



THE LAWS OF SIERRA LEONE

IN FORCE ON
THE 1ST DAY OF JANUARY, 1960.

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CHAPTER 212.

EMPLOYERS AND EMPLOYED.

An Ordinance to Regulate Relations between Employers and Employed and to Safeguard the Health of the latter.

[1ST JANUARY, 1935.]

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the Employers and Employed Ordinance, and shall apply to the Colony and Protectorate.

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

“assisted emigrant” means any native of Sierra Leone who intends to labour for hire in some place outside Sierra

Leone and has received assistance in the way of payment of passage money, subsistence, or otherwise to enable him to carry out his intention;

“Commissioner” means the Commissioner of Labour ^{9 of 1956.} appointed under section 3 of this Ordinance;

“contract of service” means any contract, whether in writing or oral, to employ or to serve as a servant for any period of time or to execute any work, and includes an indenture or contract of apprenticeship;

“Court” means any court other than a native court or a combined court in the Protectorate;

“deck passenger” means a native not being a saloon passenger whose name does not appear on the ship’s articles;

“Director of Medical Services” means and includes the Assistant Director of Medical Services, the Senior Health Officer and any Medical Officer or Medical Officer (Health) appointed by the Director of Medical Services to perform such duties and exercise such powers as may be assigned to the Director of Medical Services under this Ordinance;

“domestic servant” means and includes any house, stable, garage or garden servant employed in or in connection with the domestic services of any public or private dwelling house, club, hotel, restaurant or railway restaurant car, and includes a motor-car driver and rickshaw servant;

“employed” means any servant, not under the age of twelve years, who has entered into a contract of service with an employer;

“employer” means any person who has entered into a contract to employ any servant, and includes the agent, foreman, manager or factor of such person, and includes the Government and any officer of the Government who has entered into a contract of service on behalf of the Government;

“Government contract of service” means a contract of service in which the employer is the Government or a public officer acting on behalf of the Governor;

“industrial undertaking” means and includes—

(a) mines;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed; including shipbuilding, and the generation,

30 of 1934.
 15 of 1936.
 13 of 1938.
 13 of 1939.
 19 of 1941.
 26 of 1942.
 32 of 1947.
 9 of 1956.

Short title.

Interpretation.

transformation, and transmission of electricity or motive power of any kind;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer drain, leat, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction as well as the preparation for or laying the foundations of any such work or structure;

(d) transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand;

"labour agent" means any person who shall himself, or through agents or messengers in his own name or otherwise, procure or attempt to procure, seek for, or engage, conduct or take charge of labourers to be employed in work or labour of any kind on any mines or works within Sierra Leone;

"labourer" means an unskilled workman but does not include a domestic servant, watchman, caretaker or messenger, or a native engaged for service in any capacity on an ocean-going ship;

"labour health areas" mean such areas in the Colony or Protectorate as may be declared by the Governor by public notice to be labour health areas;

"Labour Officer" means a Labour Officer appointed under section 3 of this Ordinance;

"Medical Officer" means and includes any Medical Officer or Medical Officer (Health) appointed by the Director of Medical Services to perform such duties and exercise such powers as may be assigned to a Medical Officer under this Ordinance;

"mine" means and includes all excavations for the purpose of searching for or winning minerals as well as all working of mineral deposits or alluvial diggings, whether abandoned or actually being worked on the surface from the surface downwards and underground, together with all buildings, erections, and appliances belonging or appertaining thereto above and below ground, for the purpose of prospecting for or winning minerals or precious stones by excavating or dredging;

"Minister" means the Minister for Labour;

9 of 1956.

9 of 1956.

"native" means a native of West Africa, not being of European or Asiatic race or origin;

"night work" means work in an industrial undertaking at any time within a period of eleven consecutive hours, including the hours of ten o'clock in the evening and five o'clock in the morning;

"parties" includes an employer and employed;

"servant" means and includes any artificer, journeyman, handicraftsman or other skilled workman, and any canoeman, hammockman, carrier, watchman, caretaker, messenger, labourer, domestic servant or apprentice;

"vessel" means and includes all ships and boats of any nature engaged in maritime navigation, whether publicly or privately owned, but excludes ships of war;

"works" means and includes chemical works, metallurgical works, reduction works, ore dressing works, petroleum works, salt works, brick making works, tile making works, pottery works, lime works, dye works, and any place where machinery is erected or used, and all dams, reservoirs, and other appliances for conserving water, or for producing or transmitting energy, or for transporting water or material for the same.

(2) Whenever in this Ordinance a penalty is prescribed for an offence, the same shall indicate that such offence shall be punishable, on conviction, by a penalty not exceeding the penalty prescribed.

3. The Governor may appoint a suitable person to be the Commissioner of Labour, and such number of other persons, as may be necessary, to be known as Labour Officers, for the purposes of this Ordinance.

Appointment
of Commis-
sioner and
officers.
9 of 1956.

PART II.—FORMATION AND INTERPRETATION OF CONTRACTS OF SERVICE.

4. A contract of service which, or a sufficient memorandum of which, is not in writing and signed by the parties thereto shall not be binding or valid for a longer period than six months from the making thereof.

Contracts not
in writing to
be in force for
six months
only.

5. No written contract of service shall be enforced as against any party thereto who, at the time of making such contract, was unable to read and understand the language in which it is written, unless it bears an attestation under the hand of a

Attestation
of written
contract.

Magistrate to the effect that such contract was read over and explained to such party in the presence of such Magistrate and was entered into by him voluntarily and with full understanding of its meaning and effect.

Particulars to be specified in contract.

6. A Magistrate shall not attest any contract of service unless it specifies as accurately as may be—

- (1) the nature of the service;
- (2) the place or limits within which such service is to be performed;
- (3) the remuneration to be paid; and
- (4) the time at which it is payable.

Attested contracts to be executed and attested in triplicate.

7. Every contract of service required to be attested shall be executed and attested in triplicate: one copy shall be delivered to the employer, one to the employed, and the third shall be deposited with the Magistrate by whom it was attested or with such other officer as the Governor may direct.

Limit of duration of contract, 9 of 1956.

8. A written contract of service, other than an apprenticeship contract, shall not be binding or valid for a longer period than twelve months from the date thereof.

