

CONSTITUTIONAL INSTRUMENT

Supplement to the Sierra Leone Gazette Vol. CXLX, No. 36

dated 4th April, 2019

CONSTITUTIONAL INSTRUMENT No. 4 OF 2019

Published 4th April, 2019

THE CONSTITUTION OF SIERRA LEONE, 1991 (ACT NO. 6 OF 1991)

THE HIGH COURT (DIVISIONS) ORDER, 2019

Short title.

In exercise of the powers conferred on him by subsection (3) of section 131 of the Constitution of Sierra Leone, 1991 the Chief Justice makes the following Orders-

1. The High Court established under subsection (4) of section 120 of the Constitution of Sierra Leone, 1991 shall comprise the following Divisions- Divisions of High Court.

1. Fast Track Commercial and Admiralty Division;
2. Anti-Corruption Division;
3. Industrial and Social Security Division;
4. Family and Probate Division;
5. Land, Property and Environmental Division;
6. Sexual Offences Division
7. General Division; and
8. Criminal Division.

2. A division shall hear and determine the matters set out in the Schedule. Matters to be adjudicated by divisions of High Court.

3. The Chief Justice shall assign to each division, such Judge, for the determination of any particular cause or matter, as he may by Public Notice published in the Gazette determine. Assignment of Judges.

4. The Constitutional Instrument No. 1 of 2007 is hereby revoked. Revocation of C. I. No. 1 of 2007.

SCHEDULE

Order 2.

MATTERS TO BE ADJUDICATED BY THE DIVISIONS OF THE HIGH COURT**1. FAST TRACK COMMERCIAL AND ADMIRALTY DIVISION**

The Fast Track Commercial and Admiralty Division shall hear and determine commercial and admiralty claims including -

- (a) formation, governance, dissolution, winding up or liquidation of a business entity, receivership, solvency and bankruptcy matters;
- (b) rights or obligations of members of a business entity;
- (c) disputes involving commercial arbitration and other settlement and awards including enforcement of foreign awards;
- (d) banking and financial services including mortgages and debentures;
- (e) restructuring or payments of commercial debts;
- (f) tax matters;
- (g) unfair competition, trade secret and non-disclosure;
- (h) mining and other extractive industry rights;
- (i) rights, obligations, liability or indemnity of an owner, shareholder, officer, director, manager, trustee, partner or member of a business entity owed to or from the business entity;
- (j) consumer claims against persons, business entities or insurers of business entity including breach of warranty, product liability and cases arising under consumer protection law;
- (k) consumer debts such as debts or accounts incurred or obtained by an individual, including credit card debts, tax or rates, promissory notes, personal loans, legal fees and other similar types of consumer debts;

- (l) admiralty and shipping matters;
- (m) disputes between or among two or more business entities or individuals as to their business activities relating to contracts, transactions or relationships between or among them including -
 - (i) transactions governed by laws relating to companies, partnership, sale of goods and negotiable instruments;
 - (ii) the purchase, sale, lease or licence of a security interest in the infringement or misappropriation of patents, trademarks, service marks, copyrights, trade secrets or other intellectual property;
 - (iii) the purchase or sale of a business entity whether by merger, franchise, acquisition of shares or assets;
 - (iv) the sale of goods or services by a business entity to another business entity or individual;
 - (v) non consumer bank or brokerage accounts; including loans, deposit, cash management and investment accounts;
 - (vi) surety bonds or guarantee obligations or individuals given in connection with business transactions;
 - (vii) the purchase, sale, lease or license of a security interest in commercial property whether tangible or intangible;
 - (viii) franchise, agency or dealership relationship;
 - (ix) business related torts such as claims of unfair competition, false advertisement, unfair trade practices, fraud or interference with contractual relationships or prospective contractual relations;

- (x) cases relating to or arising under anti-trust law;
- (xi) cases relating to securities or arising under laws relating to securities;
- (xii) commercial insurance and re-insurance contracts, including coverage and other disputes; and
- (xiii) any other commercial and admiralty claims.

2. THE ANTI-CORRUPTION DIVISION

The Anti-Corruption Division shall hear and determine all anti-corruption matters instituted by the Anti-Corruption Commissioner.

