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## CHAPTER 79.

## DISTRICT COUNCILS.

**An Ordinance to Replace the Existing Provisions Relating to District Councils contained in the Protectorate Ordinance and to Provide for Matters Ancillary thereto.**

17 of 1950.  
3 of 1951.  
9 of 1954.  
26 of 1954.  
5 of 1956.  
32 of 1957.

[1ST JANUARY, 1951.]

1. (1) This Ordinance may be cited as the District Councils Ordinance, and shall be read as one with the Protectorate Ordinance.

Short title and application.  
Cap. 60.

(2) This Ordinance shall apply to the Protectorate as defined in the Protectorate Ordinance.

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

Interpretation.

“ alien ” means a person who is not a British subject nor a British protected person nor a citizen of the Republic of Ireland;

5 of 1956.

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

P.N. 102 of 1958.

“ ward ” means a ward delimited under section 4 of this Ordinance.

5 of 1956.

3. (1) It shall be lawful for the Governor, by Order, to constitute District Councils in the Protectorate.

Constitution of District Councils.

(2) The Governor may at any time revoke or suspend any constitution made by him under this Ordinance.

4. (1) Any of the districts of the Protectorate may, for the purposes of this Ordinance, be divided into such wards as may from time to time be delimited by Order of the Governor in Council.

Districts may be divided into wards.  
5 of 1956.

(2) No division made under the provisions of this section shall in any way be deemed to affect the ownership of land within the district.

5. Every District Council shall be a body corporate with perpetual succession and a common seal, with power to alter such seal from time to time, and shall be capable in law of suing and of being sued, of purchasing, holding and disposing of property of any description, and generally of doing and

District Councils to be bodies corporate.

performing all such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance and of any other law for the time being in force in the Protectorate.

Composition  
of District  
Councils.

5 of 1956.  
32 of 1957.

6. (1) Subject to the provisions of sections 7 and 31, a District Council shall consist of—

(a) the Paramount Chief or Chief-in-charge of each chiefdom in the district, by virtue of his office;

(b) one elected member for each ward in the district, elected in accordance with the provisions of this Ordinance by the registered voters of such ward;

(c) any member who at the date of the coming into operation of this section is a member of the District Council and also an elected member of the Legislative Council elected thereto in accordance with the provisions of paragraph (ii) or of paragraph (iv) of sub-section (1) of section 7 of the Sierra Leone (Legislative Council) Order in Council, 1951, so long as he remains such a member of the House of Representatives;

(d) such number of co-opted members, not exceeding three, as may be co-opted by the other members.

9th April,  
1956.  
P.N. 58 of  
1956.

P.N. 50 of  
1951.

Quorum.

(2) At any meeting of a District Council two-thirds of the total number thereof shall constitute a quorum.

Qualifications  
and dis-  
qualifications  
for elected  
and co-opted  
members of  
District  
Councils.  
32 of 1957.

7. (1) Subject to the provisions of sub-section (2) of this section, a person shall be qualified for election as an elected member of a District Council for any one ward, or as a co-opted member of a District Council, if he is entitled to be registered as a voter under this Ordinance and his name is on the Register of Voters for any ward in the district.

(2) Notwithstanding the provisions of sub-section (1), a person shall be disqualified for election as an elected member or for co-option as a co-opted member of a District Council—

(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 District Council, other than that of President or Vice-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

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

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

(i) if he is a candidate for election, published within one month before the day of the 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 to be a co-opted member, as soon as possible disclosed that interest to the District Council; or

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

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

(a) any sale, purchase or lease of any building to or from the District Council; or

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

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

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

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

**8. (1)** Subject to the other provisions of this Ordinance, the elected members and the co-opted members of each District Council shall hold their seats until the first appointed date for the next general election held in that district under the provisions of this Ordinance, unless their seats sooner become vacant.

Tenure of  
office of  
elected and  
co-opted  
members.  
5 of 1956.  
32 of 1957.