Determination of contract where duration not expressed.

9. Every contract of service wherein no agreement is expressed respecting its duration, not being a contract to perform some specific work without reference to time, shall be determinable by either party—

- (a) when the servant is engaged at a monthly wage, at the expiration of one month's notice which may be given at any time;
- (b) when the servant is engaged at a weekly wage, at the expiration of one week's notice which may be given at any time; and

(c) when the servant is engaged at a daily wage, whether paid daily or not, at the close of any day without notice:

Provided that nothing in this section shall derogate from an employer's common law right to dismiss an employed for—

- (i) wilful disobedience of a lawful order;
- (ii) gross moral misconduct, whether pecuniary or otherwise;
- (iii) negligence in business, or conduct calculated seriously to injure the employer's business;

(iv) incompetence, or permanent disability from illness:

Provided also that an employed shall not be entitled to determine a contract of service without notice to his employer whilst the employed is engaged in any journey or voyage.

10. If the period expressed in any contract of service for the duration thereof shall expire, or if the employed shall give notice to determine a contract of service, whilst the employed is engaged in any journey or voyage, the employer may, for the purpose of terminating such journey or voyage, prolong the period of service for a period not exceeding one month next succeeding the date at which such contract would have come to a termination:

Contract expiring on a journey may be prolonged.

Provided that in every such case the employed shall be entitled to recover for the period of such extra service wages at the rate of one fourth more than the rate of wages stipulated by the contract.

11. The wages of an employed under a contract of service shall be payable in money, provided that, by special agreement, part payment may be made by means of a food ration, which shall not include any intoxicating liquor.

Mode of payment of wages.

12. When services are rendered without any express contract for wages, but with board or lodging, the use of land for tillage or other benefits to the employed, a contract to pay in money for such services shall not be implied.

No implied contract to pay wages in money in certain cases.

13. (1) Any employer who—

(a) having agreed to pay wages in money shall, without the consent of the employed, pay wages in kind; or

(b) having agreed to supply the employed with medicine, medical attendance, rations, lodgings or other benefits, shall without reasonable excuse fail to supply the same as agreed; or

(c) shall, without just or reasonable cause, withhold wages as they fall due, shall be guilty of an offence and liable, on summary conviction—

- (i) for a first offence to a fine of ten pounds;
- (ii) for a second offence to a fine of twenty-five pounds; and

Offences by employers in relation to wages.

(iii) for any subsequent offence to a fine of twenty-five pounds, or to imprisonment, with or without hard labour, for three months, or to both such fine and imprisonment.

(2) Any employer who shall pay or agree to pay to the employed wages or any part thereof in intoxicating liquor shall be liable to double the penalties prescribed in sub-section (1).

(3) The Court may, in addition to any penalty imposed under this section, make such order for the payment of wages, costs and expenses as it may think proper.

Penalty for
decoying
employed
person.

14. Any person who shall knowingly induce any employed to break his contract of service with his employer, or knowing that any servant is under contract to serve any other person shall employ such servant, shall be liable on summary conviction to a fine of ten pounds.

Improper
taking of
presents, etc.

15. Any employed person or domestic servant who, in abuse of his authority, demands or accepts any money, entertainment or other valuable consideration from a person in common employment with himself shall be liable on summary conviction to imprisonment for six months or to a fine of twenty pounds or to both such imprisonment and fine.

Rewards not
to be
demanded or
accepted.

16. No person shall demand or accept directly or indirectly from any person seeking employment, or from any person on his behalf, any money, gift or other consideration whatever for providing him with employment other than any fee which may be authorised by law.

PART III.—REGULATION AND CONTROL OF THE RECRUITMENT OF NATIVE LABOUR FOR FOREIGN SERVICE.

Contracts for
service
outside the
Queen's
dominions.

17. No native shall be engaged for service as a labourer outside Her Majesty's dominions or territories over which Her Majesty has power and jurisdiction, except for service to be performed wholly on board an ocean-going vessel, and except for service in a country or territory which has been declared by the Governor, with the approval of the Secretary of State, to be one to which emigration of native labourers is lawful.

Contracts for
service
outside
Sierra Leone.

18. No native of Sierra Leone shall leave Sierra Leone under contract to serve as a labourer on land outside the limits of Sierra Leone, or as an assisted emigrant, unless—

(a) if he owes allegiance to a chief or Tribal Authority by native law or custom, he shall have first obtained the consent of such chief or Tribal Authority, signified before a Magistrate, and a certificate in writing from such Magistrate to that effect;

(b) if he does not owe such allegiance, he shall have first obtained a certificate from a Magistrate.

(2) A Magistrate shall not grant such certificate as aforesaid unless he shall be reasonably satisfied with regard to the applicant—

(a) that he is physically fit to perform the work for which he desires to engage himself as aforesaid;

(b) that he is not abandoning wives, children or other relatives dependent upon him for maintenance, and that due provision has been made for the maintenance of all people (if any) dependent upon him during his absence;

(c) that he is above the age of fourteen years.

19. (1) The Governor may appoint a recruiting officer, and, until the appointment of such officer becomes necessary, may license fit and proper persons as agents for the recruitment in Sierra Leone of natives as labourers to be employed outside the limits of Sierra Leone, and any person to whom a permit has been granted under section 19 shall obtain the services of the labourers mentioned in such permit through the recruiting officer or an agent licensed under this section, and shall produce to such officer or agent at the time of application the permit granted to him as aforesaid.

Appointment
of recruiting
officer or
licensed
persons to
engage
natives as
labourers.

(2) Notification of any licence granted under this section shall be published in the *Gazette*.

(3) The Governor may at any time by notification in the *Gazette* cancel any such licence, without assigning any reason for such cancellation.

20. (1) If any person be desirous of obtaining for himself or for any other person, or for the Government of any British Colony or Protectorate or of any foreign country, the services of any native in Sierra Leone as a labourer outside the limits of Sierra Leone he shall apply in writing to the Minister stating the number of such labourers required, the place where the labour is to be performed and the nature of the said labour, the wages offered, and the duration of the proposed

Application
for permit to
engage
labourers.

contract; and the Minister may thereupon deliver to him a permit to engage through the recruiting officer or an agent licensed under section 19 the number of such labourers required, or any less number, within the limits therein specified. The particulars of every permit granted under this Ordinance shall be published in the *Gazette*.

