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CHAPTER 76.

SHERBRO URBAN DISTRICT COUNCIL.

An Ordinance to make Further and Better Provision for Local Government in the Sherbro Judicial District and to create an Urban District Council therefor.

22 of 1950.
12 of 1952.
13 of 1956.
20 of 1956.
24 of 1957.

[PART ON 3RD APRIL, 1952,
AND REMAINDER ON
1ST AUGUST, 1952.]*

P.N. 99 of 1958.
P.N. 144 of 1959.

PART I.—PRELIMINARY.

1. (1) This Ordinance may be cited as the Sherbro Urban District Council Ordinance. Short title and commencement.

(2) Save where otherwise expressly provided this Ordinance shall come into operation on such date as the Governor may by Order appoint: 12 of 1952.

Provided that the Governor may, if he considers it to be necessary or expedient, either by one Order or by different Orders appoint different dates for the coming into operation of different provisions thereof.

* The part was the whole of Part I, sub-sections 5 (1), 8 (1) and (2) of Part II, the whole of Parts III to VII inclusive, the whole of Part XII, sections 120 to 123, of Part XVI; paragraph 1 (1) of Part I and Parts II and III of the First Schedule, the whole of the Second and Third Schedules. (P.N. 27 of 1952.)

Interpreta-
tion.
12 of 1952.

2. In this Ordinance, unless the context otherwise requires—

“ alien ” means a person who is not a British subject, a British protected person or a citizen of the Republic of Ireland;

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

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

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

“ Clerk of the Council ” means the person so appointed by the Council under section 44;

“ Councillor ” includes the President;

“ the District Commissioner ” means the District Commissioner of the Sherbro Judicial District;

“ house ” means any building which is used or is capable of being used as a dwelling place or for the purpose of trade;

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

“ Minister ” means the Member of Executive Council charged for the time being with responsibility for the subject of Internal Affairs;

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

“ premises ” means any land together with any building thereon;

“ President ” means the President of the Sherbro Urban District Council duly elected under section 5;

“ street ” includes any highway and any public bridge and any road, lane, footway, square, court, alley and passage to which the public have access whether a thoroughfare or not.

P.N. 99 of
1958.

Area of the
Sherbro
Urban Dis-
trict.
Cap. 7.

3. (1) The area of the Colony included in the Sherbro Judicial District as defined in the First Schedule to the Courts Ordinance is hereby constituted the Sherbro Urban District (hereinafter referred to as “ the District ”).

(2) The District shall be divided for the purposes of this Ordinance into three wards, namely—

Division of District into wards.

(a) the North Ward of Bonthe, which shall comprise that part of the township of Bonthe bounded by a line from the sea along the middle of King Street, to its junction with Pie Mary Street, thence along the middle of Pie Mary Street to its junction with Bimbi Road thence Westward along the middle of Bimbi Road as far as the District Boundary thence along the District Boundary to the mouth of Bimbi Creek and along the coast line to King Street together with the off-shore islands along this stretch of coast;

(b) the South Ward of Bonthe, which shall comprise that part of the township of Bonthe bounded by a line along the middle of King Street, Pie Mary Street and Bimbi Road as far as the District Boundary thence along the District Boundary as far as the mouth of Alipori Creek and thence along the coast line to King Street together with the off-shore islands along this stretch of coast;

(c) the York Island Ward which shall comprise York Island and the unnamed Island immediately south of it, Yelibana Island, the two Barretts Islands, the two Allridge Islands and the other unnamed islands inside this group.

PART II.—ESTABLISHMENT AND CONSTITUTION
OF SHERBRO URBAN DISTRICT COUNCIL.

4. (1) There shall be established a council in and for the Sherbro Urban District (hereinafter referred to as “the Council”).

Establishment of Sherbro Urban District Council.

(2) The Council shall be a body corporate by name of the Sherbro Urban District Council and shall have perpetual succession and a common seal and may sue and be sued in the corporate name and acquire and hold such real and personal property as may be necessary or expedient for carrying into effect the provisions of this or any other Ordinance applying thereto.

5. (1) The Council shall consist of eight Councillors, namely—

Constitution of the Council and election of President and Deputy.

(a) two persons elected by each ward;

(b) one person, not being an alien, nominated by the Governor; and

(c) the Medical Officer, Bonthe.

(2) The Council shall elect one of the elected Councillors to be President.

(3) In the event of and during the illness or absence from duty of the President, the Council may elect one of the elected Councillors to be Deputy President with the full powers of the President during such illness or absence from duty.

Term of
office of
Councillors.
13 of 1956.

6. (1) On such date after the coming into operation of this section as the Minister may by Order declare, all elected members of the Council shall retire, and there shall be held a general election of the elected members of the Council in accordance with the provisions of this Ordinance.

(2) Subject to the provisions of sub-section (1) of this section, every elected Councillor shall hold office for four years and shall then retire but shall be eligible for re-election:

Provided that the Councillor for each ward who received the lesser number of votes at the first general election held after the coming into force of this section shall retire on the thirty-first day of October, 1958 and the Councillor who received the greater number of votes at that election shall retire on the thirty-first day of October, 1960, but in either case shall be eligible for re-election:

And provided further that if it is impracticable to determine which of two Councillors should retire first as provided in the preceding proviso, then it shall be determined by the casting of lots in such manner and at such times and place as the Council shall direct.

(3) The nominated Councillor shall hold office during the Governor's pleasure for a period not exceeding four years as the Governor may direct but shall be eligible for re-nomination.

Term of
office of
President.

7. The President shall hold office for one year and shall then retire therefrom but shall be eligible for re-election:

Provided that the same person shall not hold office as President for more than four consecutive years.

Qualifications
of elected
Councillors.
20 of 1956.

8. (1) Subject to the provisions of sub-section (2) of this section, a person shall be qualified for election as a Councillor for any one ward if he—

(a) is literate in the English language; and

(b) is entitled to be registered as a voter under this Ordinance and his name is in the Register of Voters for any ward in the District.

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

Disqualifica-
tion for
membership
of Council.
13 of 1956.

(a) if he is an alien; or

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

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

24 of 1957.

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

13 of 1956.

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

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

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

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

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

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

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

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

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

(v) any company incorporated by or under an Act of Parliament, Ordinance or Royal Charter.

When elected
Councillor's
seat to
become
vacant.

(3) The seat of a nominated or an elected Councillor shall also become vacant—

(a) upon his death; or

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

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

(d) if being an elected Councillor he ceases to be qualified under sub-section (1) of this section.

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

Provided that a Councillor whose seat shall have been declared vacant under this sub-section may, within fourteen days after the date of being notified of such declaration, apply to a Judge in Chambers to have such declaration set aside. Notice of the intention to make such application and the grounds thereof shall be given to the Clerk of the Council within seven days after such declaration. The Order of the Judge in Chambers as to the disqualification or otherwise of the Councillor shall be final and conclusive.

Power of
Governor in
Council to
appoint
Committee of
Management
Cap. 54.

9. If at any time the Governor in Council is of the opinion that the Council is no longer exercising any of its powers or performing any of its duties under this Ordinance in a manner conducive to the welfare of the District, he shall issue a Commission of Inquiry in accordance with the Commissions of Inquiry Ordinance (such Commission to consist of not fewer than three Commissioners, one of whom shall possess legal qualifications), to enquire into and report on such matter in accordance with the procedure laid down in the said Ordinance, and after receiving the report of the Commissioners, may appoint a Committee of Management to exercise, during the continuance of such appointment, all or any specified powers and duties of the Council and the Council shall forthwith cease to exercise and perform such powers and duties accordingly.

PART III.—VALUATION OF PREMISES.

Assessment
of premises.

10. There shall be liable to be assessed in accordance with the provisions of this Part all premises having buildings thereon

(including premises owned by or in the occupation of the Council) within the District, except—

- (a) any church, chapel, mosque, meeting-house or other premises exclusively used for public religious worship;
- (b) premises used exclusively as a hospital and not so used for purposes of gain;
- (c) premises used principally as a university, college, school or Sunday school and not so used for purposes of gain;
- (d) burial grounds and crematoria;
- (e) premises declared by resolution of the Council with the approval of the Governor in Council to be exempted from assessment.

11. (1) The Council shall as soon as may be after the coming into operation of this Ordinance and thereafter in the month of November in every year appoint one or more competent persons to be called valuers at such remuneration, to be paid from the revenue of the Council, as it may think fit.

Appointment
of valuers and
Assessment
Committee.

(2) The Council shall before the first day of June in the year immediately following the year in which this section comes into force, and thereafter from time to time as may be necessary, appoint an Assessment Committee consisting of the President who shall be the Chairman and two members of the Council. The Assessment Committee shall be deemed to be properly constituted whenever a majority of the members are present at a duly convened meeting thereof.

(3) Valuation Lists showing the assessed annual value of all premises assessable under section 10 shall be prepared by the valuers and approved by the Assessment Committee in accordance with the provisions continued in Part I of the First Schedule hereto.

12. (1) The first Valuation Roll prepared under the provisions of this Ordinance shall be deposited in the office of the Clerk of the Council on or before a day to be appointed by the Council and thereafter a Valuation Roll shall be deposited thereat on or before the first day of August in every year.

Deposit and
inspection of
Valuation
Roll.

(2) The Clerk of the Council shall forthwith publish a notice of the deposit of the Valuation Roll.

(3) Any person owning or in the occupation of or interested in any assessable premises shall be entitled to inspect the Valuation Roll and to take copies thereof and extracts therefrom free of charge.

Objection to
Valuation
Roll.

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

Valuation
Roll to sub-
sist until
deposit of
new Roll.

14. Every Valuation Roll deposited as aforesaid shall remain in force until a new Valuation Roll has been deposited in its stead.

PART IV.—REGISTRATION OF VOTERS.

