

CHAPTER 49.**SUMMARY EJECTMENT.****ARRANGEMENT OF SECTIONS.****SECTION.**

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FIRST SCHEDULE.**SECOND SCHEDULE.****THIRD SCHEDULE.****FOURTH SCHEDULE.****CHAPTER 49.****SUMMARY EJECTMENT**

9 of 1904.
10 of 1955.
37 of 1959.

An Ordinance to establish a form of procedure for the Summary Ejectment of Tenants of Small Holdings neglecting or refusing to quit after the determination of their tenancies.

[30TH MARCH, 1904.]

Short title.

1. This Ordinance may be cited as the Summary Ejectment Ordinance.

Interpretation.

2. In this Ordinance, the word "landlord" means the person entitled to the immediate reversion of a tenancy.

Notice by landlord of intention to apply for summary ejectment.

3. When any tenancy at will, or on sufferance, or for a term not exceeding ten years, of the whole or part of any land, building, tenement, or corporeal hereditament, either rent free or at a rent not exceeding two hundred pounds per annum, shall have been duly determined by legal notice to quit or otherwise,

and the tenant thereof shall neglect or refuse to quit the same, the landlord or person entitled to the immediate reversion of such tenancy may give notice to the tenant of his intention to apply for summary ejectment under this Ordinance.

10 of 1955.
37 of 1955.

4. Such notice shall be in writing, signed by the landlord or his agent, and shall be in the form set out in the first schedule hereto, or to the same effect:

Form of
notice.

Provided that the time allowed in the notice for quitting the premises shall not be less than two days in case of a weekly tenancy, or a tenancy in which no definite term is limited, and not less than four days in case of a tenancy for a longer term.

5. The notice may be served either personally or by leaving the same with some person being, and apparently residing, at the place of abode of such tenant:

Service of
notice.

Provided that if such tenant cannot be found, and the place of abode of such tenant shall not be known, or admission thereto cannot be obtained for serving such notice, service may be effected by posting the said notice on some conspicuous part of the tenancy named therein.

6. It shall be lawful for the landlord or his agent, after giving such notice as aforesaid, upon information laid to the Court in the form set out in the second schedule hereto, to take out a summons before the Magistrate, returnable at any time after such notice shall have expired, for summary ejectment under this Ordinance.

Summons for
summary
ejectment.

The summons shall be in the form set out in the third schedule hereto, and may be served in the manner provided in this Ordinance for the service of the notice in writing.

7. At the hearing of the summons, and upon proof of the following facts—

Trial and
issue of
warrant by
Magistrate.

- (1) the tenancy and the determination thereof;
- (2) notice as hereinbefore provided;
- (3) the neglect or refusal of the tenant to comply with the notice;

(4) the service or posting up of the summons as aforesaid; the Magistrate may, notwithstanding any alleged claim of right or title, issue a warrant to the constables of the Colony, in the form set out in the fourth schedule hereto, commanding them, within a period named therein, to enter (by force if needful) into the premises, and give possession of the same to the landlord or

person who shall have proved his right to the reversion of the tenancy as aforesaid.

The Magistrate may, at the hearing of the summons, make such order as he may think fit as to the payment of costs by an unsuccessful party.

If the tenant fails to appear at the hearing, the Magistrate may nevertheless proceed to hear and determine the matter in his absence.

Time for execution of warrant.

8. Entry under a warrant issued under the provisions of this Ordinance shall not be made till the day following that on which the summons was determined by the Magistrate, nor on a Sunday, Good Friday or Christmas Day, nor at any time before the hour of eight o'clock in the morning, or after the hour of four o'clock in the afternoon.

Appeal to the Supreme Court.

9. Any person aggrieved by the decision of the Magistrate may, within eight days, appeal to the Supreme Court.

An appeal shall not operate as a stay of execution:

Provided that, in cases where the appeal is by a tenant ordered to be ejected, the Magistrate shall grant a stay of execution upon the tenant giving security for costs, and a bond or security in such sum as the Magistrate shall deem sufficient against any act of damage or waste to the premises.

Save as aforesaid, the procedure, on appeal, shall be in accordance with the provisions of the laws of the Colony in relation to appeals from the decisions of the Magistrate.

Indemnity of Magistrate and persons executing warrant.

10. No action or proceedings shall be brought against the Magistrate for any act done in the execution of the jurisdiction hereby vested in him, nor against any constable, peace officer, landlord, or other person in respect of the due execution of any warrant issued under this Ordinance.

Saving of jurisdiction of Courts of the Colony.

11. Nothing in this Ordinance contained shall be deemed to abridge or affect the jurisdiction vested, or hereafter to be vested, in the Courts of the Colony in taking cognisance of, and adjudicating upon, questions of title and matters relating to lands, tenements and hereditaments, nor shall anything in this Ordinance be deemed to deprive any person of any right or remedy as landlord or tenant, or otherwise, or in respect of rent, possession or other relief save only as to actions and proceedings against persons exercising the powers conferred by this Ordinance as in this Ordinance expressly provided, and any person

may, save as aforesaid, pursue his rights and remedies in the Courts of the Colony irrespective of this Ordinance, or of any decision of the Magistrate hereunder.



FIRST SCHEDULE.

Sec. 4.

NOTICE.

I.....(owner or lessor, or agent for the owner or lessor) (.....) of the premises known as.....situate in (the town or village) ofin the.....District do hereby give you notice that your tenancy (expired or was determined by notice to quit) on the.....day of.....19...., and that unless, within.....days of the receipt of this notice, you do quit and give up possession of the said premises, proceedings for summary ejectment will forthwith be taken against you under the Summary Ejectment Ordinance.

(Signed).....
(Owner, lessor or agent).

To.....

SECOND SCHEDULE.

Sec. 6.

INFORMATION.

Sierra Leone.

In the Court of the Magistrate of.....I.....do hereby inform the Court that I am (owner, lessor or agent of.....owner or lessor) of the premises known as.....situate.....and thatwas tenant from me of the said premises, and that the said tenancy was duly determined (or expired) on the.....day of.....19...., and that the said.....after notice duly given by me neglects (or refuses) to quit the said premises, and is liable to summary ejectment by the Court.

(Signed).....

THIRD SCHEDULE.

Sec. 6.

SUMMONS.

In the Court of the Magistrate of.....To.....of.....An information having been exhibited.....by.....setting forth.....(counts of information).

You the said.....are hereby commanded in Her Majesty's name to appear before this Court at.....on the.....day of.....19...., to show cause why a warrant should not issue against you for summary ejectment from the said premises.

Issued at.....the.....day of.....19....

.....
Signature of Magistrate.

Sec. 7.

FOURTH SCHEDULE.

WARRANT.

To the Constables of the Colony of Sierra Leone.

Whereas.....(*set forth information*).

These are therefore to command you in Her Majesty's name on any day (except Sunday, Christmas Day and Good Friday) within.....days between the hours of eight o'clock in the morning and four o'clock in the afternoon to enter (by force if needful) and with or without the aid of..... (*owner, lessor or agent, as the case may be*) and any other person or persons whom you may think requisite to call to your assistance, into and upon the premises known as.....situate.....and of the said premises full and peaceable possession to deliver to the said.....(*owner, lessor or agent*).

Given under my hand and seal this.....day of.....19....

.....
Signature of Magistrate.