earlier provision so revoked or modified; but if at the date when the revocation or modification of that earlier provision becomes operative—

- (a) There is still outstanding any claim for compensation duly made there under; or
- (b) The time originally limited for making such a claim has not expired,

any such outstanding claim and any such claim made within the time so limited shall be entertained and determined, and may be enforced, in the same manner in all respects as if all the provisions of the earlier scheme had continued in operation, unless the claim is in respect of a restriction removed by the later scheme.

(5) Nothing contained in sub-section (3) of this section shall preclude an owner from claiming compensation for loss or injury arising from—

- (a) Being prevented by the operation of a scheme from maintaining a building which was in existence on the date of the publication of an order declaring a Planning Area under section 6 of this Ordinance or from continuing to use any such building for the purpose for which it was used on such date; or
- (b) Where a permanent building which was in existence at the time within two years immediately before the date of the publication of an order declaring a Planning Area under section 6 of this Ordinance has been demolished or been destroyed by fire or otherwise, being prevented by the operation of a detailed scheme from erecting on the site of such demolished or destroyed building a new building which substantially replaces such demolished or destroyed building or from using such new building for the purpose for which such demolished or destroyed building was last used.

Claims for
compensation.

27. (1) A claim for compensation shall be made by serving upon the Board a notice in writing stating the grounds of the claim and the amount claimed.

(2) Subject to the provisions of sub-section (3) of this section, no claim for compensation shall be entertained unless the written notice has been served on the Board within six months after the date on which the provision giving rise to the claim came into operation or within such longer period as may be specified in the scheme or, in respect of expenditure rendered abortive by the revocation or modification of a scheme, within six months after the date on which the revocation or modification of the scheme became operative;

Provided that on cause being shown to the satisfaction of the Board, the period of six months hereinbefore referred to may be extended, but only to the extent that the time in which notice may be given shall not exceed twelve months from the dates in this sub-section specified.

(3) Where it is alleged that property has been injuriously affected by the execution of any work, the period, within which a claim in respect of that injurious affection may be made, shall be a period of one year after completion of the work.

28. (1) Whereby the coming into operation of any provision contained in a scheme, or by the execution of any work under a scheme, any property within the area to which the scheme applies is increased in value, the Board, if it makes a claim for the purpose within two years after the date on which the provision came into operation, or within two years after the completion of the work, as the case may be, shall be entitled to recover from any person whose property is so increased in value 75 per cent, of the amount of the of that increase.

Recovery of
betterment by
Board.

(2) A claim in respect of an increase in the value of any property shall be made by serving upon the person from whom the amount alleged to be payable is claimed a notice in writing stating the grounds of the claim and the amount claimed.

(3) Any sum recoverable under this section may be set off against any claim to compensation.

(4) Where any provision of a scheme is revoked or modified by a later scheme, no property shall be deemed to be increased in value by any provision contained in the later scheme if and in so far as that provision is the same, or substantially the same, as a provision contained in the scheme so revoked or modified:

Provided that, if at the date when the revocation or modification of such scheme becomes operative, there is still outstanding any claim in respect of an increase in the value of any

property duly made there under, or the time originally limited for making such a claim has not expired, any such outstanding claim, and any such claim within the time so limited, shall be entertained and determined and may be enforced in the like manner in all respects as if all the provisions of the earlier scheme had continued in operation.

Disputes.

29. (1) Any dispute arising under this Ordinance as to—

- (a) the right of a claimant to recover compensation, or
- (b) the right of the Board to recover betterment, shall, upon application of any party concerned, be heard and determined by the Supreme Court.

(2) Any final judgment in any such case as aforesaid shall be subject to the like appeal to which other final judgments of the Court are subject, including appeal to the West African Court of Appeal and to Her Majesty's Privy Council where such appeal is allowed by law.

(3) Any dispute referred to the Court under the provisions of sub-section (1) of this section shall be by way of a suit by or against the Board.

Receipts and expenses of Board.

30. (1) All such sums received by the Board in respect of betterment or otherwise shall, unless the Governor otherwise directs, be paid into the general revenue of Sierra Leone.

(2) All expenses incurred by the Board in the discharge of its functions and all amounts due by it under this Ordinance shall, unless the Governor otherwise directs, be defrayed from the general revenue of Sierra Leone.

PART VII—MISCELLANEOUS.

Revocation or modification of scheme at require of Board

31. (1) The Board may at any time apply to the Governor for the revocation or modification of a scheme which has been approved under section 17 of this Ordinance on any of the following grounds—

- (a) on account of the amount of the compensation which has been awarded or is likely to be awarded in respect of provisions contained in the scheme;
- (b) on account of practical difficulties in the execution or enforcement of the scheme;
- (c) on account of events which have occurred since the making of the scheme.

(2) When an application has been made under sub-section (1) of this section, the Governor may either revoke or modify such scheme or refuse the application.

(3) When the Governor modifies or revokes such scheme, the Board shall, within one month of the date of such modification or revocation give notice thereof to the owner of any property affected, and thereupon any compensation already agreed upon or awarded by the Supreme Court or the Court of Appeal as the case may be shall be discharged, but without prejudice to the right of the owner to make a further claim for compensation in respect of a later scheme, but subject nevertheless to the provisions of sub-section (3) of section 26 of this Ordinance.

32. (1) Any notice, summons, writ or other proceeding as law or otherwise required to be served on the Board for any of the purposes of this Ordinance may be served by delivering it to the President of the Board, or by sending it by post in a registered letter addressed to the President at the office of the Board. Service of notices, etc.

(2) Subject to the provisions of sub-section (1) of this section any notice, order or other document required or authorised to be served under this Ordinance may be served either—

- (a) By delivering it to the person on whom it is to be served;

- (b) By leaving it at the usual or last known place of abode of that person;
- (c) By sending it by post in a registered letter addressed to that person at his usual or last known place of abode;
- (d) In the case of a company or body incorporated in the Colony, by delivering it to the secretary of the company or body at its registered or principal office or sending it by post in a registered letter addressed to the company or body at such office;
- (e) In the case of a company or body incorporated outside the Colony, by delivering it to the individual resident in the Colony in charge of the operations of the company or body in the Colony or sending it by post in a registered letter addressed to such individual at the principal office of the company or body in the Colony;
- (f) In the case of a partnership, by delivering it to one of the partners at the principal place of business of the partnership, or to any person having at the time of service the control or management of the partnership business at such place, or by sending it by post in a registered letter addressed to one or more of the partners, or to the person having the management and control of the partnership, at the principal place of business of the partnership; or
- (g) If it is not practicable after reasonable enquiry to ascertain the name or address of any person on whom it should be served, by addressing it to him by the description of

“owner “or “ lessee “ or “occupier “ of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered by affixing it, or a copy of it, to some conspicuous part of the premises.

33. (1) It shall be lawful for the Board to make regulations with respect to any or all of the following matters—

Power of Board to make regulation.

- (a) The determination and adjustments of the limits of plots or estates within planning areas;
- (b) The procedure generally in connection with the Board and schemes, and in particular (but not so as to exclude others) with respect to the following matters—
 - (i) The submission of claims for compensation; and
 - (ii) Permission to develop an area and to carry out building operations between the date of the publication of an order declaring a Planning Area under section 6 of this Ordinance and the coming into operation of the scheme for that area;
- (c) The preparation, deposit, publication and submission of schemes;
- (d) The grant and exercise of all necessary powers in connection with schemes and with the preparation of schemes;

- (e) The further, better or more convenient effectuation of the provisions and purposes of schemes or of any particular scheme;
- (f) The modification and revocation of schemes;
- (g) For obtaining without charge information which may be required for the purposes of or in connection with the preparation or making or carrying into effect of schemes by inspection of or obtaining copies from Assessment Rolls, Valuation Rolls, Rate Books and other similar documents and to search, without the payment of any fees, the registers and documents in the custody of the Registrar General.

(2) Such regulations may impose a fine not exceeding Twenty-five pounds or in Default of payment imprisonment not exceeding two months for the breach of any such regulations and in the case of a continuing offence, a further penalty not exceeding one pound for each day after written notice of that offence has been served on the offender.

(3) Regulations made under sub-section (1) of this section shall be subject to the approval of the Governor in Council, who before approving, may amend or alter them.

(4) All regulations made under sub-section (1) of this section shall, after approval by the Governor in Council, be published in the *Gazette* and shall thereupon have the same force and effect as if they had been enacted in this Ordinance, either immediately or on and from such later date as may therein or in their regard be provided.

FIRST SCHEDULE

PART I—ROADS

1. Providing for the reservation of land for roads, the construction of new roads, improvement of existing roads, and establishment of public rights of way. ^{Section 8 and 13 (4)}

2. Providing for the closing or diversion of existing roads and public and private rights of way and traces.

3. Restricting and controlling the construction of new roads and the alteration of existing roads whether by the Board or owners.

4. Regulating the line, width, level, construction and general dimensions and character of roads whether new or existing.

5. Enabling the Board to require an owner of land as a condition of his developing such land in any manner—

- (a) To reserve land for such roads as it may think necessary;
- (b) To contribute to the cost of the construction of new roads or the improvement of existing roads by the Board.

6. Providing for and generally regulating the construction or execution whether by the Board, or by owners, of works incidental to the making or improvement of any road including the erection of shelters, provision of seats, planting or protecting of grass, trees and shrubs on or adjoining such road.

PART II—BUILDINGS AND OTHER STRUCTURES.

1. Regulating and controlling, either generally or in particular areas, all or any of the following matters—

- (a) the size, height, spacing and building line of building;
- (b) the objects which may be affixed to buildings;
- (c) the location of buildings, the extent of yards, gardens and cartilage of building;
- (d) the purposes for and the manner in which buildings may used or occupied including in the case of dwelling-houses, the letting thereof in separate tenements;
- (e) The prohibition of building on any land, or regulating such operations.

2. Regulating and controlling or enabling the Board to regulate and control the design, external colour and materials of buildings and fences.

3. Reserving or allocating any particular land or all land in any particular area for building of a specified class or classes, or prohibiting or restricting, either permanently or temporarily, the making of any buildings or any particular class or classes of buildings on any specified land.

4. Reserving or allocating any particular land or all land in any particular area for the purpose of any industrialist or trade purpose or for any specified undertaking.

5. Limiting the number of buildings or the number of buildings of a specified class which may be constructed, erected or made on, in or under any area.

6. Providing for the removal, demolition or alteration of buildings or works which are inconsistent with or obstruct the operation of a scheme.

7. Providing for the reservation of sites for places of religious worship, schools and public buildings and for places required for public services.

8. Providing for health conditions.

9. Providing for the reservation of sites for housing schemes.

10. Providing for slum clearance in specified areas.

PART III – AMENITIES

1. Providing for the reservation of lands as open spaces, whether public or private, and for burial grounds.

2. Providing for the preservation of views and prospects and of the amenities of places and features of natural beauty or interest

3. Providing for the reservation of buildings and objects of artistic, architectural, archaeological or historical interest.

4. Providing for the preservation or protection of forests, woods, trees shrubs, plants and flowers.

5. Prohibiting, restricting or controlling either generally or in particular places, the exhibition, whether on the ground, on any building or any temporary erection, on any vehicle, boat, aircraft or other movable object, whether on land, or on or in water or in the air, of all or any particular forms of advertisement or other public notices.

6. Preventing, remedying or removing injury to amenities arises from the ruinous or neglected condition of any building or fence, or by the objectionable or neglected condition of any land attached to a building or fence or abutting on a road or situate in a Planning Area.

7. The prohibition, regulation and control of the deposit or disposal of waste materials and refuse.

PART IV – PUBLIC UTILITY SERVICES

Facilitating the construction of works in relation to lighting, water supply, sewerage, drainage, sewage disposal and refuse disposal or other public utility service.

PART V—TRANSPORT AND COMMUNICATION

1. Facilitating the establishment, extension or improvement of systems of transport whether by land, water or air.
2. Allocating sites for use in relation to transport and providing for the reservation of land for that purpose.
3. Providing for the establishment, extension and improvement of telegraph, telephonic or wireless communication, allocating sites for use in relation to such communication and providing for the reservation of land for that purpose.

PART VI—MISCELLANEOUS

1. Declaring the persons by whom and the manner in which the cost of the execution of works (whether of construction, demolition, removal or alteration) in pursuance of the scheme are to be borne.
2. Subject to the provisions of this Ordinance, declaring the notices to be served for the purposes of the scheme by the Board and the persons on whom, the manner in which and the times at or within which such notices are to be served.
3. Subject to the provisions of this Ordinance, declaring the manner in which and the times at or within which notice for the purposes of the scheme may be served on the Board by other persons.
4. Providing for and regulating the making of agreements for the purpose of a scheme by the Board with owners and other persons and by such persons with one another.
5. Dealing with the use or disposal of land acquired under the provisions of this Ordinance.

6. Prohibiting the sub-division of land until a plan showing the sub-division and proposed access to the land has been approved.
7. Making any provisions necessary for –
 - (a) Adjusting and altering the boundaries and areas of any lands, roads, rights of way or traces.
 - (b) Effecting such exchanges of land or cancellation of existing sub-divisions as may be necessary or convenient for the purposes aforesaid.
8. Providing for and regulating the construction, alteration, removal and use of railways, pipe lines, telegraph and telephone lines, electric current transmission lines, drainage or irrigation channels, aerial cable ways and their ancillary structures.
9. Preventing the pollution of streams, water courses, rivers, wells lagoons and harbors.
10. Works ancillary to or consequent on a scheme.
11. Any other matter (not hereinbefore mentioned) necessary or incidental to a scheme or its administration.

The mention of particular matters in this schedule shall not be held to prejudice or affect the generality of any other matter.

SECOND SCHEDULE

FORM A

Sec. 24 (2)

WARRANT THAT LAND (AND/OR BUILDINGS) SHALL BE
ACQUIRED FOR TOWN PLANNING PURPOSES

SIERRA LEONE

(LS)

BY HIS EXCELLENCY,

.....

Governor

WHEREAS on the day of 19.....
the Governor in Council declared that the land (and /or buildings)
hereinafter described, that is to say (insert description of
land (and/or buildings)), should be acquired for Town Planning
purposes:

Now, therefore, I do hereby, under the provisions of the Town
and Country Planning Ordinance, by this my warrant under my hand
and the public Seal of the Colony, direct that the said land (and/or
buildings) shall be acquired for Town Planning purposes.

Dated this..... day of.....
19.....

By His Excellency's Command,

.....

Minister

FORM B

Sec. 24(3)

NOTICE

Notice is hereby given that the following land [and/or
buildings]..... (describe land (and/or buildings) denoting the
boundaries of the land by physical marks wherever practicable) is
[are] to be acquired for Town Planning purposes.

