

*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMETARY DEBATES**

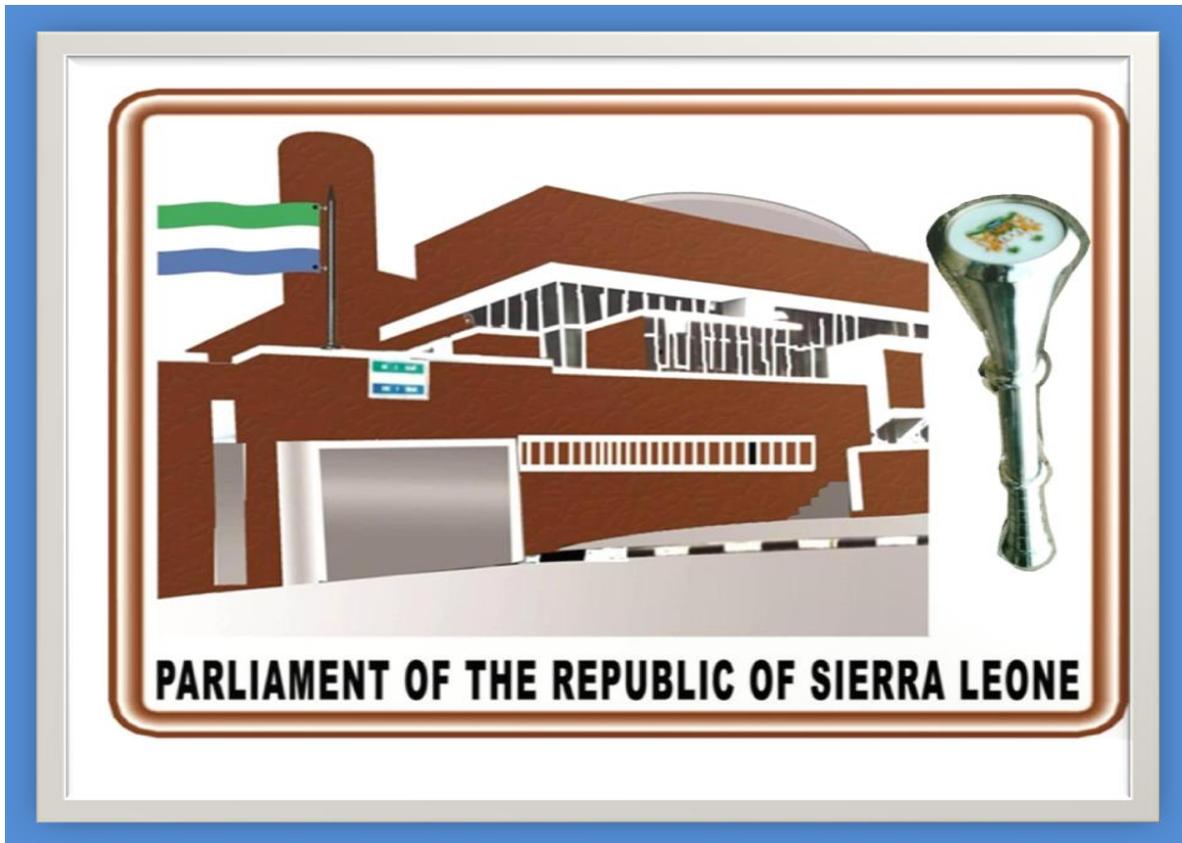
**(HANSARD)**

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**OFFICIAL HANSARD REPORT**

**SECOND SESSION-SECOND MEETING**

**TUESDAY, 4<sup>TH</sup> MARCH, 2014**



*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMENTARY DEBATES**

**(HANSARD)**

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**OFFICIAL HANSARD REPORT**

**VOLUME: II**

**NUMBER: 12**

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Second Meeting of the Second Session of the Fourth Parliament  
Of the Second Republic of Sierra Leone.

Proceedings of the Sitting of the House  
Held on Tuesday, 4<sup>th</sup> March, 2014.

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**I. PRAYERS**

**II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE SITTING HELD ON THURSDAY, 27<sup>TH</sup> FEBRUARY, 2014.**

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**IV. BILL:**

**THE SIERRA LEONE NATIONAL CARRIER (AMENDMENT) ACT, 2014**

DEPUTY ATTORNEY-GENERAL AND MINISTER OF JUSTICE

**V. BILL**

**THE LOCAL COURTS (AMENDMENT) ACT, 2014**

(INTRODUCTION AND FIRST READING)

THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE BEING



*THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE*

## **Official Hansard Report of the Proceedings of the House**

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### **SECOND SESSION-SECOND MEETING OF THE FOURTH PARLIAMENT OF THE SECOND REPUBLIC**

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**Tuesday, 4<sup>th</sup> March, 2014.**

*The House met at 10:00 a.m. in Parliament Building, Tower Hill, Freetown.*

#### **I. PRAYERS**

*[The Clerk of Parliament, Hon. Ibrahim Sulaiman Sesay, Read the Prayers].*

*[The Speaker, Hon. Sheku Badara B. Dumbuya, Presided].*

The House was called to Order

## **II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE SITTING HELD ON THURSDAY, 27<sup>TH</sup> FEBRUARY, 2014.**

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable Members, as usual, we go through the record of Votes and Proceedings for Thursday, 27<sup>th</sup> February, 2014. Page 1? Page 2? Page 3? Page 4? Page 5? Page 6? Page 7? There being no amendment can somebody move for the adoption of Votes and Proceedings for the sitting held on Thursday, 27<sup>th</sup> February, 2014 as presented?

**HON. ALHASSAN KAMARA:** Mr Speaker, I so move.

**THE SPEAKER:** Any seconder?

**HON. GLADYS GBAPPY BRIMA:** I so second Mr Speaker.

**THE SPEAKER:** Any counter motion?

*(Question Proposed, Put and Agreed to)*

*(Record of Votes and Proceedings for the sitting held on Thursday, 27<sup>th</sup> February, 2014 was unanimously adopted as presented)*

## III. PAPER LAID

THE MAJORITY LEADER OF THE HOUSE AND LEADER OF GOVERNMENT BUSINESS

**HON. IBRAHIM R. BUNDU (*Majority Leader of the House and Leader of Government Business*):** Mr Speaker, Honourable Members, I beg to lay on the Table of this Honourable House a paper entitled: "*Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, dated 11<sup>th</sup> July, 2003.*"

**THE SPEAKER:** The Speaker's attention has been drawn to something that I now ask the Clerk to announce.

**MR IBRAHIM S. SESAY (*Clerk of Parliament*):** Mr Speaker, Honourable Members, the announcement is that a team of 13 Postgraduate students in Peace and Conflict Studies from the University of Bradford in the United Kingdom is visiting Parliament to

be seated in the Lower Gallery to witness today's proceedings as part of an International African tour to Sierra Leone.

**THE SPEAKER:** I now ask the students in the Lower Gallery to please stand for Members of Parliament to see them (*Applause*). Thank you very much.

**IV. BILL:**

THE SIERRA LEONE NATIONAL CARRIER (AMENDMENT) ACT, 2014.

(INTRODUCTION AND FIRST READING)

**MR ARROW BOCKARIE ( *Deputy Attorney-General and Minister of Justice*):** Mr Speaker, Honourable Members, I move that the Bill entitled: "The Sierra Leone National Shipping Carrier Agreement Ratification Amendment Act, 2014, being an Act to amend the Sierra Leone National Carrier Agreement Ratification Act, 2012" be read the first time.

*(Question Proposed)*

*(The Bill entitled: "the Sierra Leone National Shipping Carrier Agreement Amendment Act, 2014, being an Act to amend the Sierra Leone National Carrier Agreement Ratification Act, 2012 has been read the first time)"*

(SECOND READING)

**MR ARROW BOCKARIE:** Mr Speaker, Honourable Members, I move that the Bill entitled: "The Sierra Leone National Carrier Agreement Ratification Amendment Act, 2014" be read the second time.

Mr Speaker, Honourable Members, in 2012, Parliament ratified the Sierra Leone National Shipping Carrier Agreement, which established the Sierra Leone National Carrier Limited as a sole national carrier in this country. It also reserved (to the national carrier) the Maritime transportation of at least 40% of the total volume of cargo exported and imported into Sierra Leone. However, it has become necessary to amend certain provisions in the Act to make their interpretation clearer and also to conform to international best practices in the shipping industry.

Mr Speaker, Honourable Members, the Bill also seeks to remove the 10% surcharge on the services rendered by the national carrier. This is to make the national carrier as competitive as possible and not to price itself out of the market. For instance, the definition of a 'Shipper' in Section 1 of the parent Act has been amended to make it clear that a 'Shipper' includes an individual or group of persons who have established a Company and who intends to ship cargo, such cargo should be for commercial purposes. These definitions exclude those who ship personal items or items not meant to derive profit. Section 5(1) of the Parent Act further provides that the Sierra Leone National Carrier, when providing services to a Shipper shall charge weights based on the prevailing market rates and a surcharge of 10% in addition. This amendment has removed this requirement to pay the 10% surcharge.