(2) No such permit shall remain in force for a longer period than three months from the date of issue.

(3) No such permit shall be granted to any person who has not first obtained a letter of recommendation from the Government of the country in which such labourers are to work, that he is a fit and proper person to engage such labourers.

Names of
permit
holders to be
supplied to
other West
African
Territories.

21. The name of every person, to whom a permit has been granted under section 20 and the number of labourers that he has been empowered to engage, shall be forwarded to the Minister of Labour of each of the Gambia, Ghana, and the Federation of Nigeria for publication in the *Government Gazette* as soon as possible after the date of the granting of such permit. Such name as well as the place in which such labourers are to be employed shall be posted up in a conspicuous place in every District Court House and in every Native Court House in the area from which the labourers are to be engaged, and a notification of the fact that a permit has been granted and the name of the person to whom such permit has been granted and the name of the place in which such labourers are to be employed, shall be supplied by the Magistrate to all the chiefs concerned.

Security to
be given in
certain cases.

22. (1) Except in the case of labourers engaged for the service of the Government of any British Colony or Protectorate, the Minister, before granting a permit as aforesaid, shall require from the employer or his agent—

(a) security for the payment of the wages of the labourers about to be engaged;

(b) security for the payment of any expenses which may be incurred by the Government under section 30;

(c) security for the payment within 14 days of the expiration of the contract of the labourers about to be engaged of their return passage to the place whence they first embarked for the purpose of fulfilling their contracts and for their proper accommodation and maintenance on the way.

(2) Such security may be given either by deposit or bond with two sureties; and when the Minister has obtained such security, he shall state that fact on the permit.

23. Any person to whom a permit has been granted under section 19 shall, while it remains in force and subject to the provisions of this Ordinance, be entitled to engage, through the recruiting officer or an agent, any number of labourers not exceeding the number specified thereon.

Engagement
of labourers
under permit.

24. (1) Every contract under this Part for the service of a labourer outside the limits of Sierra Leone shall be in duplicate and shall be entered into in the presence of a Magistrate and such Magistrate shall, upon production of the permit of the person engaging the services of the labourer, if he be satisfied that the provisions of section 18 have been complied with, and that such contract is fully understood and is voluntarily entered into by the intending labourer, endorse on such contract the words following, that is to say—

Contract to
be signed
before
Magistrate.

“I hereby certify that the above contract was read over and explained in my presence to all the parties thereto who are illiterates, and was entered into by them voluntarily and with full understanding of its meaning and effect.”

(2) The Magistrate shall make entry on the permit of the number of labourers engaged under it, and, when the full number specified in such permit has been engaged or when the time specified thereon has expired, shall retain such permit and transmit it forthwith to the Minister.

(3) A copy of any contract entered into under this section shall be forwarded to the Government which has issued the letter of recommendation required under section 20.

25. (1) The Magistrate before whom any contracts for service outside the limits of Sierra Leone have been entered into shall forthwith furnish the Commissioner of Police with a list of the labourers so engaged, which list shall be provided for the purpose by the employer or his agent who has entered into the contract as aforesaid, and it shall be the duty of the Commissioner of Police, or an officer deputed by him for that purpose, to superintend the embarkation or departure of the labourers engaged, each one of whom shall, immediately before embarkation or departure, report himself to such superintending officer who shall thereupon check the names of the labourers about to embark or depart with the list so furnished, and immediately

List of
persons
engaged to
be furnished
by Magistrate
to Police.

thereafter shall report to the Magistrate that he has so checked the said list, and any other matter or thing connected with such embarkation or departure upon which it may appear to him that a report is necessary.

(2) Every labourer so engaged who leaves Sierra Leone by sea shall embark at Freetown:

Provided that the Governor may, by written permit to be produced to such superintending officer as aforesaid, allow the embarkation of the labourers specified in such permit at any other port in the Colony or Protectorate.

Duration of
contract.
9 of 1956.

26. No contract under this Part shall be for a longer period than twelve months.

Payment of
wages in
Sierra Leone.

27. Every such contract shall contain a clause stipulating that not less than one-half of the wages to be paid thereunder to any labourer shall be paid by the employer or his agent immediately after the return of the labourer to the place whence he first embarked or departed for the purpose of fulfilling his contract. Such payment shall be made before a Magistrate.

Register.

28. Every Magistrate shall keep a register of the name and place of abode of every labourer entering into a contract before him under the provisions of this Part, of the date and duration of the contract and the place where the same is to be performed, and of the name of the employer, and his agent, if any, and the nature of the service, and such register or a certified copy of any extract therefrom shall be receivable in any Court as evidence of the facts therein noted.

Capitation
fee.

29. Upon the completion of any agreement under the provisions of this Part, there shall be paid to the Magistrate for the Government by the employer or his agent a capitation fee of two shillings and sixpence, or such other sum as may be fixed by an Order of the Governor in Council, in respect of each labourer whose name shall be placed thereon.

Misconduct of
employer.

30. When it shall be proved to the satisfaction of a Magistrate that any employer has been guilty of serious neglect or ill-treatment of any labourer under contract under this Part, the Magistrate shall report the case to the Governor, and the Governor may, by notice published in the *Gazette*, cancel any contract into which such employer or his agent may have entered under this Part, and such contract shall be deemed to have been cancelled at, and from, the date of the publication of such

notice. Every labourer whose contract shall have been cancelled as provided above, shall be maintained and conveyed to his home district at the expense of the Government, and all sums reasonably expended upon the said maintenance and conveyance, together with all wages due to the said labourers from the employer, shall be recoverable from the employer in a summary manner as a penalty, at the suit of any public officer:

Provided that cancellation of a contract under this section shall not be held to preclude any other proceedings for breach of such contract while in force, or in respect of any ill-usage of any labourer while serving thereunder.

31. (1) Any person who shall, by any fraud, falsehood, intimidation, coercion or misrepresentation, induce any native to enter into a contract under this Part shall be guilty of an offence, and on conviction thereof before the Supreme Court shall be liable to a fine of one hundred pounds or to imprisonment, with or without hard labour, for two years, or to both such fine and imprisonment; or on summary conviction to a fine of fifty pounds, or to imprisonment, with or without hard labour, for six months, or to both such fine and imprisonment.