Qualifications
of voters.
20 of 1956.

15. (1) Subject to the provisions of sub-section (3) of this section, every person whether male or female shall be entitled to be registered as a voter for any one ward and when registered to vote at the election of a Councillor for that ward, who—

(a) has attained the age of twenty-one years; and either

(b) (i) has been ordinarily resident in that ward during the whole of the six months immediately preceding the date of registration; and

(ii) is in receipt of a yearly income of at least sixty pounds; or

(c) is, and has been for the six months immediately preceding the date of registration the owner or occupier (jointly or severally) of any house, warehouse, counting house, shop, store or other building (in this Ordinance referred to as qualifying property) in the ward of which the annual assessed value is not less than two pounds (provided that where any persons are shown to be joint occupiers of any qualifying property, the names of such persons shall only be placed on the list of registered voters if the annual assessed value of such qualifying property, divided by the number of joint occupiers, is not less than two pounds).

(2) Both an owner and an occupier and both a husband and a wife may qualify in respect of the same property.

(3) Notwithstanding the previous provisions of this section, no person shall be registered as a voter or, having been registered, shall be entitled to vote at the election of a Councillor—

(a) if he is an alien; or

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

(c) if he is disqualified from being registered as a voter or voting under any law for the time being in force in Sierra Leone relating to offences connected with elections; or

(d) if he is serving a sentence of imprisonment.

16. (1) The Minister may from time to time and as often as he may deem necessary appoint fit and proper persons to be Registration Officers and Revising Officers to prepare and publish, or to revise, as the case may be, Registers of Voters in the manner prescribed by Regulations made under this Ordinance.

Appointment of Registration Officers and Revising Officers.
13 of 1956.

(2) Registration Officers and Revising Officers shall comply with any general or special directions not inconsistent with this Ordinance or the Regulations made thereunder which may be given by the Minister with respect to the arrangements to be made by such officers for carrying out their registration and revision duties under this Ordinance.

(3) Registration Officers may with the approval of the Minister appoint fit and proper persons to be Assistant Registration Officers to assist them in the preparation of the Register of Voters in accordance with Regulations made under this Ordinance.

Appointment of Assistant Registration Officers.

(4) Subject to the authority direction and control of the Registration Officer, an Assistant Registration Officer shall have all the powers and may perform any of the duties of a Registration Officer under this Ordinance.

17. On such date after the coming into operation of this section as the Minister may by order declare, all members of the Council shall retire and there shall be held a general election of the elected members of the Council in accordance with the provisions of this Ordinance; from 1957, and thereafter an election to fill vacancies caused by the retirement of those elected members whose term of office has expired shall be held on the first day of November.

General Elections.
13 of 1956.

18. When through any cause other than retirement at the expiration of a term of office, a vacancy occurs among the elected Councillors, the Council shall appoint and notify to the Clerk of the Council the day for the holding of an election to fill such vacancies:

Bye-elections.

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

19. Subject to the provisions of this Ordinance, the Governor in Council after consultation with the Council may make Regulations for the election of elected members of the Council

Regulations as to elections.
13 of 1956.

including, without prejudice to the generality of the foregoing power, the following matters, that is to say—

- (a) the registration of voters and the revision of the registers of voters;
- (b) the ascertainment of the qualifications of voters and of candidates for election;
- (c) the method of nominating candidates;
- (d) the holding of elections and the method of voting; and
- (e) election petitions.

Election valid unless questioned within fifteen days of publication of result.
13 of 1956.

20. Every election not called in question within fifteen days after the publication of the result thereof in the *Gazette* shall be deemed to have been to all intents a good and valid election.

PART VI.—ELECTION OFFENCES.

Prevention of election by force.

21. (1) Any person who attempts to prevent, obstruct or disturb any election by force, violence or threats shall be guilty of an offence and liable, on conviction, to imprisonment, with or without hard labour, for a period not exceeding two years.

Interference with lawful public meeting to be an illegal practice.
13 of 1956.

(2) Any person who, at a lawful public meeting held in connection with the election of any person to the Council, between the date of publication of the notice appointing a day for the holding of an election under Regulations made under section 19 of this Ordinance and the date on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice and shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a period not exceeding six months, and shall be incapable during a period of five years from the date of his conviction, of voting at any election of an elected member of the Council.

Penalty for false answer.
13 of 1956.

22. Any person who makes a false answer to any question lawfully put to him in pursuance of the provisions of any Regulations made under section 19 of this Ordinance, knowing it to be false or not believing it to be true, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months or to both such fine and imprisonment.

23. Any person who, being a Presiding Officer charged with the counting of votes or the making of a return at any election, wilfully falsifies the account of such votes or makes a false return shall be guilty of an offence and liable, on conviction, to imprisonment, with or without hard labour, for a period not exceeding five years.

Falsification of return at election.

24. Any person who—

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers, to any person or authority to whom nomination papers are required, under the provisions of any Regulations made under section 19 of this Ordinance, to be delivered, any nomination paper knowing the same to be forged; or

Offences in respect of nomination papers, etc. 13 of 1956.

(b) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(c) without due authority, supplies any ballot paper to any person; or

(d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or

(e) fraudulently takes out of any place of voting or place of election any ballot paper; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election;

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour, for a period not exceeding six months or to both such fine and imprisonment. Any attempt to commit an offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

25. Any person who at an election held under this Ordinance votes or attempts to vote in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any such election, votes or attempts to vote at the same election in his own name shall be guilty of the offence of personation, and every person so guilty or who is guilty of the offence of aiding, abetting, counselling or procuring the said offence, shall be liable, on summary conviction, to imprisonment, with or without hard labour, for a period not exceeding six months.

Personation.

Treating.

26. (1) Any person who corruptly by himself or by any other person, either before, during or after an election held under this Ordinance, directly or indirectly, gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment or provision to or for any person, for the purpose of corruptly influencing that person, or any other person, to give or refrain from giving his vote at such election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting, at such election, shall be guilty of the offence of treating and shall be liable, on summary conviction, to a fine not exceeding twenty-five pounds.

(2) Every voter who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of the offence of treating and shall be liable, on summary conviction, to the penalty specified in the preceding sub-section.

Undue
influence.

27. Every person who, directly or indirectly, by himself, or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election held under this Ordinance, or who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any voter or thereby compels, induces or prevails upon any voter, either to give or refrain from giving his vote at any such election, shall be guilty of the offence of undue influence and shall be liable, on summary conviction, to a fine not exceeding twenty-five pounds.

Bribery.

28. (1) The following persons shall be deemed guilty of the offence of bribery and shall be liable, on summary conviction, to a fine not exceeding twenty-five pounds—

(a) every person who, directly or indirectly, by himself or any other person on his behalf, gives, lends, agrees to give or lend, offers, promises or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election under this Ordinance;

(b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, procures, agrees to give or procure, offers, promises or promises to procure or to endeavour to procure, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at an election under this Ordinance;

(c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as an elected Councillor, or the vote of any voter at an election under this Ordinance;

(d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person as an elected Councillor, or the vote of any voter at an election under this Ordinance;

(e) every person who advances or pays or causes to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election under this Ordinance, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election:

Provided always that the provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election.

(2) The following persons shall also be deemed guilty of the offence of bribery and shall be liable, on summary conviction, to the penalty specified in the preceding sub-section—

(a) every voter who, before or during any election under this Ordinance, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan, valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election;

(b) every person who, after any election under this Ordinance directly or indirectly, by himself or by any other

person on his behalf, receives any money, gift, loan, valuable consideration, office, place or employment for himself or for any other person, on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election.

Disqualifica-
tion for
personation,
etc.

29. Every person who is convicted of personation, treating, undue influence or bribery, or of aiding, counselling or procuring the commission of the offence of personation, shall, in addition to any other punishment, be incapable during a period of seven years from the date of his conviction—

(i) of being registered as a voter or voting at any election of a Councillor;

(ii) of being elected a Councillor or, if elected before his conviction, of retaining his seat as a Councillor.

Penalty for
certain
illegal
practices at
elections.

30. Every person who—

(i) votes, or induces or procures any person to vote at any election under this Ordinance, knowing that he or such other person is prohibited by this Ordinance or by any other law from voting at such election;

(ii) before or during an election under this Ordinance knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate;

shall be guilty of an illegal practice and shall be liable, on summary conviction, to a fine not exceeding fifty pounds and be incapable during a period of five years from the date of his conviction, of being registered as a voter or voting at any election of a Councillor for the ward in which the illegal practice was committed.

Fraudulent
transfers of
property.

31. (1) Every conveyance or transfer of property whatsoever to any person in any fraudulent or collusive manner for the purpose of qualifying him to become a Councillor or a voter under this Ordinance shall be deemed and taken as against the parties thereto to be valid and absolute, and every bond, covenant, collateral or other security, contract or agreement, between or with such parties, or any of them, for a reconveyance or transfer or for the revoking, annulling, defeating or otherwise doing away with the effect of such conveyance or transfer, shall be null and void to all intents and purposes whatsoever.

(2) Every party to a conveyance or transfer of property of the nature described in the preceding sub-section and every

person who, by colour thereof or by means thereof, shall give any vote at any election under this Ordinance, or sit in the Council, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds, and, if a Councillor, his seat shall forthwith become vacant.

32. (1) Every officer, clerk and agent in attendance at a polling place shall maintain, and aid in maintaining, the secrecy of the voting in such place and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the Voters List of any voter who has or has not voted at that place, or as to the official mark.

Infringement of secrecy.

(2) No such officer, clerk, agent or other person whatsoever shall interfere with or attempt to interfere with a voter when making his vote or communicate at any time to any person any information obtained in a polling place as to the candidate for whom any voter in such place is about to vote or has voted.

(3) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate to any other person any information obtained at such counting.

