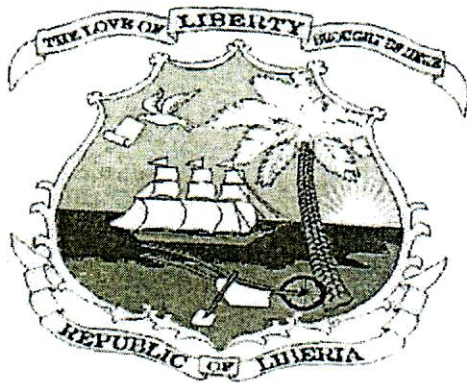


**AN ACT TO AMEND THE JUDICIARY LAW, TITLE 17,  
LIBERIAN CODE OF LAWS REVISED, TO PROVIDE FOR  
THE ESTABLISHMENT OF A COMMERCIAL COURT**



*Good*

**REPUBLIC OF LIBERIA**

**IT IS ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA,  
IN LEGISLATURE ASSEMBLED:**

**ARTICLE I  
ESTABLISHMENT OF THE COMMERCIAL COURT**

- (1) That from and immediately upon the passage of this Act, there is hereby established a Commercial Court created as a specialized court of the Republic of Liberia, which shall be established in each of the counties, initially commencing with Montserrado County.
- (2) Until such time as the Commercial Court is established in the other counties, the Commercial Court established in Montserrado County shall have jurisdiction over all commercial cases and claims, irrespective of the residence of the parties or where the cause of action arose.

**ARTICLE II  
JURISDICTION OF THE COMMERCIAL COURT**

- (1) The Commercial Court shall have jurisdiction over and in all civil actions arising out of or in relation to commercial transactions in which the claim is at least fifteen thousand US dollars (\$15,000.00), and all cases of admiralty, including without limitations any of the followings:
  - (a) all disputes arising out of a sale or lease of any property whatsoever, except realty;
  - (b) all disputes arising in connection with the creation, negotiation, and enforcement of any negotiable instrument, including the liabilities and rights associated therewith;
  - (c) any action to enforce a security agreement or foreclose a mortgage created in accordance with the provisions of the Commercial Code, which is Title 7 of the Liberian Codes of Laws Revised;
  - (d) any action arising out of the creation, performance, interpretation, assignment and or modification of an agreement creating an agency, partnership, corporation or similar business relationship;
  - (e) all cases of admiralty, including the creation, registration, priority, and foreclosure of maritime mortgages that which are governed by the Liberian Maritime Law, which is Title 21 of the Liberian Codes of Laws Revised; and
  - (f) to hear and decide appeals from, and applications to enforce, final decisions of an arbitral panel appointed in keeping with Chapter 7 of the Commercial Code.
- (2) Subject to the threshold stipulated in Article II, section (1) of this Act, the Commercial Court shall have concurrent jurisdiction with the Debt Courts over actions to obtain payments of debt.
- (3) An action to obtain payment of a debt may not be moved from the Court in which it has been instituted.
- (4) Commercial claims and matters over which the Commercial Court shall have jurisdiction include without limitation:
  - (a) The formation and governance of a business or commercial organization;
  - (b) The winding up or bankruptcy of a business or commercial enterprise;

- (c) The restructuring or payment of a debt by or to a business or commercial enterprise;
  - (d) A business documents or contract;
  - (e) The export or import of goods;
  - (f) The carriage of goods by sea, land, air or pipelines;
  - (g) The exploration and development of mines, oil and gas;
  - (h) Insurance and re-insurance;
  - (i) Banking and financial services;
  - (j) Business agencies and franchises;
  - (k) Disputes involving commercial arbitration and other settlement awards;
  - (l) Intellectual property rights, including patents, copyrights and trademarks; and
  - (m) Other claims or matters of a commercial nature.
- (5) Claims over which the Circuit, Debt, and Commercial Courts have concurrent jurisdiction may not be moved from the court at which it has been instituted.

### **ARTICLE III PROCEDURES OF THE COMMERCIAL COURT**

- (1) Actions in the Commercial Court shall be commenced and regulated in the same manner as prescribed in the Civil Procedures for civil actions in the Circuit Courts, except as modified in this Act or the Rules of the Commercial Court as may be promulgated hereafter.
- (2) Notwithstanding the provisions of Article III, Section (1), the procedures of the Commercial Court shall be structured to promote the prompt determination of commercial disputes in keeping with law.
- (3) Applications for summary judgment shall be filed only after a pre-trial conference.
- (4) Exceptions to interlocutory rulings made by a judge of the Commercial Court shall be reviewed by the full three (3) judge panel.