Any person claiming to be possessed of, or to have any right
title or interest in, the said land (and/or buildings) or to be injuriously
affected by any such acquisition, is required, on or before the day of
(twenty-one days after the date of publication of warrant in the
Gazette), to forward to the Board a statement of his right or interest,
and the evidence thereof, and of any claim made by him in respect of
the value of such land [and/or buildings] or of his interest therein.

Dated this..... day of.....
19.....

.....

*President,**Town and Country Planning Board*

FORM C

WARRANT TO THE SHERIFF

Sec. 24(8)

To—THE SHERIFF OF THE COLONY OF SIERRA LEONE

WHEREAS by a warrant dated the day of19..... under the hand of the Governor and the Public Seal of the Colony, it was directed that the following land [and/or buildings)..... (describe land [and/or buildings)) should be acquired for Town Planning purposes.

And whereas twenty-one days have elapsed since the publication of the said warrant in the *Gazette*.

These are therefore to command you to put the Board or any person authorised by them in that behalf, in possession of the said land (and/ or buildings).

Dated this..... day of.....
19.....

By His Excellency's Command,

.....
Minister

SIGNED this 24th day of April, 2001.

ALHAJI AHMAD TEJAN KABBAH,
President.



No. 3



2001

Sierra Leone

The Town and Country Planning (Amendment) Act, 2001 Short title.

Being an act to amend the Town and Country Planning Act

(3rd May, 2001) Date of commencement.

Enacted by the President and Members of Parliament in this present Parliament assembled.

Amendment
Cap. 81.

Cap 81.

- 1.** Section 6 of the Town and Country Planning Act is hereby repealed and replaced by the following section—

“Declara-
tion of
Planning
Area.

- 6.** (1) If the Minister is of the opinion—

(a) In the case of the whole of Sierra Leone, that a scheme should be made for the whole of Sierra Leone; or

(b) In the case of Freetown, after consultation with the Freetown Committee of Management, in the case of other towns established under Cap 295. the Townships Act, with the Committees of Management of those towns; in the case of the Shebro Urban District, with the Shebro Urban District Committee of Management, and in the case of other parts of Sierra Leone, with the appropriate local authorities that a scheme should be made for that area; and

(c) After hearing the views of members of the public in the areas referred to in paragraph (a) and (b) in public hearings.

the Minister may by Order declare that the whole of Sierra Leone or the area, so specified by a survey plan, as case may be, shall be a planning area.

(2) Any person affected by an Order made under subsection (1) May make a representation to the Minister and the Minister may modify the area specified in the plan after considering such representation, by adding thereto or omitting therefrom any portion or portions of land.

(3) An Order made under subsection (1) shall come into operation in accordance with the provisions of subsection (7) of section 170 of the Constitution of Sierra Leone and shall cease to have effect, if within three years from the date of its coming into operation, no scheme has been approved under section 17.

(4) A copy of an Order made under subsection (1) shall also be posted at such place or places within the planning area as the Minister shall direct.

(5) When an area has been declared a planning area the value of any building or land in such area shall, for the purposes of determining the amount of compensation or betterment payable under the provisions of this Act, be deemed to be the value of the building or land at the date of such declaration.

PASSED in Parliament this *3rd day of April*, in the year of Our Lord two thousand and one.

J. A. CARPENTER,
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. A. CARPENTER,
Clerk of Parliament

**N. R. C. Decree
No. 7**



Sierra Leone

1968

**The Non-Citizens (Interest in Land) Act, (Amendment)
Decree, 1968**

Short title.

(8th February, 2001) Date of commencement.

PURSUANT to the Proclamation entitled “Administration of Sierra Leone (National Reformation Council) Proclamation, 1967”, published in the *Gazette* on the 25th of March, 1967, the National Reformation Council hereby makes and issues the following Decree:—

1. Section 2 of the Non-Citizens (Interest in Land) Act, 1966 is hereby amended by substituting for the definition of “Board” therein, the following new definition—

Amendment to section 2 of Act No. 30 of 1966.

“Board” means a Board consisting of –

- (i) The National Reformation Council Member with responsibility for Trade, Industry and Agriculture;
- (ii) The National Reformation Council Member with responsibility for Works Transport and Communications;
- (iii) The National Reformation Council Member with responsibility for Finance;
- (iv) The Attorney-General; and
- (v) The Secretary, Economic Development and Planning Division of the Department of Finance, of which the National Reformation Council Member with responsibility for Works, Transport and Communications shall be the Chairman”.

MADE and ISSUED this 22nd day of January, 1968.

BRIG. A. T. JUXON-SMITH
Chairman,
National Reformation Council.

Assented to in Her Majesty’s name this 12th day of September, 1966.

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



No. 30



Sierra Leone

1966

The Non-Citizens (Interests in Lands) Act, 1966

Short title.

(22nd September, 1966) Date of commencement.

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:—

Application. 1. This Act shall apply to the Western Area only.

Interpretation. 2. In this Act—

“Board” means a Board consisting of the Ministers responsible for Trade and Industry, Lands, Finance, and Development and the Attorney-General, of which the Minister of Lands shall be the Chairman.

“Non-Citizen” means—

(a) Any individual who is not a citizen of Sierra Leone, and

(b) Any company, association or body of persons corporate or incorporate—

(i) More than one half of the members of which are persons who are not citizens of Sierra Leone; or

(ii) Which by any means is controlled whether directly or indirectly by such persons; or

(iii) In the case of a company having a share capital, in which more than one half of the share capital is held beneficially by or on behalf of or in trust for such persons;

“Reserved Leaseholds” means leaseholds of which the unexpired term exceeds twenty-one years.

Non-Citizens not to purchase freeholds. 3. No non-citizen shall purchase or receive in exchange or as a gift any freehold land in the Western Area.

4. (1) No non-citizens shall purchase or receive in exchange or as a gift any reserved leaseholds in the Western Area without first obtaining a licence from the Board. Non-Citizens not to purchase long leases in Western Area without the Licence of the Board.

(2) The Board may grant licences to purchase or receive in exchange or as a gift reserved leaseholds to non-citizens on such terms and conditions as it shall think fit and every such licence shall contain a description of the land to which it applies.

(3) At least three weeks before the grant of any such licence the Board shall publish a notice of its intention to grant the licence in the *Gazette* specifying the land and the name of the intending purchaser.

(4) The provisions of subsection (3) shall not apply to sales by public auction.

5. (1) Any conveyance, lease, grant, transfer, declaration, agreement, settlement or other disposition (other than an assent in favour of persons entitled under a Will or on an intestacy) which, apart from the provisions of this Act would have vested — Powers of Board over land received by Non-citizens.

(a) Freehold land; or

(b) Reserved leaseholds, where the purchaser has not been previously authorised by a licence issued under section 4.

In a non-citizen (whether alone or together with any other person) shall vest such land (whether freehold or leasehold) in the Board for the whole estate or interest conferred by, or in virtue of, the instrument and the Board shall cause the Sheriff to sell the same by public auction.

(2) If satisfied that failure to observe the law was due to genuine and excusable mistake or ignorance (whether of law or fact) the Board may either—

- (a) permit the parties to annul the transaction or modify it in such manner as may be approved by the Board and grant such licence as may be necessary in relation thereto; or
- (b) cause the Sheriff to sell the property by public auction and if it thinks fit cause to be paid out of the residual proceeds of the sale to the person or persons whose purchase of the freehold or leasehold land caused it to vest in the Board, a sum not exceeding the purchase price stipulated in the disposition which has been avoided (or in the case of a gift or exchange such sum as the Board shall think fit).

(3) The proceeds of sale which have been not disposed of by paragraph (b) of subsection (2), after deducting –

- (a) the costs of the sale and
- (b) any payments which may have become due under a lease, vested in the Board by virtue of this section, shall be paid into the Consolidated Revenue Fund.

Instruments not to be registered unless provisions of this Act have been observed.

6. (1) The Registrar-General shall not register any such instrument relating to freehold land or reserved leaseholds other than an assent in favour of persons entitled under a will or on an intestacy until he is satisfied either–

- (a) that a licence covering the transaction sought to be registered has been obtained under section 4, or
- (b) that the person to whom the freehold land or reserved leaseholds are being transferred or granted is not a non-citizen.

(2) Where registration of any instrument is delayed on account of enquires into the citizenship of an applicant, the registration shall be deemed to have been effective for all purposes as from the date the application was first received by the Registrar-General.

(3) The Registrar-General shall keep a separate register of all such pending applications arranged alphabetically according to the surname of the owners of the properties and shall permit the same to be searched by any member of the public for a fee of twenty-five cents

7. The following provisions shall apply to a mortgage made before the 17th of January, 1963, namely –

Mortgage prior to Act No. 61 of 1962.

- (a) With the exception of the provisions which require a non-citizen purchaser to obtain a licence from the Board, nothing in this Act shall in any way affect such mortgage or in any way limit the powers or remedies of the mortgagee of any such property.
- (b) Notwithstanding the provisions of section 3, a non-citizen may, after obtaining a licence for this purpose from the Board (which shall grant the same unless it shall see strong reason to the contrary) purchase the freehold of such property on a sale by the mortgagee.

8. The following provisions apply to a mortgage made on or after the 17th of January, 1963, namely –

Mortgages after Act 61 of 1962.

- (a) Nothing in this Act shall affect the right to transfer property by way of mortgage;
- (b) No order of foreclosure shall be made in favour of a non-citizen mortgagee of property unless he has previously obtained a licence

from the Board authorizing him to take foreclosure proceedings with respect to the property in question.

- (c) Nothing in this section shall be construed as exempting any non-citizen who purchases or leases property from the mortgagor or mortgagee thereof from complying with the provisions of section 4.

Act No. 61 of 1962. 9. All licences granted and acts done under the Land Development (Protection) Act, 1962, hereby repealed shall remain in force as if they were granted or done under this Act.

Passed in the House of Representatives this *13th day of July*, in the year of our Lord one thousand nine hundred and sixty-six.

J. W. E. DAVIES,
Acting 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 correctly printed copy of the said Bill.

J. W. E. DAVIES,
Acting Clerk of the House of Representatives.

M.P. SF/MS/51/1

CHAPTER 128

SURVEY

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and application.
2. Interpretation.
3. Enrolment of pupil surveyors and licensing of surveyors.
4. Board of Examiners. Appointment of Members and Officers.
5. Board to conduct examinations.
6. Chairman to be notified by candidate for examination.
7. Examination fees.
8. Qualifications of and enrolment as pupil surveyor.
9. Conditions precedent to examination for a Surveyor's Licence.
10. Grant of licence to practice surveying.
11. Temporary suspension of licence whilst in Government service.
12. Suspension or cancellation of licence.
13. Fees payable to surveyors.
14. (1) Unqualified person not to make a survey for fee or reward.
(2) Unqualified person not to hold himself out as surveyor.
(3) Surveyor not to sign plan unless he personally made whole survey.
(4) Penalty for breaches of this section.
15. Copies of plans to be sent to the Director of Surveys and Lands.
16. Powers to direct demarcation.

17. Powers in relation to all public surveys.
18. Power of surveyor to enter upon land.
19. Penalty for removing etc., survey and boundary marks.
20. Duty of owners and occupiers of land in relation to survey marks.
21. Duty of native authority.
22. Penalty for uncovering survey beacons.
23. Obstructing surveyor.
24. False certificates.
25. Recovery of moneys due.
26. Power of Governor in Council to make rules.
27. Repeal .

CHAPTER 128

SURVEY

An Ordinance to Provide for and regulate the Survey of Lands ^{11 of 1950}
and the Licensing of Surveyors. ^{35 of 1954.}

(1ST FEBRUARY, 1951)

1. (1) This Ordinance may be cited as the Survey Ordinance ^{Short title and}
and shall apply to the Colony and Protectorate. ^{application.}

(2) This Ordinance shall come into operation on such date
as the Governor may, by Order, appoint.

2. In this Ordinance unless the context otherwise requires – Interpretation.

“Government Surveyor” means a surveyor in the
Government Service;

“Licensed Surveyor” means a surveyor licensed under
this Ordinance or under the Ordinance hereby
repealed;

“Owner” in relation to any land includes the person
for the time being receiving the rent of the land,
whether on his own account or as agent or trustee
for any other person or who would receive the same
if the land was let at a rent;

“Public Authority” means such persons or bodies of
persons as may be prescribed under this Ordinance;

“Public Survey” means any survey ordered by the Governor under the provisions of section 16 of this Ordinance or any survey made for the purpose of defining the boundaries of any land which is owned by the Crown or any Public Authority or in which the Crown or any Public Authority possesses or intends to possess or dispose of any interest or any survey which forms part of the general survey of Sierra Leone or any part thereof;

“Surveyor” means a Government surveyor or a licensed surveyor;

“Director of Surveys and Lands” means the Head of the Surveys and Lands Department and shall include any duly appointed officer acting on his behalf.

Enrolment of
pupil
surveyors and
licensing of
surveyors.

3. (1) The Director of Surveys and Lands shall keep a Register to be called the Licensed Surveyors Register, and a Register to be called the Pupil Surveyors Register.

(2) Subject to the provisions of this Ordinance the Director of Surveys and Lands may grant a licence in the form set out in the schedule to this Ordinance to any person to practice surveying and may enroll any person as a pupil surveyor.

(3) The Director of Surveys and Lands shall once in every year, as soon as conveniently may be after the first day of January, make and publish in the Gazette a list containing the names and qualifications of all licensed surveyors.

4. (1) There shall be a Board of Examiners for the purposes of this Ordinance (in this Ordinance referred to as “the Board”) which shall consist of the Director of Surveys and Lands, who shall be ex-officio Chairman of the Board and two other persons, appointed from time to time by the Governor for such period as he may think fit one of whom shall be a Licensed Surveyor in private practice.

Board of
Examiners
Appointment
of Member
and Officers.

(2) The Governor may, for any cause which shall think sufficient, revoke the appointment of any person appointed by him to be a member of the Board and may nominate any person to fill the place of any member of the Board by this Ordinance and such persons shall hold office during the pleasure of the Board.

(3) Notice of all appointments to the Board other than the nomination of any person temporarily to fill the place of any member of the Board shall be published in the *Gazette*.

(4) The Board may from time to time appoint a Secretary and such examiners and other officers as may be necessary for fulfilling the duties imposed upon the Board by this Ordinance and such persons shall hold office during the pleasure of the Board.

5. (1) The Board shall conduct the examinations for the enrolment of pupil surveyors and for the grant of licences to practice surveying in such manner and at such times as may be prescribed.

Board to
conduct
examinations.