(4) Every person who acts in contravention of the provisions of this section shall be guilty of an offence and liable, on summary conviction, to imprisonment, with or without hard labour, for a period not exceeding six months.

33. In any prosecution for an offence in relation to the nomination papers, marking instruments and other things in use at an election, the property in such papers, instruments and things, as well as the counterfoils, may be stated to be vested in the Clerk of the Council.

Property of election material vested in Clerk of the Council.

PART VII.—ELECTION PETITIONS.

34. A petition complaining of an undue return or undue election of a Councillor (in this Ordinance called an "election petition") may, at any time within fifteen days of the publication of the result of such election in the *Gazette*, be presented to the Supreme Court by any one or more of the following persons, that is to say—

Presentation of election petition.

(i) some person who voted or had a right to vote at the election to which the petition relates; or

(ii) some person who claims to have had a right to be returned or elected at such election; or

(iii) some person who alleges himself to have been a candidate at such election.

Trial of
election
petition.
13 of 1956.

35. (1) Every election petition shall be tried by a Judge of the Supreme Court in open court.

(2) At the conclusion of the trial, the Judge shall determine whether the Councillor whose return or election is complained of, or any other and what person was duly returned or elected, or whether the election was void, and shall certify such determination to the Minister, and a copy of such certificate shall be sent by the Registrar of the Court to the Clerk of the Council, and upon such certificate being given, such determination shall be final; and the return shall be confirmed or altered, or a new election shall be held, as the case may require, in accordance with such certificate.

(3) The Minister shall declare, by notification in the *Gazette*, whether the candidate whose return or election is questioned, or any or what other person, is duly returned or elected, or whether the election is void.

(4) If the election is declared void, the Minister shall by order appoint another date for the election of a Councillor or Councillors for the ward concerned.

*

(5) The House of Representatives Election Petition Rules shall apply, *mutatis mutandis*, to election petitions presented to the Supreme Court under section 34 of this Ordinance.

Corrupt
practice.

36. (1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

(2) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

(3) The expression "corrupt practice" means any of the following offences, namely, personation, treating, undue influence or bribery.

Security for
costs.

37. (1) At the time of presenting an election petition or within three days afterwards, the petitioner shall give security for all costs, charges and expenses which may become payable by him to any witness summoned on his behalf or to any respondent.

* These Rules are printed in the Volume containing the subsidiary legislation of Cap. 7 (Courts).

(2) The security shall be to such amount not exceeding seventy-five pounds as the Supreme Court on summons may direct and shall be given either by a deposit of money or by recognisance entered into by not more than four sureties or partly in one way and partly in the other.

PART VIII.—MEETINGS OF THE COUNCIL.

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

(2) Until amended or revoked by Standing Orders made under the preceding sub-section, the Standing Orders contained in Part IV of the First Schedule hereto shall be in force.

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

39. (1) Minutes shall be kept of every meeting of the Council or any such minutes which purport to have been approved by such Council or committee and are signed by the Presiding Member thereof shall be *prima facie* evidence of the matters referred to therein and shall be received in evidence without further proof. Minutes of Council.

(2) Certified copies of the minutes of every meeting of the Council shall be sent to the District Commissioner and the Minister.

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

41. No Councillor shall vote or take part in the discussion of any matter before the Council or any committee thereof in which he has directly or indirectly by himself, his wife or partner, any pecuniary interests or in which a company of which he is a shareholder has any such pecuniary interests; and no Councillor shall receive any salary or shall accept any fee or reward whatsoever for or on account of anything done or to be done by him by virtue of this Ordinance, or on any account whatsoever relating to this Ordinance: Member interested not to take part in proceedings.

Provided that nothing in this section shall be deemed to debar the President from receiving any remuneration for his services under section 79.

Disclosure of interest.

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

Proceedings in respect of qualification.
13 of 1956.

43. (1) Proceedings may be instituted in the Supreme Court against any person acting as a member of the Council, on the ground of his being disqualified under this Ordinance from so acting, by any person who is a registered voter in the District:

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

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

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

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

(c) to order that the defendant shall forfeit to Her Majesty such sum as the Court may think fit, not exceeding fifty pounds for each occasion on which he so acted while disqualified.

PART IX.—OFFICERS OF THE COUNCIL AND ACCOUNTS.

Appointment of officers.

44. The Council may from time to time appoint a Clerk of the Council, an Inspector of Licences, a District Bailiff and such other officers as it may deem necessary and may at any time in its discretion terminate such appointments, subject to the terms of any contract of employment.

Custody of records.

45. The Clerk of the Council shall have charge and custody of and be responsible for all books, deeds, records and other documents and these shall be kept as the Council shall direct.

District Bailiff.

46. The District Bailiff, whilst in the performance of or execution of the duties of his office, shall have the like powers, privileges and immunities as the Sheriff of the Colony.

Security.

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

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

Officers to render accounts when directed.

49. The Governor may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government to any office under the Council:

Appointment of Government officer as an Officer of the Council.

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

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

50. (1) The Council shall cause to be kept true accounts in accordance with such instructions as the Minister may issue from time to time. Such accounts together with all books, vouchers and papers relating thereto, and together with a balance sheet, shall be laid not later than the thirty-first day of January in each year before an Auditor appointed by the Governor. The Auditor shall make and sign a report on such accounts and balance sheet; and a duplicate copy of the report and balance sheet shall be sent to the Minister, who shall cause them to be published in the *Gazette*.

Accounts and audit.

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

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

Power of Auditor to call for books.

51. For the purpose of any audit under this Ordinance, the Auditor may, by summons in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, receipts or other documents or papers to appear before him at any such audit or any adjournment thereof and to make and sign a declaration as to the correctness of the same; and, if any such person neglects or refuses to comply with any such summons or requirements in any respect, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding two pounds in respect of every such neglect or refusal.

Power of Auditor to surcharge illegal payments.

52. (1) The Auditor acting in pursuance of section 50 shall disallow every item of account contrary to law and shall certify the amount of any deficiency or loss incurred by the misconduct of any person or of any such which ought to have been but is not brought into account by any person. The Auditor shall surcharge the amount on the person who has made or authorised the making of the illegal payment or whose default has caused the deficiency or loss or failure to bring to account, as the case may be. On application by any party aggrieved, the Auditor shall state in writing the grounds upon which his certificate is based, and also of any disallowance which he may have made:

Provided that on the application of the person surcharged, and notwithstanding that the disallowance and surcharge are correct and legal, the Governor may, in his discretion, if he should consider that in all the circumstances of the case he is warranted in so doing, cancel or reduce such disallowance and surcharge:

Provided always that any such application shall be made within fourteen days of the person surcharged being notified of the surcharge, or within such further period, if any, as the Governor may allow.

Power of Council to sue for recovery of payments surcharged.

(2) In case the surcharge is not cancelled by the Governor on an application under the preceding sub-section and the amount surcharged, or such amount as reduced by the Governor on such an application, is not made good to the Council to the satisfaction of the Auditor within such period not exceeding six months as the Council may determine after such surcharge is reported to it, or, in the event of such an application as aforesaid, within fourteen days of the applicant being notified of the decision of the Governor, the President shall in the name and

on behalf of the Council sue for the same, and shall, if it appears to the court that such expenditure of the amount surcharged, or of such amount so reduced as aforesaid, was not authorised or was in contravention of any provision of this Ordinance, or that any loss or deficiency or failure to bring to account was due to the default of the defendant, be entitled to judgment for the amount surcharged or of such amount so reduced as aforesaid.

(3) If it does not appear from the minutes of the Council which Councillors concurred in any particular expenditure, every Councillor shall be deemed to have concurred until he proves the contrary.

PART X.—POWERS AND DUTIES OF THE COUNCIL.

53. Within the District, the Council shall have and exercise all the rights, powers and duties conferred or imposed upon the Council by this or any other Ordinance.

Powers and duties of Council.

54. The Governor in Council may by Order direct that the Council shall be the authority for carrying out and executing within the District the provisions of such Ordinances as may be mentioned in such Order, and in such case the Council shall have and exercise all the powers, rights, duties, capacities, liabilities and obligations within the District exercisable by the Governor or any officer under and by virtue of the provisions of such Ordinance, subject to such limitations, restrictions or modifications as may be prescribed by the Order:

Powers of Governor and other officers under other Ordinances may be vested in the Council.

Provided that, notwithstanding any such Order, the Governor may exercise or authorise any officer to exercise any of the powers conferred upon the Governor or such officer by any such Ordinance, if it should appear to the Governor that the Council is neglecting or has refused or neglected to perform or exercise any of the duties or powers imposed or conferred by such Ordinance:

Provided further that no such Order shall be deemed to authorise or empower the Council to exercise any power or to perform any duty vested in or imposed upon the Governor in Council or to make any rules under an Ordinance.

55. (1) On or before the thirty-first day of October in each financial year, the Council shall prepare estimates of the anticipated revenue from all sources, and of the sums required to meet the expenses, during the following financial year.

Annual Estimates.

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

(3) Where provision is made in the estimates for meeting the cost of special services, in any area of the District, it shall be lawful for the Council to provide in the estimates for the imposition of an improvement rate in respect of that area in accordance with the provisions in that behalf contained in Part XV.

(4) A certified copy of the estimates shall forthwith be sent to the Minister who may approve or disapprove such estimate in whole or in part or may before approving the estimates amend them in any particular.

(5) The estimates when approved by the Minister shall be the estimates of revenue and expenditure for the financial year for which they are made, and no expenditure shall be incurred otherwise than in accordance therewith save with the written approval of the Minister first obtained. Such approval may be either general and subject to such conditions as the Minister may determine, or in respect of specified items in the estimates.

(6) The approved estimates shall be open to inspection to any person whose name appears in the Voters List at the offices of the Clerk of the Council.

