

1. TABLE OF CONTENT
2. **I. Introduction**
3. - Highlighting the problem of access to documentation does this mean access to cases? Rules of court? Other?
4. Presumption: It is supposed that a Constitutional Court is the highest court of a country, either on top of the court hierarchy or an extra institution standing aside. If in a respective country a constitutional court may be a lower court form which appeals are taken to the higher Court (e.g. Supreme Court), please indicate that clearly and consider that while responding to the questions below.
- 5.
6. **II. The relevance of different legal systems as a source of inspiration for judicial systems in West Africa**
7. 1. Common Law (to be answered by researchers for Ghana, Liberia, Nigeria, Sierra Leone, Gambia)

General Structure	
What are relevant features of the Common Law system with regard to constitutional review and the institutional setting allowing for constitutional review?	Different people from different sectors of work can be selected as a panel to entrench a constitutional review. After which a formation of constitutional review committee can table a review through referendum after which it is tabled to parliament for review. S.108 of 1991 Constitution.
To what extent and in what ways is the legal system of the respective country (still) influenced by the Common Law system insofar (related to constitutional review / institutional setting allowing for constitutional review?)	British Common Law is premised on case law and binding precedent which is reflected in Sierra Leone. (sec 122 (2)) M. Partington, <i>Introduction to the English Legal System.</i> , p63 -4 th Edition
What are relevant features of the Common law system with regard to the judiciary	Independent organ, interpretation of the constitution, adjudication of matters S. 124.

3. Religious / Customary / Mixed Legal Systems

Religious / Customary elements in the judicial system	
Does the judicial system in the respective country have religious courts / customary courts?	Customary/Local Courts are available. Religious Courts are not available. <i>(Local Courts Act No 20 of 1963) Courts Act of 1965</i>
Do (lower) courts apply / accept customary law or religious law?	Yes – Local Court Act 2011
Does customary law or religious law has a formal status in the country?	Yes – S. 170 and 171
Are customary courts established under the constitution / a statute? Are	The Customary (Local) Courts are established by an Act of Parliament –

they part of the regular court system? Are appeals from them taken to the regular court system?	And they are part of the regular court system. Appeals from the Local Courts go to the District Appeals Court (Magistrate Court) Local Court Act 2011.
---	--

III. Historical Background of Constitutional Justice in West Africa

Development of Judicial Systems	
Has the judicial system changed in comparison to the one included in the independence constitution? If so in what respects? Is there an autonomous constitutional review in the country (only focusing on the constitutional question of a case)? If so, since when?	Yes. The Supreme Court was the High Court; the West Africa Court of Appeal was the Appellate Court. Today's Court Structure includes: Supreme Court, Appeal Court, High Court, Magistrate Court, Local Court

(Political Control)

IV. Different Models of Constitutional Justice

1. Different Constitutional Institutions

What kind of judicial institutions are available in the respective country	
Which institution is considered "the highest court" in the country?	Supreme Court Of Sierra Leone <i>(sec 122 (1))</i>
Does the "highest court" in the country also stand at the top of the regular court system (highest court of appeal)? Or is it a separate institution?	Yes (sec 122 (1))
Are there various highest courts in the country dependent on the issue to be addressed (e.g. highest court of administration, highest tax court)	There is just one High Court in Sierra Leone which has several Divisions that address specific matters.
Which courts can the question the constitutionality of acts or of laws?	Supreme court (sec 122 (2))
Does the country have a judicial commission / judicial council, etc.	Yes, Judiciary Service Commission. (sec 140)

2. Systems of Control

If a lower court assumes that a regulation relevant to the case before it violates the Constitution, what can it do?