(2) Notice of the time and place of every examination shall be published in the three consecutive weekly issues of the *Gazette* and at least two months prior to the date upon which the examination is to take place.

Chairman to be notified by candidate for examination.

6. Every person who desires to be examined by the Board whether for enrolment as a pupil surveyor or for the grant of a licence to practice surveying shall notify the Chairman of the Board in writing at least one month prior to the date on which the examination is to take place and such application shall be accompanied by such information and such examination fee as may be prescribed.

Examination fees.

7. (1) The examination fee shall be refunded if the application for examination is refused.

(2) Examination fees shall be paid over, by the Chairman, to the Accountant-General.

Qualifications of and enrollment as pupil surveyor.

8. (1) No person shall be enrolled as a pupil surveyor unless he—

- (a) has attained the age of 18 years;
- (b) has furnished testimonials or other evidence of good character to the satisfaction of the Board;
- (c) has satisfied the Board as to his actual practice in the field by the production of written evidence or otherwise at the discretion of the Board;
- (d) has passed an examination in such subjects as may be prescribed and has paid the prescribed fee for such examination:

Provided that a Survey Student under bond in the Surveys and Lands Department who has completed a probationary period of one year in training in the Surveys and Lands Department and who has not been rejected during his training may be enrolled as a pupil surveyor without furnishing testimonials or other evidence of good character and without passing any examination.

(2) The Chairman of the Board shall enter or cause to be entered in the Pupil Surveyors Register the name of every person who has satisfied the Board that he is qualified to be enrolled as a pupil surveyor in accordance with the provisions of sub-section (1) of this section.

9. (1) No person shall be accepted for examination for a licence to practice surveying unless he —

- (a) has attained the age of 21 years;
- (b) (i) has, in the case of a person who is not a Government Surveyor or who has not been enrolled as a pupil surveyor, survey qualifications and experience which are satisfactory to the Board, or
- (ii) has been a Government Surveyor for a period of not less than three years and is still employed as a Government Surveyor on the date on which the examination begins having had during such employment at least twelve months actual practice in the field, or

Conditions precedent to examination for a Surveyor's Licence.

(iii) has been enrolled as a pupil surveyor and has, subsequent thereto served as a Government Surveyor or with a licensed surveyor for a period of not less than three years having had during such employment at least twelve months actual practice in the field;

(c) produces a certificate from the person under whom he has received his training in such form as may be prescribed

Provided that the Board on being satisfied that such certificate for some *bona fide* reason cannot be produced may accept in lieu thereof such other evidence of the applicant's training as the Board may deem fit;

(d) has paid the prescribed fee for the examination.

(2) In respect of the qualification of an application for examination set out in paragraph (b) (iii) of sub-section (1) of this section the period of service of three years as a pupil surveyor may be served with more than one licensed surveyor:

Provided that –

(a) no period of less than six months' continuous training shall count towards the qualifying period of three years, and

(b) the applicant produces a certificate in the prescribed form from each licensed surveyor from whom he has received his training or in the event of the Board being satisfied for some *bona fide* reason such certificate cannot be produced, such other evidence in respect of such period of service as the Board may deem fit.

10. (1) Save as otherwise provided in any rules made under paragraph (n) of section 26 no person shall be granted a licence to practice surveying unless he—

Grant of
licence to
practice
surveying.

(a) (i) has passed to the satisfaction of the Board the prescribed examination for a licence to practise surveying, or

(ii) is a retired Government Surveyor, with not less than ten years' service as a Government Surveyor, whose service was not terminated on grounds of inefficiency; and

(b) has paid a licence fee of two pounds to the Accountant-General.

(2) The Chairman of the Board shall enter in the Licensed Surveyors Register the name of every person who has satisfied the conditions specified in sub-section (1) of this section or who holds a licence under the Ordinance hereby repealed and shall grant to every such person a licence in the prescribed form.

Temporary suspension of licence whilst in Government service.

11. Any licensed surveyor who is employed in Government service shall not during such employment carry on private practice as a licensed surveyor and, if called upon to do so, shall surrender his licence his to the Board during the continuance of such employment.

Suspension or cancellation of licence.

12. (1) If a licensed surveyor –

- (a) Has obtained his licence by misrepresentation; or
- (b) has intentionally or through negligence, carelessness or incompetence made an incorrect survey or delivered an incorrect diagram or plan of any land or a diagram or plan which does not conform with the rules made under this Ordinance; or
- (c) has signed a diagram or plan of any land in respect of which he has not personally carried out the whole of the survey, unless the diagram or plan is a compilation from previous surveys by surveyors in which case the names of the surveyors who carried out the surveys shall be stated on the diagram or plan by the surveyor who signs it; or
- (d) has made an entry in a field book, copy of a field book or other document which purports to have been derived from actual observation or measurement in the field when it was not in fact so derived; or

- (e) has made an untrue report or memorandum of any survey; or
- (f) has contravened any section of this Ordinance or any rule made under this Ordinance; or
- (g) has, subsequent to the issue of his licence, been sentenced by any competent British Court whether in Sierra Leone or elsewhere for any offence punishable by death or imprisonment for any period exceeding one year and has not received a free pardon from Her Majesty for the offence for which he is so sentenced; or
- (h) is guilty of such improper conduct as renders him unfit to practice as a surveyor,

the Attorney General may, in his discretion, at the request of the Director of Surveys and Lands, apply to the Supreme Court by way of motion for the suspension or cancellation of the licence of such surveyor and the court may thereupon suspend or cancel the licence or make such other order as it thinks fit

Provided that the provisions of this section shall be without prejudice to any liability to an action for damages to which such surveyor may be liable.

(2) The suspension or cancellation of any licence to practice surveying shall be notified in the *Gazette* and noted in the Licensed Surveyors Register.

(3) Any Order made by the Supreme Court under this section shall be appealable as a final decision of the court determining a civil right above the value of five hundred pounds.

Fees payable
to surveyors.

13. (1) The fees which a licensed surveyor may charge for defining boundaries, making surveys, preparing plans, or for any other work connected therewith, shall not exceed such fees as may be prescribed.

(2) Notwithstanding provision of sub-section (1) of this section a surveyor may, subject to such conditions as may be prescribed, enter into an agreement to make a survey or to do any, other work for which fees are prescribed for an inclusive fee, and where a surveyor enters into such an agreement and the prescribed conditions are complied with the preceeding sub-section shall not apply.

(3) Any dispute as to the amount of fees payable to a surveyor shall be determined by the Director of Surveys and Lands who shall have power to reduce the fees specified in any agreement made under sub-section (2) where he considers it to be excessive.

Unqualified
person not to
make a survey
for fee or
reward.

14. (1) No person other than a surveyor shall make or agree or offer to make for fee or reward a survey of any land for the purpose of defining boundaries or for the purpose of preparing a diagram or plan for any purpose for which it is prescribed by, rules made under this Ordinance that the diagram or plan shall be signed by the surveyor.

Provided that this sub-section shall not affect the operation of any existing law relating to the survey of land for the purpose of the grant of an exclusive prospecting licence.

(2) No person other than a surveyor shall hold himself out in any manner as a surveyor.

Unqualified
person not to
hold himself
out as sur-
veyor.

(3) No surveyor shall sign any diagram or plan of any land in respect of which he has not personally carried out the whole of the survey unless the diagram or plan is a compilation from previous surveys by surveyors in which case the names of the surveyors who carried out the surveys must be stated on the diagram or plan by the surveyor who signs it.

Surveyor not
to sign plan
unless he
personally
made whole
survey.

(4) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

Penalty for
breaches of
this section.

15. A licensed surveyor who shall prepare any plan to be used in connection with any instrument which is required to be registered under the provisions of the Registration of Instruments Ordinance may if he so desires send two copies of the plan signed by himself to the Director of Surveys and Lands for his counter-signature, together with such information as may be required by the Director of Surveys and Lands. The Director of Surveys and Lands shall retain one copy of the plan and shall, if he is satisfied that there is no defect on the face of the plan, return the other copy duly countersigned to the licensed surveyor.

Copies of
plans to be
sent to the
Director of
Surveys and
Lands.
Cap. 256.

16. The Governor may, by notification published in the *Gazette* and in one or more newspapers circulating in the area affected, direct that the boundaries of lands within such local limits as may be defined in such notification shall be demarcated by public survey and such public survey shall be carried out in such manner as maybe prescribed:

Powers to
direct
demarcation.

Provided that when the area affected is within the Colony, publication shall be made in one or more daily newspapers circulating within such area.

Powers in relation to all public surveys.

17. (1) For the purposes of any public survey, the Director of Surveys and Lands or any surveyor authorised by him may enter upon any land with such assistants as may be required, and may affix or set up or place thereon or therein trigonometrical stations, survey beacons, marks or poles, and do all things necessary for such survey.

(2) Any surveyor, when employed on a public survey, shall, when practicable, give reasonable notice to the owner or occupier of the land of his intention to enter thereon.

(3) Compensations shall be paid by the Government to the owner of any crops or trees cut or damaged in the exercise of the powers granted by this section.

Powers to enter upon land.

18. Any surveyor may, for the purpose of surveying any land which he is employed to survey, enter on and pass over any land, whether private or public, causing as little inconvenience to the owner or occupier of such land as is consistent with his duties.

Penalty for removing, etc., survey and boundary marks..

19. Any unauthorised person who shall willfully obliterate, remove or injure any trigonometrical station, survey beacon mark or pole or any boundary mark affixed, set up or placed for the purposes of any survey shall be guilty of an offence and on summary conviction be liable to a fine not exceeding twenty pounds or in default thereof to a period of imprisonment not exceeding three months and, in addition, may be ordered to pay three times the cost of repairing or replacing the thing obliterated removed or damaged and of making any survey rendered necessary by the act in respect of which he was convicted.

20. (1) It shall be the duty of the Owner and the occupier of any land on or in, or on the boundaries of which, any trigonometrical station, survey beacon mark or pole has been affixed, set up or placed forthwith to report to the nearest District Commissioner or to the Director of Surveys and Lands if to his knowledge any such trigonometrical station, survey beacon, mark or pole shall have been obliterated, removed or injured or shall be in need of repair.

Duty of owners and occupiers of land in relation to survey marks.

Provided that the Director of Surveys and Lands may by writing under his hand exempt any owner or occupier of land from the obligation imposed by this section

(2) Any person who willfully or knowingly fails to report in accordance with the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds or in default thereof to imprisonment with hard labour for a term not exceeding one month.

21. Where any trigonometrical station or any survey beacon mark or pole or any boundary mark within the local limits of a Chief or Tribal Authority is obliterated, removed or damaged, the Chief or Tribal Authority shall forthwith report such obliteration removal or damage to the District Commissioner of the district.

Duty of native authority.

22. (1) Any person who, unless acting on the authority of the Director of surveys and Lands, knowingly uncovers any survey beacon or mark buried below the surface of the ground or covered with a pile of earth or stone shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Penalty for uncovering survey beacons.

(2) Any person who, having uncovered a survey beacon or mark with the authority of the Director of Surveys and Lands, shall neglect—

- (a) in the case of a covered beacon or mark to cover the same in the prescribed manner, or
- (b) in the case of a buried beacon or mark properly to fill up the hole with the same material as the ground or road under which the beacon mark is buried,

Shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds

Obstructing
surveyor.

23. Any person who willfully obstructs, or hinders, resist or threatens any surveyor in the execution of his duty in or about the conduct of any public surveyor any survey ordered by a court, or any workmen or other person acting in aid of any such surveyor, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

False
certificates

24. Any person who issues or signs a certificate for the purposes of this Ordinance either knowing it to be false or not believing it to be true shall be guilty of an offence and shall be liable on summary conviction to imprisonment with hard labour for six months or to a fine of one hundred pounds or to both such imprisonment and fine.

Recovery of
moneys due.

25. Any sum due to the Government under the provisions of this Ordinance or the rules thereunder may be sued for and recovered by the Director of Surveys and Lands or any person authorised by him in that behalf.

Power of
Governor in
Council to
make rules.

26. The Governor in council may make rules—

- (a) prescribing the manner in which surveys are to be made, the records to be kept by licensed surveyors and the manner of keeping such records.
- (b) prescribing the manner of the demarcation of boundaries in connection with surveys.
- (c) with regard to plans of surveys and their preparation and the matters to be shown thereon and prescribing for what purposes diagrams and plans shall be signed;

- (d) prescribing the manner in which public surveys shall be carried out and the manner in which boundaries shall be finally determined when a public survey has been carried out;
- (e) prescribing the fees which may be charged by the survey and Lands Department and by licensed surveyors, and prescribing the conditions on which a licensed surveyor may enter into an agreement to make for any inclusive fee.
any survey, to do any other work for which fees are prescribed
- (f) with regard to the publication, issue, service and form of notices to be published, issued or served under this Ordinance or rules made thereunder;
- (g) prescribing the returns to be made by licensed surveyors to the Director of Surveys and Lands;
- (h) requiring surveyors to report to the Director of Surveys and Lands matters connected with surveys on which they are engaged or with previous surveys, ascertained by them during the course of their work;
- (i) for securing the maintenance of boundary marks in their correct position and the preservation of the same;
- (j) providing for the checking of surveys alleged to be erroneous and for the incidence of the expenses of such checking;
- (k) providing for the checking and correction of tapes and instruments used by surveyors;
- (l) providing for and regulating the inspection and the taking of copies of plans of surveys in the office of the Director of Surveys and Lands.
- (m) prescribing the subjects in which an applicant for a licence as a surveyor shall be examined;

- (n) prescribing the conditions under which a person, who while holding qualifications entitling him to practise as a surveyor in a country other than Sierra Leone is not entitled to be licenced under section 10, may nevertheless be granted a licence under this Ordinance;
- (o) prescribing any other matters or things required to be prescribed under the provisions of this Ordinance, and
- (p) generally for giving effect to the purposes of this Ordinance.

Any rules made under this section may apply generally or in such circumstances or cases as may be specified.

Repeal. 27. The Survey Ordinance is hereby repealed.

Section 3 (2)

SCHEDULE

THE SURVEY ORDINANCE

LICENCE

A. B. having satisfied the requirements of the above mentioned Ordinance is hereby licensed to practice as a Surveyor in Sierra Leone in accordance with the provisions of the said Ordinance.

Dated this day of 19..... at

.....
Director of Surveys and Lands
Chairman, Board of Examiners.