(2) The seat of an elected member or of a co-opted member of a District Council shall become vacant—

(a) upon his death; or

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

(c) if he becomes subject to any of the disqualifications specified in paragraphs (a), (b), (c), (d) or (f) of sub-section (2) of section 7; or

(d) if, without leave of the President, he is absent from three consecutive meetings of the District Council; or

(e) if and while he has, directly or indirectly, by himself or a partner any share or any interest in any contract or employment with, by or on behalf of the District Council, and has not as soon as possible disclosed that interest to the District Council.

(3) When the seat of an elected or co-opted member becomes vacant, the Chairman shall forthwith declare the seat of such member to be vacant, and shall forthwith notify the Minister and such member, if practicable, of such declaration of vacancy:

Provided that a member 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 Secretary of the District Council within seven days after notification of such declaration. The order of the judge in chambers as to the disqualification or otherwise of the member shall be final and conclusive.

General elections to be held every third year.\*  
5 of 1956.

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

(2) On such date or dates in every third year after the general election held under the provisions of sub-section (1) of this section as the Minister may by Order declare there shall be held a general election of the elected members of each District Council in accordance with the provisions of this Ordinance.

(3) The Minister may declare different dates for different districts for the holding of general elections and different dates for different wards within a district.

Filling of casual vacancies.  
5 of 1956.

10. (1) Whenever a casual vacancy has occurred among the elected members of a District Council a fresh election shall be held in accordance with the provisions of this Ordinance to fill such vacancy on such date as the Minister may by Order declare:

\* P.Ns. 65 and 66 of 1956.

Provided that, if the vacancy occurs within a period of less than six months before the third anniversary of the date on which the last general election was held in that ward, the vacancy shall not be filled.

(2) A person elected under this section to fill a casual vacancy shall hold office, subject to the other provisions of this Ordinance, until the first appointed date for the next general election held in that district under the provisions of this Ordinance.

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

Proceedings  
in respect of  
qualification.  
5 of 1956.

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 District Council, while disqualified for so acting, then the court shall have power—

(a) to make a declaration to that effect and to declare that the seat of the defendant in the District 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.

12. (1) Subject to the provisions of sub-sections(2) and (3) of this section every person who has attained the age of twenty-one years and—

Qualifications  
and dis-  
qualifications  
of voters.

(a) if a male, is liable to pay local tax under the provisions of the Local Tax Ordinance, in the Chiefdom within which is the ward or part of the ward in which he wishes to be registered and to vote; or

5 of 1956.

Cap. 63.

(b) if a female—

(i) pays local tax under the provisions of the Local Tax Ordinance, in the Chiefdom within which is the ward or part of the ward in which she wishes to be registered and to vote; or

(ii) is entitled in her own right to the use and enjoyment of land or the rents and profits thereof within the ward in which she wishes to be registered and to vote; or

(iii) is literate in any language to the satisfaction of the Registration Officer and is resident in the Chieftdom within which is the ward or part of the ward in which she wishes to be registered and to vote;

shall be entitled to be registered as a voter for such ward and, when so registered, to vote at the election of an elected member of a District Council for such ward.

(2) Notwithstanding the provisions of sub-section (1) of this section, no person shall be registered as a voter or, having been registered, shall be entitled to vote at the election of an elected member of a District Council—

(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 for 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.

(3) Notwithstanding the provisions of sub-section (1) of this section, no person, having been registered as a voter, shall be entitled to vote at the election of an elected member of a District Council if he is serving a sentence of imprisonment on the day of the election.

Regulations  
as to  
elections.  
5 of 1956.

13. Subject to the provisions of this Ordinance, the Governor in Council may make Regulations for the election of elected members of District Councils 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 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.





14. (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 Electors in the manner prescribed by Regulations made under this Ordinance.

Minister may appoint Registration Officers and Revising Officers.  
5 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 Registers of Electors in accordance with Regulations made under this Ordinance.

(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.

15. (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.

Prevention of election by force.  
5 of 1956.

(2) Any person who, at a lawful public meeting held in connection with the election of any person to a District Council, between the date of publication of the notice appointing a day for the holding of an election under Regulations made under section 13 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 or to both such fine and imprisonment, 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 a District Council.

Interference with lawful public meeting to be an illegal practice.