Mr Speaker, Honourable Members, the last Agreement to the Act requires that every Shipper should obtain a Certificate of Compliance from the Sierra Leone National Shipping Carrier. This certificate is to ensure that the Shipper has complied with all the requirements and conditions stipulated by the Sierra Leone National Carrier before a shipper loads or clears any cargo. Non-compliance of this requirement exposes the shipper to the seizure or auction of his/her cargo or the payment of a fine equivalent to the value of the cargo.

Mr Speaker, Honourable Members, I therefore move that the Bill entitled: "the Sierra Leone National Carrier Agreement Ratification Amendment Act, 2014, be read the second time.

*(Question Proposed)*

**HON. FODAY RADO YORKIE:** Mr Speaker, this amendment is coming rather too late, but ... - *(Interruption)*.

**THE SPEAKER:** I have not yet asked you to speak.

**HON. FODAY RADO YORKIE:** I am sorry Mr Speaker.

**THE SPEAKER:** You can now proceed.

**HON. FODAY RADO YORKIE:** Thank you Mr Speaker. Mr Speaker, the amendment is coming rather too late, but it is still very timely. I think everybody in this Well must have fallen victim of the negligence of the shipping lines, vis-a-vis service delivery. I am of the opinion that we add something in this Bill to eliminate the 10% surcharge. It is good because it makes it very competitive. This is because it is more expensive to ship something to Freetown. A lot of people ship to Guinea because if the 10% is eliminated, it makes it relatively cheaper.

Mr Speaker, Honourable Members, it should be the sole responsibility of the Shipping Agency to protect the goods they import into this country until the receiver receives them. For instance, I am not indicting the entire Water Quay Management, but we know that it is very flippant and very common in Water Quay that when you ship your goods, it is the responsibility of the shipping line to bring it to the Quay; and whatever happens is at your own detriment. On several occasion, they have shipped vehicles to this country without most of the spare parts. In other words, most of the parts are stolen from Quay. I want us to include that Mr Speaker. Let it be the responsibility of the Shipper to protect the goods until the receiver receives them. When you ship elsewhere, it will take you months and nothing will happen to those goods. But Mr Speaker, if you are shipping through Water-Quay, if you fail to go there within two days, most of your goods will disappear. No matter the amount of security they claim to have at Water-Quay, property get missing every day. It should be the responsibility of the shipping line to monitor the property until the owner receives them. If this happens, it will minimise the amount of theft at the Quay. I want the Minister to take note of that so that we can include it in the amendment. This is very important Mr Speaker. This Bill is important, especially the elimination of the 10% which makes it very competitive. We are in a very competitive world and... - *(Interruption)*.

**THE SPEAKER:** Order!

**HON. FODAY RADO YORKIE:** We are in a very competitive world but you will notice that goods from Guinea are relatively cheaper as compared to those from Sierra Leone. It's a wonderful Bill but I want the Minister to take cognizance of the fact that the

shipping line should be given the responsibility to hand over the goods to the receiver. I thank you Mr Speaker.

**HON. ANSUMANA J. KAIKAI** (*Deputy Minority Leader of the House*): Mr Speaker, Honourable Members, I rise to support the amendment that is before us this morning. The purpose of this amendment is to provide conveniences and simplicity for the people of this country to make it absolutely important that the issue of shipping goods through our Ports, whether the Airports or the Seaports should be made simple for the average Sierra Leonean. I remembered when the Parent Bill came to this House. We passed that Bill, including the clauses that we are now amending. At that time, the clauses we are amending today were very necessary to form part of the Bill. At that time, we did not realise that it was no longer fashionable to have had a surcharge of 10%.

Mr Speaker, Honourable Members, it is most gratifying that such conveniences be made available to the business communities in this country. We do not have a Merchant Marine Institution in this country that should provide the kind of trainings that a lot of the shipping agents should have gone through. Therefore, with such simplicity, it is only in the best interest of the shipping agencies and the Sierra Leone Shipping Agency to carry out its functions in collaboration with those who are certified and who are professional shippers. In line with that, whatever charges, conveniences or savings that will take place, should be passed on to the consumers in this country. On that note, I urge this House to pass into law the amendment that is before us this morning. I thank you.

**HON. IBRAHIM R. BUNDU** (*Majority Leader of the House and Leader of Government Business*): Thank you very much Mr Speaker. I heard my colleague on the other side, Honourable Foday Rado Yokie, said that the amendment is late but the Bill is timely. I don't know what he meant by that. But Mr Speaker... - (*Interruption*).

**THE SPEAKER:** Did he say so Mr Majority Leader?

**HON. IBRAHIM R. BUNDU:** He said that Mr Speaker. I want to lend my voice to the Bill before us this morning. I know most of you were not here when this Parent Act was

debated in this Well. But by all indication, as some of you have said, you will know that one of the necessary things for this Bill is to answer to the call of the Local Content Policy of this country. I am saying this because we all know that import and export of goods in Sierra Leone is now on the increase. The increase is as a result of the mining activities going on in the country. Agriculture and other activities require import and export of our raw materials to other parts of the world. We cannot leave the importation and exportation of these goods in the hands of other countries or other people who are in the shipping line.

Mr Speaker, Honourable Members, the Sierra Leone National Shipping Company is an agency of the Sierra Leone Government and was enacted into law by this Parliament. If we have the Sierra Leone National Shipping Company as our own carrier, it is only but fitting that we don't leave it dormant. It is very good that we are yielding to the call of getting Sierra Leone to benefit from not only the ordinary taxes but also from the import and export by using the carrier. We all know that during the civil war in this country, Sierra Leone was blacklisted as a dangerous zone. Therefore, ships coming to this country were running on high risk insurance policy. I am not sure whether that has been lifted because Sierra Leoneans are still crying of high cost of shipping to Sierra Leone than the Gambia and even Guinea. Maybe, the Minister will make some follow-up on that. We are very happy to have this amendment here this morning.

Mr Speaker, Honourable Members, I think the Parent Act did not include the Oil Producing Companies. But now that all of them have moved from exploration to near production, we have to ensure that they abide by our laws. I believe it is timely to include them in this Bill. And Mr Speaker, competitiveness is increasing every day. The World Trade Organisations would not allow you to be left behind at all. So, it is now competitiveness and where there is competition, the consumer is the king. Therefore, in order for us to compete with other shipping lines, Sierra Leone is always ready to compete as we now know that business as usual is no longer the norm in this country. I thank you for supporting this Bill and I ask that we pass it speedily into law.

**THE SPEAKER:** Mr Minister, would you like to react to some of the issues raised? I hope you took note of what Honourable Foday Rado Yokie said.

**MR ARROW BOCKARIE:** Thank you very much. The concern raised by Honourable Rado Yokie is very legitimate. But if you look at the definition of a 'Shipper' in the proposed amendment, it deals mainly with Shipper for commercial purposes. If the Shipper is not satisfied with the handling of the cargo, then you are left with the following options: you either insure your cargo or you can sue the shipper to court. But what the new amendment envisaged is for commercial purposes and it excludes the shipping of personal items.

Mr Speaker, I therefore move that the Bill entitled the Sierra Leone National Carrier Agreement Ratification Amendment Act, 2014 be read the second time.

*(Question Proposed, Put and Agreed to)*

*(The bill entitled: "the Sierra Leone National Carrier Agreement Ratification Amendment Act, 2014, being an Act to amend the Sierra Leone National Carrier Act, 2012 has been read the second time).*

(COMMITTEE STAGE)

THE HOUSE REVERTS ITSELF

PART ONE, CLAUSES 3, 5 AND 6 PROPOSED

**MR ARROW BOCKARIE:** Mr Chairman, Honourable Members, I move that Part One, Clauses 3, 5, & 6 stand part of the Bill.

*(Question Proposed)*

PART ONE, CLAUSES 3, 5 AND 6 FORM PART OF THE BILL

(THE HOUSE RESUMES).

**MR ARROW BOCKARIE:** Mr Speaker, Honourable Members, I wish to report that the Bill entitled: "the Sierra Leone National Carrier Agreement Ratification Amendment Act, 2014, having gone through the Committee of the Whole House without amendment be read the third time and passed into law.

*(Question Proposed, Put and Agreed to)*

*(The Bill entitled: the Sierra Leone National Carrier Agreement Ratification Amendment Act, 2014, being an Act to amend the Sierra Leone National Carrier Act, 2012 has been read the third time and passed into law).*

**THE SPEAKER:** Mr Minister, at this point, I would like you to go to your seat until you are called upon. Honourable Members, if you look at the direction of the lower gallery, you will see many women in the gallery. I presume they are here to give their support to the Protocol to the African Charter and Human and Peoples Right on the Right of Women in Africa. The only thing I have to tell them is that the Protocol has already been laid. Before any Protocol is certified, there are certain requirements and one of such requirements is to lay the Protocol on the Table of the House. That has just been done. You were not here when the Charter was laid on the Table of the House. At this point, I should take the liberty of telling you that proceedings in Parliament begin at 10:00 a.m. If you wanted to be here when the Protocol was being laid, you should have been here before 10:00 a.m. It has already been laid. Before it is ratified, certain requirements would still have to be met before the process of ratification begins. Thank you very much.

