

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

**RULES OF THE HIGH COURT (AMENDMENT) (NO. 2) 1986
(Published on 17th October, 1986)**

ARRANGEMENT OF RULES

RULE

1. Citation
2. Amendment of Order 42 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 1. These Rules may be cited as the Rules of the High Court (Amendment) (No. 2) 1986.

Amend- 2. Order 42 of the Rules of the High Court, 1969, is hereby amended
ment of by substituting for that Order the following new Order —
Order 42
of S.I. 117
of 1969

**“ORDER 42
APPEALS IN CRIMINAL CASES FROM MAGISTRATES”
COURTS AND COURTS MARTIAL**

1. (1) An accused person wishing to appeal against any conviction, sentence or order in a criminal case shall note his appeal within 14 days after such conviction, sentence or order by lodging with the Registrar of the High Court (hereinafter in this Order referred to as “the Registrar”) a written statement setting out clearly and specifically the grounds on which the appeal is based, and shall send a copy thereof to the clerk of the court of trial.

(2) If the accused person is unable, owing to illiteracy or to physical defect, to write such a statement, the Registrar or the clerk of court shall upon request, do so.

(3) Upon an appeal being noted the Registrar shall within seven days, notify in writing the clerk of the court from which the appeal is noted and the magistrate who tried the case, of the lodging of the appeal.

(4) Upon the magistrate having been so notified he shall within seven days send to the Registrar a statement in writing showing —

- (a) the facts he found to be proved;
- (b) the grounds upon which he arrived at any finding of fact specified in the appellant’s statement as appealed against;
- (c) his reasons for any ruling of or as to the admission or rejection of evidence so specified as appealed against:

Provided that if the magistrate is of the opinion that the judgment delivered by him in terms of section 288 of the Criminal Procedure and Evidence Act contains all the information required by this rule, he shall so advise the Registrar in writing, which shall be deemed to be sufficient compliance with this rule.

(5) Such statement shall become part of the record.

(6) The accused person may, within the time limit for the noting of an appeal, by notice to the Registrar, amend the statement of his grounds of appeal, of which amendment the Registrar shall forthwith notify the magistrate who may in his discretion, within seven days thereafter send to the Registrar a further statement of reasons for judgment.

2. The clerk of the court shall, within seven days of the receipt of notification, by the Registrar of the lodging of the appeal, transmit the record of the case and four copies of the record to the Registrar for the use of the High Court.

3. An appeal against a conviction, sentence or order made by a Magistrate's Court in any criminal matter shall be set down by the Registrar on notice to all parties in accordance with such directions as he may receive from the Chief Justice from time to time.

4. These rules shall apply *mutatis mutandis* to an appeal by the Attorney-General against dismissal of a summons or charge or other decision in a Magistrate's Court.

5. The ultimate responsibility in ensuring that all copies of the record of appeal are in all respects properly before the court shall rest on the appellant.

6. These rules shall apply *mutatis mutandis* to an appeal against any conviction, sentence or order in a criminal case tried by any court martial."

MADE this 2nd day of October, 1986.

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

L2/7/136 II