SIERRA LEONE

PUBLIC NOTICE No.92 OF 1953

M.P.12062/1

Published 24th September, 1953

THE SURVEY ORDINANCE, 1950
 (No. 11 of 1950)

THE SURVEY RULES, 1953

In exercise of the powers conferred upon the Governor in Council by section 26 of the Survey Ordinance, 1950 (hereinafter called the Ordinance), the following Rules are hereby made:—

1. These Rules may be cited as the Survey Rules, 1953 and shall come into force on the 24th day of September, 1953.

DEFINITIONS

2. “Beacon” means a permanent survey mark of any kind made of concrete, iron or stone, or of two or more of these materials.

“Colony Bearing” means the angle measured clockwise and referred to the twelfth meridian west of Greenwich.

“Country Lands” means all lands which are not town lands.

“Demarcation” means the marking of lines on the ground by means of posts, pillars, beacons or blazed trees and cognate words shall be construed accordingly.

“Government Survey Beacon” means any beacon erected by a Government Surveyor or by a licensed surveyor employed for the purpose by Government.

“Town Lands” means plots of land not exceeding ten acres in extent lying within a health area, the Colony, Peninsula, or Sherbro Urban District, or within one mile of the boundary of a health area or the Sherbro Urban District.

“True Bearing” means the angle measured clockwise and referred to true North.

3. (1) The survey of any land for the purpose of judgment or order of a court or of any instrument registrable under the Registration of Instruments Ordinance shall be made with theodolite and steel band and each change of direction of the boundary shall be demarcated. The error in the surround shall not exceed one in three thousand in the case of country lands and one in four thousand in the case of town lands.

Provided that the Director of Surveys and Lands at his discretion may in writing authorise any such survey to be made without a theodolite and with such instruments and by such method as he may specify and upon the completion of the plan the Director of Surveys and Lands shall endorse thereon the instruments and method employed and the degree of accuracy of the plan and shall sign and date such endorsement.

(2) This rule shall not apply to a survey for the purpose of a mining right under the Minerals Ordinance.

4. (1) Wherever possible each survey will be connected by traverse or triangulation to a Government survey beacon. If such a beacon exists within one mile of the survey the connection shall, provided local conditions permit, be made by a theodolite traverse which shall be double chained and, if exceeding twenty traverse stations, a stellar or solar determination shall be taken to confirm the bearings;

(2) When a survey is connected to a Government survey beacon by triangulation no angle of any triangle from which the connection is computed shall be less than twenty-five degrees.

(3) If no Government survey beacon exists to which the survey can be connected by traverse as described in sub-rule (1) of this rule or by the observing of triangle as described in sub-rule (2) of this rule, a local origin, which shall be permanently beacons and the position of which shall be described by reference to the chief local objects, landmarks and topographical features such as hills, rivers and villages, shall be adopted and the bearings of the survey shall be based on stellar or solar determinations of azimuth. Wherever possible the local origin shall be situated on some prominent land mark.

(4) It shall be lawful for the Director of Surveys and Lands at his discretion to allow any modification or departure from this rule in so far as it affects any specific survey subject to his written permission being first obtained. In a case of such written permission being given to a licensed surveyor it may be made conditional on a Government Surveyor carrying out any work from which the licensed surveyor is relieved by such permission and on the licensed surveyor being charge for any such work in accordance with fees prescribed in these rules.

5. (1) In the case of a survey to which rule 3 does not apply, other than a survey of land the subject of an application for an exclusive prospecting licence or mining right, it shall not be necessary to employ more accurate method than that of compass and steel band, but the error in linear measurement shall not exceed one in one thousand and while such survey is being made a reference to true north shall be obtained either by solar or stellar observations or by connecting the survey to a line the azimuth of which has already been determined.

(2) The survey of all land, the subject of an application for an exclusive prospecting licence (which has not been exempted from survey under the proviso to section 57 of the Minerals Ordinance), shall be effected by theodolite and steel band, and shall form a closed traverse the linear misclosure of which shall not exceed one in one thousand and shall be carried out, demarcated and plotted on a plan as required by these rules in so far as these rules are not modified by Rules under the Minerals Ordinance in force at the date of the application.

(3) The survey of the portion of a stream, the subject of a mining right, shall be by compass and steel band traverse and shall be double chained; the linear difference between the two chaining shall not exceed one in one thousand and shall be carried out, demarcated and plotted on a plan as required by these

rules in so far as these rules are not modified by Rules under the Minerals Ordinance in force at the date of the application. The traverse shall be fixed or tied to a permanent beacon or natural feature as shall be in accordance with rule 4 or as may otherwise be directed by the Director of Surveys and Lands.

METHODS OF SURVEY

6. (1) Subject to any modifications contained elsewhere in these rules, the survey shall be a closed traverse on a true bearing or Colony bearing which shall be determined by stellar or solar observations, or by connection to a line the azimuth of which is known.

(2) Within the Colony Peninsula, Colony bearings shall be used in all surveys connected to the main triangulation framework of the colony of Sierra Leone. In all other areas, true bearings shall be used.

(3) Licensed Surveyors when in doubt as to whether a meter survey shall be carried out on true bearings or Colony bearings shall apply for information to the Director of Surveys and Lands.

7. The angular measurements shall be made with a Micrometer Theodolite or with a Vernier Theodolite the horizontal plate of which has a diameter of not less than four and half inches with direct reading to not more than thirty seconds of arc. One Face Left and one Face Right observation of each angle will be made and both micrometers and Verniers read.

8. The bearings of traverses shall be controlled by solar or stellar observations for azimuth. An azimuth observation shall comprise three separate determinations the total range of which shall not exceed thirty seconds. Such astronomical determinations of azimuth on a traverse shall be taken at intervals not exceeding thirty stations, and the maximum misclosure of the bearings of the traverse between astronomical determinations shall not exceed two minutes and thirty seconds.

9. All linear measurements shall be measured and recorded in feet and decimals of a foot to two places of decimals.

10. Measurements shall be made with a steel band of 100 feet, 200 feet, 300 feet or 500 feet and the usual corrections for standard, sag, slope, and, when necessary, temperature shall be made. A spring balance shall be used with a pull of fifteen pounds and the angle of slope determined by one Face Left and one Face Right observation on the theodolite.

11. Where a survey begins or ends on beacons erected in the course of a previous survey the accuracy of the origin shall be verified by reference to Surveys and Lands Department and by angular and linear measurements. On long lines of frame work or primary traverse the linear measurement may be dispensed with, but the accuracy of the position of the beacons shall be checked by angular measurement. When such beacons are found to be out of position, a full report shall be made to the Director of Surveys and Lands so that inquiry may be made and steps taken if necessary and possible to correct their positions. A new origin or datum from another beacon whose position is known to be correct shall then be selected or astronomical observations taken to establish a correct bearing

12. Where a boundary side of a new survey is coterminous with a longer boundary side of an area previously surveyed, the boundary beacons of the new survey shall be placed exactly on the line between the boundary beacons of the previous survey.

13. Boundaries of land surveyed under rule 3 shall be laid out with as few angular points as local conditions and the requirements of the survey demand.

14. Where a boundary is irregular, compass or theodolite traverse lines shall follow approximately the course of the boundary and offsets shall be taken at suitable points along the traverse lines to determine the exact position of the boundary.

FIELD BOOKS

15. All linear and angular measurements necessary for the survey or demarcation of boundaries shall be entered in a field book in ink as they are made. Each field book shall be fully indexed and referenced, with a table of contents on the inside of the cover or at the beginning of the book together with the surveyor's name, the title of the survey, the district and province, the kind of survey and the

instruments used. No erasures shall be made nor shall pages be torn out of any field book. If a wrong figure is written or it is necessary to alter an entry the erroneous entry shall be crossed out and the correct one written above. Simple diagrams shall be drawn on a page of the field book so as to make the measurements readily understood. The description of each beacon shall be given and the description shall state *inter alia* whether the beacon is “found”, “replaced”, or “newly” “emplaced”. Measurements which are taken to fix the position of physical features, structures, and other features adjacent to the boundaries shall be shown on the diagrams in a clear and legible fashion. The date shall be entered against all work done on that date. The error of the field tape compared with the standard tape kept by the Director of Surveys and Lands and the date on which it was last compared with the standard tape shall also be recorded. On the last page of the notes of each survey the following certificate, signed and dated by the surveyor shall be entered:—

“THIS IS TO CERTIFY that the figures contained in the fore-going field notes are the actual figures recorded by me as the result of my observations and measurements in the field, and that the survey has been made in accordance with the provisions of the Surveys Ordinance, 1950, and the rules made thereunder”.

16. The recorded measurement of each surveyed line shall be made separately in the order in which it is measured. Diagrams shall not be submitted for the recorded measurement, but shall be used for the elucidation of detail.

17. Topographical features shall be shown with special care in the vicinity of beacons. The field notes shall be lucidly kept so as to enable a draughtsman without other information to draw a true plan of the survey.

18. A surveyor submitting a plan under section 15 of the Ordinance if so required by the Director of Surveys and Lands shall also submit for inspection by the Director of Surveys and Lands, the field book and computation files relating to the observations made to determine the azimuth of the survey or, if observations have been dispensed with, a description of the means employed to determine the azimuth.

COMPUTATIONS

19. All computations shall be made on the forms approved by the Director of Surveys and Lands which may be purchased from the Survey and Lands Department, or on good quality fool-scrap paper similarly ruled and tabulated.

20. The measurements of each portion of land to be surveyed under rule 3 shall be mathematically computed to the nearest 30 seconds in bearing and the nearest hundredth of a foot in length. The closing error of the bearings and the closing linear error of the surround shall be clearly shown on the computation forms. The position of each permanent mark shall be rigorously computed and adjusted for the linear close, and where a mark has been placed by offset its position shall be computed from two stations on the main traverse. In all computations trigonometrical tables of not less than five figures shall be used.

21. The area of a piece of land surveyed under rule 3 shall, if bounded by straight lines, be mathematically computed from the co-ordinates of the corners. In the case of a piece of land having an irregular boundary, such as a stream, the area enclosed by straight lines shall be computed as above and added to the part contained between such irregular boundary and the straight lines, which part shall be computed as a series of triangles.

22. The area of a piece of land surveyed by a method other than that mentioned in rule 3 may be obtained by planimeter or computing scale, and shall be shown on the plan correct to within two per centum of the area of the figure as plotted.

DEMARICATION

23. (1) For the demarcation of the boundaries of all areas surveyed under rule 3, other than areas the subject of applications made under the provisions of the Minerals Ordinance, from time to time in force, beacons or pillars of concrete mixed in the proportions of five parts of sand or sand and rubble to one of cement being not less than six inches square and being three inches above ground and one foot nine inches below and having an iron pin or spike in the centre of the top shall be used.

Provided that in the case of plots of land forming part of a general lay-out a plan or copy of plan of which has been deposited in the office of the Survey and Lands Department, beacons not being less than four inches square in section and being three inches above the ground and one foot nine inches below the ground level may be used.

(2) The symbol '!', the letters P.B. (Denoting Property Beacon) and an identification letter and number shall be stamped upon beacons used to demarcate boundaries of land surveyed by a Government Surveyor.

(3) An identification letter and number shall be stamped upon beacons used to demarcate the boundaries of land surveyed by a licensed surveyor and the symbol '!' shall also be stamped thereon when such demarcation is made on behalf of Government.

24. (1) For the demarcation of the boundaries of all lands the subject of applications made under the provisions of the Minerals Ordinance, from time to time in force, boundary beacons shall be constructed as prescribed in the Minerals Ordinance or Rules made thereunder.

(2) A surveyor appointed or approved by the Director of Surveys and Lands to carry out a survey of a mining application shall before making the survey obtain a written statement from the applicant or his duly authorised agent as to whether or not the applicant will provide all beacons or materials for it.

(3) A line of stones or a trench not less than one foot deep and one foot wide shall be made along the boundary lines for a distance of eighteen feet on each side of a boundary beacon.

25. (1) The area as finally marked and beacons under the direction of the surveyor shall conform as nearly as possible with the area beacons before application made under the provisions of the Minerals Ordinance, from time to time in force, the beacons erected before such application being adjusted by the surveyor where necessary. The ruling of the surveyor as to the position of beacons shall be final, subject to any other ruling for this purpose prescribed in Rules under the Minerals Ordinance. The area of the land covered by an application made under the provisions of the Minerals Ordinance, from time to time in force, shall be accepted as determined by the survey, and the plan made by the surveyor shall be accepted as the correct plan.

(2) If the area of the land in respect of which an application under the provisions of the Minerals Ordinance, from time to time in force, has been made is found by the surveyor to exceed the area allowed under that Ordinance the Director of Surveys and Lands shall have entire discretion to alter the position of the beacons in order to bring the area within the limit allowed.

(3) The surveyor shall report to the Director of Surveys and Lands if the area applied for cannot be identified on the ground by means of the plan.

26. The demarcation or the marking of all boundaries shall be prepared prior to, or simultaneously with, the measurements which determine their position. The substitution of permanent for temporary marks in the few cases in which marking after measurement is permissible shall in all cases be done under the direct supervising of the surveyor himself.

27. Where boundaries of surveys carried out under rule 3 about on roads, all boundary marks shall be placed to conform with such regulations and by-laws defining the building lines or width of roads as may be in force in that place.

28. When a beacon is placed in accordance with computed data the position of such beacon shall, after placing, be determined by measurement as if it had been an existing beacon.

29. When a beacon is to be placed in such a position that it will interfere with or be inconvenient to traffic.

30. No property beacon shall be placed in such a position that it will interfere with or be inconvenient to traffic.

31. Where objection is made by the owner of the adjoining land to the position of a boundary as pointed out by the person for whom a survey is being made, or as located by the surveyor from the documents of title under which the land is claimed, the surveyor shall survey the position of this boundary and show the same on his plan, but may decline to survey that portion to which objection has been made. In such case the survey and demarcation shall not be regarded as incomplete, so far as the surveyor is concerned.

32. The Director of Surveys and Lands may cause notices in accordance with Form 1 in the schedule to be served upon the owners or occupiers of any land the boundaries of which have been defined by boundary marks under the Ordinance, and may cause similar notices to be served upon Native Authorities and Chiefs within the local limits of whose jurisdiction any trigonometrical station, survey beacon, mark or pole or boundary mark is situated.

33. Beacons shall be placed at the points where the boundaries intersect roads and streams of importance. On straight lines of more than 660 feet, beacons shall be placed at intervals of not more than 660 feet.

34. (1) Where a railway reserves forms a boundary of a property being surveyed, the positions of all tangent points shall be beacons and the radii of the curves and the lengths of the chords shall be recorded.

(2) Where a road forms a boundary of country lands that are being surveyed, beacons shall be placed not nearer than 50 feet from the centre line of the road at all turning points of the road and the boundary will be defined by the chords joining such beacons.