Nothing, no power to question the constitutionality of the law/regulation.	There is the possibility to challenge the constitutionality of any law in the Supreme Court of Sierra Leone.
If the court has serious doubts about the constitutionality of the law/regulation related to a specific case, it might pause the proceedings and requests a statement of constitutionality from another institution (constitutional court, constitutional council, etc.), which may declare the regulation/law for unconstitutional.	The Supreme Court shall have supervisory jurisdiction over all other courts in Sierra Leone and over any adjudicating authority; and in exercise of its supervisory jurisdiction shall have power to issue such directions, orders or writs including writs of habeas corpus, orders of certiorari, mandamus and prohibition as it may consider appropriate for the purpose of enforcing or securing the enforcement of its supervisory powers (sec 125)
The lower court may declare the regulation/law to be inapplicable in the specific context.	Yes of course, certain pieces of legislation are made for specific purposes and as such may not be applicable in specific context.
The lower court declares the regulation/law to be unconstitutional.	Any issue that requires interpretation of the constitution must be dealt with by the Supreme Court. S. 120 of the 1991 Constitution

- a. Diffuse System of Constitutional Review: The Supreme Court
- b. Concentrated System of Review: The Constitutional Court
- c. Hybrid Systems of Constitutional Review

V. Some Relevant Aspects of Judicial Independence

1. Independence of the Judiciary vs. Independence from the Judiciary – the Judiciary as Legislature
2. The Administration of Courts and the Budget of the Judiciary

Administration of the Judiciary	
Which body / institution is administering the judiciary?	Yes, The Judiciary Service Commission (sec 140)
Is the Ministry of Justice involved in the administration of the "highest court"? If so, to what extent? Or is it administered by the judiciary?	The administration of the highest court (Supreme Court) is entirely under the purview of the Judiciary. S. 120 of the 1991 Constitution.
Is there a body within the Judiciary / highest court that is responsible for administering the resources? To whom is this body accountable? Is there any kind of external oversight?	The Master & Registrar is the chief administrator of the resources, though there is a sub-treasury that operates within the judiciary. The resources from the sub-treasury are directed to the consolidated fund. S. 111 (1)a of the 1991 Constitution.

What kind of impact does the judiciary / the constitutional court has in the process of drafting / approving its budget	
What kind of involvement does the judiciary in devising its budget (who originally submits the budget of the judiciary)?	The judiciary is totally in charge of developing its own budget. The judiciary budget is originally submitted by the Master & Registrar. Though currently this role is being performed by the Consultant Master & Registrar.
Who might have the right to alter the budget (of the judiciary / of the highest court) within the approval procedure?	The Parliament has to deliberate on the proposed budget and may alter it. Standing Orders (Revised) of Sierra Leone Parliament 2006 (S.O.) 63 and
In how far do court statistics (case workloads, etc.) play a role in the determination of the budget)	The workload influences the number of Judges, Magistrates, Registrars and other court personnel to be recruited. This consequent determines the budget.

Is the budget (of the judiciary / the highest court) an integral part of the overall budget or is it separated?	It is an integral part of the overall state budget
---	--

3. Judicial Commission / Judicial Council

Judicial Commission / Judicial Council	
Is there any institution like a Judicial Commission / Judicial Council (see also IV.1)?	Yes. (<i>sec 140</i>)
If so, what are the tasks of the Judicial Commission / Judicial Council? (might be a considerable discrepancy between common law approach and civil law approach)	Administrative functions- advice the Chief Justice for effective and efficient administration of the Judiciary. (<i>sec 140 & 140 (2)</i>)
What are the criteria of eligibility for membership?	A practicing Counsel of not less than 10years standing (<i>Sec 140 (1) (d)</i>) and two others who not Legal practitioners, but appointed by president and approve by Parliament. (<i>sec 140 (1) (d)& (f)</i>)
How is the Judicial Commission / Judicial Council composed?	Chief Justice as Chairman, Senior Justice of the Court of Appeal, Solicitor-General, One Practicing Counsel by the Sierra Leone Bar Association, Chairman of the Public Service Commission and Two other persons appointed by the President and approve by the Parliament. (<i>sec 140 (1) (a)-(f)</i>)
Do ex-officio members have the same authorities like other members?	No.
Who selects members of the Judicial Commission / Judicial Council?	The Sierra Leone Bar Association, the Judiciary and other Public Service Institution nominate people to the president for appointment and then Parliament approves (<i>sec 140</i>)
What kind of relation exists between the “highest court” and the Judicial Commission / Judicial Council?	