Penalty for
fraudulently
obtaining
contract.

(2) Every such contract shall be held void, save to the extent that the employer shall be liable to pay any wages due thereunder, and to provide for the return of any labourer engaged thereunder to his home.

32. (1) Whenever it shall appear to him to be necessary for the welfare of Sierra Leone or of any district or place therein so to do, it shall be lawful for the Governor, by proclamation, to prohibit the engagement of labourers for service outside the limits of Sierra Leone, either generally or within such district or place as may be specified in such proclamation.

Governor
may forbid
recruitment
by proclama-
tion.

(2) During the continuance of such prohibition, no permit to engage labourers in such districts or places shall be furnished by the Minister, and any permit which shall have been previously given, and be then in force, shall be deemed to be cancelled or suspended with respect to any district or place to which it may apply that may be included in such prohibition.

Effect of
proclamation.

33. Any person who—

(a) not being the recruiting officer or licensed under section 19 shall engage or attempt to engage natives (whether

Unlawful
recruiting,
etc.

natives of Sierra Leone or not) to be employed as labourers outside the limits of Sierra Leone; or

(b) being the recruiting officer or licensed under section 19 shall engage labourers for service outside the limits of Sierra Leone for any person who does not hold a permit granted under section 20; or

(c) shall induce or attempt to induce, or shall assist or offer to assist, any native to leave Sierra Leone in order that such native may be employed as a labourer outside the limits of Sierra Leone otherwise than under a contract of service entered into under this Part; or

(d) shall engage, or offer or agree to employ, or to find employment for, any native as a labourer outside the limits of Sierra Leone except under a contract entered into under this Part,

shall be guilty of an offence, and on conviction before the Supreme Court shall be liable to a fine of one hundred pounds or to imprisonment, with or without hard labour, for two years, or to both such fine and imprisonment; or on summary conviction to a fine of fifty pounds, or to imprisonment, with or without hard labour, for six months or to both such fine and imprisonment.

Masters of ships to furnish names, etc., of deck passengers.

34. (1) As soon as possible after the arrival at each port in Sierra Leone of a ship carrying passengers, the master of such ship shall furnish to the Commissioner or senior officer of Police or Customs at such port a statement containing the names of all deck passengers on board as well as the names of the ports of embarkation and destination of each of such deck passengers.

(2) Before leaving any port the master of such ship shall furnish to the Customs officer on board a statement containing the names of all deck passengers who have embarked at such port, and the port of destination of each such passenger.

(3) No certificate of clearance shall be given in respect of such ship until such statements have been so furnished.

(4) Any master failing to comply with the terms of this section shall be guilty of an offence and liable, on summary conviction, to a fine of twenty-five pounds or in default of payment to imprisonment, with or without hard labour, for three months.

35. (1) The master of a ship shall, if and when required by the District Commissioner or the Commissioner or other senior officer of Police—

Muster of deck passengers and native members of crew.

(i) muster all his deck passengers and native members of his crew.

(ii) produce the statements provided for in section 34.

Any master who shall fail to comply with the requirements of this section shall be liable to the penalties prescribed in section 34.

(2) If on such muster there is found on board—

(a) any native who has embarked at any port in Sierra Leone as a deck passenger, and is leaving Sierra Leone under a contract to serve as a labourer outside the limits of Sierra Leone but has not entered into a contract in accordance with the provisions of this Part, or who, being a native of Sierra Leone, is leaving Sierra Leone as an assisted emigrant but is not the holder of a certificate under section 18; or

(b) any deck passenger who has embarked at any port in Ghana, Nigeria or the Gambia without a certificate (if any) required by the law of such territory,

the master shall be liable to the penalties prescribed in section 34, except he can prove that he was not a party to the offence and had reasonable cause to believe that such deck passenger had entered into a contract in accordance with the provisions of this Part or was the holder of the required certificate, as the case may be. No certificate of clearance in respect of such ship shall be given until the deck passenger has been disembarked, and such certificate of clearance may be withheld until any prosecution against the master has been terminated.

36. Any expenses which may be incurred by or on behalf of the Government in returning any such deck passenger to the territory at which he embarked, as in section 35 mentioned, may be recovered at the suit of any public officer from the owner or master of the ship except he can prove that he was not a party to the offence and had reasonable cause to believe that such deck passenger had entered into a contract in accordance with the provisions of this Part or was the holder of the required certificate, as the case may be.

Recovery of expenses of returning native to Colony, etc., of embarkation.

Discharge
from ship of
natives of
Sierra Leone
in foreign
ports.

37. The owners, agents, managers or master of a ship, any member of the crew of which is a native of Sierra Leone shall, before the ship leaves Sierra Leone with such native on board give such security as shall seem sufficient to the Minister for the payment of the cost of bringing back to Sierra Leone any such native who shall be discharged in any foreign port otherwise than in the presence of a British Consular Officer.

Such security may be for such cost in the case of any particular native of Sierra Leone, or in the case of two or more or all of the members of the crew of a particular ship who are natives of Sierra Leone or the case of all members of the crews of any ship who are natives of Sierra Leone which shall leave Sierra Leone during any specified period.

Saving of
common law,
etc.

38. Nothing in this Part contained shall affect or interfere with the rights or liberties of any party to any contract made under this Part, whether at common law or under any Ordinance or Statute in force for the time being:

Provided that no person shall be twice prosecuted for the same offence.

9 of 1956.

PART IV.—RESTRICTION ON THE ENGAGEMENT OF INDUSTRIAL WORKERS.

Application.

Cap. 7.

39. The provisions of this Part shall apply to the Police District of Freetown and the Headquarters Judicial District as severally defined by the Courts Ordinance, or as defined by Order of the Governor made for the purposes of this Part:

Provided that the Governor in Council may, from time to time, by Order, modify, restrict or extend the application to such areas, districts or places as may be specified in such Orders.

Interpreta-
tion.

