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CHAPTER 56.

RIOT DAMAGES.

An Ordinance to make better Provision for the Payment of Compensation in the case of Damage caused by Riots. 18 of 1953

[28TH JANUARY, 1954.]

1. This Ordinance may be cited as the Riot Damages Ordinance. Short title.

PART I.—PRELIMINARY.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.

“Chieftdom” includes a group of chieftdoms subordinate to the same Tribal Authority constituted under the Tribal Authorities Ordinance but does not include any rateable area within such chieftdom or group of chieftdoms; Cap. 61.

“local authority” in regard to a rateable area means the local authority authorised by law to impose and collect rates in such rateable area;

“rateable area” means—

(a) the City of Freetown as delimited by section 5 of the Freetown Municipality Ordinance; Cap. 65.

(b) the Rural Area of the Colony as delimited by section 3 of the Rural Area Ordinance. Cap. 75.

(c) the Sherbro Urban District as delimited by section 3 of the Sherbro Urban District Council Ordinance. Cap. 76.

(d) any other area in which the imposition and collection of rates is authorised by law and which is declared to be a rateable area under the provisions of sub-section (2) of this section;

“riot area” means an area declared to be such under the provisions of sub-section (1) of section 10 of this Ordinance.

(2) The Governor in Council may by Order declare any area in which the imposition and collection of rates is authorised by law to be a rateable area. Declaration of rateable area.

3. Where any house, shop or other building has been damaged or destroyed, or any other property or article has been damaged, stolen or destroyed, by any persons riotously assembled to— Compensation for damage by riots.

gether, compensation shall be payable to the owner thereof for the damage so caused in such manner as is hereinafter provided in this Ordinance.

PART II.—COMMISSIONERS.

Appointment
of Com-
missioners.

4. (1) For the purpose of assessing any damage caused by any riot and of awarding compensation in respect thereof, and otherwise for the purposes of this Ordinance, the Governor may appoint a Commissioner or Commissioners (in this Ordinance referred to as "the Commissioner"), with such powers and duties as are specified in this Ordinance.

(2) Where the Commissioner has been appointed, damages shall not be recoverable by any person in respect of any matter specified in section 3 of this Ordinance which is within the jurisdiction of the Commissioner except in pursuance of the provisions of this Ordinance, and all actions which may have already been instituted for the recovery of such damages shall abate upon the appointment of the Commissioner.

Duties of
the Com-
missioner.

5. It shall be the duty of the Commissioner—

(a) to ascertain by personal inquiry or in such other manner as the Governor may direct the amount of the damage;

(b) to report the amount of damages to the Governor; and

(c) to allot the sums payable as compensation among the persons residing or owning property within the riot area who have satisfied the Commissioner as to the validity of their claims.

Powers of
the Com-
missioner.

6. (1) The Commissioner shall have and exercise the powers following—

(a) all the powers of a Magistrate for the purpose of summoning witnesses and enforcing the attendance of persons, the production of documents, the administration of oaths, the issue of search warrants and any other powers appertaining to a Magistrate which may reasonably be required for the discharge of his duties;

(b) the power to call upon any person to declare on oath the amount of any damage which he claims to have sustained;

(c) the power to call upon any person to furnish to him in such form as he may demand a full return in writing of all movable and immovable property which such person possesses, and his total annual income from all sources.

(2) Any person who, without reasonable excuse, the proof of which shall be upon him, within such time as may be fixed by the Commissioner for the purpose, refuses or neglects to furnish to the Commissioner any return demanded by the Commissioner under the last preceding sub-section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding ten pounds, or, in default of payment thereof, to imprisonment for a period not exceeding three months.

Offences and penalties.

PART III.—ASSESSMENT OF COMPENSATION

7. (1) Before assessing any damage the Commissioner shall give notice in such manner as may be prescribed by Order made under section 11 of this Ordinance, or, in the absence of such Order, by publication in the *Gazette* and in a newspaper circulating in the riot area and by causing notices to be posted in conspicuous places in the said riot area and in such other manner as he may deem appropriate, either generally with reference to damage in the riot area or part thereof, or particularly with reference to any specified premises, stating—

Notice of assessment.