16. 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

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

of any Regulations made under section 13 of this Ordinance, to be delivered, any nomination paper knowing the same to be forged; or

(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.

Penalty for  
false answer.  
5 of 1956.

17. Any person who makes a false answer to any questions lawfully put to him in pursuance of the provisions of any Regulations made under section 13 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.

Falsification  
of return at  
election.  
5 of 1956.

18. Any person who, being an 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.

Personation.  
5 of 1956.

19. Any person who at an election held under this Ordinance knowingly 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.

20. (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.

Treating.  
5 of 1956.

(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.

21. 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.

Undue  
influence.  
5 of 1956.

22. (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—

Bribery.  
5 of 1956.

(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 any 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 member of a District Council, or the vote of any voter at any 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 member of a District Council, or the vote of any voter at any 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.

**23.** 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—

Disqualifica-  
tion for  
personation,  
etc.

5 of 1956.

(a) of being registered as a voter or voting at any election of an elected member of a District Council;

(b) of being elected a member of a District Council or, if elected before his conviction, of retaining his seat as an elected member of a District Council.

**24.** Every person who—

(a) 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;

(b) 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;

Penalty for  
certain illegal  
practices.

5 of 1956.

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 an elected member of a District Council.

**25.** (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 member of a District Council 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

Fraudulent  
transfers of  
property.

5 of 1956.

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 District Council, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds, and, if a member of a District Council, his seat shall forthwith become vacant.

Infringement  
of secrecy,  
5 of 1956.

**26.** (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 Register of Voters of any voter who has or has not voted at that place, or as to the official mark.

(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.

Property of  
election  
material  
vested in  
Secretary to  
District  
Council.  
5 of 1956.

**27.** 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 Secretary to the District Council.

Presentation  
of election  
petition.  
5 of 1956.

**28.** A petition complaining of an undue return or undue election of a member of a District Council (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—

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

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

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

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

Trial of  
election  
petition.  
5 of 1956.

(2) At the conclusion of the trial, the Judge shall determine whether the member of Council whose return or election 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 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 an elected member of the District Council 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 28 of this Ordinance:

Provided that the security for costs to be given by the petitioner 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.

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

Corrupt  
practice.  
5 of 1956.

(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.

\* These Rules are printed in the Volume containing the subsidiary legislation of Chapter 7, The Courts Ordinance.

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

President of  
District  
Council.  
32 of 1957.

**31.** (1) The members of a District Council shall elect one of their number to be President.

(2) The President shall hold office for one year and shall then retire therefrom but shall be eligible for re-election.

Provided that the President shall, unless he resigns or ceases to be qualified as a member of the District Council, continue in office until his successor becomes entitled to act as President.

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

(4) The President, if present, shall preside at any meeting of the District Council. In the absence of the President and Deputy President at any meeting the members present shall elect one of their number to preside at that meeting.

(5) In any election of a President or a Deputy President the votes of the members of the District Council shall be given by secret ballot.

(6) A person appointed by the Minister shall convene, and shall preside at, the meeting of a District Council at which a President or a Deputy President is elected and shall certify to the Minister the result of the election.

(7) If any election results in no candidate for election receiving more votes than any other, the person presiding at the meeting shall forthwith decide between these candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

(8) The Minister shall forthwith publish the result of the election in the *Gazette*.

Meetings of  
District  
Councils.

**32.** (1) A District Council shall hold ordinary meetings at intervals of not more than six months at such place and at such time as the Council may from time to time determine.

(2) The President may at any time, and shall at the request in writing of not less than one-third of the members of a District Council, call a special meeting thereof. The notice of any special meeting shall specify the objects of such meeting.



**33.** (1) A District Council may from time to time appoint such committees, either of a general or special nature, consisting of such number of persons being members of the District Council as the District Council may think fit, for the purpose of any duty or function which in the judgment of the District Council would be more conveniently performed by means of a committee, and may delegate to any such committee such of its powers as it may think fit.

Appointment  
of com-  
mittees.

(2) A committee of a District Council may, subject to the directions of the District Council, co-opt any person, whether a member of such District Council or not, as a member of such committee.