40. In this Part, unless the context otherwise requires—

“industrial worker” means any artificer, journeyman, handicraftsman, canoeman, hammockman, carrier, messenger, clerk, shop assistant, storekeeper, labourer, agricultural labourer, domestic servant or apprentice gainfully employed or normally seeking a livelihood by gainful employment declared to be such by the Commissioner by notice published in the *Gazette*.

41. (1) The Commissioner, with the approval of the Minister, may, from time to time, issue directions exempting from the provisions of this Part any person to whom this Part applies. Exemption.

(2) Any such directions—

(a) may apply to any specified class or description of employer or to any particular employer or to any particular person or class of persons within the meaning of the term industrial worker and may apply either generally or in any particular area and for such purposes in such circumstances and for such periods as may be specified in the directions;

(b) may be cancelled or modified at any time but without prejudice to the giving of further directions.

42. The Commissioner, with the approval of the Minister, may make rules— Power of
Commis-
sioner of
Labour to
make rules.

(a) authorising the establishment of offices to be known as employment exchanges in such places as may be convenient at which workers may attend to make application for employment and to which employers may notify their vacancies;

(b) prescribing the particulars to be furnished by applicants for employment and by employers notifying vacancies;

(c) prescribing conditions under which applicants for employment and employers notifying vacancies respectively may be dealt with at employment exchanges;

(d) generally for giving effect to the objects of this Part.

43. (1) An employer, employing ten or more employees, carrying on an undertaking in any area, district or place specified in or in accordance with the provisions of section 39 shall not seek to engage or engage any industrial worker for work in that undertaking except by notifying to an employment exchange particulars of the vacancy to be filled and by engaging for that vacancy an industrial worker submitted to him by an employment exchange. Engagement
of workers.

(2) The Commissioner may at any time release from the restriction on engagement imposed by this section any vacancy or vacancies notified to an employment exchange, having regard to the nature of the work for which the vacancy or vacancies exist and the qualifications and suitability for the work of the available applicants therefor registered at the employment exchange, or if he be satisfied that there is no

such applicant or an insufficient number of such applicants available therefor.

(3) Where any vacancy as aforesaid has been notified to an employment exchange and no applicants for such vacancy have been submitted by the employment exchange for that vacancy at the expiry of seven days from the date of the receipt of the notification at the employment exchange, the restriction on engagement imposed by this section shall cease to apply:

Provided that—

(a) an employer shall not be under an obligation to engage any particular person submitted by the employment exchange for a notified vacancy if he does not regard such person as suitable; and

(b) subject to the provisions of sub-section (2) the restriction on engagement shall continue for so long as, in the opinion of the Commissioner, a *prima facie* suitable applicant is registered at the employment exchange and at least one submission has been made in accordance with the provisions of this sub-section.

Penalties.

44. Any person who contravenes or fails to comply with the provisions of section 43 shall be guilty of an offence and shall be liable, on summary conviction, to a fine of fifty pounds or to imprisonment for three months or to both such fine and imprisonment.

Powers of
Labour
Officers.

45. (1) With a view to ascertaining whether or not any employer, to whom any of the provisions of this Part apply, is conforming with such provisions, any Labour Officer duly authorised in that behalf shall have power—

(a) to require the production of any records of wages which are kept and to inspect the same and copy any material part thereof; or

(b) where no such records are kept, at all reasonable times to enter upon any land or premises of such employer and make such enquiries as may seem to him necessary.

(2) Any employer, to whom the provisions of this section apply, who—

(a) contravenes or fails to comply with any of these provisions; or

(b) hinders or molests any such Labour Officer in the exercise of his powers under the provisions of sub-section (1); or

(c) makes or causes to be made or knowingly allows to be made any record of wages which is false in any material particular; or

(d) furnishes any information to such Labour Officer knowing the same to be false,

shall be guilty of an offence and shall be liable on summary conviction to a fine of fifty pounds or to imprisonment for three months or to both such fine and imprisonment.

46. (1) Proceedings for an offence under the provisions of this Part shall not be instituted except by or with the consent of the Commissioner or by any person authorised in that behalf by special or general directions of the Commissioner.

Provisions as
to offences.

(2) Notwithstanding the provisions of any law specifying the period within which summary proceedings may be commenced, proceedings for an offence under the provisions of this Part may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Commissioner to justify a prosecution for the offence, comes to his knowledge or within a period of twelve months from the date on which the offence was committed whichever period last expires, and for the purposes of this sub-section a certificate purporting to be signed by or on behalf of the Commissioner as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

(3) Where an offence under the provisions of this Ordinance has been committed by a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate or was purporting to act in any such capacity, shall be deemed guilty of that offence unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

PART V.—EMPLOYMENT OF WOMEN, ADOLESCENTS AND CHILDREN.

47. (1) No girl or woman of any age, shall be employed in or allowed to be for the purpose of employment in any mine below ground.

Employment
of women in
mines.

(2) For the purpose of this section the term "mine" includes any undertaking whether public or private for the extraction of any substance from under the surface of the earth.

Prohibition of night work by women and boys under eighteen.

48. No girl or woman of any age or boy who appears to be under eighteen years of age shall be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Industries affected by seasons or exceptional circumstances.

49. In such industrial undertakings as are influenced by the seasons of the year, and in all industrial undertakings in the case of exceptional circumstances demanding it, the Governor may by notice declare that the prohibition of night work shall extend to a period of ten hours only instead of eleven hours on sixty days of the year.

Exemption from liability in certain special circumstances.

50. (1) Section 48 shall not apply to a case where it is shown, to the satisfaction of the Court trying the same, that the night work complained of is by women only and was due to a cause beyond control bringing about an interruption of work which could not reasonably be foreseen and which is not of a recurring character, or where the night work complained of is by women only and has to do with raw materials in course of treatment which are subject to rapid deterioration and when such night work is necessary to preserve the said materials from certain loss.

(2) Section 48 shall also not apply to a case where it is shown, to the satisfaction of the Court trying the same, that the night work complained of is by boys who appear to be between the ages of sixteen and eighteen only and was due to an emergency which could not have been controlled or reasonably foreseen, which is not of a recurring character, and which interfered with the normal working of the industrial undertaking.

(3) Section 48 shall also not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

Prohibition of employment of children under twelve, except in certain circumstances.