**Duties of
Council.**

56. It shall be the duty of the Council—

- (a) to provide for the cleaning and maintenance of all public roads, streets, lanes, bridges and culverts;
- (b) to provide for the maintenance of the street lighting system;
- (c) to provide and maintain public water supplies;
- (d) to provide and maintain markets and slaughter houses;
- (e) to provide and maintain public cemeteries and to provide graves;
- (f) to provide and maintain public conveniences, dustbins and other sanitary structures;
- (g) to provide and maintain the necessary offices for the Council; and
- (h) to perform any other duties which may be prescribed by Order of the Governor in Council.

57. (1) It shall be lawful for the Council—

Acts lawful
for the
Council to
perform.

(a) to impose and take stallages, rents, tolls or fees in respect of the use by any person of any market, slaughter-house, cattle warri or pound or of any other property belonging to or provided by the Council;

(b) to issue licences under Part XII of this Ordinance;

(c) to provide for the establishment, management, layout, planting, improvement, maintenance and regulation of parks, gardens and other places of public resort or recreation for the use of the public, and to contribute to the cost of maintenance of any parks, gardens and other places of public resort or recreation provided by persons for the use of the public;

(d) to provide and maintain fire-fighting equipment and to undertake the abatement of fire and the prevention of the spreading thereof and for such purposes to enter any premises;

(e) to plant and protect trees in any public place;

(f) to regulate bathing on the seashore or in any inland water;

(g) to provide and maintain cattle warris and pounds;

(h) with the approval of the Governor, to engage in any form of public undertaking, trading or industry; and

(i) to do any other things which may be prescribed by Order of the Governor in Council.

(2) The Governor in Council may by Order empower the Council to perform, subject to compliance in each case with any rules made under sub-section (3), all or any of the following functions— 13 of 1956.

(a) to acquire any type of building material and to dispose of the same to any person ordinarily resident within the District, in such manner and on such terms and conditions as the Council may think fit, subject only to any relevant rule made under sub-section (3) and to the condition in each case that such building materials are to be used in the construction of a specified building within the District;

(b) to lend money to any person ordinarily resident within the District on such terms and conditions as the Council may think fit, subject only to any relevant rule made under sub-section (3) and to the condition that the money so lent is to be used in the construction of a specified building within the District;

(c) to guarantee on behalf of any person ordinarily resident within the District, the performance of any contract entered

into by such person for the purchase of any building material to be used in the construction of a specified building within the District; such a guarantee may be given in such manner and on such terms and conditions as the Council may think fit, subject only to any relevant rule made under sub-section (3);

(d) to do or cause to be done any act or thing which may be necessary to give full effect to any of the functions described in this sub-section.

(3) The Council shall make rules for the proper carrying out of its functions under this section. Such rules shall be subject to the approval of the Governor in Council and may, without prejudice to the generality of the foregoing powers, provide for all or any of the following matters, in so far as they relate to the proper carrying out of any of the aforesaid functions—

(a) the method in which contracts are to be made and recorded;

(b) the books of account to be kept;

(c) the safe custody of moneys, documents and materials;

(d) the responsibilities and duties of officers of the Council;

(e) the types of houses in respect of which the Council may supply building materials, advance money, or guarantee contracts;

(f) the types of building materials which the Council may supply or in respect of which the Council may advance money or guarantee contracts;

(g) the method in which applications to the Council for the supply of building materials, the grant of loans and the guarantee of contracts are to be made, and the manner in which such applications are to be dealt with;

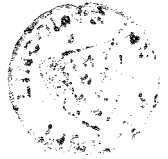
(h) the extent to which security for the due performance of contracts is to be required from applicants for building materials, loans or guarantees, and the nature of such security;

(i) the recovery of debts and the writing off of any debt considered by the Council to be irrecoverable;

(j) the inspection of houses in respect of which building materials have been supplied by the Council or in respect of materials for which the Council has made a loan or guaranteed a contract;

(k) the fees and charges which the Council may levy in respect of the performance of any function which it is empowered to carry out under the provisions of sub-section (2);

(l) the imposition of penalties not exceeding a fine of twenty pounds or, in default of payment, imprisonment with or without hard labour for a period of six months for the contravention of any rule made under this sub-section, and the prescription of the Courts which will have jurisdiction to try cases arising out of any allegation of the breach of any such rule.



58. Nothing in this Part contained shall operate to affect alter or derogate from, the ordinary or special statutory or other lawful powers or functions of the police, whether exercisable under the provisions of any Ordinance to which the Council is authorised under section 54 to give effect, or otherwise.

Powers of police not be affected.

PART XI.—COUNCIL'S PROPERTY AND CONTRACTS.

59. All property, whether real or personal and including things in action, belonging to the Sherbro Judicial District Board (constituted under the provisions of the Sherbro Judicial District Ordinance) at the commencement of this Ordinance is hereby declared to be vested in the Council.

Vesting of property in the Council.

60. The Council may acquire such movable and immovable property as may be necessary or expedient for carrying into effect the provisions of this Ordinance or of any other Ordinance to which the Council is authorised under section 54 to give effect, but the Council shall not sell, mortgage, lease or otherwise alienate or dispose of any immovable property so acquired without the previous written consent of the Governor in Council.

Council may acquire property.

61. When there is any hindrance to the acquisition by purchase of any land or building required for carrying into effect the provisions of this Ordinance or of any other Ordinance to which the Council is authorised under section 54 to give effect, the Governor in Council upon the application of the Council and after such enquiry as he may think proper may declare that the land or building is required for a public purpose; and he may direct that proceedings be taken under the provisions of the Public Lands Ordinance, for acquiring the same for the Government, and for determining the compensation to be paid to the parties interested. The Governor may then vest such land or building in the Council by means of a certificate under his hand and the Public Seal of the Colony to the effect that the same has been made over the Council. The compensation for such acquisition, if any, shall in the first instance be paid by the Government but the Council shall refund to the Government

Compulsory acquisition of land.

Cap. 116.

any compensation so paid and all expenses incidental to such acquisition incurred by the Government.

Borrowing at interest.

62. (1) The Council may, with the previous written consent of the Governor, borrow at interest on the security of any corporate land or any funds of the Council or the rate or of all or any such securities, such moneys as in the opinion of the Council may be required for any of the following purposes—

- (a) for acquiring any interest in land;
- (b) for erecting buildings;
- (c) for the execution of any permanent work; or
- (d) for any other purpose for which capital expenditure is required.

(2) The Governor may in his discretion attach any conditions to his consent given under the preceding sub-section.

Investment of funds.

(3) The Council may invest the funds of the Council in such stocks as may be approved by the Secretary of State for the investment of Colonial funds and in such other manner and to such extent as the Governor in Council may from time to time approve.

Powers of Governor in Council to impose conditions as to repayment of money borrowed.

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

(2) Where the Governor in Council imposes a condition under the preceding sub-section, the sums required for providing for the repayment of the principal of and the interest on the money borrowed shall be, by virtue of this Ordinance, a charge on all or any of the following securities, namely, the land comprised in the mortgage (without prejudice to the security thereby created), or any such other corporate land or moneys or the rate, or any part thereof respectively, as the Governor in Council may direct.

Provisions as sinking fund.

64. Where money borrowed is directed to be repaid by means of a sinking fund, the Council shall, out of the rents and profits of the lands on which, or out of the revenue of the Council or the rate on which the sums required for the sinking fund are charged under this Ordinance, invest such sums at such times and in such manner as the Governor in Council may direct and may from time to time, with the like direction, alter or change any such investment.

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

Provisions for replacing purchase or compensation money.

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

Investment of proceeds of sale or exchange.

67. The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Ordinance or of any other Ordinance to which the Council is authorised under section 54 to give effect, subject to the following conditions—

Contracts by the Council.

(a) no contract the value whereof exceeds two hundred and fifty pounds shall be entered into without the previous written consent of the Minister;

(b) every contract, whereof the value exceeds one hundred pounds, shall be in writing and shall be sealed with the common seal of the Council;

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

(d) before contracting for the execution of any works, the Council shall obtain an estimate in writing of the probable expense of executing the work in a substantial manner; and

(e) before any contract of which the value exceeds twenty-five pounds is entered into, public notice shall be given describing the nature and purpose thereof and inviting tenders for the execution of the work so described and the Council shall require and take sufficient security for the due performance of the contract:

Provided that where the value of the contract exceeds one hundred pounds, the public notice shall specify a period of not less than two weeks during which tenders may be made.

Use of common seal.

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

PART XII.—LICENCES.

Licences for trades, etc.

69. It shall be unlawful for any person to exercise, carry on or practice in the District any of the trades, businesses or professions set forth in Part I of the Second Schedule hereto without first having taken out a licence for that purpose and paid for such licence the fees therein set forth.

Licence for and numbering of vehicles.

70. It shall be unlawful for any person to use in any public place within the District any vehicle mentioned in Part II of the Second Schedule hereto without first having taken out a licence for such vehicle and paid for such licence the fees therein set forth:

Provided that it shall be not necessary for licences to be taken out for any vehicle belonging to the Imperial or Colonial Governments.

Licences for entertainments.

71. It shall be unlawful for any person to do in the District any of the acts or things mentioned in Part III of the Second Schedule without first having taken out a licence for that purpose and paid for such licence the fees therein set forth.

Licences subject to bye-laws and conditions.

72. (1) Every licence taken out under this Ordinance shall be subject to the conditions and restrictions imposed by any bye-laws made in respect thereof, and also to any conditions or restrictions which are authorised by any such bye-laws and are specified on the licence.

(2) Any person who fails to comply with any condition or restriction imposed or specified under the preceding sub-section shall be guilty of an offence against this Ordinance.

Issue and duration of licences.

73. (1) Every licence required under the provisions of this Ordinance may be obtained on application to the Clerk of the Council at the offices of the Council and he is hereby authorised to issue such licence upon payment of the fee prescribed in the Second Schedule hereto.