## **V. BILL**

THE LOCAL COURTS (AMENDMENT) ACT, 2014

(INTRODUCTION AND FIRST READING)

THE DEPUTY ATTORNEY-GENERAL AND MINISTER OF JUSTICE

**MR ARROW BOCKARIE:** Mr Speaker, Honourable Members, I move that the Bill entitled: *"the Local Courts (Amendment) Act, 2014, being an Act to amend the Local Courts Act, 2011 be read the first time."*

*(Question Proposed, Put and Agreed to)*

*The Bill entitled: "the Local Courts (Amendment) Act, 2014 has been read the first time).*

(SECOND READING).

**MR ARROW BOCKARIE:** Mr Speaker, Honourable Members, I move that the Bill entitled: *"the Local Courts (Amendment) Act, 2014, be read the second time."* Mr

Speaker, Section 5 of the Local Courts Act, 2011 provides for the qualification of Chairman of a Local Court as:

- (i) a person should be proficient in the dominant ethnic language of the Chiefdom;
- (ii) a person has resided in the Chiefdom for a continuous period of not more than 5 years;
- (iii) the person should be knowledgeable and experience in the customs and tradition of the Chiefdom; and
- (iv) the person should not be convicted of an offence involving fraud or dishonesty.

Mr Speaker, Honourable Members, as far as I know, an amendment was made in 2011 to Section 5 of the Local Courts Act, but an error was detected after publication of the Bill, which affected the amendment made by Parliament to that section. This Bill, therefore, is proposed to rectify this mistake and to make the necessary amendments. Apart from the other qualifications, the Chairman of a Local Court must, in addition to other requirements, be literate in the English Language. Mr Speaker, I therefore move that the Bill entitled: "*the Local Courts (Amendment) Act, 2014,*" be read the second time.

*(Question Proposed)*

**HON. P. C. MOHAMED SAMA KAILONDO BANYA IV:** Mr Speaker, Honourable Members, I rise in support of this Bill. The Court has a guiding principle, which is the Act of Parliament. People should be able to read and understand what the Act says. For that reason, the Chairman should be able to read and write to know what is guiding him (*Applause*). There are various reasons why I support this Bill. I have been a Paramount Chief for over a decade. We have encountered a lot of problems over these Chairmen of the Local Courts. I have three Local Courts in Luawa Chiefdom, which happens to be my Chiefdom. Many times, there are conflicts between the Chairman and the Local Court Clerk.

Mr Speaker, Honourable Members, this is happening because of the Chairman's inability to read what the Court Clerk has recorded. The Chairman is unable to read what is recorded. This means that the Chairman is at the mercy of the Local Court Clerk. This is

not good in terms of Local Court Administration in this country. Sometimes, the Court Chairman and Court Clerk will argue at the end of the proceedings, when verdict is about to be passed. There had never been agreement between the Court Clerk and the Court Chairman. This is happening because the Local Court Chairman can neither read nor write in English Language. Moreover, we've noticed that when a complainant goes to court, the Court Clerk give him fake receipts without the GR number. Mr Speaker, the money goes into the pockets of the Court Clerk and not to the coffer of the court. There are many instances of such mismanagement in my Chiefdom.

Mr Speaker, Honourable Members, the Chairman will continue the proceedings without knowing that the money did not go to the Treasury. I think it is proper for the Chairman to be literate in the English Language. In a sober court Administration, the Court Clerk should be presenting his records whenever they are needed. In fact, the other courts rely on those records for reference sake; but because he knows he has not written the correct thing, and he knows that the Court Chairman could not read, he finds it difficult to present those records. There are many instances of such in Luawa Chiefdom. This has been creating a lot of problems for us. We are grateful that the courts are moving away from the Judiciary.

Mr Speaker, Honourable Members, another thing we have realised is that when they collect money, the Court Clerks do not write the correct figure they have collected. They normally write lesser amount. Whenever somebody is given the right to receive back his expenses, the actual amount he paid is no longer available because what he paid was not what was recorded. We as Paramount Chiefs had to intervene in many instances to actually hear from the parties what they paid. Our findings in such matters are always pointing to the Court Clerks as the defaulters. The Court Clerks are in the habit of embezzling court fines. I think this is a very good amendment and it is timely. I will not say it is late because it is only now that we have had the opportunity to talk on such issues.

However, Mr Speaker, Honourable Members, there is a problem in terms of getting educated people to serve as Court Chairmen. For instance, there was an advertisement

in the newspapers for people to apply for the post of Court Chairmen in the three courts at Luawa Chiefdom. Mr Speaker, it will interest you to note that only two educated people applied. Most of the educated and experienced people in the Chiefdoms did not want to sit in the court. This is one of the problems we have. We had to advertise again before we were able to get four educated people to apply for the Chairmanship of the three courts. I want to thank you Mr Speaker for giving me the opportunity to address this issue.

**HON. P. C. JOSEPH ALIE KAVURA KONGOMOH II:** Thank you Mr Speaker. Mr Speaker, Honourable Members, I want to say here when words or statements are repeated, we should take it as an emphasis. Therefore, if I repeat what my colleague has said, it means I am only emphasizing on what he has said. We are emphasizing the fact that indeed this amendment is very timely, appropriate and very good. I don't have any word to really describe this gesture. But Mr Speaker, I don't want the literacy qualification that the previous spoke about to be limited only to the Court Chairmen but also the Court Clerks. I have some Clerks in my Chiefdom that can take statement but cannot read the statement they take during court proceedings (*Laughter*). This is a fact I am talking about here. I don't know whether what they write is Latin or Greek.

Mr Speaker, Honourable Members, the fact that these people should be literate in the English Language cannot be overemphasized. This is a very good amendment. This is happening in all the 149 Chiefdoms in this country. What I want to say here is that if the Bill is emphasizing on the fact that the Chairman and Vice should be literate in English, let there be a clause to show what qualification can apply the Court Clerk. What my colleague was saying is the fact that there were series of confrontations between the Chairman and the Court Clerk. The Paramount Chieftaincy is a group of people that come from all walks of life. We have doctors, lawyers, police, engineers and local people. Some are not literate but everybody may have the tendency to bring discipline acquired to the Chieftaincy. Paramount Chieftaincy is a different institution, whether you are as literate as Booker Washington, if you fail to speak the language that is spoken there, you will not succeed. We have been told that the Court Clerk is the

adviser to the Court Chairman; and he has all the right to pervert justice. I am saying this simply because the Chairman, who is really the President of the Court and who has the right to give verdict cannot read or write. The Clerk could write anything he wants, as long as he is getting something.

Mr Speaker, Honourable Members, if this amendment is ratified by this Parliament today, I am certain that things will change for the better. Today, the administration of the Local Court in this country has been ceded to the Judiciary. Mr Speaker, I don't know why the administration of the Local Courts in this country was ceded to the Judiciary. The Chief Justice is not representing the President in the various Chiefdoms. It is the Paramount Chiefs that represent the President in the 149 Chiefdoms. I don't see any reason why the administration of justice in the provinces should be left in the hands of the Judiciary. As Paramount Chiefs, we are the first point of contact.

Mr Speaker, Honourable Members, what do we do when a litigant goes to the Paramount Chief for redress. What should we do or what is our role as Paramount Chiefs? Let me cite a scenario Mr Speaker. Somebody was beaten by three people and this person went to one of the Sub-Chiefs and reported. The Sub-Chief called those who perpetrated the act. They refused to come and what we had was a criminal case. If the Chief calls you and refuse to honour his call, it is a criminal act. You should be punished for criminal act. In fact, even when these criminals are sued to court, they don't honour the calls of the court. The Local Court Clerks are busy extorting money from the Complainant without taking any action. This is because the Chairman cannot read or write in the English Language. He only reports to the Chairman that the names were supplied to him to sue these people on criminal matters. This is why I think colleagues should help to speedily ratify this Bill into law. Thank you Mr Speaker.

**HON. P.C. PRINCE BOIMA:** Thank you Mr Speaker. I am happy that the Minister is here today. We have to make some amendments on the 2012 Local Court Act. The proposed amendment provides that the individual serving as Local Court Chairman should be familiar with the customs and traditions of the Chiefdom under his/her jurisdiction. When you backup that amendment with education, I think the Court

Chairman will be a powerful man (Applause). But one thing I want the Minister to take into account is that if he provides the manpower, we should not also forget to provide the resources. The Court is owned by the Chiefdom. The Chiefdom is hosting the Court and all the Local Courts are still using the Typewriters. In fact, these machines cannot even function. Therefore, it is very difficult for them to have proper record management system. So, when cases are being appealed to the High Court for them to have records, it becomes very difficult.