(3) A committee appointed hereunder shall report to the District Council from time to time as the District Council may require.

**34.** (1) A District Council, subject to the approval of the Provincial Commissioner, may from time to time make, amend or revoke Standing Orders to regulate the proceedings of the District Council or of any committee appointed by the District Council.

Standing  
Orders.

(2) In the absence of Standing Orders made under sub-section (1) the Provincial Commissioner shall himself make Standing Orders which shall be in force until Standing Orders under sub-section (1) are made.

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

**35.** (1) A District Council may, subject to the general or specific approval of the Provincial Commissioner, appoint—

Appointment  
of officers and  
other  
employees.

(a) a secretary, a treasurer and a works superintendent;  
and

(b) such other employees as it may deem necessary,  
and may pay such emoluments and allowances as the District Council, with the approval of the Provincial Commissioner, may determine.

(2) No person holding the office of secretary, treasurer or works superintendent shall be removed from office unless and until such removal has been authorised by a resolution passed by a majority of the whole District Council and has been approved by the Provincial Commissioner:

Provided that—

The President of the District Council may suspend any such officer from the duties of his office for incapacity, neglect or misconduct pending the decision of the District Council as to his removal and, in the event of his removal being duly authorised and approved, such officer shall be deemed to have been removed from office as from the date of his suspension. During the period of suspension the officer shall receive such portion of the emoluments of his office, not being less than one-half as the President shall think fit.

Appointment of Government officers to an office under a District Council.

**36.** The Governor may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government of Sierra Leone to any office under a District Council:

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

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

Functions of District Councils.

**37.** (1) The functions of a District Council shall be as follows—

(i) to promote the development of the District and the welfare of its people with the funds at its disposal;

(ii) to advise on any matters brought before it by direction of the Minister; and

(iii) to make recommendations to Government on matters affecting the welfare of the district as a whole.

P.N. 102 of 1958.

26 of 1954.

(2) Without prejudice to the general powers granted to District Councils under sub-section (1), the Governor in Council may by Order empower any District Council to perform, subject to compliance in each case with any Rules made under sub-section (3), all or any of the following functions—

(a) to acquire any type of building material and to dispose of the same to any Tribal Authority duly constituted for an area within the district, or to any person ordinarily resident

within the district, in such manner and on such terms and conditions as the District 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 Tribal Authority duly constituted for an area within the district, or to any person ordinarily resident within the district on such terms and conditions as the District 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 Tribal Authority duly constituted for an area within the district, or on behalf of any person ordinarily resident within the district, the performance of any contract entered into by such Tribal Authority or 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 District 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) Every District Council which has been empowered under sub-section (2) to perform all or any of the functions set out in that sub-section shall make rules for the proper carrying out of such functions. 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 District Council;

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

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

(g) the method in which applications to the District 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 District Council to be irrecoverable;

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

(k) the fees and charges which the District 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.

Advice and  
recommendations to be  
sent to  
Minister.  
P.N. 102 of  
1958.

**38.** All advice and recommendations made in accordance with section 37 (i), (ii) and (iii) shall be reduced to writing and shall be forwarded through the District Commissioner to the Provincial Commissioner for transmission to the Minister.

Powers of  
Governor and  
Public  
Officers under  
Ordinance  
may be  
vested in a  
District  
Council.

**39.** The Governor in Council may by Order direct that a District 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 such District Council shall have and exercise all the powers, rights, duties, capacities, liabilities and obligations within such district exercisable by the Governor and officers under and by virtue of the provisions of such Ordinance, subject however to such limitations, restrictions or modifications as may be prescribed by the Order:

Provided however that notwithstanding any such Order the Governor may exercise, or authorise any officers to exercise any of the powers conferred upon the Governor or such officer by any such Ordinance if it should appear to him that the District 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 a District Council to exercise any power or to perform any duty vested in or imposed upon the Governor in Council, or to make rules under any Ordinance.

40. In addition to the functions of District Councils hereinbefore set out, it shall be lawful for a District Council, with the approval of the Governor in Council, to make rules altering or modifying native customary law in the district, and all Native Courts in the said district shall take cognisance of all rules so made.