4. Challenges of Neutrality and Impartiality

VI. Composition

Composition of Constitutional Courts / Supreme Courts	
Eligibility: (a) minimal age / (b) maximal age / (c) legal education / (d) special legal qualification (e.g. sitting judge; being an expert in one legal system (for example Sharia law)/ (e) years of professional experience / (f) limitations (no party membership, no other positions while sitting in the court)/(g) other requirements	Appointment of Judges in Supreme Court shall not be less than twenty (20) years of legal practice, Appeal Court fifteen (15) years, and High Court ten (10) years of legal practice <i>(sec 135 (3) (a)-(c))</i>
Selection of Constitutional Court / Supreme Court Judges: all judges selected in the same manner? /who / which institution is involved in the selection process?	In the appointment of judges in the Selection process, the Judiciary and Legal Service Commission nominate to the President, President appointment and Parliament approves. <i>(sec 135 (2))</i>
Selection of Constitutional Court / Supreme Court Judges: if selected in different processes: who / which institutions are involved in the respective processes?	<i>See above or section 135 (2)</i>
How many institutions are involved in the selection process?	Three (3) – Judiciary, Legal Service Commission and Parliament.
Sequence of the selection process (recommendation, advise; election, consultation; appointment; cooption)	Judiciary and LCM nominate to the president, President appoints and Parliament approves.
What are the terms of office	Until 65 years. <i>(sec 137 (2) (a) & (b))</i>
Is a re-selection possible?	No. see <i>(sec 137 (2) (b))</i>
Is the representation of minorities guaranteed (are ethnic, linguistic, religious differences to be considered)? How?	Religion, ethnicity and sex are not a barrier
Is the opposition involved in the selection process?	No.

1. Eligibility for Appointment as a Constitutional Court Judge / Supreme Court Judge
2. Selection of Judges of the Constitutional or Supreme Court
3. Terms of Office
4. Representation of Minorities

VII. Competences

1. Preliminary Review

Preliminary Review

Available?	Not Available
Who can trigger the procedure (or is it part of the legislative process) (who has standing)? What is required to take action?	
At which state of the legislative process can the preliminary review be triggered?	
Applicable to all bills / drafts?	
Also consultative opinions available?	

2. Abstract Review

Abstract Review	
Available?	Not Available
Who can trigger the procedure (who has standing)? What is required to take action?	
Applicable to all laws (or are there any restrictions: (organic laws?))?	
What kind of judgments may be rendered (nullification; directions to the legislature to fix the unconstitutional parts of a law within a specific period of time; others)?	

3. Specific or Incidental Review

Incidental Review	
Available (are courts authorized to review the constitutionality of laws)?	Yes, the Supreme Court. S. 124 of the 1991 Constitution.
What happens if the court presumes that a law relevant to the case at hand is unconstitutional?	The law is declared null and void. S. 171 (15) of the 1991 Constitution
Is the doctrine of "stare decisis" legally applied?	Yes. All other courts are bound to follow the decisions of the Supreme Court on points of law. S. 122 (2) of the 1991 Constitution
Are there restrictions to incidental review?	Only the Supreme Court can hear constitutional matters. S. 124 of the 1991 Constitution.

4. Direct Action before the Constitutional or Supreme Court (individual complaint)

Direct action	
Available?	Yes
Who can trigger the procedure (who has standing)?	An aggrieved person file matters to the Supreme Court
Are there restrictions to the right of individual complaint?	No.

5. Limits on the Review of Constitutionality

Limits of Review	
Are there explicit limitations to the review of the constitutionality (for example international treaties, laws approved by referendum, laws that were valid before the constitution came into force, legislation past under emergency power, limitation to manifestly unconstitutional acts)?	Except limitations under the Constitution; i.e. those requiring alteration by referendum, S. 108 of 1991 Constitution.