Mr Speaker, Honourable Members, let me give you an example. When I became Paramount Chief, our Court Clerk used to write letters and go a mile off to print the letters. I told the Court Clerk that it is wrong to do so; and we should have some amount of confidentiality. I provided my own court with modern computers (*Applause*). I have given them trainings on the use of those computers. Again, the Court Clerk used to extort money without the knowledge of the Court Chairman. But I provided a networking system that made it impossible for the Court Clerk to extort money from the people. I know exactly what is going on in terms of financial management of court fines. I did this in order to ensure a check and balance between the Chairman and the Court Clerk. The Court Clerks are very dangerous officials.

Mr Speaker, Honourable Members, we should not forget to provide adequate training for the Chairmen. This is because in their localities, they are referred to as the Local Magistrate. So, let the quality of the Chairmen be augmented in terms of providing them with adequate trainings. I would not like to see a Court Chairman spitting tobacco around his office. Court Chairmen should be descent people; and that decency should be seen around the environment in which he/she works.

Mr Speaker, Honourable Members, we should also not forget the Finance Officers. If these officials are not monitored, I think the court will not realise anything. These officials should know that they are paid from the proceeds realised from the court. Mr Speaker, both Court Chairmen and the Court Clerk are terrible in my Chiefdom. It was unfortunate to see one of my Court Clerks died in my office after drinking alcohol ('omole') for the whole night (*Laughter*). When he came to my office, he stood for a

while and later fell down and died. I would not like to see such thing happen again. Therefore, I want the Minister to make sure that they check the qualities of the officers they appoint to serve in those courts. On that note, I will crave the indulgence of this House to speedily ratify this amendment so that it becomes law. Thank you very much (*Applause*).

**HON. J. B. MANSARAY:** Thank you very much Mr Speaker. Mr Speaker, Honourable Members, when it comes to issues of Chieftaincy in this country, it is good for us, as tribal authority to say something about this Bill. This Bill is not controversial in anyway. I would want to say here that it is one of the finest Bills we have had. However, I have few issues to comment on. First, I want to know who appoints the Local Court Chairman. If there is a Committee responsible to appoint The Court Chairman, I want to know the composition of that Committee. Is it from the Chieftdom?

**THE SPEAKER:** Hon. J. B. Mansaray, you are certainly protected. Honourable Members are asking if you have read the Act.

**HON. J. B. MANSARAY:** I have read the Act sometime back and I cannot remember every aspect of it again. We are not talking about the Act here Mr Speaker. We are talking about amendments to the Parent Act. I want Honourable Members to listen carefully.

Mr Speaker, Honourable Members, if we want a Court Chairman who is educated in the English Language, we should include a clause in this amendment that spells out clearly the qualification criteria for both the Court Clerks and Court Chairmen. As the Paramount Chief has said, the Court Chairman cannot be faced with jargons that he cannot read. I would suggest here that much as we want an educated Court Chairman who can read and write in English Language, he must also be eloquent.

**THE SPEAKER:** I disagree with you Honourable Member. That is not necessary.

**HON. J. B. MANSARAY:** In that case, I will want to suggest here that we equally attach a qualification criterion to that of the Court Clerk. If we do this, we will be able to get a Court Clerk who can manage all records of the court efficiently. We will also

have a Court Chairman who can simply read what has been documented by the Court Clerk (*Applause*). And if a request is made by any higher authority, the records can be properly presented without any reference to the Court Chairman.

Therefore, Mr Speaker, Honourable Members, I want the Minister to look at the qualification criterion for the position of the Court Clerk. I also want to suggest here that in as much as we have a Committee to look into the appointment of these court officials, let the Committee be seated in the Chiefdoms so that at the end of the day, the Court Chairman can be appointed within the Chiefdoms in which they are going to chair. There should be a very good working relationship between the Paramount Chiefs and the court officials. Thank you very much Mr Speaker (*Applause*).

**HON. ABU-BAKARR KOROMA:** Thank you Mr Speaker. I'm happy that the Minister has brought this Bill before us for amendment. This Bill was passed some time in 2011, though some of us were not in favour of it. Somebody said that the Court Chairmen and Deputies should be illiterate in the English Language. Some of us were against it but we were defeated. However, that should stand because we are not going to oppose it. This shows that what should have been done was not done. The Paramount Chief from Bo said that these courts should be well resourced and capacitated. If you have Court Chairmen and Deputies that are literate, the work of the Local Courts will be done at ease without difficulties. All these court officials should be trained in terms of using the computer. They should be computer literate Mr Speaker. They should be well resourced as well. Most of our Local Courts are under resourced.

Also, Mr Speaker, Honourable Members, the Ministry should start constructing additional Local Courts. I am saying this because in my constituency, we have three Local Courts. Out of these three courts, only Court No. 1 that has structures where court proceedings are held. The others, like Court No. 3 is even difficult to access, especially during the rainy season. Most of these courts do not even meet because there are no structures to hold court proceedings. Therefore, I am appealing to the Minister to take this to Cabinet for consideration. Local Courts should be constructed in all the 149 Chiefdoms in this country.

Mr Speaker, Honourable Members, this is for the Clerk of Parliament. The Clerk of Parliament should ensure that whenever a Bill is passed into law and is sent to the Printing Department for printing, he should go there and verify what the Printing Department is doing. We have to make sure that what has been passed in Parliament is what has been printed. On that note, Mr Speaker, Honourable Members, I am in support of the Bill and I want this Bill to be passed into law (*Applause*).

**HON. BU-BUAKEI JABBI:** Thank you Mr Speaker. Mr Speaker, Honourable Members, I think we should appreciate this Bill for bringing certain amendments in respect of our Local Courts. I will also like to commend some of the recommendations that have been made by other Honourable Members.

Mr Speaker, Honourable Members, I just want to make some observations on certain aspects on the clause that is before us. For instance, at the end of the preliminary clause, "the person shall not, unless the persons..." I think the plural at the end of that clause should be changed.

**THE SPEAKER:** Honourable Member, that is a valid point; but we leave that for the Committee Stage.

**HON. BU-BUAKEI JABBIE:** Furthermore, I don't know whether this is appropriate at this stage or the Committee Stage, but let me bring it out. Clause A says: "*he/she has to be proficient in the dominant ethnic language.*" I think there are indeed areas in this country where a single language may not be seen as a dominant language to those various areas (*Applause*). Therefore, if this is left to the Committee Stage it is fine, but I think it should be read as 'proficient in a dominant ethnic language.'

**THE SPEAKER:** Where Honourable Member?

**HON. BU-BUAKEI JABBI** In a dominant ethnic language.

**THE SPEAKER:** When we come to Committee Stage, we will look at that because 'the' is a definite article and it is a definite article because it particularizes a noun. That is the point he is making and the point deserves a value (*Applause*).

**HON. BU-BUAKEI JABBI:** Thank you Mr Speaker. Now, the next one is Sub clause 'd,' which says: "he has not been convicted of an offence, involving fraud or dishonesty." I think we need to widen that clause.

**THE SPEAKER:** I will also advise that we leave it for the Committee Stage.

**HON. BU-BUAKEI JABBI:** Thank you Mr Speaker. I hope I will be present during the Committee Stage. But if I am not present, I hope people will take note of the points I have raised. Thank you very much.

**HON. ANSUMANA J. KAIKAI (*Deputy Minority Leader of the House*):** Mr Speaker, Honourable Members, we have before us a set of amendments. In 1962, the Government of this country created the Judiciary Advisers in all the three provinces. The issue of Paramount Chieftaincy, Local Government and of course the question of Justice of the Peace being qualified to sit in places of Judicial Magistrate emanated from that. A lot of the Justices of Peace were created out of Court Chairmen. This amendment, as a matter of fact, is only emphasizing and reinforcing the action that was taken by then. These Chairmen should have to be men and women who understand and can speak the English language which is the official language of this country.

Mr Speaker, Honourable Members, there was a Paramount Chief in one of the most resourceful Chiefdoms in Bo District who would ask the Treasury Clerk to look into the Treasury. And in those days, all the Chiefdoms used to have Safes before the rebel war, wherein they keep the money. This Paramount Chief would simply ask the Treasury Clerk to give him/her £10 and he/she would refund that money later. It came to a point the Auditors came and asked how certain amount of money was spent. The Treasury Clerk said that from this period to this period, my Paramount Chief took £1,000. The Paramount Chief was illiterate; but the Treasury Clerk would bring a paper to the Paramount Chief where he would thumbprint his signature. Mr Speaker, the Treasury Clerk brought out all the receipts and they tied them with those he said were in disagreement with the Paramount Chief. It was indeed an embarrassing situation because the very Paramount Chief was a friend of the Prime Minister then and he was a popular Paramount Chief in this country. He attended the Bo school (*Laughter*). Those

are some of the examples. This is the very reason why it is apparent that the Paramount Chiefs and their Treasury Clerks should be apart. The Court Clerks should be closed to the Court Chairmen. But over the years, the Court Clerks have also been indulged in the same malpractices that used to take place in those days.