District Councils may make rules varying or modifying native custom.

41. (1) A District Commissioner may, if any District Council has been appointed in his district, appoint one or more members thereof to inquire into and report upon—

District Councils may be appointed to enquire into certain matters.

(a) any boundary dispute within his district; or

(b) any complaint against a Paramount Chief within his district; or

(c) any other matter affecting the welfare of any chieftom in the district.

(2) It shall be the duty of every member of the District Council so appointed as aforesaid to make or assist in making such inquiries and report and every such report shall be reduced to writing and shall be signed by all the members concurring therein.

42. All moneys standing to the credit of district funds in any district shall be paid to the District Council of the district as part of the revenues thereof.

Vesting of district funds in District Councils.

43. The revenue of a District Council shall consist of—

Revenue of District Councils.

(a) all amounts paid to the District Council by Government whether as grants-in-aid or otherwise;

(b) the annual or other contributions paid to the District Council from Chieftom Treasuries as provided in their approved estimates;

(c) all other receipts which may properly be credited to the District Council;

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1958.

(d) any other moneys which the Minister may determine may lawfully be paid to the District Council.

Banking  
account.

44. Every District Council shall have an account at a bank and no money shall be withdrawn from such bank except by cheque signed by the treasurer and countersigned by the President.

Annual  
estimates.

45. (1) A District Council shall on or before the 15th of October in each year prepare and approve by resolution detailed estimates of its revenue and expenditure for the year commencing on the 1st day of January next ensuing, and shall submit such estimates in an approved form to the Provincial Commissioner, who shall forward them together with his recommendations for the approval of the Minister.

\*

P.N. 102 of  
1958.

(2) 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.

Accounts and  
audit.  
P.N. 102 of  
1958.

46. (1) A District 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 before an Auditor appointed by the Governor at such times as may be determined by the Provincial Commissioner. The Auditor shall make and sign a report on such accounts and balance sheet; and a duplicate copy of such report shall be sent to the Minister who shall cause a copy of the balance sheet and Auditor's report to be published in the *Gazette*.

(2) Every District 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.

\* Provincial Commissioners have powers of approval by delegation, as set out in P.N. 82 of 1952 (which is printed with the subsidiary legislation of the Interpretation Ordinance (Cap. 1)). The delegation continues under section 5 of the Ministers' Statutory Powers and Duties Ordinance (Cap. 53) until revoked or replaced.

47. (1) Any person authorised in writing by the Minister shall at all reasonable times have access to and be entitled to inspect all books, documents, moneys, works, stores, contract and supplies of the District Council constituted for his district, may require explanations thereon from any officer or employee of such District Council, may give advice thereon to such District Council, may submit reports thereon to the Minister and may draw the attention of the Auditor to any financial irregularities which come to his notice during the exercise of any of his aforesaid powers.

Powers of inspection.  
32 of 1957.

(2) The Minister shall, unless for any special reason he deems it not to be in the public interest to do so, as soon as possible furnish a copy of any report submitted to him under sub-section (1) of this section to the President of the District Council for the information of the District Council.

48. (1) The Auditor acting in pursuance of section 46 and at any audit of the accounts of a District Council 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 sum 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.

Power of Auditor to surcharge illegal payments.

(2) (a) Any person who is aggrieved by any surcharge or disallowance as aforesaid may, where the disallowance or surcharge relates to an amount exceeding one hundred pounds, appeal to the Supreme Court, and may, in any other case appeal either to the Supreme Court or to the Governor in Council:

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

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

(c) Where an appeal is made to the Governor in Council under this sub-section, he may, at any state of the proceedings, state

in the form of a special case for the opinion of the Supreme Court any question of law arising in the course of the appeal.

(3) (a) In the case of a surcharge, the person surcharged may, whether or not he appeals under the immediately preceding sub-section apply to the tribunal (whether the Supreme Court or the Governor in Council) to whom he appealed, or if he does not appeal, the tribunal (whether Supreme Court or Governor in Council) to whom he might have appealed, for a declaration that in relation to the subject matter of the surcharge he acted reasonably, or in the belief that his action was authorised by law, and the Court or Governor in Council, if satisfied that there is proper ground for so doing, may make a declaration to that effect.