(3) Whenever possible, the use of curves as boundaries shall be avoided, straight lines form point to point being used as boundaries instead of curves.

35. In the re-survey of land a surveyor shall observe principle that the beacons originally placed on the ground may be the true boundary, even though the data of such boundary may not be found on re-survey to agree with the data recorded on the original plan within the limit prescribed by rules made under the Ordinance, provided always that the beacons have not obviously been disturbed.

36. Survey marks shall on no account be moved unless it is clearly established that they have been tampered with or have become displaced. In that case the surveyor shall transmit to the Director of Surveys and Lands an accurate record of the position in which they were found, together with a sketch.

37. The removal, obliteration or defacement of any survey mark which comes to the notice of a surveyor shall be reported by him in writing to the Director of Surveys and Lands.

38. When surveys have to be amended on instruments from the Director of Surveys and Lands, all erroneous beacons shall be removed or re-sited and the surveyor shall report in writing to the Director of Surveys and Lands when this has been done.

39. To prevent the perpetuation of errors in the original survey, and to guard against fraud, in every case where material disagreement is found to exist between new and old surveys the surveyor shall forward to the Director of Surveys and Lands a full report thereon accompanied by—

- (1) A sketch showing the position of old survey marks.
- (2) Descriptions of such marks and
- (3) Particulars of all development on or near the boundary lines and of any other evidence bearing on the matter.

The surveyor shall make a careful search and inquiry for evidence of original survey marks.

40. The Director of Surveys and Lands shall allot to licensed surveyors a distinctive letter or letters for their use as a prefix to the consecutive numbers to be stamped on all property beacons they may put up.

41. Licensed surveyors shall forward to the Director of Surveys and Lands, by the 10th day of each month, a list of all the numbered beacons put up by them during the previous month. If no beacons have been put up a “nil” return shall be rendered.

SPECIAL PROVISIONS WITH REGARD TO DEMARCATION OF COUNTRY LANDS

42. Rules 42 – 49 shall apply to surveys of country lands only.

43. In the demarcation of country lands, beacons shall be placed at all changes of direction of the boundary, except where the point of change of direction is obstructed by a building standard in a town or village plot, in which case the procedure prescribed in regulations 52 and 53 shall be followed.

44. Where a river constitutes a boundary, beacons shall only be placed at the points between which such rivers is the boundary. These beacons shall be placed on the river bank above flood level and the distance from the beacons to the river shall be shown on the plan.

45. (1) Where a beacon cannot be placed at a corner, two beacons shall be placed, one on each of the lines which would intersect at the corner, and as near as possible to the corner.

(2) In forest or scrub country, boundary lines shall be cleared to a width of four feet of all undergrowth and trees of no economic value of less girth than two feet six inches.

46. Trees within two feet of the line, provided their economic value is not impaired thereby, shall be blazed on both sides in the direction of the line, and those through which the line passes shall be double blazed on each side in the direction of the line.

47. In open country, at every boundary pillar, a trench or lockspit six feet long and one foot deep shall be dug on each side of and not nearer than three feet from, the pillar in the direction of the line, or where this is impossible, owing to the presence of rock, a line of stones six feet long shall be placed to indicate the direction.

48. For the demarcation of lands surveyed otherwise than by theodolite and steel band and not surveyed for the purpose of a judgment or order of a court or any registrable instrument or an application for an exclusive prospecting licence, mining right or mining lease, hardwood pegs or angle irons shall be placed at all changes of the general direction of the boundary and, where the boundary is other than a stream or well-defined road, they shall also be placed at the intersections of the boundary with principal roads or streams, provided that it shall not be necessary to place two such additional hard-wood pegs or angle irons less than 660 feet apart.

49. For the demarcation of lands surveyed other than by theodolite and steel band and not surveyed for the purpose of a judgment or order of a court or any registrable instrument or application for an exclusive prospecting licence, mining right or mining lease, each mark shall be connected by compass bearing and distance to two trees, blazed and marked with the same distinguishing letter or number shown on the marks, or if trees are not available, to two mounds of earth or stones three feet high.

SPECIAL PROVISIONS WITH REGARD TO DEMARCATON OF TOWN LANDS

50. Save as otherwise provided in rule 43, rules 50 to 53 shall apply to surveys of town lands only.

51. (1) In the demarcation of town lands beacons shall be placed at every change of direction in the boundaries.

(2) If for any reason it is not convenient to place a beacon at a point where there is a change of direction of the boundary, a beacon shall be placed on each of the boundary lines that would intersect at that point and as close as possible thereto.

52. Where, owing to an obstacle, the beacon cannot be placed in the correct position, an iron pin shall be set in concrete in the obstacle, and the identification number stamped near the pin, and if the obstacle is of such material that a pin cannot be sunk, nor the numbers cut or stamped, a dot may be marked thereon, along with identification marks. The position of the pin or dot relative to the true position of the beacon shall be clearly shown in the field book.

53. Where the position for a property beacon falls inside a building, a cross (X) with an identification number shall be cut or painted on the outside of the building at the points where it is intersected by the lines. Surveyors working for the Government will use a double arrow.

PLANS

54. The original plan of every survey shall be drawn in waterproof ink on mounted drawing paper. The minimum size of a plan shall not be less than thirteen inches in one direction and eight inches in a direction at right angles to the first.

55. Every plan (hereinafter called a cadastral plan) to a scale of not less than 25 inches to one mile and showing the position of buildings shall bear in prominent letters the title of the survey, the description of the land and its locality and the name of the person owning or occupying the land included in the survey or for whom the survey is made. The names of the adjoining owners or occupiers shall also be shown.

56. All plans of theodolite surveys shall be graticuled on the true north or Colony north and shall have a true north and south line and a true east and west line, or a Colony north and south line and a Colony east and west line as the case may be, drawn in blue across the length and breadth of the paper. "True north" or "Colony north" as the case may be, shall be written along the north and south line.

57. Plans of surveys made on the magnetic north shall show the variation of the compass from true north.

58. The scale of a plan shall be stated and shown by a graphic representation in feet.

59. All theodolite surveys shall be plotted by means of rectangular co-ordinates from a graticuled drawn on the plan. A description of the location of the origin of co-ordinates shall be given in the field books, computation sheets, and on the plan. Detail and irregular boundaries may be plotted by bearing and distance. There shall be no disagreement within limits of the scale used between the numerical data and the plan.

60. Demarcated boundaries shall be shown in firm red lines, except where they follow the frontages of buildings, when they shall be shown by a red verge. Traverse lines not intended as boundaries, connections, and bearings to trigonometrical points, shall be shown in blue. Offsets shall be shown by figures in black between arrows.

61. Where boundaries of surveys carried out under rule 3 abut on roads to which legislation relating to a building line has been applied, the building line shall be clearly shown on the plan by a blue marked "Building Lines."

62. when the survey is carried out under mileage rates as defined in Appendix A. topographical and other features occurring on any line run by the surveyor in connection with the survey shall be shown. Such detail within the boundaries of the area under survey as may be required by the person for whom the survey is made shall be shown except that in the case of the survey of land the subject of an application for a mining lease of all interior topographic detail shall be shown. The positions of all beacons and boundary marks, temporary or otherwise, shall, in all cases be shown and the nature of the marks clearly indicated.

63. The position to all government survey beacons to which connection has been made or the co-ordinates of some point on the plan referred to such beacons shall be shown

64. The following shall be the scales for ordinary plans made to show the boundaries or property:—

Surveys in Freetown municipality 1/240; 1/480; 1/250 and 1/2500
 surveys elsewhere 1/240; 1/480; 1/1250; 1/5000; 1/10,000 and 1/25,000.
 Mining surveys-
 Areas the subject of application for exclusive prospecting license 1/25,000

Areas the subject of application for mining license 1/6,250
 Areas the subject of application for mining rights 1/5,000

65. The numerical data on cadastral plans shall include-

(a) The bearing and distance of each boundary line, connecting line, and controlling traverse line, such bearings and distances shall be given to the nearest minute and the nearest tenth of a foot respectively;

(b) The area of each lot—

Areas of ten acres and to the three places of decimals of an acre

Areas of from ten acres to two places of decimals of an acre

100 acres... to one place of decimals of an acre

Areas of from 100 acres to 1,000 acres... to the nearest acre.

Areas over 1,000 acres... to the nearest acre.

The area of building lots and sites, if under two acres to four place of decimals of an acre;

(c) Any measurement to permanent structures which will assist in locating marks of pillars on the grounds;

(d) Adjacent lot names or numbers if ascertainable;

(e) The initial bearing adopted for the survey marked "I.B." Calculated bearings and distances shall be distinguished from direct measurements by the addition of the letters "Cal", and bearings and distances adopted from a previous survey shall be shown by the addition of the letters "P.O." (Per Original).

66. Copies of plans may be made on drawing paper or tracing cloth, but in all cases the copies shall be faithful reproductions of the originals, and details represented in colour on the originals shall be similarly represented on the copies.

67. Copies of plans sent by a licensed surveyor to the Director of Surveys and Lands under section 15 of the Ordinance shall bear the following certificate signed by the surveyor and dated:—

19....."

FEES AND CHARGES BY LICENSED SURVEYORS

68. (1) The charges prescribed in the second schedule will be made by the Survey and Lands Department, and may be made by licensed surveyors for surveys carried out by themselves.

(2) These charges shall not apply to surveys made for the purpose of the Minerals Ordinance.

69. Notwithstanding the scale of charges prescribed in the Second Schedule it shall be lawful for any licensed surveyor to enter into an agreement with a client to make any survey (including any work connected therewith) for him for any agreed charge, provided that every such agreement shall be in writing and signed by the licensed surveyor and the client, and if the agreed charge exceeds the amount prescribed in the Second Schedule, shall be witnessed by an Administrative Officer or a Justice of the Peace.

APPLICATION FOR SURVEY BY A GOVERNMENT SURVEYOR

70. Applicants for survey or demarcation of land by a Government surveyor shall be made to the Director of Surveys and Lands, giving particulars as to locality, ownership, area of the property and the nature of the work required, and shall be accompanied by a sketch of the land to which the application relates.

71. Upon receipt of an application, the Director of Surveys and Lands shall inform the applicant whether or not the survey or demarcation can be undertaken by a Government surveyor and, if it can be undertaken by a Government surveyor, the Director of Surveys and Lands shall assess the cost of the work required and shall inform the applicant who shall thereupon deposit the amount at the nearest Treasury Office.

72. As soon as may be, after satisfying himself that the deposit has been paid, the Director of Surveys and Lands shall acquaint the applicant with the approximate date on which it is intended to make the survey or demarcation, and shall later, if necessary, appoint a date and place at which the owner or his representative shall be required to meet the surveyor for the purpose of pointing out the boundaries.

73. If the applicant, having in his application expressed willingness to clear the boundaries, or to provide boundary marks, shall cause delay to the surveyor by insufficient clearing, or by an inadequate supply of beacons or by the supply of beacons not of the prescribed construction or dimensions, the surveyor shall make good the deficiencies, and the cost estimated in accordance with the provisions of the Second Schedule shall be charged to the applicant.

74. If, after reasonable notice has been given, the applicant shall delay the surveyor by failing to send a representative or by giving erroneous information as to boundaries, the cost occasioned by the delay, estimated in accordance with the provisions of the Second Schedule, shall be charged to the applicant.

75. If the deposit shall, owing to the fault of the applicant or underestimation of the cost or from any reasonable cause, be insufficient to cover the cost of survey, the balance shall be recovered from the applicant and if the deposit exceeds the total cost of the survey, the balance shall be refunded to the applicant on the completion of the work.

76. The Director of Surveys and Lands may, in his discretion, supply information from his records to any licensed surveyor to enable him to connect a survey he is making to Government survey beacons in the neighborhood.

77. When in the opinion of the Director of Surveys and Land it is desirable for the purpose of a survey he may give a licensed surveyor permission in writing to uncover a buried or covered Government survey beacon and may give him directions for the restoration of the covering.

78. Upon application at the Cadastral Branch of the Director of Surveys and Lands Office, any person shall be allowed to inspect, during the hours of public business a copy of any plan submitted under section 15 of the Ordinance. The fee for inspection for each period of half-an-hour or part thereof shall be two shillings and sixpence.

79. A plan made by a Government surveyor shall, at the discretion of the Director of Surveys and Lands, be available for inspection by the public, on payment of the fee prescribed in the last preceding rule.

80. No information or certificate shall be copied from a plan so open to inspection except at the discretion of the Director of Surveys and Lands.

81. Copies of plans made by Government surveyors shall, at the discretion of the Director of Surveys and Lands, be available for the public on payment of the fees prescribed in the Second Schedule.

82. Copies of plans deposited by licensed surveyors under section 15 of the Ordinance shall on payment of the fees prescribed in the Second Schedule be available for issue to persons having an interest in the land surveyed.

GENERAL DUTIES OF LICENSED SURVEYORS

83. (1) The Licensed Surveyors Register and the Pupil Surveyors Register shall be kept at the office of the Director of Surveys and Lands at Freetown. Every licensed surveyor shall, before the 15th day of January in each year, make a return in writing to the Director of Surveys and Lands at Freetown of the following matters, that is to say, his full name and postal address and the full name and postal address of each pupil surveyor who is being trained under him and shall likewise make a return of any subsequent change in the above-mentioned matters whenever a change occurs.

(2) Every licensed surveyor who engages a pupil surveyor to work with him shall make a return in writing of the engagement to the Director of Surveys and Lands for entry in the register, and shall likewise give notice of any subsequent change of engagement whenever a change occurs.

84. Licensed surveyors shall obtain a certificate of standardization of their tapes at least once a year. For the certificate of standardization, the fees specified in the Second Schedule shall be paid in advance. Whenever a tape is repaired it shall be standardized before use. Standards of length shall be maintained at the office of the Director of Surveys and Lands at Freetown where tapes will be standardized during office hours after giving one day's notice.

85. Examinations for enrolment as a pupil surveyor and for a licence to practice surveying shall be conducted as provided for in the Third Schedule.

MISCELLANEOUS

86. A Government or licensed surveyor shall, wherever practicable, give notice of his intention to enter upon occupied land. Such notice may be given in accordance with Form 2 in the First Schedule.

87. No excavation for the purpose of buying or uncovering a beacon shall be made in any street or road unless a red flag is provided and displayed on each side of the excavation to warn approaching traffic, and no such excavation shall be left unfilled after sunset.

88. Copies of plans made by Government surveyors and of plans or copies deposited under section 15 of the Ordinance shall bear the following certificate signed and dated by the Director of Surveys and Lands.

CERTIFIED true copy of plan No. of 19.....

Made by Government or Surveyors
Deposited Licensed

....., 19.....