3. THE INDUSTRIAL AND SOCIAL SECURITY DIVISION

The Industrial and Social Security Division shall hear and determine the following matters-

- (a) labour, industrial relations and social security;
- (b) industrial disputes;
- (c) employer and employee relationships;
- (d) trade disputes referred to it by the Ministry responsible for labour or a trade group council;
- (e) failure to pay the National Social Security and Insurance Scheme contributions;
- (f) application or interpretation of the provisions contained in the National Social Security and Insurance Trust Act, 2001;
- (g) failure to register an establishment for social security purposes pursuant to subsection (2) of section 35 of the National Social Security and Insurance Trust Act, 2001;

- (h) execution of an order pursuant to section 35 of the National Social Security and Insurance Trust Act, 2001;
- (i) application for the sale of property of an employer so as to recover debt owing to the National Social Security and Insurance Scheme;
- (j) application requesting protection against attachment pursuant to section 35 of the National Social Security and Insurance Trust Act, 2001;
- (k) any other application for the recovery of debt owing as contribution or penalty through garnishee proceedings; and
- (l) any other matter relating to industrial and social security issues.

4. FAMILY AND PROBATE DIVISION

The Family and Probate Division shall hear and determine all family and probate matters including -

- (a) ancillary issues pursuant to a divorce such as -
 - (i) custody of minors children;
 - (ii) child support;
 - (iii) division of property;
 - (iv) maintenance, alimony and other spousal support;
- (b) adoption, guardianship, wordship, placement of children and all cases relating to children's welfare and interest;
- (c) paternity issues;
- (d) domestic violence;
- (e) medical and welfare cases;

- (f) declaration proceedings relating to incapacitated adults;
- (g) hiv testing and related issues especially for children;
- (h) contentious probate issues including grant or revocation of probate or letters of administration;
- (i) administration of estate of deceased persons;
- (j) succession and other inheritance issues;
- (k) wills and interpretation of wills;
- (l) contesting of wills and other testamentary dispositions;
- (m) validity and determination of any question of construction arising under , trusts or other testamentary instruments and declaration or the rights of the person interested therein;
- (n) contesting of distribution of deceased's estates generally; and
- (o) any other matter relating to probate family and related issues.

5. LAND, PROPERTY AND ENVIRONMENT DIVISION

The Land, Property and Environment Division shall hear and determine all real estate matters including -

- (a) sale, exchange or partition of land or the raising of charges on land;
- (b) validity of conveyances, statutory declarations and other instruments purporting to transfer, transmit or establish tile to land;
- (c) rectification, setting aside or cancellation of deeds or other instruments relating to land;

- (d) leaseholds including commercial and industrial leases;
- (e) disputes relating to title to land and other rights and interest in land;
- (f) trespass, nuisance and other torts affecting rights or interest in land;
- (g) recovery of land from squatters and other persons in adverse or other unlawful possession;
- (h) land title registration;
- (i) land utilization, surveying , planning and zoning;
- (j) compulsory acquisition of land by the State;
- (k) landlords and tenants;
- (l) any other matter relating to land and property issues;
- (m) matters arising out of environmental issues including -
 - (i) pollution;
 - (ii) land use;
 - (iii) refuse landfills;
 - (iv) building permits;
 - (v) sewage works;
 - (vi) exploration licence;
 - (vii) issuance or non-issuance of abatement notices;

- (viii) environmental impact assessment;
- (ix) environmental planning and protection;
- (x) climate issues;
- (xi) declaration on legal statutes of activities and instruments relating to land use and the environment;
- (n) environmental claims arising from a breach of contractual or legal obligation or indemnities between business entities; and
- (o) any other matter relating to environmental issues.

6. THE SEXUAL OFFENCES DIVISION

The Sexual Offences Division shall hear and determine all sexual assault cases.

7. THE GENERAL DIVISION

The General Division shall hear and determine all civil matters (apart from civil matters assigned to a specific Division) in respect of which the High Court has original, appellate or supervisory jurisdiction and not specifically assigned to any other division of the High Court.

8. THE CRIMINAL DIVISION

The Criminal Division shall hear and determine all criminal matters (apart from criminal matters assigned to a specific Division) in respect of which the High Court has original or appellate jurisdiction.

HON. JUSTICE DESMOND BABATUNDE EDWARDS
Chief Justice

FREETOWN
FEBRUARY, 2019