6. Review of Constitutional Amendments (formal regularity and substance)

Review of Constitutional amendments	
Is it possible to review amendments to the constitution itself?	Yes. S. 108 of 1991 Constitution
If so, is the review limited to a formal review of constitutionality or is a review on the substance of the constitution also permitted?	Both are possible under S. 108 of the 1991 Constitution. Constitutional Review Commission and Parliament can Review
Does the constitution contain immutable clauses (provision that are excluded from constitutional amendment)?	Certain clauses are entrenched only referenda can change the arid society, Parliament, the Executive, Law Reformation etc. See S. 108 (3).
Who can trigger the procedure (who has standing)? What is required to take action?	Parliament. S. 108 (8)

7. Unconstitutional Omission

Unconstitutional Omission	
Is it possible to take action against constitutional obligations that haven't been implemented?	Yes.
Who can trigger the procedure (who has standing)? What is required to take action?	Constitutional Review Commission and Parliament can Review. S. 108 (8)
What kind of judgments may be rendered (instruction to the legislature / executive to take action (within a specific period of time); declaration that a law only insufficiently implements a constitutional obligation; court "implements" the obligation by rendering a specific right to the claimant; others)?	Certain clauses are entrenched only referenda can change the arid society, Parliament, the Executive, Law Reformation etc (see No.5)

8. Conflicts between State Bodies

Conflicts between State Bodies	
Available (does the court have jurisdiction to decide whether or not a certain task falls within the authority of a state body or to interpret the	The High Court and the Supreme Court Can

limits of authority also in relation to other bodies, be it horizontally (between different institutions at the national level) or vertically (between national institutions and institutions from the province / local institutions)?	
Who can trigger the procedure (who has standing)? What is required to take action (how)?	An aggrieved Person

9. Elections

Elections	
Is the Court involved in resolving electoral disputes?	Yes, mostly the high court (<i>Electoral amendment Act No. 15 of 2007 Section 92D (2)-(a),(b)&(c)</i>)
Who can trigger the procedure (who has standing)? What is required to take action?	An aggrieved person. (<i>Electoral amendment Act No. 15 of 2007 Section 92C (2)-(a),(b)&(c)</i>)
If the court is not empowered, is there another institution that settles electoral disputes?	Yes, the Political Party Registration Commission (PPRC)

10. Fundamental Rights

Fundamental Rights (see also individual complaint)	
Are (all?) human rights subject to review before a court?	Not necessarily.
Is there any other kind of institution where aggrieved individuals may turn to (human rights commission, Ombudsman)? How is its institutional relation to the (highest) courts?	Yes, Human Rights Commission (<i>Human Rights Commission Act No. 9.of 2004 Sec 7(1)</i>) and Ombudsman exist (<i>The Ombudsman Act No. 2.of 2007 sec 7(1)</i>)
Who can trigger the procedure (who has standing: also NGOs / consumer protection organizations on behalf of individuals)? What is required to take action (how)?	An aggrieved or affected person or body can file a complaint
With regard to social rights, does the highest court in the country have jurisdiction to offer less than attributed by lower courts (<i>reformation in peius</i>) (example: right to water in the constitution, but how many litres/day as a minimum threshold: If lower court admits 30 l/d, but the complainant wants 40 l/d and appeals can the highest court also overturn the lower court to the negative, only offering 25 l)?	Economic and Social right are non-justifiable (<i>Section 14 of the 1991 Constitution of Sierra Leone</i>)

11. Other Powers of Supreme Courts / Constitutional Courts

Other powers	
Conduct of referenda	No. (<i>section 37 (1)&(2)</i>)
constitutionality and dissolution of political parties	Yes.
impeachment procedures for the president	No, Parliament Does! (<i>section 51 (5)</i>)
(binding) interpretation of the constitution	Yes. Supreme Court (<i>sec 122 (2)</i>), Appeal Court (<i>sec 129 (1)</i>), High Court (<i>sec 132(1)</i>)
Others?	Criminal & Civil Jurisdictions (<i>sec 123 (a), (b) & (c)</i> and <i>sec 132 (1)</i>) Interpretation and enforcement of the constitution (<i>sec 124 (a)& (b)</i> and <i>sec 127 (1)</i>)

VIII. Standing

1. Who (see under VII.)

Table Structure

2. How (see under VII.)

Table Structure

IX. Effects of Judgments (Authority of the Judgments)

Authority of Judgments	
Do the judgments have <i>erga omnes</i> or <i>inter partes</i> effects (with regard to VIII. 2-4; 7-8)?	I DO NOT UNDERSTAND THIS SECTION. PLEASE RESTRUCTURE QUESTIONS.
Do the judgments have effects for the future only (<i>ex-nunc</i>), do they have even retroactive effects (<i>ex-tunc</i>) or is the effect deferred in order to give the legislation time to adjust the legislation to the court's decision.	
What legal authority does the judgment have to the relevant groups (below) considering that they have been part of the process?	
In general, who (see below) is affected how by the judgments of the Constitutional Court?	