Mr Speaker, Honourable Members, these amendments will alleviate some the malpractices that have been going on in the administration of Local Courts. This will mean that the Court Chairmen will have no excuse about illiteracy. They will know how much fines they will be levying and how much funds those fines are bringing into the Chiefdom Treasury. The Court Clerks will be restrained from misusing their offices. They may not have the kind of opportunity they used to have after the passage of this Bill into law. Therefore, this is good amendment for the justice of this nation.

Also, Mr Speaker, Honourable Members, the Paramount Chiefs, in their capacity will have easier rest in dealing with their subjects. This is because if the Court Chairmen can read and write in the English language, it means that their jobs have been made easier. I am sure those who have proposed these amendments will have thought it fit to have all of these ideas in mind. I don't see any Member of Parliament who, in his or her own wisdom will not find these amendments to be tenable. I am sure that those of us who come from troublesome Chiefdoms will accept these amendments with open hearts. I am saying this because there are Chiefdoms in this country where the Paramount Chiefs are always in trouble because of these inadequacies.

Mr Speaker, Honourable Members, in Chiefdoms where the Paramount Chiefs are educated and they know that there is a maximum in terms of what a particular Court needs, their powers will now rest in peace. I believe that as Members of Parliament, we should support the ratification of this Bill and monitor the activities of these court officials. This is because most of us are members of the Chiefdom Councils in our various Chiefdoms. We should be more active in monitoring these Local Court Administrators. In that regard Mr Speaker, Honourable Members, I urge that we ratify this Bill into law.

**HON. IBRAHIM R. BUNDU** (*Majority Leader of the House and Leader of Government Business*)

Thank you very much Mr Speaker. Mr Speaker, Honourable Members as one of the strongest advocates of these amendments since 2011, the Attorney-General and Minister of Justice was so recalcitrant to adhere to the literacy qualification clause to be included. But let me start by thanking our Paramount Chiefs for the sincerity and the education they have given us this morning. These Paramount Chiefs were not telling us stories they have read from books, but they were telling us things they have experienced.

Mr Speaker, Honourable Members, I don't see the reason why the Judiciary was so recalcitrant to remove this clause. Today, Local Courts have moved from the Local Government Ministry to the Judiciary, where both the Chief Justice and the Local Court Clerks are presumed literate. If you have an illiterate Magistrate at local level, how do you explain that? And when these people run into trouble, they will not go to them. They come to Members of Parliament because we are their representatives. They have our phone numbers and they even know our homes. With the leave of Mr Speaker, when they come to you, they will say: "ɔnɔrebul, a don get trɔbul, awo u go pul mi de?" You want justice, but you want to circumvent justice by giving the Magistrate who will not be able to read and understand the Act. This is the kind of situation we do face.

Mr Speaker, Honourable Members, I am a member of the Local Court Judiciary Committee, representing the Northern Province. I had a very tough time when we were going through the training with officials from the Judiciary. They don't see it necessary to have somebody who can read and write. It was strange for me; but today, we are the makers of the law and we represent the people they are talking about. We are going to monitor these Local Court Clerks closely. They have put a lot of our people into trouble (*Applause*). If some Paramount Chiefs were not really respected by some authorities, by virtue of the way they have been comporting themselves, believe you me they would have been criminalised by these Local Court Clerks.

Mr Speaker, Honourable Members, I want to tell you that it was a calculated and deliberate omission (*Applause*). We enacted that law here and that clause was either

changed by the Printing Department or the Judiciary. In fact, when the first amendment was proposed, it was put under my name. But I said that should not be the case. They put it in my name for it to come as a Private Member's Motion. But I rejected it totally. Today, all of us are in unison to see that this omission is replaced. Thank you very much for your cooperation (*Applause*).

**THE SPEAKER:** Before you respond Mr Minister, without any prejudice to what the Honourable Leader of the House has said, I must in my former capacity as the then Majority Leader of this House, pay special tribute to the Honourable Ibrahim Bundu, as the then Deputy Majority Leader because he was really persistent about this. More so, when it was so clear that we did draw the attention of the Attorney-General then to include what we are now amending in the Parent Act. But as he has said, God alone knows why these people were so adamant to insert this clause we are amending now. But today, the amendment is seen as the light of the day. Thank God for that.

**MR ARROW BOCKARIE:** Mr Speaker, Honourable Members, the concerns expressed by Honourable Members were very legitimate. They want to ensure that the capacity of the Court Officials is enhanced to ensure the smooth running of the Court. It is Government conviction that the Local Court will be brought to the level where transparency and the dispensation of justice will be the order of the day.

Mr Speaker, Honourable Members, I will refer Honourable J. B. Mansaray to Section 7 of the Parent Act. That section deals with the Local Court Service Committee and there is provision for a Member of Parliament to be a member of that committee. I thank you very much.

Mr Speaker, Honourable Members, I therefore move that the Bill entitled: "*the Local Courts Amendment Act, 2014*" be read the second time.

*(Question Proposed, Put and Agreed to)*

The Bill entitled: "*the Local Courts Amendment Act, 2014, being an Act to amend the Local Courts Act of 2011,*" has been read the second time.

(COMMITTEE STAGE)

THE HOUSE REVERTS ITSELF TO COMMITTEE OF THE HOUSE. PART 5 PROPOSED

**MR ARROW BOCKARIE:** Mr Chairman, Honourable Members, I move that Clause 5 stands part of the Bill.

**THE CHAIRMAN:** Mr Minister, I want you to go over that.

**THE MINISTER:** Mr Chairman, Honourable Members, I move that Clause 5 stands part of the Bill.

*(Question Proposed)*

**HON. DR BU-BUAKEI JABBI:** Thank you Mr Chairman. As I stated earlier, Section 5 needs to be amended in order to get the whole force and effect of the amendment. At the beginning, the preliminary clause begins with the singular and ends in the plural. Therefore, I suggest that 'persons' should be changed to 'person.'

**THE CHAIRMAN:** Honourable Members, the proposed amendment is non-controversy because it is a fact.

**HON. DR BU-BUAKEI JABBI:** Similarly Mr Speaker, in Sub-paragraph 'A' where proficiency in dominant ethnic language is particularised by saying 'the dominant ethnic language.' We should realise that there are areas in this country where there is no dominance of a particular language. Therefore, I think it will be better to de-particularise it. It should read as 'proficient in a dominant ethnic language.' This will apply in any case.

**THE CHAIRMAN:** Again, I think that is a fact.

**HON. DR BU-BUAKEI JABBIE:** Mr Chairman, Honourable Members, Sub-clause B has resided... - *(Interruption)*.

**THE CHAIRMAN:** What do you mean?

**HON. CHERNOR R. M. BAH (*Deputy Speaker of the House*):** Mr Chairman, there is a controversy on Sub-clause 'a.' I ask that we finish Sub-clause 'a' before we proceed to Sub-clause 'b.'

**THE CHAIRMAN:** Honourable Member, what is the controversy you are referring to?

**HON. CHERNOR R. M. BAH:** Mr Speaker, we should not take off the definite Article 'the.' Some of us are against it except otherwise.

**THE CHAIRMAN:** Honourable Member, please speak for yourself.

**HON. CHERNOR R. M. BAH:** Well, I speak for myself Mr Speaker. I am saying this because some of us are yet to know of any particular Chiefdom where there is no dominant ethnic language.

**HON. FODAY RADO YORKIE:** Mr Chairman, I initially agreed when the debates started. But that initial thought was from the English point of view. But naturally, what prevails is what the Deputy Speaker is saying. As far as we are concerned, Mr Speaker, every Chiefdom has a dominant ethnic language. For instance, in Kakua Chiefdom, we have Mende, Themnε etc. But when you say Bo - Kakua, the dominant tribe there is Mende. Certainly Mr Speaker, we are suggesting that the Local Court Chairman must be fluent in Mende. But does not necessarily mean the Court Chairman cannot speak other languages. I believe that 'the' should stand.

**HON. P.C. KAILONDO BANYA:** I want to differ a bit. Mr Speaker, in Kailahun District, Luawa is very close to Dr Bu-Buakei Jabbi's Constituency. There are three languages spoken there: Kono, Kissi and Mende.

**THE CHAIRMAN:** Order! The Honourable Paramount Chief is saying that there are three languages that are dominant in the area he had mentioned. My ruling is that I concede to the point raised by Honourable Dr Bu-Buakei Jabbie. Now, there are two Articles in English: 'a' and 'the.' I have said that the Article 'the' particularises a noun but Article 'a' generalises a noun. And that is why 'a' is an indefinite Article. So, if any language is dominant, then 'a' prevails. Therefore, it should be 'a' instead of 'the.'