89. (1) If any person complains to the Director of Surveys and Lands that a plan made by a surveyor is inaccurate the Director Of Surveys and Lands shall, upon the complaint depositing a sum sufficient to cover the cost, make such inspection or re-survey of the land as may be necessary to discover inaccuracies or to the correctness of the plan and shall make a full report to the Governor.

(2) If, after such further enquiry as he may think fit, the Governor decides that the plan is not inaccurate, the cost of the inspection or re-survey made by the Director of Surveys and Lands assessed on the scales laid down in the Second Schedule shall be deducted from the sum deposited and the balance thereof shall be refunded to the person entitled thereto; but if it is found that the plan was made by a Government Surveyor and was inaccurate the sum deposited shall be refunded in full.

90. Notwithstanding the provisions of rule 89, the Director of Surveys and Lands may investigate and report to the Governor on any survey which he has reason to believe is erroneous, without a complaint being lodged.

FIRST SCHEDULE

FORM 1
THE SURVEY RULES, 1953
(Notice under Rule 32)

To.....

Take notice that you are required to report to the Director of Surveys and Lands or to the District Commissioner of your district if any of the trigonometrical stations, survey beacons marks, poles or boundary marks on the land described below are obliterated, removed or injured or in need of repairs.

SITUATION AND DESCRIPTION OF LAND

Director of Surveys and Lands

Date.....

FORM 2
THE SURVEY RULES, 195
(Notice of entry on Land under Rule 86)

To.....

Take notice that on the day of19....., between the hours ofand, I shall enter on your land situate atfor the purpose of a survey.

I shall cause as little inconvenience as is consistent with my duties.

.....
(Signed) Government
Licensed Surveyor

Date.....

SECOND SCHEDULE

Rule 68

FEES AND CHARGES FOR SURVEY SERVICES
(Other than those rendered for surveys under the Minerals Ordinance)

PRELIMINARY CHARGES

<i>Nature of Survey</i>	<i>Basis of charges</i>
(a) Single plots for residential or business purposes.	(i) Preliminary fee of £2: 12:6 for town lands, or £5:5s, for country lands.
(b) Plots surveyed in conformity with a design or layout before the land is taken.	(ii) Mileage rates, subject to a minimum of £2:12s. 6d.
	(iii) Charges for detail, if surveyed, subject to a minimum of £1:11s. 6d.
(c) Other contiguous plots surveyed by theodolite and steel band.	As for paragraph (a) above but only one preliminary fee for all plots surveyed at the same time. Common boundaries between plots only charged for once if surveyed for the same owner or occupier. As for paragraph (b) above
(d) Plots of Crown Lands for settlement, surveyed in accordance with a design or layout and shown on plan or copies of same deposited in the Survey and Lands Department.	(i) Leases not exceeding seven years – 10s. Per plot. (ii) Leases exceeding seven years but not exceeding twenty-one years - £1 per plot. (iii) Leases exceeding twenty-one years - £3 per plot:

Provided that these charges shall be made by the Survey and Lands Department on each and every occasion that the lease is transferred or renewed, and that no other survey charges will be made.

- (e) Plots of land in the Protectorate for settlement surveyed in accordance with a design or layout and shown on plans or copies of same deposited in the Survey and Lands Department: As for paragraph (d) above

Provided that these charges shall be made by the Survey and Lands Department on each and every occasion that the lease is transferred or renewed, and that no other survey charges will be made.

- | | | | | |
|-----|------------------------------------|-----|-------|---|
| (f) | Re-establishing boundary marks | ... | ... | Time rates |
| | Check Surveys | ... | ... | Time rates |
| | Boundaries of land in dispute | ... | | Time rates |
| | Surveys for investigation of title | ... | ... | Time rates |
| (g) | Traverse connections | ... | ... | Mileage rates |
| (h) | Compass Surveys of town or | ... | (i) | Preliminary fee of £2:2s for town lands, or £ 4:4s for country lands. |
| | | | (ii) | Mileage rates. |
| | | | (iii) | Detail survey rates for any detail surveyed, when required: |

Provided that only one preliminary fee will be charged for two or more contiguous surveys carried out at the same time.

2. MILEAGE RATES

(i.e. Rates of survey charges based on the mileage of traces cut when little or no interior detail is shown) Rigid Surveys of Boundaries by Theodolite and Steel Tape
Rates are per Mile

Nature of Country	Open Country	Thick Grass or Patches of Trees	Light Forest	Heavy Forest	Secondary Bush	Secondary Bush with Heavy Timber
Level	£4	£7	£10	£25	£35	£60
Broken	6	10	15	30	40	80
Rugged	8	15	30	35	50	100

For work done by chain and compass, ½ of the above rates.

For work done by theodolite if all traces or lines are cut by the applicant to the satisfaction of the surveyor, ½ of above rates.

For work done by compass if all traces or lines are cut by the applicant to the satisfaction of the surveyor, ¼ of the above rates.

All lines necessary for the survey will be charged for.

The decision of the Director of Surveys and Lands as to the nature of the country shall be final.

For the survey of boundaries which require to be fixed by frequent offsets, a surcharge at the rate of 6d per 100 feet, measured along the length of the boundary, will be made.

All lines necessary for a survey will be charged for, but no charges will be made for random or trial lines unless such lines are required by the applicant, or are made as the result of wrong information supplied by the applicant.

3. ACREAGE RATES

(i.e. Rates of Survey charges based on acreage when all necessary interior detail is shown)

Scale of Survey	Charge per Acre or part Acre	
	s	d
Exceeding 1/3,000	5	0
Exceeding 1/4,000 but not exceeding 1/3,000	3	6
Exceeding 1/6,000 but not exceeding 1/4,000	2	6
Exceeding 1/8,000 but not exceeding 1/6,000	1	9
Exceeding 1/13,000 but not exceeding 1/8,000	1	3
Exceeding 1/24,000 but not exceeding 1/13,000	0	9
Not exceeding 1/24,000	0	6

These rates are subject to an addition for the nature of vegetation and a further addition for the character of country as follows:—

Vegetation:	Per cent
Medium Forest	10
Heavy forest or dense undergrowth	33 ^{1/3}
Character of Country:	
Broken or swampy	10
Rugged	20

4. TIME RATES
(i.e. Rates of survey charges based on time spent on the survey)

For charges calculated on a daily basis: at the rate of £5:5s per day for a 7½ – hour day and *pro rata*.

5. CHARGES FOR MISCELLANEOUS SERVICES

In addition to the charges already defined, the following charges, when incurred, will be made by the Survey and Lands Department, and may be made by Licensed Surveyors for surveys carried out by themselves:–

- (a) Astronomical observations for surveys made at mileage rates. £10 for a set of accepted astronomical determinations at one traverse station, from which a mean bearing to or from the station is deduced and accepted.

- (b) Transport Charges Where surveys are done by Government surveyors, the cost of transport of the surveyor, survey party and stores to and from the survey shall be charged to the applicant at actual cost. This charge shall include the salary of the surveyor and the wages of his gang for the time necessarily spent in travelling.

Where surveys are done by licensed surveyors, the surveyor shall be entitled to first class transport, when available, for himself and third class transport for his survey gang, and the actual cost of transport of the survey party and stores to and from the survey shall be charged to the applicant. The surveyor shall in addition be entitled to remuneration at the rate of £3:3s whichever is less, for the time agreed to for travelling. Such charges shall be arranged between the surveyor and his client before the survey is begun.

- (c) Delay to the Surveyor caused by the applicant. Daily time rates
- (d) Beacons – Property beacons, 10s each if cement supplied by the applicant, 5s each. Small layout or cemetery type beacons, not exceeding 384 cubic inches, 2s each: if cement supplied by the applicant, 1s 6d each.
- (i) When the survey is paid for at mileage rates – (see paragraph 2 above)
- (ii) When the survey is paid for at acreage rates or time rates – (see paragraph 3 and paragraph 4 above) Property beacons 1s 6d each; if cement supplied by the applicant, no charge. Small layout or cemetery type beacons, 6d each: if cement supplied by the applicant, no charge.

In layouts and other contiguous surveys where the same beacons are common to adjoining properties the full charge will be made to each owner or occupier.

- (e) Professionals work not otherwise specified 13s per hour or part of hour
- (f) Plans–
- (i) Finished drawings on the on mounted paper According to the amount of work involved. The cost of making the original drawing, when it is the representation of a survey charged for at the regulation rates, is incorporated in those rates and no additional charge will be made for it.
- (ii) Tracings of single plots At the rate of 30.s a square foot of tracing
- Other tracings ... According to the amount of work involved, but in no case more than 50 per cent of the cost of the original drawing
- (iii) Lithoprints and sun-prints At the rate of 1s 6d a square foot of print.
- (g) Tape standardizations First 100 feet £1 1s each additional 100 feet 5s.

The cost of postage shall be added to the above charges.

- | | | |
|-------|---|--|
| (h) | Inspection by the public of plans or prints deposited in the Survey and Lands Department | 2s 6d for each period of inspection of half an hour or part thereof. |
| (i) | Scrutiny of licensed surveyors plans where the Director of Surveys and Lands accept such plans for scrutiny:— | |
| (i) | Township plots or small plots of up to 2 acres | £ s d
0 5 0 |
| (ii) | Township plots or plots exceeding 2 acres but not exceeding 10 acres | 0 10 6 |
| (iii) | Farm or country plots exceeding 10 acres | 1 1 0 |
| (j) | Certification of true copies of plans and diagrams:— | |
| (i) | Areas of up to 100 acres | 0 2 6 |
| (ii) | Areas over 100 acres | 0 5 0 |

THIRD SCHEDULE

1. (1) The examination for enrolment as a pupil surveyor will consist of four three-hour papers in the following subjects:—

- Arithmetic and mensuration;
- Algebra including quadratic equations;
- Geometry of the point, line, rectilinear figures and circles;
- Plane trigonometry up to and including the solution of triangles.

A Knowledge of the use of logarithms is essential and penmanship, orthography and neatness will be taken into account in marking the papers.

- A general knowledge paper will also be set. Time two hours.

(2) The Board may exempt any applicant for enrolment as a pupil surveyor from any subject, on his producing evidence that satisfies the Board that he has reached the required standard in that subject in a public examination.

2. A candidate will not be deemed to have passed the examination for enrolment as a pupil surveyor unless he has obtained at least sixty per centum of the possible marks in each paper.

3. The examination for a license to practice surveying shall consist of two parts, namely:—

Part I—Elementary Mathematics and Theory of Surveying. The Laws of Sierra Leone and the Rules and Regulations made under them in so far as they relate to survey.

Part II—Practical Surveying

4. A candidate may take Part I and Part II at the same examination or he may take Part II at a subsequent examination to that at which he takes Part I: provided that the whole examination must be completed not later than the examination in the corresponding month of the next ensuing year to that in which the candidate took Part I.

5. (1) The following three-hour papers will form Part I of the examination:—

- Geometry of the point, line, rectilinear figures and circles; co-ordinate geometry;
- Plane trigonometry up to and including the solution of triangles; spherical trigonometry up to and including the solution of triangles and its application to surveying.
- The elements of astronomy and their practical application to the determination of latitude, longitude, time and azimuth.
- Survey computations.
- Topographical and tachometric surveying; leveling by theodolite or level and contouring; minor triangulation in so far as it relates to the connection of surveys to the control surveys of the

country; the principles of the construction and adjustment of the following instruments – theodolite, tachometer, plane table, level, compass, clinometers, barometer, thermometer, steel band, abney level, planimeter and pantograph.

- (f) Theodolite traverse including reduction of measured distances for standard, sag, slope, temperature and height above sea level; measurement of angles and reduction of bearings; astronomical observations for latitude, time and azimuth.
- (g) Setting out roads and curves; descriptions of lands by measurement and bounds for title; an elementary knowledge of map projections.
- (h) Knowledge of:–
 - (a) The survey Ordinance
 - (b) The Minerals Ordinance
 - (c) The Building Lines Regulation Ordinance
 - (d) The Freetown Improvement Ordinance
 - (e) The Town and Country Planning Ordinance,
 - (f) And the rules and regulations in force under the above Ordinances.

Penmanship, orthography and neatness will be taken into account in marking the papers.

(2) The following subjects may form Part II of the examination:–

- (a) Survey of an area by closed theodolite traverse, including connection by traverse or triangulation to control survey, observation for latitude, time and azimuth, simple topography, traverse of an irregular boundary and re-establishment of a lost beacon.
- (b) Survey of a town area, including boundary beacons, buildings and natural features.
- (c) Leveling and contouring.
- (d) Lay-out of plots
- (e) Chain survey and compass traverse.

- (f) Adjustment of instruments
- (g) Drawing which will normally be marked on the plans submitted in connection with the other subjects of Part II.

The original field books, in which records must be made in ink, computations and finished plan shall be submitted in all cases.

6. (1) A candidate will not be deemed to have passed Part I of the examination unless he shall have obtained at least fifty per cent of the possible marks in each of papers (a), (b) (c), (d), (e), (f) and (g) and at least seventy per cent of the possible marks in paper (h).

(2) A candidate will not be deemed to have passed Part II of the examination unless he shall have obtained at least sixty per cent of the possible marks in each subject.

7. A Candidate who fails to obtain the requisite number of marks in any one paper of Part I or in any one subject of Part II may be allowed, in the discretion of the Board of Examiners, to be re-examined in such paper or such subject only, or in both, if he has obtained at least sixty per cent of the marks possible in Part I of the examination:

Provided that such re-examination will be allowed on only one occasion and that the whole examination must be completed not later than the examination in the corresponding month of the next ensuing year to that in which he took Part I of the examination. In such cases no further examination fee will be charged.

8. A reasonable time limit will be allowed within which each subject of Part II must be completed.

9. The examination will normally be held in January for licensed surveyors and December for pupils in each year.

10. An examination fee of ten shillings will be charged for the examination for enrolment as a pupil surveyor and an examination fee of £ 2 will be charged for the examination for a license to practice surveying. The above fees shall be paid to the Chairman of the Board of Examiners at the office of the Survey and Lands Department, Freetown, by candidates on each occasion when they make application to be allowed to take the examination.

11. Fees payable under section 10 shall be paid at least one month before the proposed date of the examination.

12. Examination fees shall be divided in equal proportion among the examiners.

EXEMPTIONS FROM EXAMINATION

13. The Board of Examiners may without any examination give a license to practice as a surveyor to any person who is licensed to practice as a surveyor in a country other than Sierra Leone and who has any of the following qualifications:-

(1) A degree of a British University with Honours in any of the following subjects:-

- (a) Mathematics
- (b) Physical Science
- (c) Engineering or
- (d) Geography – provided the course leading up to the degree has included Geodetic and trigonometrical surveying; or

(2) The special diploma in land surveying issued by the Royal Institution of Chartered Surveyors.