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

(c) Any application for relief under this sub-section shall be made within fourteen days of the person being notified of the surcharge, or within such further period as the Court or the Governor in Council, as the case may be, may allow.

(4) (a) When the Court or Governor in Council acting under the powers conferred by sub-section 2 (b) of this section confirms or varies the decision of the Auditor, or where no appeal or application has been made in accordance with the immediately preceding sub-sections against the amount surcharged by the Auditor, and the amount surcharged or the amount surcharged as varied, or any amount of which a person surcharged is not relieved in accordance with sub-section 3 (b) of this section, is not made good to the District Council, to the satisfaction of the Auditor within fourteen days of the decision of the Court or Governor in Council as the case may be, or, where no appeal or application as aforesaid has been made, within fourteen days of the date of the surcharge by the Auditor, the amount shall, on complaint made, or action taken by the secretary of the District Council in the name and on behalf of the District Council, be recovered either summarily or otherwise as a civil debt.

(b) In any proceedings for the recovery of such an amount, a certificate signed by the Auditor shall be conclusive evidence of the facts certified and a certificate signed by the treasurer of the District Council that the amount certified to be due has not been paid to him shall be conclusive evidence of non-payment,



unless it is proved that the amount certified to be due has been paid since the date of the certificate.

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

(5) If it does not appear from the minutes of a District Council which members thereof concurred in any particular expenditure, every member thereof shall be deemed to have concurred until he proves the contrary.

**49.** (1) For the purposes of any audit under this Ordinance, the Auditor may by writing under his hand require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents which he may deem necessary for the purpose of the audit, and may require any person holding or accountable for any such document to appear before him at the audit or any adjournment thereof, and may require any such person to make and sign a declaration as to the correctness of the document.

Power for Auditor to call for books.

(2) If any person neglects or refuses to comply with any such requirement, he shall be liable on summary conviction to a fine not exceeding two pounds, and if any person knowingly and wilfully makes or signs any such declaration which is untrue in any material particular, he shall be deemed to be guilty of an offence under section 5 of the Perjury Act, 1911.

**50.** If a Provincial Commissioner exercises his powers under sections 34 (1), 35 (1) (b) or 35 (2) of this Ordinance, contrary to the wishes of a majority of the members of a District Council, his decision thereon shall be subject to confirmation by the Minister whose approval or disapproval shall be final.

Provincial Commissioners' decisions subject to confirmation by the Minister.

**51.** (1) If at any time the Governor in Council is of the opinion that a District Council is no longer exercising any of its powers or performing any of its duties under the 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 however to consist of not fewer than three Commissioners one of whom shall possess legal qualifications), to inquire 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 forthwith if the matter of inquiry related to public health, and in all other cases after

Defaulting District Councils.

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failure of the Council to rectify within a time to be specified by the Governor in Council any default in the exercise of its powers and duties established by the Commissioners.

(2) Any such Committee of Management may be appointed for any period not exceeding six months to exercise, during the continuance of such appointment, any specified powers and duties of the District Council and the District Council shall forthwith cease to exercise and perform such powers and duties accordingly.

Appearance  
of Council in  
legal proceed-  
ings.

**52.** (1) A District Council may appear in any legal proceedings by an officer of the Council authorised generally or in respect of any particular proceedings by resolution of the Council; and 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 President of the Council.

Form of  
title deeds.

**53.** 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 Secretary of the Council.

Proof in legal  
proceedings.

**54.** 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—

(i) of the persons constituting the Council; or

(ii) of any order to prosecute or of any particular or general authorisation under section 52 of the officer of the Council; or

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

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

until evidence is given to the contrary.

Documents to  
be *prima facie*  
evidence.

**55.** All documents executed in accordance with the provisions of this Ordinance 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 Secretary 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.

**56.** 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.

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

Obstruction  
of inspection.

(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.

**58.** No matter or thing done and no contract entered into by the Council, and no matter or thing done by any member 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 member 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.

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

General  
penalty.