(2) Licences issued under this Ordinance may be yearly, half-yearly or quarterly as prescribed in the Second Schedule hereto and every such licence shall bear the date of, and commence on the day of its issue, and shall expire in the case of—

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

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

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

Provided that a licence may be granted under Part III of the Second Schedule for a single entertainment.

74. (1) Every hawker or pedlar of manufactured goods shall, in addition to his licence, be supplied with a certificate which shall bear the name of the licence, the number of his licence and the dates of issue and expiration thereof.

Hawkers and pedlars.

(2) Every hawker or pedlar shall carry with him the certificate issued to him under the preceding sub-section and shall produce it, on demand, to the Inspector of Licences or to any police officer, who may detain the wares carried by such hawker or pedlar until such time as he shall either produce his licence or certificate or give his full name and address.

(3) It shall be lawful for the Council to sell any wares detained under the preceding sub-section if, within seven days of their detention, the owner has not claimed and removed them, and all expenses incurred by the Council in respect of the detention or sale of such wares shall be deducted from the proceeds of such sale, and any part of the expenses, which is in excess of the proceeds of sale, shall be recoverable by action from the owner of such wares.

(4) Any hawker or pedlar who, on being requested to produce his certificate under the provisions of sub-section (2) of this section, gives a false name or address shall be guilty of an offence and, in addition to any other penalty which he may incur under this Part, liable on summary conviction, to a fine not exceeding one pound.

75. The fees paid for licences issued under this Ordinance shall be received and held for the use of the Council.

Application of licence fees.

76. (1) Any person who does any act which is declared to be unlawful under sections 69, 70 and 71 shall be guilty of an offence and, in respect of each such offence, liable, on summary conviction to a fine not exceeding fifty pounds and, in default of payment, to imprisonment without hard labour for any period not exceeding six months.

Offences.

(2) Any person exercising, carrying on, or practising within the District any trade, business or profession mentioned in Part I of the Second Schedule hereto or any person using in any public place within the District any vehicle mentioned in Part II of the said Schedule or any person doing within the District any of the acts or things mentioned in Part III of the said Schedule, who shall, upon demand being made by the Inspector of Licences or police officer, refuse or fail, without reasonable cause, to produce and show his licence for exercising, carrying on or practising any such trade, business or profession, or for such vehicle, or for doing any such acts or things, as the case may be, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five pounds.

(3) Any person who shall let out, hire or lend his licence, or who, not having taken out a licence under this Ordinance, shall produce, exhibit or use any paper with intent to cause it to be believed that he has duly taken out such a licence shall be guilty of an offence and, in respect of each such offence, liable, on summary conviction to a fine not exceeding twenty pounds or, in default of payment, to imprisonment, with or without hard labour, for any period not exceeding three months:

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

Provided further that any person to whom such licence is transferred shall be deemed to be a licensee during such time as he holds such licence and shall be subject to all the provisions of section 74.

Commence-
ment of this
Part.
12 of 1952.

77. If, by an Order under sub-section (2) of section 1, this Part is brought into operation before the Council is established in accordance with the provisions of Part II of this Ordinance, it shall, until the establishment of the Council, be read subject to the following modifications, which shall thereafter cease to apply—

(a) in sub-section (1) of section 73, for the words " Clerk of the Council " there shall be substituted the words " District Commissioner ", and for the words " offices of the Council " there shall be substituted the words " District Commissioner's Office ";

(b) in sub-section (3) of section 74, for the word " Council ", wherever it occurs, there shall be substituted the words " District Commissioner ";

(c) in section 75, for the words " received and held for the use of the Council " there shall be substituted the words " paid into the Sherbro Judicial District Fund "; and

(d) in the first proviso to sub-section (3) of section 76, for the word " Council " there shall be substituted the words " District Commissioner ".

PART XIII.—REVENUE OF THE COUNCIL.

78. All moneys standing to the credit of the Sherbro Judicial District Fund under the Sherbro Judicial District Ordinance shall on such date as the Governor may by Order declare be paid to the Council as part of the revenue thereof. Vesting of funds in Council.*

79. The revenue of the Council shall be paid to the Clerk of the Council and shall consist of the following moneys— Revenue of Council.

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

(ii) all fees for licences issued in the District under this Ordinance;

(iii) all fines, penalties, costs and amounts recovered in respect of any prosecution or action by or on behalf of the Council or under any bye-laws, unless by law directed to be otherwise disposed of;

(iv) all stallages, rents, tolls and fees received in respect of the use of any market, slaughter-house, cattle warri or pound or of any other property belonging to or provided by the Council;

(v) the rents and profits of all immovable property belonging to the Council;

(vi) the interest, dividends and proceeds from all investments and securities belonging to the Council;

(vii) all moneys received in respect of dog licences and badges, and all fines and penalties paid in the District in respect of non-compliance with the Dogs Ordinance or any Ordinance amending or substituted for the same, or any order made thereunder, in respect of dogs kept within the District; Cap. 193.

* 31st August, 1952. (P.N. 91 of 1952.)

(viii) all rates levied under the provisions of this Ordinance;

(ix) all amounts paid to the Council by the Government whether as a grant-in-aid or endowment or otherwise provided that the total amounts paid in any year shall not be less than three hundred pounds;

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

Application
of revenue.

80. The revenue of the Council shall be applicable to and charged with the following payments—

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

(ii) expenses incurred in connection with the travelling of any Councillor when acting as representative of the Council or of any officer of the Council in the execution of his duty;

(iii) all expenses properly incurred by the Council in carrying this Ordinance into effect;

(iv) all other payments legally due and owing by the Council:

Provided that an improvement rate shall only be applicable and charged to the special service the cost of which it was imposed to meet.

Order for
payment of
money.

81. No payment shall be made out of the funds of the Council except under the authority of the Council, and every payment exceeding ten pounds shall be made by cheque signed by the Clerk of the Council and countersigned by the President.

Moneys to be
paid into
bank.

82. All moneys belonging to the Council shall be paid into such bank as the Council may from time to time appoint, and no money shall be withdrawn from such bank except by cheque signed by the Clerk of the Council and countersigned by the President.

Writing off
of arrears of
revenue.

83. (1) It shall be lawful for the Governor in Council from time to time on the application of the Council supported by a resolution of the majority of the Councillors to make an Order authorising all arrears of rates and other moneys due to the Council under and by virtue of this Ordinance, or any part of such arrears, to be written off as irrecoverable debts in regard to which no further proceedings need be taken.

(2) The Governor in Council may make an Order under the preceding sub-section in respect of the whole or any part of the arrears specified in the application of the Council.

PART XIV.—THE DISTRICT RATE.

84. (1) The District rate provided for in the estimates of the Council in any one financial year shall be a rate at a uniform amount per pound on the assessed annual value of assessed premises and shall be a single rate in respect of all assessed premises.

The District rate and payment thereof.

(2) The District rate provided for in the approved estimates of the Council (hereinafter referred to as “ the approved District rate ”) shall be imposed and levied by the Council and shall be payable to the Clerk of the Council on or before the thirty-first day of January following the date on which the estimates providing for which rate are approved, or such later date as the Council may by notice declare.

85. The Council shall, at least one week before submitting the estimates to the Governor in Council for approval, give public notice that it intends to insert provision for a District rate in such estimates and shall, within fourteen days after the approval of any estimates in which provision for a District rate is contained, give public notice of such approved District rate:

Notice of imposition of District rate.

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

86. The Clerk of the Council shall keep a Rate Book in the Form 3 in the Third Schedule to this Ordinance, and such Rate Book shall be kept in the office of the Clerk of the Council and shall be open to inspection during office hours.

District Rate Book. Form 3.

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

District rate to be a charge on premises.

88. If any owner liable to the approved District rate or his agent appointed under the provisions of section 93 refuses or neglects to pay such rate at the time and in the manner hereinbefore appointed for the payment thereof, the President is

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

hereby empowered to issue a warrant under his hand and the common seal of the Council directed to the District Bailiff requiring and commanding him to levy such rate on the goods and chattels of such defaulting owner, and the District Bailiff is hereby empowered and required to execute the said warrant and to make a return thereto within thirty days after the date thereof.

Poundage.

89. (1) The District Bailiff shall be entitled to a poundage of three shillings for every twenty shillings or any part thereof levied by virtue of any warrant directed to him by the President and such poundage is hereby made chargeable upon the personal and real estate so levied upon. All such poundage fees shall be paid to the Clerk of the Council and form part of the approved District rate.

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

**Levy on
occupier's
goods on non-
payment of
District rate.**

90. (1) If the District Bailiff, acting under section 87 finds no goods, or, if the amount realised by any sale under section 88 is insufficient, the President is hereby empowered and required to issue a warrant under his hand and the common seal of the Council directed to the District Bailiff, requiring and commanding him to demand from the occupier payment of the amount thereafter mentioned, and, in default of payment of such amount by the occupier, within fourteen days, to levy the said amount on the goods and chattels of such occupier as is provided in sections 88 and 89 for levying on the goods and chattels of a defaulting owner.

(2) Within fourteen days after demand of payment under the preceding sub-section, the occupier shall pay to the District Bailiff the amount due for the approved District rate in respect of the premises occupied by him, but shall not be liable for any poundage or other cost of levy upon the goods of the owner.

(3) An occupier may deduct any sum paid by him under the preceding sub-section from the amount of rent payable by him to the owner, and, should a levy have been made on the goods

and chattels of such occupier he may also deduct from such rent the poundage and cost of the levy.

(4) Where there is an existing contract, whether verbal or written, between the owner and the occupier that the occupier shall pay the approved District rate, and the owner pays all or any part of such rate, it shall be lawful for the owner to increase the rent by the amount of such rate paid by him or, if he thinks fit, to sue the occupier or his executors, administrators or assigns therefor.