**HON. DR BU-BUAKEI JABBI:** Thank you very much Mr Chairman. The third point is in Paragraph 'b.'

**HON. P. C. BAI KURR KANAGBARO SANKA III:** Mr Chairman, I am still standing on Sub-clause 'a.'

**THE CHAIRMAN:** I have already ruled on that Honourable Member.

**HON. P. C. BAI KURR KANAGBARO SANKA III:** What is the amendment?

**THE CHAIRMAN:** Where you here Honourable Member? I think you were not here.

**HON. P. C. KANAGBARO:** Mr Chairman, I was here Sir.

**THE CHAIRMAN:** Were you here Honourable Member? In any case, what is your point?

**HON. .P. C. BAI KURR KANAGBARO SANKA III:** Mr Chairman, I would have preferred that clause to read: 'proficient in one of the ethnic languages.' Mr Chairman, you have places in Kabala where there are always problems. The ruling class is the Yalunka, but majority of the people living in that part of the Chieftom are Fullahs. So, if we say dominant, the question is who dominates? Is it the ruling class who has the Chieftaincy or the Fullahs who formed the majority of the population? For me, Mr Chairman, to avoid any issue wherein we can appoint any capable person, it should read: 'proficient in one of the ethnic languages of the Chieftom and is able to read and write in the English language.'

**THE CHAIRMAN:** To some extent, I want to agree with you. So, if you say 'proficient in one of the ethnic languages,' don't you think that is the same sense as already suggested by Honourable Bu-Buakei Jabbi?

**HON. P. C. BAI KURR KANAGBARO SANKA III:** No Sir.

**THE CHAIRMAN:** Don't you think that is the same sense? I think it is the same sense.

**HON. P C. BAI KURR KANAGBARO SANKA III:** Mr Chairman, I did not say dominant.

**THE CHAIRMAN:** Honourable Paramount Chief, the Speaker is speaking and he has to be heard in silence. You did not say so but the point you are making carries almost the same sense that the point made by Honourable Dr Bu-Buakei Jabbi. When you say proficient in a dominant language, you are suggesting the same thing. That is why I said there are two Articles in English. Article 'A' is the indefinite Article. When they say indefinite, it does not point at any particular thing. It generalises a noun. You are

saying "in one of," whereas Dr Bu-Buakei Jabbi was saying "a dominant language." This means that you are saying what Honourable Bu-Buakei Jabbie has said.

**HON. IBRAHIM R. BUNDU:** Thank you very much Mr Chairman. I want to give an advice. We have the Legal Draughtsman in this Well. This is a legal issue. Sometimes we have difficulties in terms of distinguishing between the English Language and the Legal Language. So, I want the Minister to confer with the Legal Draughtsman to give us more education on this.

**THE CHAIRMAN:** Before the Minister intervenes, I want to say here that the law is written in the English Language and not in Latin or German.

**MR ARROW BOCKARIE:** Mr Chairman, Honourable Members, the example cited by the Honourable Paramount Chief suggests that there are three dominant languages in Luawa Chieftdom: Mende, Kissi and Kono. But of those three, there is one dominant language which is more overriding.

**HON. DR BU-BUAKEI JABBI:** Mr Chairman, I concede to the explanation by the Minister.

**THE CHAIRMAN:** Thank you very much.

**HON. DR BU-BUAKEI JABBI:** Thank you very much. I hope this third point will not lead to what obtains in Sub-paragraph 'b.' It says: the person "has resided in the Chieftdom for a continuous period of not less than five years." My problem with this provision is that it does not specify the period within which such a five year should be obtained. For instance, suppose I spent my primary and secondary school life in a particular Chieftdom for 11 years of residence in that Chieftdom, and all of the sudden, I disappeared from the place for a very long time. Will I still be qualified under this provision? We have to modify this particular provision in order to be sure that it applies to a period that will be relevant and useful for the appointment. We have to specify the time frame within which the five years stay should apply? Are we talking about the recent years of stay in the Chieftdom or any time in one's life? If the person has been in the Chieftdom for five years, therefore, he is qualified to be the Local Court Chairman. I

think it should be brought to a more recent era and it should be indicated in this provision. He has resided in the Chieftdom for a continuous period of not less than five years does not clarify the situation. Please, let's be very careful.

**THE CHAIRMAN:** Mr Minister, I think there is an element of ambiguity in this clause. Do you want to make clarification?

**MR ARROW BOCKARIE:** Yes Mr Chairman. I do agree with the Honourable Member. It is very ambiguous. It is not proper either to say continuous stay of five year. What if there is any lapse of stay in the Chieftdom? How will that be determined? But that can only be clarified if they say for a continuous stay of five years prior to your appointment.

**HON. DR BU-BUAKEI JABBI:** Mr Chairman, that does not also clarify the situation because the primary school period is still relevant prior to his appointment (*Laughter*). Let it be said immediately prior to his appointment.

**THE CHAIRMAN:** Does that satisfy you Honourable Bu-Buakei Jabbi?

**HON. DR BU-BUAKEI JABBI:** Yes Mr Chairman.

**THE CHAIRMAN:** How would you want it to be rephrased?

**HON. DR BU-BUAKEI JABBI:** The person to be appointed as Local Court Chairman *'has resided in the Chieftdom for a continuous period of not less than five years during his ten years preceding his application.'*

**THE CHAIRMAN:** Please put it in a form of a motion. Honourable Members, on any contentious issue in Parliament, it is Members of Parliament that decide.

**HON. DR BU-BUAKEI JABBI:** Mr Chairman, I therefore move that the following phrase be added to Paragraph 'b' after the words five years.

**THE CHAIRMAN:** Mr Clerk, please take note.

**HON. DR BU-BUAKEI JABBI:** That we insert 'after five years' the words during his ten years preceding his application or appointment during the ten year. That is to say, in the last ten years, you ought to have resided in the Chieftdom for the last five years.

Or, we can make it 15 years; during the last 15 years, it is not continuous. The continuous five year period should be during the 10/15 years before his appointment.

Mr Chairman, I move that Paragraph 'b' reads as: *"has resided in the Chieftdom for a continuous period of not less than five years during the ten years preceding his application."*

**THE CHAIRMAN:** During the ten years?

**HON. DR BU-BUAKEI JABBI:** During ten years, preceding his application.

**THE CHAIRMAN:** Any seconder.

**HON. PARAN TARAWALIE:** Mr Chairman, I so second.

**THE CHAIRMAN:** Honourable Member, we are trying to dispose what we have at hand. Does what you want to say relate to what we are doing now?

**HON. P.C. BAI KURR KANAGBARO SANKA III:** Yes Mr Chairman. We are trying to open up to the world and to bring good governance to the doorsteps of the people. The question of putting a time limit is something that we may have to look at closely. There are many qualified people; and most of the people in Sierra Leone hail from different Chiefdoms. Some of them are going to retire at the age of 60. They would want to go back and serve their Chiefdoms. If we impose any time limit, I don't think it is proper. We have qualified people who have left their Chiefdoms for the past ten years. But if they have been going there periodically, should they be disqualified? I think we will have to define this time limit properly. We have to understand the word 'continuous.' Members of Parliament, Permanent Secretaries and other government officials go to their Chiefdoms during holidays and come back to Freetown. Are these people going to be disqualified for the position of Local Court Chairman?

Mr Chairman, Honourable Members, we are now trying to modernise the Local Courts in this country. We the Paramount Chiefs understand what we are saying. We would want to bring in people who are qualified and who know the tradition of our people. For me, I want to know who is a resident. I am saying this because some of you will be affected

later. Therefore, I am proposing for 'a resident in the Chiefdom during the period of the application'

**THE CHAIRMAN:** The Majority Leader of the House wants to make some clarifications.

**HON. IBRAHIM R. BUNDU:** Thank you very much Mr Chairman. I just want to draw Members' attention to Sub-clause 'C.' It says: ... "*Knowledgeable and experience in the customs and traditions of the Chiefdom.*" This is because even if the residency clause of five years stands, if there is an additional qualification (like you have to be knowledgeable in the customs and traditions of the Chiefdom), I presume that if you were not residence in the Chiefdom, it will be difficult for you to have knowledge of the customs of the Chiefdom. I think 'C' should be the watch clause.

**HON. DR FODAY I. SUMA:** Thank you Mr Chairman. I think we have to look at the issue of citizenship in a particular Chiefdom. For instance, I am a citizen of Brimaya Chiefdom, but I have been in Freetown for a while. That notwithstanding, I have been going to the Chiefdom; and at a particular time during my life-span I have resided there for 15-17 years. Therefore, these people should not be disqualified simply because they have not resided in the Chiefdom for the past 5 years. We can throw in the aspect of citizenship.

**THE CHAIRMAN:** Honourable Dr Foday I. Suma, I have heard what you have said. Mr Minister, you heard what Honourable Dr Bu-Buakei Jabbi has said. Do you have any objection to that or do you like the text to remain as it is?