51. Children who appear to be under the age of twelve years shall not be employed in any capacity whatsoever:

Provided that the provisions of this section shall not apply to any child employed on light work of an agricultural, horticultural or domestic character by a member of the family of such child and which has been approved by the competent Government authority:

Provided further that no such child shall be employed before six o'clock in the morning or after eight o'clock in the evening on any day or for more than two hours on any day and provided also that such child shall not be required to lift, carry or move anything so heavy as to be likely to cause injury to him.

For the purposes of this section the expression "competent Government authority" means the "Director of Medical Services."

52. Children who appear to be under fifteen years of age shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed:

Prohibition of industrial employment of children under fifteen.
32 of 1947.

Provided that the provisions of this section shall not apply to work done by such children in any Government school or school approved and supervised by the Director of Education.

53. Children who appear to be under fifteen years of age shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed:

Prohibition of employment of children under fifteen at sea.
32 of 1947.

Provided that the provisions of this section shall not apply to work done by such children on any school-ship or training vessel approved by the Governor and supervised by the Harbour Master of Freetown harbour.

54. (1) Male persons under the age of sixteen years shall not be employed underground in mines.

Employment of males under sixteen in mines.
32 of 1947.

(2) The employment underground in mines of male persons who have attained the age of sixteen years but not that of eighteen years shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a duly qualified and registered medical practitioner.

55. (1) Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

Employment of young persons as trimmers or stokers.
32 of 1947.

(2) When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age:

Provided that the provisions of this section shall not apply to—

(a) the employment of young persons on vessels mainly propelled by other means than steam;

(b) young persons of not less than sixteen years of age who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in coastal trade.

56. (1) The employment of any young person under eighteen years of age on any vessel shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a duly qualified and registered medical practitioner.

(2) In urgent cases a young person below the age of eighteen years may be allowed to embark without having undergone medical examination, always provided that such an examination shall be undergone, at the expense of the employer, at the first port at which the vessel calls, and that failing satisfactory medical attestation the young person shall be returned as a passenger to the port or place where he was engaged or to his home, whichever is the nearer, at the expense of the employer.

PART VI.—APPRENTICESHIP CONTRACTS.

57. The father, or in case of a fatherless child the guardian of a child above the age of twelve years and under the age of fourteen years, may, with the consent of such child, testified by his execution of the deed of apprenticeship, apprentice such child to a trade or employment in which art or skill is required, or as a domestic servant, for any term not exceeding five years.

58. Whenever any child under the age of fourteen years is an orphan without known relatives, a Judge of the Supreme Court, or a Magistrate of the district where such child resides or is found, may authorise the apprenticing of such child as aforesaid, and may appoint some fit person who shall execute the deed of apprenticeship and act generally as guardian of such child.

59. Any person of the age of fourteen years and upwards, not being under any deed of apprenticeship, may apprentice himself for any term, not exceeding five years, to any trade or employment in which art or skill is required:

Provided that when the employer is the Government the contract may be for any term not exceeding ten years.

60. The age of any child may, where no register of his birth is available, be inquired into and determined by any one or more fit persons whom a Judge of the Supreme Court or a Magistrate may appoint for the purpose; and his or their report shall, if unanimous, be conclusive for the purpose. If such report be not unanimous the determination of the child's age shall rest with the Judge or Magistrate, as the case may be.

Age how determined.

61. Every contract of apprenticeship may, with the consent of the parties thereto and subject to the provisions of section 62, be assigned.

Assignment of indentures.

62. Every contract of apprenticeship and every assignment thereof shall be by deed, and no such deed shall be valid unless attested by and made with the approval of a Judge of the Supreme Court, or of the Magistrate of the district where the person to be apprenticed shall be living, and unless such approval be certified in writing under the hand of the Judge or Magistrate on the deed of apprenticeship or assignment.

Indentures or assignments invalid unless by deed approved.

63. Whoever removes or attempts to remove any apprentice from Sierra Leone during his apprenticeship without the authority in writing (the proof whereof shall lie on him) of the Magistrate of the district where such apprentice resides shall be guilty of an offence and liable, on summary conviction, to a fine of fifty pounds, or to imprisonment, with or without hard labour, for six months.

Apprentices not to be taken out of Sierra Leone.

64. Whoever induces or attempts to induce any apprentice to quit the service of his employer shall be guilty of an offence and liable, on summary conviction, to a fine of twenty-five pounds, or to imprisonment, with or without hard labour, for three months.

Penalty for decoying apprentices.

65. It shall be the duty of an apprentice—

Duties of apprentice.

- (a) to serve his employer faithfully;
- (b) to keep his secrets;
- (c) to obey his lawful commands;
- (d) not to do any damage;
- (e) to report all damage done by others;
- (f) not to absent himself from work without lawful and sufficient cause.

Amendment 1962:
3. Register of all under 18 to be kept

Medical examination of young person before going to sea. 32 of 1947.

Amendment 1962 - And at 1-year intervals

Apprenticeship of children by parents or guardians.

Orphan children without relatives.

When persons may apprentice themselves.

Ill-treatment
of apprentice
an offence.

66. Any employer who wilfully ill-treats any apprentice bound to him under this Part, shall be guilty of an offence and liable, on summary conviction, to a fine of twenty-five pounds or to imprisonment, with or without hard labour, for three months.

Apprentices
retained after
expiration of
indenture
entitled to
wages.

67. If any employer to whom an apprentice has been bound under this Part shall retain such apprentice in his service after the stipulated period of service has expired, without any agreement between the parties for the payment of wages, the apprentice shall be entitled to recover from the employer so retaining him wages at the ordinary current rate payable for service similar to that performed by such apprentice.

PART VII.—DEATH, INSOLVENCY AND CHANGE OF RESIDENCE OF EMPLOYER.

Contract of
service to
cease on
death.

68. Unless otherwise expressly provided in the contract, every contract of service shall terminate on the death of the employer:

Provided that the servant shall be entitled to all the benefits of the contract up to such termination, including the fulfilment of any stipulation to return the servant to the place of engagement, as if the contract had been terminated in the ordinary course of events.

Insolvency of
employer.

69. (1) In the event of an employer becoming bankrupt or insolvent, all wages due from him to a servant, whether payable for time or for piece work, not exceeding twenty-five pounds, shall be paid in priority to all other debts.