91. (1) If the remedies hereinbefore provided against owners and occupiers have failed to realise the full amount of the approved District rate due together with the costs of any levy in respect thereof, and any such amount shall still remain unpaid two years after the date on which the approved District rate became payable under section 84 it shall be lawful for the President to issue a warrant under his hand and the common seal of the Council directed to the District Bailiff requiring and commanding him to levy such rate and the costs of any previous levy in respect thereof upon the lands, tenements, rents and annuities of such persons and to sell such lands, tenements, rents and annuities by public auction giving thirty days' notice of such intended sale and thereafter the provisions of sub-section (2) of section 89 shall apply to such sale:

Levy on immovable property on non-payment after two years.

Provided that the President may, at any time before the sale of any lands, tenements, rents and annuities postpone the sale either generally or to some specific day.

(2) A deed of conveyance executed by the District Bailiff in pursuance of any sale under the preceding sub-section shall, upon being duly registered under the provisions of the Registration of Instruments Ordinance, confer upon the purchaser as good a title to the lands and tenements sold as the owner could lawfully convey.

Cap. 256.

92. It shall be lawful for the President, whenever he shall deem it expedient, in lieu of issuing separate warrants in respect of each defaulter, to issue under his hand and the common seal of the Council one warrant for each ward respectively, and to annex or subjoin to each such warrant a schedule of the names of the defaulters in the ward for which it is issued, and such warrant shall be taken to apply in respect of each of the defaulters named in the schedule annexed or subjoined thereto.

President may issue one warrant for each ward.

Absentee
owner to
appoint
agent.

93. Any owner of premises in respect of which the approved District rate is payable by him shall, if he intends to be absent from the District, appoint some person to be his agent for the payment of such rate and shall notify the President in writing of such appointment.

Unoccupied
premises.

94. Where it is shown to the satisfaction of the Assessment Committee that any building or any part thereof which has been included in any assessed premises has been unoccupied for a period of not less than six months in any financial year and that notice thereof has been given as required by section 95 the Assessment Committee shall, on the application of the person who has paid the amount of the approved District rate payable in respect of such premises, order to be refunded to that person such proportion of the amount paid as the Assessment Committee may deem fit having regard to all the circumstances.

Notice of non-
occupation
and re-
occupation.

95. (1) It shall be the duty of the owner of any assessed premises to notify in writing the Clerk of the Council within twenty-one days that any building thereon, if previously unoccupied, is occupied or if any such building was previously occupied, that it is unoccupied.

(2) Any owner of assessed premises who, having given notice of non-occupation of any building thereon, fails to give notice of re-occupation as required by the preceding sub-section shall be guilty of an offence against this Ordinance.

Premises
demolished
or removed.

96. Where it is shown to the satisfaction of the Assessment Committee that any building or any part thereof on any assessed premises has been demolished or removed during any financial year the Assessment Committee shall, on the application of the person who has paid the amount of the approved District rate payable in respect of such premises, order to be refunded to that person such proportion of the amount paid as the Assessment Committee may deem fit having regard to all the circumstances:

Provided that, in the case of a demolition or removal otherwise than by order of the Council, the owner of such premises has within fourteen days of such demolition or removal given notice in writing thereof to the Assessment Committee.

Premises
exempted
from pay-
ment of
District rate.

97. (1) The approved District rate shall not be payable in respect of premises which belong to or are held in trust for—

(a) the Council, or

(b) the Imperial or Colonial Governments and are either unoccupied or are occupied by the Imperial or Colonial

Governments or by some person in the employ of either of such Governments.

(2) The approved District rate shall be payable on all premises which belong to or are held in trust for the Imperial or Colonial Governments and are occupied by some person not in the employ of either of these Governments:

Provided that where such premises are so occupied for only part of a year, the amount payable in respect of rates shall be proportionately reduced.

98. Nothing in this Part contained shall be deemed to affect any agreement between landlord and tenant with respect to the payment of the approved District rate, and no such agreement between landlord and tenant shall derogate from the provisions of this Part with respect to the enforcement of such rate.

Agreement between landlord and tenant.

99. Notwithstanding anything in this Ordinance contained, the Council may, if satisfied by any applicant, by evidence on oath, that on the ground of poverty it is desirable so to do, exempt from payment of the approved District rate any premises liable for such payment, or reduce the amount for which the premises are liable in respect of such rate.

Exemption from payment of District rate owing to poverty.

PART XV.—IMPROVEMENT RATE.

100. (1) When it appears to the Council that in any area of the District certain special services are desirable for reasons of public health or for the general convenience of the inhabitants of such area, the Council may provide for the cost of such special services to be met from the revenue of the Council and include such cost in the estimates of the Council for any financial year and may for the purposes of meeting such cost also include in such estimates provision for an improvement rate of a uniform amount to be charged on every house within such area.

Improvement rate.

(2) The special services referred to in this section and in sections 55 and 79 shall include street lighting, water supply, construction, maintenance and improvement of roads and streets and any services which are solely for the benefit of the inhabitants of the area in which the improvement rate is to be levied.

(3) The improvement rate provided for in the approved estimates of the Council (hereinafter referred to as "the approved improvement rate") shall be imposed and levied by the Council and shall be payable to the Clerk of the Council on or before the thirty-first day of January following the date on

which the estimates providing for such rate were approved or on such later date as the Council may by notice declare.

(4) The Council shall at least one week before submitting the estimates to the Governor in Council for approval give public notice notifying—

(a) its intention to insert provision for an improvement rate in such estimates,

(b) the area in which such improvement rate is to be levied, and

(c) the special services, the cost of which such improvement rate is intended to meet,

and shall, within fourteen days after the approval of any such estimates in which provision for an improvement rate is contained, give public notice of such approved improvement rate:

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

(5) Sections 87 to 93 inclusive and sections 97 to 99 inclusive but excluding the proviso to sub-section (2) of section 97 shall apply to the approved improvement rate as though reference therein to the approved District rate included reference to the approved improvement rate and reference to assessed premises included reference to a house within the area for which the approved improvement rate has been imposed.

PART XVI.—MISCELLANEOUS.

Appearance
of Council in
legal
proceedings.

101. (1) The Council may appear in any legal proceedings by the Clerk of the Council or an officer of the Council authorised generally or in respect of any particular proceedings by resolution of the Council; and the Clerk of the Council or any officer so authorised shall be at liberty to institute and carry on any proceedings which the Council is authorised to institute and carry on under this or any other Ordinance, subject always to any directions which may be given to him by the Council.

(2) Service on the Council of all legal processes and notices shall be effected by service on the Clerk of the Council.

Form of title
deeds.

102. The title to all lands acquired or leased by the Council shall be taken in the corporate name of the Council; and all deeds and contracts requiring to be executed by the Council, shall be executed in the corporate name of the Council and shall be signed and sealed with the common seal by the President and shall also be signed by the Clerk of the Council.

103. In any prosecution or other legal proceedings under the provisions of this or any other Ordinance instituted by or under the direction of the Council, no proof shall be required—

Proof in legal proceedings.

(i) of the persons constituting the Council; or

(ii) of any order to prosecute or of any particular or general authorisation under section 101 of the Clerk of the Council or other officer of the Council; or

(iii) of the appointment or authority of the Clerk of the Council or other officer of the Council to prosecute; or

(iv) of the presence of a quorum of the Council at the making or any order to the doing of any act,

until evidence is given to the contrary.

104. All documents executed in accordance with the provisions of section 67 and 102 and all other documents purporting to be written or issued by or under the directions of the Council and purporting to be signed by the President or by the Clerk of the Council or other officer of the Council, shall be received as *prima facie* evidence in all Courts and shall be deemed to be executed, issued or written by or under the direction of the Council without proof, unless the contrary is alleged.

Documents to be *prima facie* evidence.

105. Whenever in any criminal process or proceeding it may be necessary to refer to the ownership or description of property belonging to or under the management or superintendence of the Council, such property may be described as the property of the Council.

Description of property of Council.

106. Save as in this Ordinance otherwise expressly provided, the publication of any notice or other document required by this Ordinance to be published shall be deemed to be duly made if it is fixed in some conspicuous place on or near the outer door of the office of the Clerk of the Council during office hours, and also in some other conspicuous place or situation in the district.

Publication of notices.

107. Notices, orders and any other documents required or authorised to be served under this Ordinance may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or, where addressed to the owner or occupier of any premises, by delivering the same, or a certified true copy thereof, to some person on the premises, or, if there is no person on the premises who can be served, by fixing the same on some conspicuous part of the premises. Notices, orders and other documents may also be served by

Service of notices.

post by a prepaid registered letter, and, if so served, they shall be deemed to have been served at the time of posting. In proving service by post, it shall be sufficient to prove that the notice, order or other document was properly addressed and posted.

Hindering
publication
of notices,
etc.

108. Every person who wilfully destroys, mutilates, effaces or removes any notice, list, register or other document, affixed to any premises under the provisions of this Ordinance, during the period for which it is required to remain so affixed, shall be guilty of an offence against this Ordinance.

Inspection of
documents.

109. A document required by this Ordinance to be open to inspection shall be so open during the ordinary office hours, and without payment, unless otherwise provided.

Obstruction
of inspection.

110. If a person having the custody of any register or document in this Ordinance mentioned—

(i) obstructs any person authorised to inspect such register or document in making such inspection; or

(ii) refuses to give copies or extracts to any person entitled thereto,

he shall be guilty of an offence against this Ordinance.

Obstruction
of execution
of Ordinance.

111. (1) Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provision of this Ordinance, and is required by notice in writing to permit the execution of any works required to be executed for the purpose of obeying or carrying into effect the provisions of this Ordinance, then, if, within twenty-four hours after service of the written notice, such occupier fails to comply therewith, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five pounds for every day during the continuance of such non-compliance.