1. On Citizens
2. On Administrations
3. On other Judicial Institutions

4. On Political Institutions

5. On Military

X. Control of the Constitutional Jurisdictions

Control of the Constitutional Jurisdiction	
Political control (see selection of judges; terms of office)	President, Parliament and the Judicial and Legal Service Commission (<i>sec 135 (1)</i>)
Removal / dismissal of highest judges(at all / only by judicial decision within the judiciary / by external institutions?)	Only the decision of the President, Parliament and the Judicial and Legal Service Commission (<i>sec 135 (1) </i>)
What are the criteria for the removal of highest judges (e.g. proven legal misbehavior)	Infirmity, inability to perform the functions of the office and tried misconduct (<i>sec 137 (4) </i>)
May decisions of the highest court be overruled by another institution (legislature)? What are the requirements?	No. Its final (<i>sec 122 (1) </i>)
Amending the constitution in light of a decision of the highest court.	Yes.

1. Independence vs. Accountability

2. Political Control

3. Constitutional Amendment

4. Removal / Impeachment of Judges

5. Overruling of Decisions

XI. Conclusion

OVERVIEW OF THE SIERRA LEONE JUDICIARY

THE COURTS AND JUDICIARY

THE STRUCTURE

The Judiciary is a creature of constitution. Chapter vii of the 1991 constitution deals with the judiciary. In accordance with section 120 of the Constitution, the judicial power of Sierra Leone shall be vested in the judiciary of which the Chief Justice shall be the Head. The administration of justice is the foremost function of the judiciary; this involves the determination of disputes between private persons and between private persons and the state. In accordance with section 120 1 and 2 of the constitution, the judiciary has jurisdiction over all civil and criminal matters including matters relating to the 1991 Constitution and such other matters conferring jurisdiction on it by parliament or under an Act of parliament. In the exercise of its functions, the judiciary is subject only to the 1991 Constitution or any other law and shall not be subject to the control or direction of any other persons or authority.

In accordance with section 120 4 of the 1991 Constitution, the Judiciary consist of the Superior Court of Judicature established by the Constitution and such other inferior and traditional courts that parliament by the law establishes. The Superior Court of Judicature comprises the Supreme Court of Sierra Leone, the Court of Appeal and the High Court of Justice.

THE SUPREME COURT

Appeals lie to the supreme court of judicature.

At the apex of the hierarchy of courts in Sierra Leone is the Supreme Court. In accordance with section 122 1 of the 1991 Constitution, the Supreme Court shall be the final court of appeal in and for Sierra Leone. The members of the Supreme Court are the Chief Justice, at least four other Justices of the Supreme Court and such other Justices of the Supreme Court of Judicature or of Supreme Court in any state practising a body of law similar to Sierra Leone which the Chief Justice may, for the determination for any particular course or matter request to sit in the Supreme Court for such period as the Chief Justice may specify or until the request is withdrawn. The quorum of the Supreme Court shall be at least three Justices and Chief Justice shall preside at its

sitting or in his absence the most senior of the Justice of the constituted Supreme Court shall preside. Regarding its jurisdiction, section 122 1 provides that the Supreme Court shall have such appellate and other jurisdiction as may be conferred upon it by the Constitution or any other law. Section 124 1 of the Constitution gives the Supreme Court original jurisdiction, to the exclusion of all other courts, in all matters relating to the interpretation or enforcement of the Constitution and on question arising as to whether an enactment was made in excess of the power conferred upon parliament or any other authority or person by law or under the Constitution. The Supreme Court also has supervisory jurisdiction over all other courts in Sierra Leone and over any adjudicating activity.