(2) All debts due for such wages as aforesaid shall rank equally between themselves and shall be paid in full, unless the property of the employer is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3) Subject to the retention of such sums as may be necessary for the costs and expenses of administration or otherwise, the debts last aforesaid shall be discharged forthwith so far as the property of the employer is sufficient to meet them.

(4) For the purposes of this section a clerk shall be deemed to be a servant.

70. (1) The death, insolvency or removal for the distance of five miles and over of the employer shall operate to cancel and discharge an indenture of apprenticeship.

Discharge of
apprentice-
ship deed on
death,
insolvency or
removal of
the employer.

(2) In any such event if any sum of money by way of premium shall have been paid to the employer by or on behalf of an apprentice, the apprentice shall have a claim against the employer or his estate for such part of such premium as shall be in proportion to the unexpired term of apprenticeship.

71. An indenture of apprenticeship may be cancelled and discharged at any time by the mutual consent of the parties thereto, or by a Judge of the Supreme Court or a Magistrate on the application of the employer, apprentice, or the father or guardian of the apprentice, if good cause be shown. Upon any such cancellation the provisions of section 70 (2) shall apply to any sum of money which may have been paid to the employer by way of premium.

Discharge of
apprentice-
ship deed by
mutual
consent.

72. In the event of a servant or apprentice dying during the term of service, the full remuneration due to the servant or apprentice up to the date of his death shall be payable to his estate.

Death of
servant or
apprentice.

73. No servant shall be bound without his consent to perform his service at any place more than five miles from the place where he shall have first agreed to serve.

Removal of
employer.

74. No servant shall be bound without his consent to accompany his employer out of Sierra Leone and no servant under fourteen years of age shall be bound to accompany his employer out of Sierra Leone unless his father or guardian shall also consent thereto.

Servant not
bound to
accompany
employer
outside
Sierra Leone.

75. Where in cases within section 73 or 74 the servant or apprentice is not bound to continue to perform his service, or to accompany his employer, and is unwilling to do so, the contract shall be deemed to have terminated from the date of such removal or departure, and the servant or apprentice shall be entitled to claim the wages or other remuneration specified in the contract up to the date of such removal or departure.

Date of
termination
of contract in
case of
removal.

PART VIII.—BREACH OF CONTRACT AND DISPUTES
BETWEEN EMPLOYERS AND EMPLOYED.

Complaint in
case of
dispute
between
employer and
employed.

76. Whenever an employer or employed shall neglect or refuse to fulfil any contract of service, or whenever any question difference, or dispute shall arise as to the rights or liabilities of either party, or as to any alleged misconduct, failure in duty, or ill-treatment of either party, or as to any alleged injury to the person or property of either party, under any contract of service, the party feeling himself aggrieved may lay a complaint before a Magistrate who may thereupon issue a civil summons to the party complained against, provided that the sum claimed (if any) for wages, damages or compensation does not exceed twenty pounds on balance of account.

Discretionary
powers of
Court.

77. Upon any such complaint as aforesaid the Magistrate may, sitting as a Civil Court of summary jurisdiction and in addition to any jurisdiction he might have exercised if this Ordinance had not been enacted, exercise all and any of the following powers; that is to say—

(a) he may adjust, and set off one against the other, all such claims on the part either of the employer or of the employed arising out of or incidental to the relation between them, as he may find to be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages, or otherwise; and he may direct the payment of such sum as he finds due by one party to the other and may award costs;

(b) he may direct fulfilment of the contract, and in cases where the Court might award damages for any breach of contract, he may, in place either of the whole of the damages or some part thereof, in the case of a contract of service other than a Government contract of service, direct the party committing such breach, or, in the case of a Government contract of service, direct the employed committing such breach, to give security to the satisfaction of the Court, by deposit or otherwise, for the due performance of so much of his contract as remains unperformed;

(c) he may rescind the contract upon such terms as to apportionment of wages or other sums due thereunder, and to the payment of wages or damages or other sums due, as he thinks just.

Cruel
ill-treatment
of servant
an offence.

78. Any employer who wilfully and cruelly ill-treats any servant shall be guilty of an offence and liable, on summary conviction, to a fine of twenty-five pounds or to imprisonment, with or without hard labour, for three months.

PART IX.—PROVISIONS AS TO AGENTS.

79. No person shall execute for or on behalf of any other person any agreement, contract or bond under the provisions of this Ordinance unless such person shall produce to the Minister, Judge or Magistrate a power of attorney or authority in writing empowering him to execute such agreement, contract or bond in that behalf.

Agent to
produce
power of
attorney or
authority in
writing.

80. Where any such authority in writing shall not be under seal, any contract under seal executed by such person shall, nevertheless, be valid for the purposes of this Ordinance, any law to the contrary notwithstanding.

Authority in
writing not
under seal
to be valid.

81. The donee of a power of attorney or other authority in writing as aforesaid, may, if he thinks fit, execute any instrument or do anything in his own name and signature, as also under his own seal when sealing is required by the donor of such power or other authority in writing; and every instrument and thing so executed and done shall be as effectual in law to all intents as if it had been executed and done in the name and with the signature and under the seal of the donor of such power or authority in writing.

Execution
under power
of attorney
or authority
in writing.

82. Any person making any payment or doing any act in good faith under the provisions hereof in pursuance of a power of attorney or other authority in writing as aforesaid shall not be liable in respect of such payment or act by reason only that, before the payment or act, the donor of the power, or other authority in writing had died, or had become a lunatic, of unsound mind, bankrupt, or insolvent, or had revoked the power of authority in writing, if the death, lunacy, unsoundness of mind, bankruptcy, insolvency, or revocation, was not at the time of the payment or act known to the person making or doing the same.

Payment
etc., by donee
of power
or authority
without
notice of
death, etc.,
to be valid.

PART X.—ADVANCES BY EMPLOYERS.

83. No claims by an employer against a labourer, for or on account of advances made or goods supplied by the employer during the period of the contract of service between the employer and the labourer, shall be enforceable in any court after the expiration of such contract.

Claims by an
employer for
advances
made or
goods
supplied not
enforceable
after
termination
of contract.