(2) If the occupier of any premises, when requested by or on behalf of the Council to state the name and address of the owner of the premises occupied by him, refuses or wilfully omits to disclose, or wilfully mis-states such name and address, he shall be guilty of an offence against this Ordinance.

Entry on
premises for
purposes of
Ordinance.

112. The officers of the Council and such other persons as shall be duly authorised by the Council shall have power to enter, examine or lay open any lands or premises within the district for any of the purposes of this Ordinance or of any Ordinance to which the Council is authorised to give effect under

section 54; and the owner or the occupier of such lands or premises who refuses, after written notice, to permit such lands or premises to be entered upon, examined or laid open for the purposes aforesaid shall be guilty of an offence against this Ordinance.

113. Where under this Ordinance, a declaration or oath is required to be made or taken by the holder of an office or other person before the Council, or any committee or any person, the Council or such committee or person shall have authority to receive such declaration or administer such oath without any commission or authority other than this Ordinance.

Power to administer oaths, etc.

114. No matter or thing done and no contract entered into by the Council, and no matter or thing done by any Councillor or officer of the Council or other person whomsoever acting under the direction of the Council, shall, if the matter or thing were done or contract were entered into *bona fide* for the purpose of executing this Ordinance, subject any Councillor or officer of the Council or any person acting under the direction of the Council personally to any action, liability, claim or demand whatsoever.

Protection of Council and their officers from personal liability.

115. (1) Where the Council intend to apply to the Governor in Council for the approval of, or consent to, any sale, loan or other financial arrangement under this Ordinance, notice of the intention to make the application shall be published one month at least before the application, and a copy of the intended application shall, during that month, be kept in the office of the Clerk of the Council and be open to public inspection.

Notice of application to Governor in Council.

(2) If the Governor in Council either refuses approval or consents or grants it conditionally or under qualifications, notice of the correspondence between the Governor and the Council shall forthwith be published, and a copy of the correspondence shall, for a period of one month, be kept in the office of the Clerk of the Council and be open to public inspection.

116. In addition to all other powers conferred by this Ordinance, it shall be lawful for the Governor in Council after consultation with the Council to revoke, amend, vary or add to any of the provisions or forms in the schedules hereto (other than those occurring in Part II of the First Schedule).

Amendment of schedules.

117. (1) Any person guilty of an offence against this Ordinance for which no special penalty is provided shall be liable, on summary conviction, to a fine not exceeding ten

General penalty.

pounds or, in default of payment, to imprisonment for a period not exceeding two months.

(2) Where any holder of a licence issued under the provisions of this Ordinance is convicted of an offence involving a breach of the terms or conditions of such licence, the court convicting him may order that the licence be revoked or suspended and thereafter the Council may refuse the reissue or renewal of such licence.

Rules.

118. (1) The Governor in Council, after consultation with the Council, may make rules dealing with any of the following matters—

(a) the establishment, regulation, control, maintenance and management of markets, slaughter-houses, public wash-houses, cemeteries and cattle warris and pounds;

(b) the provision, regulation, control, maintenance and management of water supplies;

(c) the removal and disposal of night soil;

(d) the imposing upon the owners of land of such restrictions as may be necessary to prevent any buildings upon their land from being or becoming a source of danger to surrounding property, whether from fire or from their insecure construction or dilapidated condition;

(e) traffic in the streets, and the width of streets and other public places;

(f) the prevention of the obstruction of streets and other public places by animals and things;

(g) the prohibition, regulation and control of street trading;

(h) the construction and position of new buildings, the demolition or alteration of buildings erected contrary to any rules made under this section, or to any directions given by any person authorised by any such rules to give directions with regard to the erection and position of new buildings;

(i) the prohibition of building on such areas as may be prescribed;

(j) the prohibition of the digging of borrow pits, and the taking of building material, except from appointed places;

(k) the fees to be charged in connection with any of the matters contained in this section;

(l) the prevention of contravention of rules made under this section, and the facilitating of the detection of such contraventions; and

(m) generally for carrying out the provisions of this Ordinance.

(2) Rules made under this section may apply to the whole or any part of the District and to all or any classes or class of person.

(3) Rules made under this section may impose a fine not exceeding ten pounds or, in default of payment, imprisonment not exceeding two months for the breach of any rule.

(4) The breach of any rule made under this section may be prosecuted summarily.

119. (1) The Council may, from time to time, with the approval of the Governor in Council, make, under the common seal, bye-laws for any of the following purposes—

Bye-laws.

(a) for the regulation, control, maintenance and management of parks, gardens and other places of public resort or recreation belonging to or provided by the Council including the imposition of fees for the use thereof;

(b) for the prevention of vagrancy and the suppression of nuisances; and

(c) for the issue of licences, the imposition of conditions and restrictions thereon and the payment of fees therefor.

(2) Bye-laws made under this section may impose a fine not exceeding ten pounds or, in default of payment, imprisonment not exceeding two months for the breach of any such bye-law, and in the case of a continuing offence, a further penalty not exceeding one pound for each day after written notice of the offence has been served on the offender.

(3) The breach of any bye-law made under this section may be prosecuted summarily.

120. From and after the date on which the first meeting of the Council is held, the Sherbro Judicial District Ordinance shall cease to have effect:

Cessation of
Sherbro
Judicial
District
Ordinance.*

Provided that—

(1) This declaration shall be without prejudice to anything done or suffered or any right, privilege, obligation or liability acquired, accrued or incurred under the said Ordinance and any such right, privilege, obligation or liability acquired accrued or incurred by the Sherbro Judicial District Board,

* The Sherbro Judicial District Ordinance was Chapter 210 of the 1946 edition of the Laws.

established under the said Ordinance may be enforced or discharged by the Council established by this Ordinance.

(2) All Rules made by the Governor in Council under the Sherbro Judicial District Ordinance in force at the commencement of this Ordinance shall be deemed to have been made by the Governor in Council under the provisions of this Ordinance and shall remain in force until revoked, amended or replaced under the provisions of this Ordinance.

Saving of Crown rights.

121. Save as is expressly provided in this Ordinance, the provisions hereof shall not in any manner whatsoever affect the rights of the Crown.

FIRST SCHEDULE.

Section 11 (3).

PART I.—VALUATION OF PREMISES.

Assessment of annual value.

1. (1) For the purpose of compiling the first Valuation List under this Ordinance—

(a) the District Commissioner shall appoint a fit and proper person to abstract from the returns furnished to him under section 7 of the House Tax (Colony) Ordinance as varied or amended by him under section 8 or section 9 thereof a list of all houses in each ward with the names of the respective owners and occupiers and the annual rent or value thereof;

(b) such list shall be certified as correct by the person abstracting the same and shall be published in the same manner as returns are required to be published under section 8 of the House Tax (Colony) Ordinance;

(c) the list so certified and published shall be deemed to be the Valuation Roll made in accordance with this Part and deposited as required by section 12 of this Ordinance;

(d) after the list has been published as hereinbefore provided, no objection or appeal against it shall be allowed.

12 of 1952.

(2) Thereafter the valuers shall on or before the first day of June in every year assess the annual value of all premises assessable within the meaning of section 10 and shall prepare and sign a Valuation List in the Form I in the Third Schedule to this Ordinance.

(3) If the valuers are of the opinion that the value of any premises shown in the Valuation Roll in force at the time of assessment correctly shows the annual value of such premises, they shall accept such valuation for the purposes of the Valuation List then in course of preparation, but otherwise shall revise such valuation and enter the revised valuation in the Valuation List.

Valuers may require information.

2. (1) The valuers may require any owner, occupier or mortgagee of any premises to give his full name and address and to produce any rent book, receipt for rent, lease, agreement or other document and may require such owner, or the person in receipt of any rent thereof, or the person renting such premises or part thereof, or the agent of such person, to make a declaration in writing in the Form 2 in the Third Schedule to this Ordinance as to the

Form 2.

amount of yearly rent paid or payable for such premises, or to give any other information which may be required for the purpose of duly making the Valuation List.

(2) Any person refusing or failing to produce any such book or document or to sign such declaration or to give any such information, or signing any such declaration knowing the same to be false, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty-five pounds, or, in default of payment, to imprisonment for a period not exceeding three months.

3. Whenever the valuers have assessed the annual value of any premises which during the immediately preceding period of twelve months have been erected, altered or rebuilt, or have reassessed any premises at an increased annual value, they shall cause a notice signed by them and specifying the annual value assessed by them to be served on the owner, occupier or mortgagee of such premises.

Notice of assessment to be given in certain cases.

4. The valuers may, in the discharge of their duty, enter upon any premises between the hours of six o'clock in the forenoon and six o'clock in the afternoon on any week-day not being a public holiday, and any person refusing admission to or obstructing the valuers in the discharge of their duty shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty-five pounds or, in default of payment to imprisonment for a period not exceeding three months.

Valuers may enter any premises.

5. When any new building is erected or whenever any building is rebuilt or enlarged, the owner of such building shall, within fifteen days of the completion of work thereon or occupation thereof, whichever is the sooner, give notice thereof in writing to the Clerk of the Council. In case of failure to give such notice, the owner shall be guilty of an offence against this Ordinance.

Notice of new building, etc.

6. The Valuation List made and signed by the valuers shall forthwith be deposited in the office of the Clerk of the Council, who shall forthwith cause to be published a notice of such deposit. Any person owning or in the occupation of or interested in any assessable premises shall be entitled to inspect the Valuation List and to take copies thereof and extracts therefrom on payment of a fee of one shilling.

Valuation List to be deposited and open for inspection.