THE COURT OF APPEAL

THE COURT OF APPEAL

In accordance with section 128 of the 1991 Constitution, the Court of Appeal consist of the Chief Justice, at least seven other Justices of the Court of Appeal and such other Justice of the Supreme Court of Judicature as the Chief Justice may, for the determination of any particular course or matter request to sit in the Court of Appeal for such period as the Chief Justice may specify or until the request is withdrawn. The quorum of the Court of Appeal shall be three Justice and the most senior of such Justice shall preside. Section 129 (1) of the Constitution grants the Court of Appeal jurisdiction to hear and determine appeals from any judgment, decrees or order of the High court of Justice or any Justice of the High Court and such other appellate jurisdiction as may be conferred upon it by this Constitution or any other law.

THE HIGH COURT

In accordance with section 131 of the Constitution, the members of the High Court are the Chief Justice, at least nine High Court Judges and such other Judges of the Supreme Court of Judicature as the Chief Justice may, for the determination of any particular cause or matter request to sit in the High Court for such period the Chief Justices may specify or until the request is withdrawn. The High Court shall duly constituted by any one judge of the High Court sitting alone or by any one judge of the High Court with jury. The High Court may be divided into such division consisting of such number of judges as may be assigned to such divisions by the Chief Justice and sitting in such places I Sierra Leone as the chief Justice may determine. In accordance with section 132 (1) of the Constitution, the High Court has jurisdiction in all civil matters and such other appellate and other jurisdiction as may be conferred upon it by the Constitution or any law. The High Court in accordance with section 134 also has supervisory jurisdiction over all inferior and traditional Courts in Sierra Leone and any adjudicating authority.

THE MAGISTRATE COURT

The primary inferior court of judicature is Magistrate court. Pursuant to the court of Act NO 31 of 1965, Sierra Leone is constituted into judicial district in accordance of section 4 of the said Act; there shall be constituted magistrate court in and for every judicial district. Section 3 of the said Act made provision for three judicial districts in the western area. In addition the area of the provinces declared to be a, district for the purpose of the provinces Act chapter 60. The Laws of Sierra Leone 1960 as amended, of which there are 12, are also declared to be judicial district. There are 15 judicial districts in Sierra Leone. Magistrate court is preceded over by magistrate or at least two Justice of Peace. In the case of a magistrate court sitting as a juvenile court, the magistrate sits with assessors. Pursuant to section 5 of the court Act 1965, a magistrate has the jurisdiction as magistrate throughout sierra Leone and maybe assigned to any judicial district or transferred to one judicial to another by the chief justice and any magistrate so assigned or transferred shall exercise jurisdiction as a magistrate of the magistrate court constituted in and for such judicature district. Magistrate court has limited jurisdiction in accordance with section 6 of the courts Act 1965. Subject to this limitation, section 8 of the court Act 1965, provides that, the magistrate shall have jurisdiction to do all lawful acts necessary to enquire into and dispose of or to hear and determine all summary of civil and criminal matters arising within the district area or place in and for which it is established or transferred to it by the high court and such jurisdiction shall be exercise by the magistrate duly appointed to such court.

LOCAL COURT

Another inferior court is the local court. The relevant legislation establishing this court is the local act No. 20 of 1963 as amended. This Act applies only in the three provinces of Sierra Leone. Section 4 of this act provides for the appointment of the president and the vice president and such other members of a local court or group local appeal court. Section 34 of the act as amended by the local court act 1975 makes provision for the president to appoint a judiciary adviser. The adviser functions include the Local Court in matter of law and organization, training personnel and the exercise of the power of review of decision of the local court and such other function which may from time to time may confer upon him by the minister of justice. In accordance of section 13 of the local act, local limited jurisdiction to hear and determine civil and criminal cases governed by customary law and the general law and such jurisdiction shall apply to all persons within the limits of the court's jurisdiction. Pursuant to section 30 of the act, any person aggrieved by any order of the decision of a local court may appeal to the group, local appeal court. Section 29 of the act, provides that he may instead of appealing to a sitting with two assessors. It further provides that any person having appeal to a group of local court and been aggrieved with decision of that court may appeal to the district appeal court. In accordance with section 31 of the act, a right of appeal from the district appeal court lies to the local appeal division of the high court. Local have jurisdiction to do all lawful act necessary to hear and determine all civil and criminal matters arising within the local limits or which is transfer to it by the judicial adviser in accordance section 14 (2) of the act. Section 35 of the act, further provides within 7days after the end of every month, the clerk of each local court shall further to the judicial adviser a complete list of all cases decided or commenced in the local court or commence court during the month. At the end of every section, of a group, local appeal, the registrar shall send to the judicial adviser of all appeals decided or commenced before the court during that section. In accordance with section 36 of the act, the judicial adviser shall all time have access to all local court, group local appeal court books, records and other document in their custody. He has the power where prima facie case of miscarriage of justice is disclose