**MR ARROW BOCKARIE:** Mr Chairman, Honourable Members, the words 'prior to' and 'preceding' are almost synonymous. Mr Chairman, what is the object of this particular amendment? There is no universal cultural practice. Our cultural practices differ from region to region and Chiefdom to Chiefdom. There is no one dominant cultural practice that can be experienced in all of the Chiefdoms in the country. In line with what the Majority Leader has said, one of the qualifications is being knowledgeable and experienced in the customary practices of that particular locality. This is because if you have resided in the Chiefdom for five years preceding your appointment, or five years

prior to your appointment, the presumption is that you must acquire the necessary knowledge and experience to effectively manage the office of Local Court Chairman.

**THE CHAIRMAN:** I want Honourable Dr Bu-Buakei Jabbi to move his motion.

**HON. P.C. BAI KURR KANAGBARO SANKA III:** Mr Chairman, I have learnt a lot during the debates.

**THE CHAIRMAN:** Any counter motion?

**HON. P.C. BAI KURR KANAGBARO SANKA III:** The amendment should include a resident in the Chieftdom and a taxpayer. This is because most of the people residing in those Chieftdoms do not pay taxes (*Laughter*). They must be local tax payer.

**THE CHAIRMAN:** Honourable Paramount Chief!

**HON. P.C. BAI KURR KANAGBARO SANKA III:** Yes Mr Chairman.

**THE CHAIRMAN:** I don't take that as a counter motion. When we talk about a counter-motion, you should either accept the motion on the Floor or you say no to it. That is what they called a counter-motion. Any counter motion to what Honourable Dr Bu-Buakei Jabbi has said?

**HON. IBRAHIM R. BUNDU:** Mr Chairman, I am not moving a counter motion. But for the benefit of the House, I want to begin considering the issue of tax payment as a criterion in the Chieftdoms. This is where you will begin to look at people who are committed and responsible. Maybe, we could bring that under regulations.

**HON. ABU BAKARR KOROMA:** Mr Chairman, my counter motion is that I want this Bill to remain as it is.

**THE CHAIRMAN:** You want the text to remain as it is?

**HON. ABU BAKARR KOROMA:** Yes Mr Chairman.

**THE CHAIRMAN:** Honourable Members, there is a motion moved by Honourable Dr Bu-Buakei Jabbi and it was seconded. But we now have a counter motion. Is there any seconder to that counter motion?

**HON. CLAUDE D. M. KAMANDA:** I so second Mr Chairman.

*(Question Proposed, Put and Disagreed to)*

*[Those in favour of Honourable Dr Bu-Buakei Jabbi's motion were 31 and those against the motion were 37 (Applause)].*

**HON. DR BU-BUAKEI JABBI:** Mr Chairman, I want to go to the fourth point.

**THE CHAIRMAN:** Order!

**HON. DR BU-BUAKEI JABBI:** The fourth point is in Paragraph 'D.' It reads: "*has not been convicted of an offence involving fraud or dishonesty.*" Mr Chairman, that position is important, especially... - *(Interruption)*.

**HON. FODAY RADO YORKIE:** Point of order Mr Chairman.

**THE CHAIRMAN:** Honourable Dr Bu-Buakei Jabbi, there is a Point of Order.

**HON. FODAY RADO YORKIE:** Mr Chairman, it is rather unfortunate that in Parliament people do cheat. I want to recheck the number of votes cast. The number out there is 37 and we have two people who voted on that side. The result announced by the Returning Officer is not correct.

**THE CHAIRMAN:** Honourable Member, I am very sorry but that result cannot be counteracted. The result has been given and it is final.

**HON. DR BU-BUAKEI JABBI:** Mr Chairman, I want to continue with what I was saying. Mr Chairman, there is a legal concept involved in the proposal I want to make in respect of this provision. First of all, my observation is that the exclusive provision here is too narrow and limited and it should be expanded so that certain areas of disqualification do not obtain. If we say 'he has not been convicted of an offence involving fraud or dishonesty,' it can be interpreted to mean 'only offences involving fraud or dishonesty.' I want to suggest that we widen the scope so that it is not merely being convicted of fraud or dishonesty. Let us widen the scope of the disqualification.

**THE CHAIRMAN:** Dr Bu-Buakei Jabbi, what you are proposing now is too technical.

**HON. DR BU-BUAKEI JABBI:** That is why I want to explain Mr Chairman.

**THE CHAIRMAN:** Please do.

**HON. DR BU-BUAKEI JABBI:** The Attorney-General and Minister of Justice will agree with me that we have summary and non-summary offences in law. And the basic criterion for general purposes is the seriousness of the offence. If we say non-summary, this means all serious criminal offences. If this person has been convicted of any serious criminal offence, whether it is fraud or dishonesty, it could be something else. For instance, let us take murder. Murder is not part of dishonesty, but it is a serious criminal offence. There are other serious criminal offences that are not part of dishonesty. My proposal is that we widen the disqualification in this area by amending it to read: 'has not been convicted of a non-summary offence' so that if you have been convicted at any stage of any non-summary offence, then he is disqualified from holding the position of Local Court Chairman.

**THE CHAIRMAN:** Mr Minister, at times we hear of Summary dismissal and Ordinary dismissal. When you are dismissed summarily, the understanding is that you lose all your benefits because of the gravity of the offence committed. But if it is a minor offence, then, you will not be dismissed summarily. You will be dismissed with all your benefits. But Honourable Dr Bu-Buakei Jabbi was talking about summary. In that case, don't you think if you want to talk about summary, there should be a definition of that word? That is you have to first of all define in the Act the meaning of summary?

**HON. FODAY SUMA:** Mr Chairman, I will simplify it by saying any criminal offence, including adultery.

**THE CHAIRMAN:** Let us hear from the Deputy Speaker of this House.

**HON. CHERNOR R. M. BAH:** Mr Chairman, thank you very much and having much respect for my learned friend, Honourable Member from Kailahun District. He knows that summary offences are not always summary in offence. Larceny is a clear example. When people steal, you can be tried summarily. There are offences you might think they are lesser when it comes to politics but they are treated more seriously. I want to refer the House to Section 76 of the 1991 Constitution of Sierra Leone.

**THE CHAIRMAN:** Section 76 of the 1991 Constitution of Sierra Leone?

**HON. CHERNOR R. M. BAH:** Yes Mr Chairman. To be specific, I am referring the House to Section 76 (1d).

**THE CHAIRMAN:** Please read Section 76 1(d).

**HON. CHERNOR R. M. BAH:** Mr Chairman, with your leave, the heading is "Disqualification for Membership of Parliament."

**THE CHAIRMAN:** Please read it.

**HON. CHERNOR R. M. BAH:** Mr Chairman, it says: "*no person shall be qualified for election as a Member of Parliament if he has been convicted and sentenced for an offence which involves fraud or dishonesty.*" It is better we leave the text as it is.

**MR ARROW BOCKARIE:** Mr Chairman, when the word 'summary' is used, it is used as opposed to the word indictable in law. A 'summary offence' is one which the sentence does not exceed 7 years as the Deputy Speaker rightly said. Mr Chairman, Section 2 of the Larceny Act of 1960 deals with 'summary offence,' irrespective of the amount of the money involved. What this Act is saying is that you can be a convict but not necessarily a fraudster or a dishonest convict.

**THE CHAIRMAN:** You are correct Mr Minister.

**MR ARROW BOCKARIE:** Mr Chairman, let me give you an example, you can be a convict for murder or manslaughter but that has nothing to do with fraud or dishonesty. But you can be a convict under the provisions of the Larceny Act of 1960 if you obtain money under false pretense. Therefore, what this Bill is saying is that since officials of the Local Courts will be dealing with finances, their reputations are very paramount. This Bill is trying to ensure that the officials of these courts abstain from any dishonest activity. And Mr Chairman, this seems to be in line with what the Constitution says and the Constitution is supreme. All other legislations are subordinate to the Constitution. Thank you very much.

**HON. DR BU-BUAKEI JABBI:** Mr Chairman... - *(Interruption)*.

**THE CHAIRMAN:** Honourable Member, are you satisfied? I appreciate your point, but the only thing is that you are too pedantic.

**HON. DR BUBUAKEI JABBI:** What is the word?

**THE CHAIRMAN:** I said Pedantic. I am sure you know what that means. You like to be pedantic. Your fellow lawyers are saying that as far as they are concerned, what is in the text is consistent with what is provided in the Constitution and that should be retained.

**HON. DR BU-BUAKEI JABBI:** Mr Chairman, I want to observe that the point I have made is not a pedantry (*Laughter*). The national Constitution is already being subject to amendment in whatever respect may be proposed and accepted. Is it impossible for instance, that the provision that was read just now may be proposed for amendment? It is not pedantic to make the proposal that I made. It is understandable if somebody says that because the Constitution provides for fraud or dishonesty, even at the level of the Parliamentary line. Therefore, let us adopt it at that level. But if somebody proposes that the disqualification clause in respect of the Parliamentary position should be widened, is that unreasonable and pedantic Mr Chairman?