(a) the time and place at which he proposes to hold his inquiry;

(b) the manner in which claims for assessment of damage shall be presented to him;

(c) a date (being not less than one month from the date of the notice) beyond which no claims for the assessment of damage will be entertained.

(2) No claim for assessment of damage which is presented after the date fixed in any notice given in the last preceding sub-section shall be entertained by the Commissioner unless, upon good cause being shown, he shall otherwise order.

(3) If any claimant is aggrieved by a refusal of the Commissioner to make an Order under the provisions of sub-section (2) of this section he may petition the Governor in Council, who may direct that such an Order shall be made by the Commissioner.

8. In any case where the Commissioner receives notice that two or more persons claim adversely to be entitled to compensation in respect of any damage which he is assessing or proposes to assess, he shall serve upon each of the adverse claimants a notice requiring him to take such steps as may be necessary to obtain a judicial decision on the matter at issue between them, and shall, pending such decision, proceed to assess the damage in question subject thereto.

Adverse claims.

Assessment
to be
conclusive.

9. (1) Any assessment of damage made by the Commissioner in accordance with the provisions of this Ordinance shall be conclusive as to the amount of such damage:

Provided that the Governor in Council may on the application of any interested party in any case direct a re-assessment either by the same or by another Commissioner.

(2) In this section, the expression "interested party" includes the tribal authority, or the local authority of a riot area or a declared area, the Attorney General, and any claimant for compensation under this Ordinance.

PART IV.—POWERS OF GOVERNOR.

Riot areas.

10. (1) For the purposes of this Ordinance, the Governor may by order declare any chiefdom or rateable area (or any part of such chiefdom or rateable area) where damage has been caused by riot to be a riot area, and may by Order direct the recovery from the persons resident or owning property in that area of such proportion, as he may deem fit, of—

(a) the amount of all assessed damage in that area; and

(b) the cost of suppressing the riot by which the damage was caused.

(2) A certificate under the hand of the Financial Secretary shall be conclusive as to the amount of the costs referred to in paragraph (b) of the last preceding sub-section:

Provided that the Governor may in any case by Order direct that such costs shall be deemed to be such percentage of the total amount of the assessed damage as he shall specify.

(3) The Governor may by order direct any proportion of the amount of the assessed damage in a riot area to be paid out of funds provided for the purpose by resolution of the House of Representatives.

Powers of the
Governor.

11. (1) The Governor may, either generally with regard to any damage caused in the manner referred to in section 3 of this Ordinance, or particularly with regard to any special damage so caused, by Order give directions in respect of all or any of the matters following—

(a) the assessment of damages;

(b) the apportionment of the amount to be recovered in respect of damage in any riot area among the persons resident or owning property in such area;

(c) the classification of persons for the purpose of such apportionment;

(d) the dates upon which the sums to be recovered in respect of damage shall be paid and the instalments, if any, in which they shall be so paid;

(e) generally with respect to the exercise of the powers and the performance of the duties of Commissioners under this Ordinance.

(2) The Governor may exempt any class of persons from liability to pay compensation under this Ordinance, or may direct that special terms shall be provided for any class of persons, or may exempt any specified part of a riot area from such liability.

12. Notwithstanding anything in this Ordinance contained, the following provisions shall apply where compensation is recoverable under the provisions of this Ordinance in respect of damage caused by a riot and the Governor is satisfied that persons taking part in such riot are resident in an area (in this section referred to as "the declared area") other than the riot area—

Liability in case where damage is caused by inhabitants of area other than riot area.

(i) The Governor may by Order direct the recovery from the persons resident or owning property in the declared area of such proportion as he may deem fit of—

(a) the amount of all assessed damage in the area where the riot occurred; and

(b) the costs of suppressing the riot by which the damage was caused.

(ii) Any Order made by the Governor under the provisions of paragraph (i) of this section shall contain a description of the declared area.

(iii) A certificate under the hand of the Financial Secretary shall be conclusive as to the amount of the costs referred to in sub-paragraph (b) of paragraph (i) of this section:

Provided that the Governor may in any case direct that such costs shall be deemed to be such percentage of the total amount of the assessed damage as he shall specify.