PART XI.—MISCELLANEOUS PROVISIONS.

84. (1) Nothing in this Ordinance shall prevent any employer or employed from enforcing his respective rights and remedies for any breach or non-performance of any lawful contract of

Contracts of
service made
out of Sierra
Leone.

service made out of Sierra Leone; and the respective rights of such parties under any such contract as well against each other as against third parties invading such rights, may be enforced in the same manner as that in which other contracts or rights may be enforced:

Provided that, whenever any contract of service made out of Sierra Leone shall have been executed in conformity with the provisions of this Ordinance, it shall be enforced in the same manner as a contract of service made under such provisions; but no written contract of service made out of Sierra Leone, the tenor and execution of which are not in conformity with such provisions, shall be enforced against any party thereto who at the time of the making of the contract was from want of education unable to read and understand writing.

(2) Any contract of service made out of Sierra Leone shall be deemed to have been executed in conformity with the provisions of this Ordinance if it purports to be signed with the names or marks of the contracting parties and, as concerns any illiterate parties, with an attestation to the like effect as that prescribed by section 24 (1); and, if the contract was made in the United Kingdom or elsewhere in Her Majesty's Dominions or in a British Protectorate, or in any territory in respect of which a mandate is being exercised by the Government of any part of Her Majesty's Dominions, the attestation may be by any Justice of the Peace or any officer authorised by law to take affidavits; while, if it was made in any foreign country, the attestation may be by any Judge or Magistrate, being authenticated by the official seal of the Court to which he is attached, or by any British diplomatic or consular officer.

85. Where the attestation of a Magistrate is required in respect of a number of contracts of service between one employer and a number of employed, all being employed for the same period of time for the same work at the same place and all such contracts are included in one document, such attestation may be given in respect of all such contracts at the foot of such document.

86. Any contravention of or failure to comply with any provision of this Ordinance or of any Order or Proclamation to be made or issued thereunder shall be deemed to be an offence; and, in any case where a person is charged with any such offence in respect of which no specific penalty shall have been prescribed, such person shall, on summary conviction, be liable to a fine of fifty pounds or to imprisonment, with or

Form of
execution.

Attestation
where
several
contracts
are included
in one
document.

General
provision as
to penalties
where no
specific
penalty
prescribed.

without hard labour, for six months, or to both such fine and imprisonment.

87. Nothing in this Ordinance shall affect or alter the rights or liabilities of any party to any contract made under and in accordance with, or governed by, any Act of the Imperial Parliament which shall for the time being be in force in Sierra Leone; nor shall the provisions hereof apply to any such contract.

Savings as to
certain
contracts
made under
Imperial
Acts.

88. (1) The Governor in Council may make rules for all of any of the purposes following—

Power to
make rules.

(i) declaring either generally or in relation to any specified kind of contract of service that this Ordinance shall not apply to contracts of service made under or governed by native law or custom;

(ii) regulating the recruiting of servants for service within or without Sierra Leone, and providing for the licensing of labour agents;

(iii) prescribing the conditions under which carriers may be employed, and the limitation of weights of loads to be carried by them;

(iv) prescribing the form of deeds of apprenticeship and the terms and conditions upon which contracts of apprenticeship may be lawfully entered into, and the duties and obligations of apprentices and their masters;

(v) the registration, identification, and inspection of servants, the securing of correct returns, the keeping of proper registers and the proper inspection of such registers;

(vi) the return of servants at the expiration of the contracts of service to the place at which they were engaged;

(vii) the examination of servants by medical officers, and such measures as may be necessary to prevent the introduction or spread of infectious and contagious diseases, the compulsory employment of qualified medical practitioners by employers, and the compulsory erection of hospitals by employers, and in default thereof the recovery from the employers of the cost of medical attendance provided by the Government and of the erection and maintenance of hospitals erected by the Government;

(viii) the provision of the housing, rations and food of servants for whom the employer is obliged to provide housing accommodation or food under their contracts of service, the

inspection of such housing, rations and food, and the observance of all sanitary precautions;

(ix) the planning and layout of towns, villages and camps in Labour Health Areas, and the construction of streets, lanes, buildings, markets, open spaces, drains, latrines, incinerators, wells and tanks in such areas;

(x) the provision of the housing, rations and food of servants in Labour Health Areas whether or no the employer is obliged to provide housing accommodation or food under their contracts of service, the inspection of such housing, rations and food and the observance of all sanitary precautions;

(xi) the provision of adequate arrangements for the care of sick and injured servants and the inspection of such arrangements;

(xii) the manner of payment of wages earned by servants;

(xiii) providing for proper application of any wages due to a deceased servant;

(xiv) the care and treatment of servants and their families when housed by the employer;

(xv) the engagement, licensing, registration and supervision of domestic servants;

(xvi) imposing upon persons who have accepted the services of a servant without paying wages therefor, the obligation to provide for the maintenance of such servant during sickness or in old age;

(xvii) the appointment of a Labour Inspector and such other officers as may be necessary for carrying out the provisions of this Ordinance;

(xviii) prescribing the forms to be used for any matter or thing to be done under this Ordinance or under any rules made thereunder;

(xix) prescribing the fees to be paid for any matter or thing to be done under this Ordinance or under any rules made thereunder; and

(xx) generally carrying into effect the purposes and provisions of this Ordinance;

and may apply such rules either generally or to Labour Health Areas or to such other areas as he may think fit.

(2) Except in so far as they may be varied, revoked or replaced by other rules made by the Governor in Council under this section the rules in the Schedule shall be in force in Sierra

Leone, and shall be deemed to have been made under this Ordinance. *

(3) The Governor in Council may impose a penalty not exceeding one hundred pounds or imprisonment, with or without hard labour, for a period not exceeding six months, for the breach of any rule made under this section. Every such breach shall be prosecuted summarily before a Magistrate.

(4) No rules made by the Governor in Council under this section shall come into force before the same shall have been approved by the House of Representatives.

(5) The House of Representatives may amend any rules made by the Governor in Council under this section or may substitute other rules therefor. Rules so amended or substituted shall be deemed to have been made by the Governor in Council and to have been approved by the House of Representatives.

* The rules of the Schedule are printed in the Volume containing the subsidiary legislation of this Chapter.