

CHAPTER 172.**PUBLIC OFFICERS PROTECTION.**

ARRANGEMENT OF SECTIONS.

SECTION.

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CHAPTER 172.**PUBLIC OFFICERS PROTECTION.**

28 of 1936.
20 of 1937.
19 of 1939.

An Ordinance to Provide for the Protection of Persons acting in the Execution of Statutory and other Public Duties.

[16TH DECEMBER, 1936.]

Short title.

1. This Ordinance may be cited as the Public Officers Protection Ordinance, and shall apply to the Colony and Protectorate.

Protection of persons acting in execution of statutory or other public duty.

2. (1) Where any action, prosecution or other proceeding is commenced against any person for any act done in pursuance or execution or intended execution of any Ordinance, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such Ordinance, duty or authority, the provisions of the following sub-sections shall have effect.

Notice of action to be given

(2) The action, prosecution or proceeding shall not lie or be instituted unless it is commenced within six months next after the act, neglect or default complained of, or in case of a continuance of injury or damage, within six months next after the ceasing thereof:

Provided that if the action, prosecution or proceeding be at the instance of any person for cause arising while such person was a convict prisoner, it may be commenced within six months after the discharge of such person from prison.

(3) Wherever in any such action a judgment is obtained by the defendant it shall carry the right to recover from the plaintiff all the costs which the defendant has properly incurred in defending such action. Costs.

(4) (i) Where the proceeding is an action for damages, tender or offer in writing of amends before the action was commenced may, in lieu of, or in addition to, any other plea, be pleaded. Tender of amends.

(ii) If the action was commenced after the tender or offer in writing of amends, or is proceeded with after payment into Court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered, offered or paid, he shall not recover any costs incurred after the tender, offer or payment, and the defendant shall be entitled as from the time of the tender, offer or payment, to all costs which he had properly incurred in defending such action, and the costs up till the time of such tender, offer or payment shall be in the discretion of the Court:

Provided that this provision shall not affect costs on any injunction in the action.

(iii) If in the opinion of the Court the plaintiff has not given the defendant a sufficient opportunity of tendering amends before the commencement of the proceeding, the Court may award to the defendant all the costs which he has properly incurred in defending the action.

(5) This section shall not affect any proceedings by any department of the Government (including the Attorney General) against a Municipal Council or other local authority or an officer of a Municipal Council or other local authority. Saving for proceedings by any Government department.

3. So much of the provisions of any other Ordinance or Statute as enacts that in any proceeding to which this Ordinance applies— Provisions of Ordinance substituted for other Ordinances, etc.

(a) the proceeding is to be commenced within any particular time or;

(b) notice of action is to be given; or

(c) the defendant is to be entitled to any particular kind or amount of costs or the plaintiff is to be deprived of costs in any specified event; or

(d) the defendant may plead the general issue, shall have no force or effect in Sierra Leone.