(iv) The provisions of section 11 and of Parts V and VI of this Ordinance (other than sections 13 and 16) shall apply in relation to any declared area in respect of which an Order is made by the Governor under the provisions of this section in the same manner as if such area were a riot area.

PART V.—LIABILITY IN A CHIEFDOM.

Charge upon
revenue of
rateable
chiefdom.

13. In any case in which a chiefdom (or part thereof) has been declared a riot area the Commissioner shall, upon completion of the assessment under Part III of this Ordinance, furnish particulars to the Tribal Authority of the chiefdom concerned, specifying—

(a) the premises or property in respect of which the assessment is made;

(b) the amount of the assessment in each case;

(c) (subject to the provisions of section 8) the person to whom compensation is due.

Chiefdoms
with
treasuries.

14. (1) In any chiefdom where there is a chiefdom treasury, any sum directed to be recovered under the provisions of section 10 of this Ordinance from the persons resident or owning property in a riot area shall be a charge upon the revenue of the Tribal Authority of such chiefdom.

Tribal
Authority
may frame
scheme.

(2) A Tribal Authority may frame a scheme for the liquidation of the charge imposed upon its revenue under the last preceding sub-section.

(3) Every such scheme shall be subject to the approval of the Governor, and any scheme so approved on being published in the *Gazette*, shall have the force of law.

(4) A scheme under this section may provide for the recovery of the amount payable by means of—

(a) a tax on all males over the age of eighteen resident within the riot area, or on such other persons resident within such area as the Tribal Authority may determine;

(b) any other method approved by the Governor.

(5) A scheme under this section may provide for all or any of the following matters—

(a) the use or adaptation, for the purpose of the scheme, of any provisions of the relevant Ordinance, or any bye-laws made thereunder, relating to the collection and enforcement of taxes or of the commutation of any tax;

(b) the exemption of any area or of any class of persons from the operation of the scheme, and the grant of special terms to any class of persons;

(c) the liquidation of the charge imposed upon the revenue of the Tribal Authority by instalments; and

(d) any other matter which in the opinion of the Governor may be necessary or desirable for the purpose of the scheme.

(6) A Tribal Authority, subject to the approval of the Governor, may from time to time frame a supplemental scheme for the amendment of any scheme framed under this section, and all the provisions of this section shall apply to such supplemental scheme.

Power of Tribal Authority to frame supplemental scheme.

(7) All the provisions of the relevant Ordinance authorising the imposition and collection of chieftom tax within the chieftom concerned shall apply to any tax imposed in accordance with a scheme under this Part as though it were a tax imposed under such Ordinance.

15. In any chieftom where there is no chieftom treasury, any sum directed to be recovered from the persons resident or owning property in a riot area shall be a charge upon the property of such persons and the provisions of section 14 shall *mutatis mutandis* apply to such chieftom except that—

Chieftoms without treasuries.

(a) the powers conferred by section 14 upon a Tribal Authority may be exercised by the District Commissioner; and

(b) all the provisions of Part IV of the Protectorate Ordinance shall apply to any tax imposed in accordance with a scheme framed by the District Commissioner under this Part as though it were house tax imposed under the Protectorate Ordinance.

PART VI.—LIABILITY IN A RATEABLE AREA.

16. In any case in which a rateable area (or part thereof) has been declared a riot area the Commissioner shall, upon completion of the assessment under Part III of this Ordinance, furnish particulars to the local authority of the area concerned, specifying—

Commissioner to furnish particulars to Tribal Authority.

(a) the premises or property in respect of which the assessment is made;

(b) the amount of the assessment in each case;

(c) (subject) to the provisions of section 8) the person to whom compensation is due.

17. (1) Any sum directed to be recovered under the provisions of section 10 of this Ordinance from the persons resident or owning property in a riot area in a rateable area shall be a charge upon the revenue of the local authority of such rateable area.

Charge upon revenue of rateable area

Local authority may frame scheme.

(2) A local authority may frame a scheme for the liquidation of the charge imposed upon its revenue under the last preceding sub-section.