MADE by the Governor in Council this 21st day of September, 1953.

A. F. MEREDITH,
Clerk of Executive Council.

CHAPTER 255

GENERAL REGISTRATION

ARRANGEMENTS OF SECTIONS

SECTION

1. Short title and application.
2. (1) Supplementary to other Registration Ordinances.
(2) Interpretation.
3. Appointment of Registrar General, etc.
4. Office in Freetown.
5. Registrar General's office to be the General Registry.
6. Registrars to be officers in the Registrar General's department.
7. Preparation of Indexes.
8. Preparation of returns.
9. Searches in registry.
10. Penalty for making false statement to be inserted in register.
11. Penalty for destroying or counterfeiting registers, etc.
12. (1) Prosecutions to be within three years.
(2) Recovery of penalties.
13. Penalty for default by Registrar.
14. Mode of making alterations in registers or extracts.
15. Instruments deposited with Registrar General receivable in evidence.
16. Production of documents.
17. Certified copy receivable in evidence in civil cases.
18. Notice of intention to use certified copy at trial to be given to opposite party.
19. Notice of intention to use original to be given to opposite party.
20. Description of original in certified copy.
21. Production of original in criminal cases.
22. Power in Registrar General to make rules.

CHAPTER 255
GENERAL REGISTRATION

31 of 1905.
2 of 1909.
5 of 1915.
28 of 1929.
2 of 1930.
22 of 1953.

**An Ordinance to consolidate and amend the General Laws
establishing and regulating the office of Registrar
General of Sierra Leone**

(AS TO THE COLONY – 27TH OCTOBER, 1905)
(AS TO THE PROTECTORATE – 11TH NOVEMBER, 1954)

Short title and
application
22 of 1953.

1. This Ordinance may be cited as the General Registration Ordinance, and shall apply to the colony and Protectorate

Supplementary
to other
Registration
Ordinances.

2. (1) The provisions of this Ordinance shall be deemed to be supplementary to any Registration Ordinance now or hereafter in force, or to any provisions as to registration contained in any Ordinance now or hereafter in force, so far as the same are applicable thereto:

Cap. 92.

Provided that this Ordinance shall not be deemed to be supplementary to the Births and Deaths Registration Ordinance

Interpretation.

(2) In this Ordinance the expression “registration” means registration by the Registrar General or any person declared by this or any Ordinance now or hereafter in force to be an officer of, or under the control of, the Registrar General.

Appointment
of Registrar
General, etc.

3. (1) The Governor may from time to time, subject to the provisions of sub-section (3) hereof, appoint a fit and proper person to be Registrar General, and such other officers, clerks, and servants as any be necessary to assist him in the conduct of the business of his office.

(2) The Governor may also from time to time appoint a fit and proper person to be Deputy Registrar General, who shall perform the duties of the office of Registrar General when the Registrar General is temporarily unable, from illness or other unavoidable cause, to do so, and the Governor may, for good cause, appoint a fit and proper person to act as Registrar General, and may revoke such appointments. The Deputy Registrar General and acting Registrar General shall, when acting as such, have all the powers, and discharge all the duties, and be under the same liabilities as the Registrar General.

4. The Registrar General's office shall be at Freetown.

Office in
Freetown.

5. (1) The Registrar General's office shall be the General Registry for, and depository of, all registers, instruments and records and copies thereof as are directed by any Ordinance, now or hereafter in force, to be delivered to, and deposited with, the Registrar General, or to be registered at his office.

Registrar
General's
office to be
the General
Registry.

(2) The Registrar General shall be the custodian of, and it shall be his duty to keep, all records and documents, whether original or not, which have been deposited with him or his predecessors under the provisions of any Ordinance, whether such Ordinance is in force or not.

(3) The Registrar General, and every Registrar, shall use such official stamp and seal as the Governor may by Order determine, and till any Order is made by the Governor under the provisions of this sub-section, the official stamp and seal in use at the date when this Ordinance comes into force shall continue to be used.

6. All Registrars and other registration officers appointed under the provisions of any ordinance now or hereafter in force shall be deemed to be officers of the department of the Registrar General, and shall be under his direction and control, and such Registrars and other officers shall comply with, and conform to, such orders and directions as they may from time to time receive from the Registrar General, in addition to such specific duties, if any, imposed upon them by the Ordinance under which they are appointed.

Registrars to
be officers in
the Registrar
General's
departments.

7. The Registrar General shall cause indexes of all registers, instruments, records and copies of registers, and records deposited in the General Registry, to be made and kept in the General Registry. Such indexes shall contain such particulars, and shall be prepared in such form, and by officer or officers, as the Registrar General, with the approval of the Governor, shall from time to time direct, and shall be kept at the General Registry.

Preparation
of indexes.

Preparation
of returns

8. The Registrar General shall furnish, on or before the thirty-first day of January in every year, to the Governor, a general abstract of the number of instruments and marriages registered during the preceeding year, in such form as the Governor may direct.

Searches in
registry.

9. (1) The Registrar General and all Registrars shall permit search to be made in the records, instruments, registers, or copies of records, instruments or registers deposited with him or them, and shall give certified copies of extracts from such instruments, records, registers or copies thereof when required.

(2) Any person desiring to make such search or requiring such certified copy shall first pay the appointed fees.

Penalty for
making
false
statement to
be
inserted in
register.

10. Any person who shall wilfully make, or cause to be made, for the purpose of being inserted in any register, any false statement touching any particular required by law to be registered, shall be guilty of a misdemeanor, and upon conviction on information of the offence, he shall be liable to pay a fine not exceeding fifty pounds, or to be imprisoned, with or without hard labour, for any term not exceeding one year.

Penalty for
destroying or
counterfeiting
registers, etc.

11. Any person who shall wilfully destroy or inquire or cause to be destroyed or injured, any register, instrument, record, copy, document or index, or any certified copy thereof deposited or kept with the Registrar General, or any Registrar or registration officer, in pursuance of this or any Ordinance, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any such register, copy of a register or index, or shall wilfully insert, or cause to be inserted, in any register, record, copy or index, any false entry, or shall wilfully give a false certificate relating to any such register, record, copy or index, or to any entry in any such register, record, copy or index, or shall certify any writing to be a copy or extract of an entry in any such register, record, copy or index, knowing such register, record, copy or index, or such writing, to be false in any part thereof, or shall counterfeit the seal of the Registrar General, shall be guilty of felony, and liable upon conviction on information, to imprisonment, with or without hard labour, for any term not exceeding five years.

12. (1) A prosecution for an offence under this or any Ordinance relating to registration, or under any provision relating to registration in any Ordinance contained, shall be commenced within three years after the commission of such offence.

Prosecutions
to be within
three years.

(2) All penalties, fines and forfeitures imposed by this or any Ordinance relating to registration, or by any provision relating to registration in any Ordinance contained, may, unless otherwise directed, be recovered on summary conviction, and when so recovered shall be paid into Treasury for the general revenue.

Recovery of
penalties.

(3) Where the Court before whom a person is charged summarily with an offence under this Ordinance, which is also punishable on information, is of opinion that proceedings ought to be taken against such person by information, Such Court may adjourn the case to enable such proceedings to be taken.

13. Every Registrar or other registration officer who shall refuse, or without reasonable cause omit, to register any matter concerning which information has been tendered to him, and which it is his duty under the provisions of any Ordinance to register, and every person having the custody of any instrument, register or record, copy or index, who shall carelessly lose or injure the same, or allow the same to be lost or injured, shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

Penalty for
default by
Registrar.

14. No erasure shall be made in any register or certified copy thereof, or extract therefore, but if any error shall occur, a line of red ink shall be drawn through any word improperly inserted, so as to leave the original word legible, and any word which may have been omitted shall either be interlined or written in the margin with red ink (and always when practicable by the same hand as the rest of the same, writing), and the Registrar General or Registrar or other registration officer shall subscribe his name in the margin opposite to each correction.

Mode of
making
alterations in
registers or
extracts

Instruments deposited with Registrar General receivable in evidence.

15. All instruments, registers and records, deposited with the Registrar General or Registrar or officer of the Registrar General's Department, shall be deemed to be in legal custody and shall be receivable in evidence in all Courts of the Colony and Protectorate, subject to the provisions hereinafter contained.

Production of documents.

16. The Registrar General and any Registrar or officer in the Department of the Registrar General shall produce or cause to be produced, any instrument, register, or record in his custody on subpoena or order of any competent Court, and on payment of a reasonable sum, to be taxed as the Court shall direct, and to be paid to the Registrar General on account of the loss of time of the officer by whom such instrument, register, record or document shall be produced.

Certified copy receivable in evidence in civil cases.

17. Every certified copy made under the provision of this or any Ordinance, purporting to be signed by the Registrar General, or the proper person to sign the same, shall be receivable in evidence in all civil cases instead of the original thereof, unless it is proved that such copy is a forgery, and subject always to the provision of section 20 hereof.

Notice of intention to use certified copy at trial to be given to opposite party.

18. Any person intending to use such certified copy in a civil case before a Court shall give notice to the opposite party, his attorney or agent, of such intention, and with such notice shall deliver a copy of the certified copy, and on proof of service and receipt of the copy, or admission of the receipt of such notice and copy, such certified copy shall be received in evidence at the trial, if the Court shall be of opinion that such service has been made in sufficient time before the trial to enable the opposite party to examine the original of the certified copy.

Notice of intention to use original to be given to opposite party.

19. Any party intending to use in evidence in any civil or criminal trial any original instrument, record, register or document deposited with the Registrar General or Registrar, or any officer of the Registrar General's Department, instead of a certified copy, shall nevertheless give to the opposite party within a reasonable time of the trial notice of such intention and deliver to such party a copy of the entry or extract which he intends to use.

20. Every certified copy given under the provision of section 9 hereof shall describe the original from which it is taken, and shall express that such original is deposited with the Registrar General or Registrar, or other officer of the Registrar General's Department, as the case maybe, and the production of any original in the custody of an officer of the Department, or of a certified copy containing the description aforesaid, shall be sufficient proof that such original is deposited with the Registrar General, or Registrar, or other officer of the Registrar General's Department, in all cases where such originals or copies thereof are receivable in evidence.

Description of original in certified copy.

21. In all criminal cases in which it may be necessary to use in evidence any instrument, record, register or document, or any portion thereof, the original shall be produced to the Court after due notice as aforesaid.

Production of original in criminal.

22. It shall be lawful for the Registrar General, with the approval of the governor, to make rules for the guidance of the Registrars and other officers under his control in the performance of their duties, with respect to the hours of attendance of Registrars and other officers, and generally for the carrying out of the provisions of this or any Ordinance relating to registration, or of any provisions relating to registration in any Ordinance contained.

Power in Registrar General to make rules.

CHAPTER 256
REGISTRATION OF INSTRUMENTS
ARRANGEMENTS OF SECTIONS

SECTION.

1. Short title and construction.
2. Interpretation.
3. Crown grants.
4. Conveyances.
Power of attorney.
5. Wills when to take effect from the date of registration.
When from the death of the testator.
6. Judgment, to take effect from registration.
7. Memorial of private Ordinance.
8. Memorial of judgment.
9. Memorial of inquisition.
10. Memorial of bankruptcy.
11. Registration of Crown grant.
12. Description of land in instrument and memorial.
13. Proof of memorial.
14. (1) Mode of acknowledgement.
(a) In Sierra Leone
(b) In other parts of Her Majesty's Dominions, Protectorates, etc.
(c) In foreign countries.
(2) Power to administer oaths and take statutory declarations.
(3) Certificate of registry.
(4) Registration of instruments executed by the Queen, the Governor, Secretary of State etc.
(5) Presumption of due execution.
Special provisions as to leases of Protectorate lands.
15. False statement on Oath etc.
16. Will to be registered where attesting witnesses dead or not to be found.
17. Exemplification of original instrument deposited in public office abroad to be registered as original.
18. Register of instrument not acknowledged or proved not to be evidence in cause.
19. Office of Registrar General to be office for registration, for purpose of making all instruments valid.
20. Record books.

21. Any legal instrument may be registered.
22. Deposit of instruments with Registrar General for safe custody.
23. Short form of grant.
24. Instruments not duly stamped.
25. Plans to be signed by surveyor.
26. Inspection of records.
27. Fees.
28. Power in Governor to register plan of Crown land.
29. Direction that parcels granted shall be delineated and numbered on registered plan.
30. Rules.
31. Repeal.

FIRST SCHEDULE.
SECOND SCHEDULE.
THIRD SCHEDULE.

CHAPTER 256

REGISTRATION OF INSTRUMENTS

**An Ordinance to Amend and Consolidate the Law relating to the
Registration of Instruments**

(12TH NOVEMBER, 1906)

23 of 1906
3 of 1907
8 of 1909
12 of 1924
18 of 1927
12 of 1928
10 of 1930
12 of 1932
9 of 1941
P.N. 51
of 1941 5
of 1950 17
of 1953.

1. This Ordinance maybe cited as the Registration of Instruments Ordinance, it shall be read as one with the General Registration Ordinance, and shall apply to the Colony and Protectorate.

Short title and
construction
Cap.255.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

“Judgment” shall include decree or order of any Court;
 “Land” shall include all estate or interest whatever in real property and chattels real within the Colony or Protectorate;

“Crown grant” shall mean a grant of land made by the Governor under the Public Seal of the Colony, in the name, and on behalf of, Her Majesty, Her heirs and successors;

“Conveyance” shall include assignment, appointment, lease, settlement and other assurance and covenant to surrender made by deed in a sale, mortgage, demise, or settlement of any land or any other dealing with or for any land;

“Convey” shall have a meaning corresponding with that of conveyance;

“Inquisition” shall include any inquisition or office found by virtue whereof the Crown became, or shall become entitled to any land;

“Will” shall include a codicil;

“Instrument” shall mean any Crown grant, deed, contract, will, or memorial hereby authorised to be registered.

“Registration” shall mean registration at the office of the Registrar General of the Colony;

“Person” or “party” shall include any body of persons corporate or unincorporated;

“Registrar General” shall include a Deputy Registrar General;

Cap. 65.

“Freetown” shall mean the City of Freetown, as defined by the Freetown Municipality Ordinance.

Crown grants

3. Every Crown grant, unless registered within one year of its date, shall be void.

4. Every deed, contract, or conveyance, executed after the ninth day of February, eighteen hundred and fifty seven, so far as regards any land to be thereby affected, shall take effect, as against other deeds affecting the same land, from the date of its registration, and every power of attorney, unless for the institution or defence of judicial proceedings only, and executed in the Colony or Protectorate, shall take effect from the date of its registration.