**THE CHAIRMAN:** Honourable Member, it is not unreasonable. But since we want to strive for consistency, the Constitution is going to be reviewed. Perhaps, if anybody thinks it is necessary, that aspect of the provision in the Constitution could be reviewed. But for now and for the purpose of consistency, it is advisable for us to leave the text as it is. That does not mean that your point is unreasonable. I used the word pedantic because that is my view. And let me say that educated people are always pedantic.

**HON. CLAUDE D. M. KAMANDA:** Mr Chairman, Honourable Members, I move that we suspend S.O. 5 (2) so that the business of the House may continue.

*[Suspension of S. O. 5(2)]*

**THE CHAIRMAN:** For now, we have to leave the text as it is and we accede to what the Minister has said. Mr Minister, you want the text to remain as it is?

**MR ARROW BOCKARIE:** Yes Mr Chairman.

**THE CHAIRMAN:** Any other point?

**HON. P.C. BAI KURR KANABARO SANKA III:** Mr Chairman, I want to propose an amendment in respect of Section 5(c). I will propose that 'a person shall not be qualified to be appointed as Chairman or Vice Chairman of the Local Court unless the person is a local tax payer, who is also knowledgeable and experienced in the customs and tradition in the Chiefdom.

**THE CHAIRMAN:** Mr Minister, what do you have to say to that?

**MR ARROW BOCKARIE:** Mr Chairman, there is a provision for a Local Court Committee and that it is tasked with the responsibility of formulating regulations and they can... - *(Interruption)*.

**THE CHAIRMAN:** This Means you are not in favour of the proposed amendment?

**MR ARROW BOCKARIE:** No Mr Chairman.

**HON. P.C. BAI KURR KANABARO SANKA III:** Mr Chairman, Parliament is supreme and we cannot give that option to a committee. I am proposing to this noble House, sitting as a Committee of a Whole House to include 'a person who is a local tax payer, experienced and knowledgeable in terms of the customs and traditions of the Chiefdom. If we do that, we may have so many people paying taxes and there are many people that do not pay taxes in their Chiefdoms.

**THE CHAIRMAN:** Honourable Paramount Chief, the point is taken. I will advise that you put it in a form of a motion.

**HON. DR BU-BUAKEI JABBI:** Mr Chairman, I welcome the Chief's suggestion but I want to plead with him that that amendment be placed in Paragraph 'b.' Let it be read as: 'has resided in the Chiefdom and has been a local tax payer' for a continuous period of not less than five years.

**THE CHAIRMAN:** Honourable Paramount Chief, I hope you don't have any objection to that.

**HON. P.C. BAI KURR KANABARO SANKA III:** No Mr Chairman and we have already passed that stage. I second the motion.

**THE CHAIRMAN:** Mr Minister, I don't think whether this is a bad proposal.

**MR ARROW BOCKARIE:** Not at all Mr Chairman. It is even in line with the qualification criterion set for the election of Paramount Chiefs. You must be a tax-payer.

**THE CHAIRMAN:** Thank you very much Mr Minister. If there is no other observation, I want the Minister to move.

**MR ARROW BOCKARIE:** Mr Chairman, Honourable Members, permit me to report that the Bill entitled: "The Local Courts Amendment Act, 2014" has gone through... -  
*(Interruption).*

**THE CHAIRMAN:** Not yet Mr Minister. You have to move for the acceptance of all the amendments that have been made.

**MR ARROW BOCKARIE:** Mr Chairman, Honourable Members, I move that Part 5, as amended stands part of the Bill.

*(Question Proposed, Put and Agreed to)*

*(Part 5 forms part of the Bill as amended).*

THE HOUSE RESUMES.

THIRD READING

**MR ARROW BOCKARIE:** Mr Speaker, Honourable Members, I move that the Bill entitled: "*the Local Courts Amendment Acts, 2014,*" having gone through the Committee of the Whole House with some amendments be read the third time and passed into law.

*(Question Proposed, Put and Agreed to)*

*(The Bill entitled: "the Local Court Amendment Act, 2014 being an Act to amend the Local Court Act, 2011" have been read for the third time and passed into law).*

**THE SPEAKER:** Mr Arrow Bockarie, I am sure you enjoyed the proceedings of Parliament.

**THE MINISTER:** I did Mr Speaker.

**THE SPEAKER:** Honourable Members, I have a letter from Mrs Margaret Serry-Kamal and I have been requested to read un-edited. Some Members of Parliament have been invited. It may not be practicable to invite everyone but for those that have been invited. This is a very important ceremony. Make sure you are there with the proviso that you take this invitation along for security reasons. I hate to see a spectacle of Honourable Members of Parliament being harassed or embarrassed. No Honourable Member of Parliament should face any embarrassment where he is invited. If you are going to attend this ceremony, make sure you take your invitation along. I will take my invitation along (*Laughter*).

**HON. P.C. BAI KURR KANABARO SANKA III:** Thank you Mr Speaker. Mr Speaker, I stand on S.O.23. Mr Speaker, the Government is doing very well in trying to ease the traffic by constructing many feeder roads in Freetown. But I came to know that the road from Fourah Bay College to Model School Junction has closed. The construction of the new Hillside Road from Pademba Road towards the East End Freetown could not be used by people coming from Berry Street. Vehicles can no longer ply from Fourah Bay College to Berry Street or Model Junction. That road is very important and is very short for Members of Parliament that are using Fourah Bay College route to come to Parliament. There are many people in that end; and if that road is blocked, then they are making the traffic very difficult. I am appealing to the great Chairman and colleagues in the Works Committee to look into this and change that design. This is because the road from Fourah Bay College to Model School Junction is very important.

Mr Speaker, we have Ministers coming from that end every day to town. If we are coming from the West or from the East, it means that we cannot use that road to come to Parliament. It is a short route for me, coming from Aberdeen. So, I am urging, with all respect, Members of the Committee on Works to see that the road goes through from Fourah Bay College to Circular Road. It is a terrible thing if that road is permanently closed. The President is doing a good job to see that we have good roads. I used the Grafton Road yesterday and it took me less than fifteen minutes to come

down to Freetown. Therefore, nobody should begin to block us again when marvelous roads are being constructed to ease the traffic. I thank you.

**THE SPEAKER:** Let the Committee on Works take note of that concern.

**HON. BASHIRU SILIKIE:** Thank you very much Mr Speaker. Mr Speaker, I am standing on S.O.23. Three weeks ago, I was advocating for our brothers and sisters who have graduated with a Bachelor of Law Degree from the University of Sierra Leone and other Universities but have not been enrolled into the Law School. You requested that Committees be formed but our brothers and sisters are still languishing. They have not been enrolled. Mr Speaker, lectures are in progress. I am urging these Committees to speed up their work so that they can present their report. Thank you.

**THE SPEAKER:** Honourable Member that is noted. The Committee on Education and the Legislative Committee will look into it. Honourable Bashiru Silikie, I want you to know that what you are saying is a bit difficult. If you know what the Judges are saying or what some members of the Judiciary are saying, perhaps, it would appear as if these students had been told that certain things would be required but such requirements have not been met by them. In any case, let these Committees look into it. Perhaps, they will like to see them. I do sympathise with the situation.

Mr Leader Majority Leader, I want to tell you that many people have met me. Some people have even confronted me in the street. Mr Speaker, what is happening? The networks are all in shambles. The mobile networks are in shambles. What is happening? Even when you are in the heart of the City, you don't have signals. Your telephone cannot respond to calls. You cannot make calls. Those that have Comium mobile phone cannot call Africell network. This has been going on for quite some time. The next sitting will be on Thursday. I want you to report to this House what the situation is.

**HON. BENNEH BANGURA:** Okay Mr Speaker.

**HON. IBRAHIM R. BUNDU:** Thank you very much Mr Speaker. Honourable Members, we have the following Bills and it has been distributed to all Members of Parliament. For those who have not picked up their copies, please endeavor to do so. They are:

- (a) Loan Agreement between the Republic of Sierra Leone and the Korea Export/Import Bank for the Financing of the Construction of Freetown City, Council Administrative Building Complex, dated 17<sup>th</sup> December, 2013.
- (b) Terrorism Prevention (Freezing of International Terrorists funds and other related Measure) Regulations, 2013.
- (c) The Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 (Act No. 2 of 2012), Statutory Instrument No. 13 of 2012. Please endeavor to read them. Please read the 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, dated 11<sup>th</sup> July, 2013.'

**THE SPEAKER:** Honourable Members, I would like to put a word with regards to the announcement made about the meeting with the Ombudsman. That meeting should have taken place yesterday but lamentably, the attendance was poor. The Ombudsman is a very important official in this country. That office was created by an Act of Parliament. And as Members of Parliament, the office of the Ombudsman could help greatly in the execution of our representational duties as Members of Parliament. So, I will urge that immediately after this sitting has been adjourned, you go to Room 1. The Chairman is a former Speaker of this Parliament, Honourable Justice Edmund Cowan.

### **ADJOURNMENT**

*(The House rose at 12.25 p.m. and was adjourned until Thursday, 6<sup>th</sup> March, 2014, at 10.00 a.m.)*