(3) Every such scheme shall be subject to the approval of the Governor, and any scheme so approved on being published in the *Gazette* shall have the force of law.

(4) A scheme under this section may provide for the recovery of the amount payable by means of—

(a) the levying of a rate on all property in the riot area assessed for the purpose of rates;

(b) a tax on all males over the age of eighteen resident within the riot area, or on such other persons resident within such area as the local authority may determine;

(c) any combination of any of the above methods of taxation;

(d) any other method approved by the Governor.

(5) A scheme under this section may provide for all or any of the following matters—

(a) the use or adaptation, for the purpose of the scheme, of any provisions of the relevant Ordinance, or any bye-laws made thereunder, relating to the collection and enforcement of rates and taxes or of the commutation of any tax;

(b) the exemption of any area or of any class of persons from the operation of the scheme, and the grant of special terms to any class of persons;

(c) the liquidation of the charge imposed upon the revenue of the local authority by instalments; and

(d) any other matter which in the opinion of the Governor may be necessary or desirable for the purpose of the scheme.

Power of local authority to frame supplemental scheme.

(6) A local authority, subject to the approval of the Governor, may from time to time frame a supplemental scheme for the amendment of any scheme framed under this section, and all the provisions of this section shall apply to such supplemental scheme.

Local authority not to borrow.

18. Notwithstanding anything in any other Ordinance contained, it shall not be lawful for any local authority on whose revenue any charge is imposed under this Part to borrow any sum or sums of money for the purpose of discharging such liability.

Recovery of compensation by way of rates.

19. All the provisions of the relevant Ordinance authorising the imposition and collection of rates within the rateable area concerned shall apply to any rate or tax imposed in accordance

with a scheme under this Part as though it were a rate imposed under such Ordinance.

PART VII.—PAYMENT OF COMPENSATION.

20. (1) In the case of any riot in respect of which this Ordinance shall be applied there shall be established a fund, to be called "The Riot Damages Fund" and to be kept by the Accountant General, and there shall be paid into such fund—

Riot damages fund.

(a) all sums collected in discharge of any liability under this Ordinance;

(b) all fines imposed and collected in connection with such riot which the Governor may direct to be so credited; and

(c) any amount which the Governor has directed under section 10 shall be paid out of funds provided for the purpose by resolution of the House of Representatives.

(2) There shall be paid out of such fund all sums payable in respect of compensation, and any other sums on account of expenses incurred in connection with such riot which the Governor may direct to be so paid.

21. (1) In any case in which the Commissioner is satisfied that any person is entitled to any sum as compensation in respect of any damage which has been assessed under this Ordinance, he may (subject to the direction of the Governor) authorise the Accountant General to pay to such person such sum, in such manner, and in such instalments as the Commissioner may determine.

Payment of compensation.

(2) In the case of adverse claims the Commissioner shall withhold payment pending a settlement or a judicial decision upon such claims.

22. Upon the payment of any sum as compensation to any person no subsequent claim shall be entertained in respect of the same matter:

Subsequent claims barred.

Provided that the person receiving such sum shall be deemed to receive it on behalf of the person who would be entitled thereto if the claim to compensation had been a right enforceable by civil action.

PART VIII.—MISCELLANEOUS.

23. Nothing in this Ordinance shall be deemed to render any person liable to taxation in respect of any immovable property by law exempt from taxation, or exempt from the payment of local rates.

Exemptions.

Protection of
the Com-
missioner.

24. The Commissioner shall not be liable, either civilly or criminally, in respect of anything which he may have done or may have omitted to do, when acting in good faith, in pursuance or in supposed pursuance of his duties and powers under this Ordinance.

Power to
quarter
special police
force.

25. (1) The Governor may direct the Commissioner of Police to quarter a special force of Police in any riot area or any declared area in which he considers that it is expedient so to do, pending the assessment of damages and the recovery of compensation under this Ordinance, and for such longer period as he may deem necessary for the securing of good order in such area.

(2) Such sum as may be certified by the Financial Secretary to be the cost of maintenance of such special force may from time to time be apportioned and recovered in the same manner as any sum apportioned under Parts V and VI of this Ordinance.