Conveyances.

Power of Attorney.

Provided that every such instrument shall take effect from the date of its execution, if registered within any of the periods limited for registration, as follows, that is to say—

- (a) If such instrument be executed Freetown, if registered within ten days from its date;
- (b) If such instrument be executed elsewhere in the Colony or Protectorate, if registered within sixty days from its date;
- (c) If such instrument be executed elsewhere than in the Colony or Protectorate, if registered within one year from its date.

5. Every will executed after ninth day of February, eighteen hundred and fifty-seven, so far as regards any lands to be thereby affected, shall take effect, as against other instruments affecting the same land, from the date of its registration:

Wills when to take effect, from the date of registration.

Provided that every such will shall take effect from the death of the testator, if registered within any of the periods limited for registration, as follows, that is to say—

When from the death of the testator.

- (a) Of any person dying in the Colony or Protectorate, if registered within two months next after death of the testator;
- (b) Of any person dying elsewhere than in the Colony or Protectorate, if registered within eighteen months next after the death of the testator.

Judgment to
take effect
from
registration

6. Every judgment, private Ordinance, or inquisition made passed, or found, shall, so far as regards any land to be thereby affected, take effect, as against any other instrument affecting the same land, from the date of the registration, by memorial of such judgment, private Ordinance, or inquisition.

Memorial of
private
Ordinance.

7. The memorial of a private Ordinance shall express the title, date, and number of such Ordinance.

Memorial of
judgment.

8. The memorial of a judgment in an action, cause, or matter, shall express the name of the Court, and the title of the action, cause, or matter, in which such judgment was, or is, given or made, the date of such judgment, the name of the person whose title to the land, referred to in the memorial, was, or is, affected by such judgment, and the name of the person in whose favour such judgment was, or is, given or made.

Memorial of
inquisition.

9. The memorial of an inquisition shall express the date of the inquisition, the name of the office in which the same was, or is, enrolled or registered, and of the persons whose title to the land referred to in such memorial was, or is, affected by such inquisition.

Memorial of
bankruptcy.

10. The memorial of a bankruptcy shall express the name of the bankrupt, and the date of the declaration of bankruptcy.

Registration
of Crown
grant.

11. The Registrar General, on the production, and upon the request of the holder of a Crown grant, within the period of one year from the date of such Crown grant, shall cause the same to be copied and registered in a register book, or books, to be kept for that purpose, and, before delivering the grant to the person entitled to the same, he shall place upon it a certificate of registry, under his signature, in the words, as near as may be or to the effect of the Form A of the First Schedule hereto, of the day, hour, and year, and of the person by whom it was delivered to him for registration.

12. Each instrument, other than a will, and each memorial, before any certificate of registry be placed thereon, shall have, on the margin or back, or annexed thereto, a plan of the land signed by the person who made it, and shall, describe the land to which the same shall relate, and, if possible, shall refer to the allotment of the land as numbered, or described, in the instrument of conveyance from the Crown, if any:

Description
of land in
instrument
and memorial.

Provided that, in order to have registered any instrument or memorial affecting the whole of any one or more town lots, or lots of land in Freetown, where such lot, or lots, of land is, or are, described in such instrument or memorial, either wholly, or partly, by reference to the number by which the same may be described or known in the Public Register and plan of town lots of land in Freetown, it shall not be necessary to have any plan of such lot or lots land drawn, or endorsed upon, or annexed to such instrument or memorial:

Provided also that where an exclusive prospecting licence, mining right or mining lease shall have been registered in accordance with the provisions of this section, an assignment of the whole estate and interest comprised therein may be registered under this Ordinance without having any plan as aforesaid drawn on the margin or back, thereof or annexed thereto:

Provided further that the Registrar General may admit an exclusive prospecting licence, granted under section 22 of the Minerals Ordinance, to be registered although it has no plan as aforesaid drawn on the margin or back, thereof or annexed thereto in any case where, by reason of the size of the area over which such exclusive prospecting licence is granted or otherwise, it appears to him, in his discretion, that such a plan is unnecessary.

Cap.196.

Proof of
memorial.

13. Every memorial shall be kept by the Registrar General in his office, in such order and manner as he shall think fit, so that the same may be most readily seen and inspected, and shall be as near as may be in the words, or to the effect, of such one of the Forms B in the First Schedule hereto as shall be applicable; and every memorial shall be verified by the oath of some competent person that the same contains a true and just account of the several particulars therein set forth, which oath shall be made, and taken, before the Registrar General, who is hereby authorised and empowered to administer the same; and the Registrar General shall give a receipt in the Form C in the First Schedule hereto for each memorial, specifying the day, and time, when received, and shall place upon the back of the memorial a certificate of registry, stating the day, and time, when received, and the name and abode of the person verifying the same.

Mode of
acknowledg-
ment.

14. (1) To entitle any instrument, executed after the ninth day of February, eighteen hundred and fifty-seven, to be registered, it must be acknowledged by the vendor, donor, mortgagor, lessor, or other person, conveying, transferring, mortgaging, charging, or demising the land, or by some person authorised by him in writing to acknowledge the same, or proved upon oath, or by statutory declaration, by one or more of the subscribing witnesses, to have been duly executed, such proof or acknowledgement being made as follows—

- (a) If such instrument be executed in Freetown, or within ten miles thereof, before the Registrar General; if elsewhere in the Colony or Protectorate, before the Registrar General a judge of the Supreme Court, a Magistrate, or any Government official temporarily in charge of the headquarters of a district.

In Sierra
Leone.

- (b) If executed in any other part of Her Majesty's Dominions or Protectorates, or in any territory in respect of which a mandate on behalf of the United Nations has been accepted by Her Majesty, before any Judge, Mayor, Magistrate, Resident or Assistant Resident, District Commissioner or Assistant District Commissioner, or before any person administering the government of any Colony Protectorate or Mandated Territory, or before a Notary Public or Commissioner for Oaths; In other parts of Her Majesty's Dominions, Protectorates, etc.
- (c) If executed in any foreign country, before any British Consul or other accredited British representative, or a Judge, Mayor, Magistrate, Notary Public or Commissioner for Oaths. In foreign countries.

(2) For the purposes of this Ordinance every person hereinbefore authorised to receive proof of the due execution of any instrument shall be deemed to have, and always to have had, power to administer an oath and take a statutory declaration. Power to administer oaths and take statutory declarations.

(3) To entitle any instrument, not proved or acknowledged before the Registrar General, to be registered, such instrument must have upon it a certificate, as near as may be, in the Form D in the First Schedule hereto, purporting to be under the hand and official seal, or private seal (if there should be no official seal), or the hand alone, if the person shall have no official or private seal, of some one of the persons hereinbefore authorised to receive such proof or acknowledgment, purporting that such instrument has been proved, or acknowledged, as the case may be, and the Registrar General, upon the production of any such instrument, shall place upon the Certificate of registry.

instrument a certificate of registry, under his signature, in the words, as near as may be, in the Form A in the First Schedule hereto, or to the like effect and shall cause such instrument to be registered, in the same way as directed with respect to any instrument acknowledged or proved before himself.

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Registration of instruments executed by the Queen, the Governor, Secretary of State, etc.

(4) Any instrument presented for registration, and executed by, or on behalf of Her Majesty, the Governor, Her Majesty's Principal Secretary of State for War, the Commissioners for executing the office of Lord High Admiral of the United Kingdom, shall, if forwarded through the Deputy Governor for registration, be admitted to registration, and the Registrar General shall place upon any such instrument the certificate of registry, as prescribed in the last preceeding sub-section, notwithstanding that the requirements of this section, as to acknowledgement, have not been complied with.

Presumption of due execution.

(5) Any instrument, registered or presented for registration under the provisions of the last preceeding sub-section, and purporting to be executed as aforesaid, shall be presumed to be so executed until the contrary be shown:

Special provisions as to leases of Protectorate lands.

Cap. 122.

Provided that any deed of lease creating a tenancy of land in the Protectorate, which has been executed by the lessor before the District Commissioner of the district in which the land is situated, and by the lessee or his attorney or his agent before a District Commissioner or a Magistrate, in accordance with the terms of the Protectorate Land Ordinance, or any Ordinance amending or substituted for the same, shall not require acknowledgment or proof of execution, as provided by this section, to entitle it to be registered.

15. If any person in any oath taken or statutory declaration made under the last preceeding section willfully makes a statement false in any material particular, he shall be guilty of perjury as though such statement had been made upon oath or affirmation in open Court, and may be prosecuted and punished accordingly.

False statement on oath etc.

16. Where, after the death of a testator, the witnesses attesting the due execution of the will of such testator shall be dead, or shall not be found, or shall refuse to appear before the Registrar General, to prove such will, such will shall be registered by the Registrar General, upon the production of any other evidence of the due attestation thereof; and, if no such evidence shall be obtained, the said will shall be registered by the Registrar General, who shall attach a certificate of registry to such will, and shall, in the said certificate, state by what means, if any, such will was proved before him, or that there was no proof of the due execution of such will, as the case may, be, and the reason for the registration of the said will without the oath or statutory declaration of one of the attesting witnesses thereto.

Will to be registered where attesting witnesses dead or not to be found.

17. When any registration is executed in any place abroad where, by law, the original of such instrument is kept in any public office in the said place, the exemplification of such instrument, under the seal of the said office, or purporting to be under the hand of the public officer, in whose custody the original is kept, shall be deemed and taken to be of equal validity as the original, and shall be admitted to be registered by the Registrar General in the same manner as the original instrument; and it shall not be necessary, in order to entitle the same to be so admitted to be registered by the Registrar General, that the due execution thereof shall be proved, or acknowledged, in any manner.

Exemplification of original instrument deposited in public office abroad to be registered as original.

Register of instrument not acknowledged or proved not to be evidence in cause.

18. The register of any instrument of the following description, or of any extract of such register, shall not be receivable in evidence in any action, cause, or matter, that is to say—

Any instrument, other than a Crown grant, or a grant executed and registered in pursuance of sub-section (4) of section 14 hereof, or a grant executed before the Registrar General, in pursuance of section 24 of this Ordinance, or of section 21 of the General Registration Ordinance, which shall be registered without the due execution thereof, having either in the Colony or Protectorate, or abroad, where such instrument is executed in any place abroad, been acknowledged by the person executing such instrument as vendor, donor, mortgagor, lessor, or other person conveying, transferring, mortgaging, charging, or demising, the land, or by any person authorised by him to acknowledge the same, or proved by the oath or statutory declaration of one of the subscribing witnesses thereto.

Office of Registrar General to be office for registration, for purpose of making all instruments valid.

19. Where, by any Imperial Statute in force, by adoption, or otherwise, in the Colony or Protectorate, any instrument relating to land is required to be registered, or enrolled, in any Court or office in England, for the purpose of giving validity thereto, or otherwise, the registration of the said instrument in the office of the Registrar General in Sierra Leone, or in any other public office, in which titles to land were heretofore registered in the Colony, shall be sufficient for the like purpose or purposes.

20. (1) The Registrar General shall keep such registers as may be prescribed, and subject to the provisions of this Ordinance, he shall register therein all instruments required to be registered and delivered to him for registration.

(2) Each register and each instrument presented for registration shall be numbered consecutively, and each register shall have an index, in which shall be stated, in alphabetical order, the name of every party to every instrument recorded in the register, with a reference to the page of the register where the instrument is recorded to which the individual is a party.

(3) Any person desiring that any instrument shall be registered shall deliver the same together with a true copy thereof in manuscript, typescript or print and the prescribed fee to the Registrar General.

(4) The Registrar General may refuse to accept any duplicate or copy of any instrument that is in his opinion made on paper less durable than that prescribed or is not of the prescribed size and may refuse to accept any typewritten duplicate or copy which in his opinion is typed by any method which does not produce a permanent impression.

(5) The Registrar General shall, immediately after such delivery, place upon the instrument and upon the copy thereof a certificate in the Form “A” in the First Schedule.

(6) Unless the instrument is one which is declared by this Ordinance to be void or the registration of which is prohibited by this Ordinance, the Registrar General shall compare the copy of the instrument with the original and if he shall find such copy to be a true copy and to comply with this Ordinance he shall certify the same by writing thereon the words “certified true copy” and appending his signature thereto.

(7) The Registrar General shall thereupon register the instrument by causing the copy so certified to be pasted or bound in one of the prescribed registers and by endorsing on the original instrument a certificate in the Form “E” in the First Schedule; and upon such registration the year, month, day and hour specified in the certificate endorsed on the instrument in pursuance of sub-section (5) shall be taken to be the year, month, day and hour at which the instrument was registered.

(8) The original instrument shall thereafter, upon application be returned to the person who shall have delivered it for registration, provided that if application for the return of the instrument is not made within five years after the date of registration the Registrar General may destroy the instrument

Any legal instrument may be registered.

21. The Registrar General, at the request of any party interested, shall register, in a book or books to be specially kept for that purpose, in the same manner after proof or acknowledgment as hereinbefore provided with respect to other instruments, any power of attorney, partnership deed, marriage settlement, or other legal instrument, not hereinbefore mentioned.

Deposit of instruments with Registrar General for safe custody
17 of 1953

22. (1) It shall be lawful for any person to deposit any instrument with the Registrar General for safe custody, and the Registrar General, upon request, and payment to him of his fees, shall take into his custody every such instrument.

(2) The Registrar General shall keep a book in which he shall enter, in order, every such instrument deposited in his custody and the day and time of receipt.

(3) In the case of an instrument, other than a will, the following provisions shall apply—

- (a) The depositor shall indorse upon the instrument the name and address of a person to whom the instrument should be delivered if the depositor dies before he claims it;
- (b) The Registrar General shall indorse upon such instrument the day and time when received, and the name and address of the person by whom the instrument is deposited;

(c) The Registrar General, upon request in writing, shall return any instrument in his custody to the person who deposited it;

(d) Upon death of the depositor the Registrar General shall, upon application made by the person whose name and address appear thereon and upon proof of his identity by the affidavit of two credible witnesses, deliver the instrument to him. Where such person is dead or otherwise not available the Registrar General may deliver the instrument to any other person lawfully entitled to it.

(4) In the case of a will the following provisions shall apply—

- (a) The testator shall deliver such will unsealed to the Registrar General, who shall sign and date the last page and initial all the other pages;
- (b) The testator shall thereupon in the presence of the Registrar General enclose such will in a sealed packet and shall indorse thereon the name, description and address of the executor or other person entitled to it on the testator's death together with the full name, description and address of the testator and shall sign such indorsement in the presence of the Registrar General;