

*Statutory Instrument No. 66 of 1982*

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

**RULES OF THE HIGH COURT (REVIEW PROCEDURE) RULES, 1982**

*(Published on 25th June, 1982)*

**ARRANGEMENT OF RULES**

**RULE**

1. Citation
2. Procedure on review
3. Irregularity or defect on record may be overlooked unless failure of justice results
4. Argument on question of law or fact
5. Endorsement of record and writing of judgment

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

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| Citation   | 1. These Rules may be cited as the Rules of the High Court (Review Procedure) Rules, 1982.  |
| Procedure on review  | 2. Whenever the record of any proceedings in a criminal case comes before the High Court in pursuance of the provisions of section 62 or section 63 of the Magistrates' Court Act or of the Court's own motion or otherwise than on appeal, a Judge, after reviewing such record, may –<br>(a) confirm, amend or set aside any judgment, decision or order of any subordinate court contained therein;<br>(b) order a new trial of any case heard or decided in any subordinate court of direct that such new trial shall be heard in the High Court;<br>(c) receive further evidence or remit the case to the court of first instance for further hearing, with such instructions as to further proceedings as the High Court may deem necessary; or<br>(d) impose such punishment, whether more or less severe than or of a different nature from the punishment imposed by the court of first instance, as in the opinion of the High Court ought to have been imposed by that Court:<br>Provided that a more severe punishment may not be imposed without the accused having been given an opportunity of being heard, or represented by Counsel, in open Court |
| Irregularity or defect on record may be overlooked unless failure of justice results | 3. Notwithstanding that the High Court is of the opinion that any point raised on the review might be decided in favour of the accused, no conviction or sentence shall be set aside or altered by reason of any irregularity or defect in the record or proceedings unless it appears to the High Court that a failure of justice has in fact resulted therefrom.  |

4. If in any case on review a Judge desires to have any question of law or fact in such case argued at the bar, he may direct the same to be argued by the Attorney-General and by such other person as the Judge may appoint.

Argument  
on question  
of law or  
fact

5. When a Judge has reviewed any proceedings coming before him and has dealt with such proceedings, either in Chambers or in open Court, he shall endorse his certificate stating his opinion upon the record thereof and the said record shall then be returned to the Court from which the same was transmitted or received, and the Judge may, in addition, embody his opinion in the form of a judgment, if he so desires.

Endorse-  
ment of  
record and  
writing of  
judgment

MADE this 31st day of May, 1982.

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

*L2/7/136 II*