or an obvious error is to be corrected. The review decision of such act whether civil or criminal and in the exerciser of this power make such order or judgement or pass a sentence as a court itself might have made given or passed and make such consequential order as the justice of the case may require. In accordance of section 39 of the act, no right of appeal from such order shall lie to a group local appeal court. Appeals from such order are made to the district appeal court.

Subject to this limitation, section 14 (1), of the act provides that a local court shall have jurisdiction to do all lawful act necessarily to hear and determine all civil and criminal matters arising within the local limits of its authority or transfer to its judicial adviser. In accordance to section 17 of the act the procedure and practice of local court shall be governed by customary law.

Further understand, repeal or amendment of the Local Court Act 1965 shall be found in the Local Court Act of 2011

CORONERS COURT

Other inferior court are the coroner's courts and the court of tribal head man in the western area. The coronal court was established by the coronal's act court chapter 9 of the laws of Sierra Leone 1960 as amended by coroners, act no 62 of 1961. The act makes provision for the president to appoint a coroner who is empowered to hold an inquest or enquiry on the body of any deceased person whenever there is reason to suspect that a deceased person died from violence or on fair means or by culpable negligence of conduct of any person.

COURT OF TRIBAL HEAD MEN

The court of the tribal head man in the western area is governed by tribal administration, chapter 78 of the laws of Sierra Leone 1960 as amended by tribal administration act. This act provides that tribal head men cannot exercise judicial functions of a civil or criminal nature in respect of members of his tribe. A tribal headman may only adjudicate in any dispute arising out of customary marriage or any act contravening any laws governing such marriages and must assist the police in the discharge of their district.

COMMISSION OF ENQUIRY

The laws of Sierra Leone make provision for other adjudicating authorities that are not castor censor of the judiciary. They include commissions of enquiry and court martial's. Section 147 of the 1991 constitution deals with the commission of enquiry. In accordance with section 147, the president shall appoint a commission of enquiry into any matter of public interest where the cabinet advises that it is in the public interest so to do or parliament by resolution enquires that a commission be appointed to enquire into any matter of public importance. In accordance with section 148 of the constitution, the commission of enquiry shall have such powers, rights and privilege similar to those granted to the high court or a judge thereof at a trial and where a commission of enquiry makes an adverse finding against any person which may result in penalty, forfeiture or loss of status, the report of the

commission of enquiry shall be deemed to be a judgement of the high court of justice and according an appeal shall lie as of right from the commission to the court of appeal. A commission of enquiry has concurrent jurisdiction with the high court.

COURT MARTIAL

The court-martial pursuant to the Sierra Leone military forces, Act No 34 1961 and are empowered to try any persons subject to military law. This law in addition to the civil law is applicable to all persons who joins the army. Section 85 of this act provides that, the officers having power to convene court martial include, the force commander or any general officer, brigadier or officers of corresponding rank commanding a body of troop or any officer for the time been acting in the place of the force commander or such general officer, brigadier or officer of corresponding rank. Section 86 of the Acts provides that, a court martial shall consist of the president and not less than two other officers. In accordance with section 123 the conveying officer may appoint a judge advocate. The judge advocate advises the court on questions of law and procedure during trial and advises the court on law before the court deliberate on its findings.

Court martial have jurisdiction to try and punish person subject to military for two classes of offences created by part 5 of the act, to wit military offences to which court martial exclusive jurisdiction and civil offences in accordance with section 72 to which court martial have concurrent jurisdiction with the civil court. A limited right of appeal lies from the decision of a court martial to the court of appeal