7. Any person aggrieved by the Valuation List on the ground of unfairness or incorrectness in the valuation of any premises included therein, or on the grounds of the inclusion of any premises or the omission of any premises from the Valuation List, may at any time after the deposit as aforesaid of such list, and before the expiration of twenty-one days after the publication of the notice of the deposit, give to the Assessment Committee a notice in writing of his objection specifying the grounds thereof. When the grounds of any objection is unfairness or incorrectness in the valuation of any premises in respect of which any person other than the person objecting is liable to be assessed, or the omission of any assessable premises from the Valuation List, the person objecting shall also give notice in writing of such objection and of the grounds thereof to such other person.

Objections to Valuation List.

8. (1) The Assessment Committee shall hold meetings to hear objections to the Valuation List, and shall, fourteen days at least before holding any such meeting, except a meeting by adjournment, cause to be published notice of such meetings; and the Assessment Committee may at any such meeting hear and determine such objections or may, from time to time, adjourn any such meeting and adjourn or postpone the hearing or further hearing and

Procedure for dealing with objections.

determination of any such objections, and may direct notice in writing of any such objection to be given by the valuers or by the persons objecting to third parties before the further hearing thereof. When the ground of such objection is unfairness or incorrectness in the valuation of any premises in respect of which any person other than the person objecting is liable to be assessed, or the omission of any assessable premises from the Valuation List, the Assessment Committee shall not hear any objection to the Valuation List, unless such notice as aforesaid of such objection has been given to them and to such other person by the person objecting, except when such other person by himself or some other person on his behalf consents to the hearing of such objection.

(2) The Assessment Committee may, upon the hearing of any objection to the Valuation List, examine witnesses on oath and take evidence in writing.

(3) Such witnesses shall be summoned under the hand of the President in the same manner, as nearly as circumstances permit, as witnesses at a trial in the Supreme Court.

(4) Upon the hearing of objections to the Valuation List such person as the President may direct shall take down in writing a full record of the proceedings including the evidence of all witnesses examined on oath.

Penalty.

9. Any person who wilfully refuses to attend in obedience to a summons issued under the preceding paragraph, or to give evidence before the Assessment Committee or to produce any rent book, receipt for rent, lease, agreement or other document, which may be required to be produced before the Assessment Committee for the purpose of ascertaining the annual value of any assessable premises in the district shall be guilty of an offence against this Ordinance.

Committee may deliberate in private.

10. The Assessment Committee, after hearing the parties interested, shall have power to order the withdrawal of all persons during the deliberations of the Committee.

Committee may direct further valuation and correct Valuation List.

11. (1) The Assessment Committee may, whether any objection be or be not made to the Valuation List and after giving any known owner, occupier or mortgagee of the premises concerned an opportunity of being heard, make such alterations in the valuation of any premises included in the Valuation List, and may insert therein any assessable premises omitted therefrom, and may delete therefrom any premises which are not assessable, and may make such corrections in names, descriptions and particulars in the Valuation List, upon such information as to them may seem sufficient, and may employ a person to survey and value any assessable premises comprised in or omitted from the Valuation List, or may take such other means for ascertaining the correctness of the Valuation List as the Assessment Committee may think fit.

(2) The decisions of the Assessment Committee shall not require the approval of the Council.

(3) When the Assessment Committee has heard and determined all objections to the Valuation List and has made all alterations, insertions and corrections in the Valuation List, it shall approve the same and thereupon such Valuation List shall become a Valuation Roll.

Appeals against a decision of Committee.

12. (1) Any person who—

(a) has appealed to the Assessment Committee and is aggrieved on account of its decision, or

(b) is aggrieved by any alteration to the Valuation List made by the Assessment Committee of its own motion, may, at any time within fourteen days after the publication of the notice of the deposit of the Valuation Roll, appeal to a Magistrate having jurisdiction within the district.

(2) The appellant shall give to the Assessment Committee seven clear days notice in writing of his intention to appeal and the grounds thereof.

(3) The Magistrate shall hear and determine the appeal, and either allow or disallow the same, or make such order as shall be just.

(4) The Magistrate shall, subject to this Ordinance, have the same powers, jurisdiction and authority with respect to such appeals and the proceedings therein and to the costs thereof as if the appeal were an ordinary suit.

(5) Any person who has appealed to a Magistrate and is aggrieved on account of the decision on his appeal may, within fourteen days, appeal to the Supreme Court, whose decision shall be final.

(6) Where the Magistrate orders the Valuation Roll to be amended, and no appeal has been lodged within the prescribed period, or, if an appeal has been lodged and the Supreme Court orders the Valuation Roll to be amended, the Assessment Committee shall cause the Valuation Roll to be amended in conformity with the order so made, and shall add to any such amendment the words "by order of the Court."

PART II.—STANDING ORDERS OF THE COUNCIL.

Section 38 (2).

1. A meeting of the Council shall be convened by the President on the second Saturday in every month, and at such other time as the President may appoint:

Meetings of the Council.

Provided that the President shall convene a meeting within fourteen days whenever so requested in writing by any two or more Councillors.

2. At every meeting of the Council the President or, in his absence, the Deputy President shall preside:

Presiding Councillor.

Provided that in the absence of both the President and the Deputy President the Council shall appoint one of the Councillors to preside.

3. All acts whatsoever hereby authorised or required to be done by the Council and all questions that may come before the Council shall be done and decided by the majority of votes:

Voting.

Provided that the Council shall not be disqualified from the transaction of business by reason of any vacancy or vacancies among the Councillors:

Provided further that no business, except that of adjournment, shall be transacted unless there be present at least five Councillors.

Quorum.

4. The President or Councillor presiding shall have an original vote, and, if upon any question the votes be equal, a casting vote.

Casting Vote.

5. The Council may from time to time out of their number appoint such and so many committees, either of a general or a special nature, and consisting of such number of Councillors as it shall think fit, for any purpose which the Council may think would be better regulated or managed by means of such committees:

Committees.

Provided that the proceedings of every such Committee shall, except as herein otherwise provided, be submitted to the Council for approval, and shall be subject to such approval.

Minutes.

6. (1) Minutes of all proceedings of the Council shall be regularly kept by the Clerk of the Council, or, until the appointment of such an officer, such other person as the Council may appoint in that behalf, in a Minute Book kept for that purpose; and, at each meeting of the Council, the minutes of the last preceding meeting shall be read over and confirmed or amended, as the case may require, and shall be signed by the President or Councillor presiding.

(2) The Minute Book shall be open to inspection at the office of the Clerk of the Council during office hours by any person whose name appears on the Voters List on payment of a fee of one shilling.

SECOND SCHEDULE.

Section 69.

PART I.

		£	s.	d.
For every licence to any—				
1.	Hawker or pedlar of manufactured goods not being articles of food	Yearly	...	0 7 6
		Half-yearly	...	0 4 6
2.	Hawkers of articles of food and non-alcoholic drink for human consumption	Yearly	...	Free
3.	Keeper of an hotel, Inn or common lodging house for more than three persons	Yearly	...	3 0 0
4.	Restaurant Keeper	Yearly	...	2 0 0
5.	Vendor of Patent Medicines (a separate licence shall be required in respect of each shop, store or other place of business):	Yearly	...	2 0 0
		Half-yearly	...	1 5 0
Provided that no licence shall be required for the sale of the simple medical substances listed in Schedule F to the Medical Practitioners, Dentists and Druggists Ordinance (Cap. 151)				
6.	Vendor of herbs or herbal medicines	Yearly	...	2 0 0
		Half-yearly	...	1 5 0
7.	Registered money-lender	Yearly	...	12 0 0
		Half-yearly	...	7 0 0
8.	Palm wine tapper	Yearly	...	2 10 0
		Half-yearly	...	1 10 0
9.	Dealer in Palm wine	Yearly	...	1 0 0
	If issued after 30th June		...	0 12 6

Section 70.

PART II.

For every licence—

1.	For a cart, truck, wagon or other such vehicle, not being a motor-vehicle, as is constructed or adapted for use and is used primarily for the conveyance of any goods in the course of trade or husbandry, if the same shall have four or more wheels, and whether it shall run on rails or not	Yearly	...	0 12 6
2.	For a bicycle or tricycle not drawn or propelled by mechanical power	Yearly	...	0 7 6

PART III.

Section 71.

For every licence—			£	s.	d.
To hold any concert, dancing, musical, theatrical or other entertainment other than open-air dance to which admission is to be obtained on payment of any money or reward (except when the proceeds go wholly to charity)	Yearly	...	2	10	0
	Half-yearly	...	1	10	0
	Quarterly	...	0	17	6
	Single entertainment		0	5	0
Ditto (when the proceeds go wholly to charity)					Free
To hold an open-air dance			
	Single entertainment		0	2	6

THIRD SCHEDULE.

FORM 1. (*First Schedule, Part I, paragraph 1.*)

VALUATION LIST.

Name of Street	Number of house or plot of land in Street	Description of Premises	Name of Owner	Name of Occupier	Annual rateable value	Remarks

FORM 2. (*First Schedule, Part I, paragraph 2.*)

DECLARATION AS TO YEARLY RENT OF PREMISES.

Name I,
 of
 Premises do hereby declare that the rent payable
 by/to me in respect of the premises
 Rented from No. in
 Street,
 or let to rented/let by me
 me/to is at the
 Rent per annum rate of per annum.
 Date 19.... Declared 19....

.....
*Signature or mark of
 Declarant.*

Before me

.....
Valuer.

THE DISTRICT RATE.

An assessment for the District Rate of the Sherbro Urban District made by the Sherbro Urban District Council this
day of.....19....., at the rate of.....pence in the pound.

	Arrears Due or if Excused	Name of Occupier	Name of Owner	Description of Property Rated	Name or Situation of Property	Estimated Extent	Annual Value	Rate at <i>d.</i> in the Pound
	£ s. d.						£ s. d.	£ s. d.
1	...							
2	...							
3	...							
4	...							