

CHAPTER 14.

WEST AFRICAN COURT OF APPEAL (CIVIL CASES).

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title and construction.
2. Interpretation.
3. When appeal lies.
4. Conditions precedent to appeal.
5. Power to reserve and state questions of law for opinion of the Court of Appeal.
6. Judgments not to be reversed on ground of insufficiency of stamp on a document.
7. Discretionary power to entertain any appeal.

CHAPTER 14.

WEST AFRICAN COURT OF APPEAL (CIVIL CASES).

An Ordinance to make provision for appeals to the West African Court of Appeal in Civil Cases. 9 of 1929.
29 of 1929.

[1ST MARCH, 1929.]

1. This Ordinance may be cited as the West African Court of Appeal (Civil Cases) Ordinance; it shall be read and construed as one with the Courts Ordinance, and shall apply to the Colony and Protectorate. Short title and construction. Cap. 7.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
 “Court of Appeal” means the West African Court of Appeal established by the West African Court of Appeal Order in Council, 1948;

“Supreme Court” means the Supreme Court of Sierra Leone;

“Rules of Court” means rules of the Court of Appeal made under the West African Court of Appeal Order in Council, 1948.

3. Subject to the provisions of the next section an appeal shall lie to the Court of Appeal— When appeal lies.

(a) from all final judgments and decisions of the Supreme Court—

* After the coming into operation of the Sierra Leone and the Gambia Court of Appeal Order in Council, 1959 (S.I. 1959, No. 1977), this Ordinance and the next (Chapter 15) will have effect as if they were laws enacted in pursuance of section 19 of the Order, which will be in the 1960 volume of Legislation of Sierra Leone.

(i) given in respect of a claim exceeding the sum of fifty pounds; or

(ii) determining, directly or indirectly, a claim or question respecting money, goods, or other property, or any civil right or other matter above the amount or value of fifty pounds; and

(b) by leave of the Judge making the order, but not otherwise, from all interlocutory orders and decisions made in the course of any suit or matter:

Provided always that no appeal shall lie, except by leave of the Court making the order—

(a) from an order as to costs only; or

(b) from an order made by the consent of parties.

Conditions precedent to appeal.

4. The Court of Appeal shall not entertain any appeal unless the appellant has fulfilled all the conditions of appeal imposed by the Court below in accordance with the Rules of Court.

Power to reserve and state questions of law for opinion of the Court of Appeal.

5. In addition and without prejudice to the right of appeal conferred by this Ordinance, any Judge of the Supreme Court may reserve for consideration by the Court of Appeal, on a case to be stated by him, any question of law which may arise on the trial of any suit or matter, and may give any judgment or decision subject to the opinion of the Court of Appeal, and the Court of Appeal shall have power to hear and determine every such question.

Judgments not to be reversed on ground of insufficiency of stamp on a document. Discretionary power to entertain any appeal.

6. The Court of Appeal shall not reverse any judgment by reason of the ruling of a court that the stamp upon any document is insufficient or that the document does not require a stamp.

7. Notwithstanding anything hereinbefore contained the Court of Appeal may entertain any appeal from the Court below on any terms which it thinks fit.