

*Statutory Instrument No. 121 of 1982*

**HIGH COURT ACT**  
(Cap. 04:02)

**RULES OF THE HIGH COURT (AMENDMENT) (NO. 2) RULES, 1982**

*Published on 15th October, 1982*

**ARRANGEMENT OF RULES**

**RULE**

1. Citation and commencement
2. Substitution of new Order 59 of S.I. 117 of 1969

IN EXERCISE of the powers conferred on the Chief Justice by section 26 of the High Court Act, the following Rules are hereby made —

Citation and commencement 1. These Rules may be cited as the Rules of the High Court (Amendment) (No. 2) Rules 1982, and shall come into operation on 1st January, 1983.

Substitution of new Order 59 of S.I. 117 of 1969 2. The Rules of the High Court are amended by substituting for Order 59 thereof the following new Order —  
“ORDER 59

**LAW TERMS AND VACATIONS**

1. (a) For the despatch of civil and criminal business there shall be four terms in every year which shall commence on 1st February, the second Tuesday immediately after Easter Monday, 1st August and 1st November respectively.  
(b) Notwithstanding the provisions of paragraph (a), if the date of commencement of any term falls on a day which is not a business day, that term shall commence on such day as the Chief Justice shall, by notice published in the Gazette, appoint.
2. (a) There shall be four vacations in every year.  
(b) The first vacation shall commence on the Monday immediately before Good Friday and terminate on the Monday immediately after Easter Monday; the second vacation shall commence on 1st July and terminate on 31st July; the third vacation shall commence on 15th October and terminate on 31st October; the fourth vacation shall commence on 15th December and terminate on 31st January.  
(c) Notwithstanding the provisions of paragraph (b), if the day fixed for the end of a term is not a business day, that term shall end on the immediately preceding business day.
3. (a) Criminal appeals, review proceedings, bail applications and any other applications or proceedings of a criminal nature may be set down by the Registrar for hearing on Wednesdays during term time and may be set down for hearing on any Wednesday during vacation by arrangement with the Registrar, should a judge be available, or at the discretion of the Chief Justice.  
(b) Notwithstanding the provisions of paragraph (a), any person may make an urgent application in a criminal matter to a judge in chambers at any time in an appropriate case.

(c) During term time, and subject to a judge being available, the following civil matters may be set down for hearing on any Friday which is a business day, namely: applications, summonses for provisional sentence and civil imprisonment and undefended actions:

Provided that urgent applications and petitions for compulsory sequestration may be heard on any business day in accordance with the provisions of Order 7.

4. During term time, defended civil actions, special cases, arguments on exception, civil appeals, civil reviews and other cases not specially provided for may be set down for hearing on any business day approved by the Registrar:

Provided that, unless the Chief Justice otherwise directs, defended civil actions shall not be set down during the last three days of any term.

5. The Court shall not sit during vacation except for the despatch of business certified by counsel as being urgent or as the Chief Justice may direct.

6. For the despatch of civil and criminal business, the Court shall sit at such places other than Lobatse and on such dates as the Chief Justice may, by notice published in the Gazette, appoint.

7. Subject to the provisions of section 8 of the High Court Act, any sitting of the Court may be held by a judge in chambers.

8. Criminal trials shall be set down by the Registrar in accordance with the procedure prescribed by Order 50."

MADE this 7th day of October, 1982.

J.A. O'BRIEN QUINN,  
*Chief Justice.*

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