### **ARTICLE IV APPEALS FROM THE COMMERCIAL COURT**

- (1) An appeal from a final judgment of the Commercial Court shall lie directly with the Supreme Court of Liberia.
- (2) An appeal from a judgment of the Commercial Court shall not serve as a stay on enforcement of the judgment, provided that the amount of the judgment paid shall be placed in an interest-bearing escrow

account with a commercial bank to be designated by the Commercial Court pending disposition of the appeal.

- (3) Payment of the full amount of judgment shall be a condition precedent for the completion of an appeal from a judgment of the Commercial Court, but the appeal bond, which may be required of the appellant, shall be exclusive of the amount of the judgment paid.

#### **ARTICLE V STRUCTURE OF THE COMMERCIAL COURT**

- (1) The Commercial Court shall be a specialized court composed of a panel of three judges, one of whom shall be called the Chief Judge and the administrative head of the Court. Decisions of the Court sitting en banc shall be by majority.
- (2) A case filed before the Commercial Court may be heard by one of the judges of the Commercial Court, provided that where the amount of the claim is in excess of US\$1,000,000.00 (One Million United States Dollars) or its Liberian Dollars equivalent, the case shall be heard by the full three judge panel.
- (3) Where one or more of the judges cannot sit on a case requiring a hearing by the full panel, the Chief Judge shall direct the Clerk of the Court to notify the Chief Justice of the Supreme Court of Liberia, who shall make ad hoc appointment(s) to complete the panel from among judges of circuit and specialized courts.
- (4) Cases shall be assigned for hearing by the Chief Judge in the order of filing.

#### **ARTICLE VI POWER OF THE COMMERCIAL COURT**

The Commercial Court shall have the powers to:

- (a) Adjudicate all commercial matters within its subject matter jurisdiction as established in Article II of this Act;
- (b) Require a party to submit to arbitration in accordance with the rules of the Commercial Court where there is an arbitration agreement, or where the Court considers that arbitration will lead to a speedy disposition of the matter;
- (c) Authorize a secured party, upon an ex parte application, to possess or repossess a property that is a subject of a secured transaction or a mortgage;
- (d) Grant an application for attachment, garnishment or other sequestration order in respect a property that is a subject matter of an action before it or which property is materially related to the action, subject to the requirements of law;
- (e) Issue a Ne Exeat Republica writ, upon showing of adequate cause, to restrain the travel out of the country of defendant(s) in cases pending before the Court; and
- (f) Set appropriate and reasonable filing fees.

**ARTICLE VII  
TRIAL OF CASES**

- (1) The Commercial Court shall be a court of record.
- (2) Cases brought before the Commercial Court shall be tried without a jury.
- (3) The Court may conduct or order a trial by arbitration or with the assistance of experts, as provided for in the Commercial Code and or the Rules of the Commercial Court as may be promulgated hereafter.

**ARTICLE VIII  
APPOINTMENT AND TENURE OF COMMERCIAL COURT JUDGES**

- (1) The President of Liberia shall nominate, and with the consent of the Senate, appoint and commission judges to preside over the Commercial Court. Judge of the Commercial Court shall be of equal status with a circuit judge, and shall hold office during good behavior.
- (2) A judge of the Commercial Court shall be entitled to security of tenure and subject to such rules and disciplinary procedures as a judge of the Circuit Court in keeping with law.

**ARTICLE IX  
QUALIFICATION OF COMMERCIAL COURT JUDGES**

An appointee to the post of judge of the Commercial Court shall be:

- (a) A citizen of Liberia and of good moral character; and
- (b) An Attorney-At-Law who has practiced for at least three (3) years, or a Counsellor of the Supreme Court Bar. Active practice of law, as used herein, includes judicial service, governmental service and the teaching of law.

**ARTICLE X  
CLERK OF THE COMMERCIAL COURT**

The President, by and with the advise and consent of the Senate, shall appoint a Clerk for the Commercial Court. The Clerk, in addition to all other duties required of him by law, shall perform the following duties for the court:

- (a) Ensure that the appropriate fees are charged for filing of court processes and such fees properly accounted for;
- (b) Keep proper records of court processes filed and served;
- (c) Ensure that notices are issued and served in accordance with the rules of court;

- (d) Keep a docket of pending cases;
- (e) Ensure that court dockets are properly stored and handled by the Court staff;
- (f) Issue and record all writs and other processes allowed by law, signed with his name as clerk and record returns thereto;
- (g) Ensure that minutes of all hearings held during the appointed sessions are taken and matters transacted there recorded;
- (h) Prepare appeals records;
- (i) Take charge of all recorders and papers and give copies of them when required;
- (j) Ensure the secure custody of court exhibits and other valuable items in the custody of the Court.

**ARTICLE XI  
ADMINISTRATOR OF THE COMMERCIAL COURT**

- (1) The Chief Justice of the Supreme Court of the Republic of Liberia shall appoint an Administrator for the Commercial Court. The Administrator shall report to the Chief Judge of the Commercial Court.
- (2) The duties of the Administrator shall include the following:
  - (a) Ensuring the smooth and efficient management of the court;
  - (b) Handling of complaints and enquiries from members of the public;
  - (c) Ensuring proper accounting and record-keeping by the Commercial Court;
  - (d) Identifying and coordinating trainings and programs;
  - (e) Preparing reports on the administration of the Commercial Court.

**ARTICLE XII  
TERMS OF THE COMERCIAL COURT**

- (1) The Commercial Court shall be a monthly Court, and shall sit on every business day of every month and shall continue in session until the completion of business.
- (2) The Commercial Court shall open on the first Tuesday of every month.

**ARTICLE XIII  
FINANCING OF THE COURT**

The Commercial court shall be financed from:

- (a) Annual financial appropriations for the Judiciary; and

(b) Twenty-five percent (25%) of the filing fees paid for processes brought before the Court.

**ARTICLE XIV  
AMENDMENTS**

- (1) Section 3.2 of the Judiciary Law, Title 17, Liberian Code of Laws Revised is hereby amended by removing trial jurisdiction over cases of admiralty from the Circuit Courts to the Commercial Court.
- (2) Section 4.2 of the Judiciary Law, Title 17, Liberian Code of Laws Revised is hereby amended by removing the exclusive jurisdiction granted the Debt Court over actions to obtain payment of debt and to provide for concurrent jurisdiction for the Commercial Court and the Debt Court over actions to obtain payment of debts.
- (3) Section 51.4 of the Civil Procedures Law, Title 1, Liberian Code of Laws Revised, is hereby amended to provide that failure to pay the full amount of the judgment of the Commercial Court shall be a ground for the dismissal of an appeal from the commercial court.

**ARTICLE XV  
EFFECTIVE DATE**

This Act shall take effect immediately upon the publication into hand-bill.

**ANY LAWS TO THE CONTRARY NOTWITHSTANDING.**

2010

FIFTH SESSION OF THE FIFTY-SECOND  
LEGISLATURE OF THE REPUBLIC OF LIBERIA

SENATE'S ENGROSSED BILL NO.31 ENTITLED:

"AN ACT TO AMEND THE JUDICIARY LAW, TITLE  
17, LIBERIA CODE OF LAWS REVISED, TO PROVIDE  
FOR THE ESTABLISHMENT OF A COMMERCIAL  
COURT"

On motion, Bill read. On motion the Bill was adopted on its  
first reading and sent to committee room on Monday,  
September 13, 2010 @ 11:55 AM.

On motion, Bill taken from the Committee Room for its second  
reading. On motion, under the suspension of the rule, the  
second reading of the Bill constituted the third reading and the  
Bill was adopted, ordered engrossed and passed into the full  
force of the law today, Wednesday, September 15, 2010  
@14:36 G.M.T

  
SECRETARY, LIBERIAN SENATE

2010

FIFTH SESSION OF THE FIFTY-SECOND  
LEGISLATURE OF THE REPUBLIC OF LIBERIA

HOUSE'S ENDORSEMENT TO SENATE'S ENGROSSED  
BILL NO. 17 ENTITLED:

"AN ACT TO AMEND THE JUDICIARY LAW, TITLE  
17, LIBERIA CODE OF LAWS REVISED, TO PROVIDE  
FOR THE ESTABLISHMENT OF A COMMERCIAL  
COURT"

On motion, Bill read. On motion the Bill was adopted on its  
first reading and sent to committee room on Tuesday,  
September 14, 2010 @ 12:40 GMT.

On motion, Bill taken from the Committee Room for its second  
reading. On motion, under the suspension of the rule, the  
second reading of the Bill constituted the third reading and the  
Bill was adopted, ordered engrossed and passed into the full  
force of the law today, Thursday, September 16, 2010 @12:20  
G.M.T


  
CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L



2010

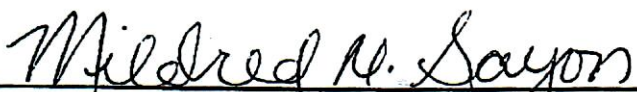
**ATTESTATION**

**"AN ACT TO AMEND THE JUDICIARY LAW, TITLE 17, LIBERIA CODE OF LAWS REVISED, TO PROVIDE FOR THE ESTABLISHMENT OF A COMMERCIAL COURT"**

  
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**VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/ PRESIDENT OF THE SENATE**

  
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**SECRETARY, LIBERIAN SENATE, R.L.**

  
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**SPEAKER, HOUSE OF REPRESENTATIVES, R.L.**

  
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**CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.**