



SIERRA LEONE

PUBLIC NOTICE

THE SUPREME COURT RULES, 1982

(Public Notice No. 1 of 1982)

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THE CONSTITUTION OF SIERRA LEONE
(Act No. 12 of 1978)

THE SUPREME COURT RULES, 1982

Short title.

In exercise of the powers conferred on the Rules of Court Committee by subsection (2) of section 120 of the Constitution of Sierra Leone, 1978, the following Rules are hereby made:—

PART I—INTERPRETATION

1. In these Rules, unless the context otherwise requires—
“ appeal ” means an appeal to the Supreme Court; Interpretation.
“ Appellant ” includes the party appealing from a judgment, order or decree and his counsel;
“ the Constitution ” means the Constitution of Sierra Leone, 1978; Act No. 12 of 1978.
“ the Court of Appeal ” means the Court of Appeal established by subsection (4) of section 100 of the Constitution;
“ Judgment ” includes decree, order, sentence or decision of the Court of Appeal or of any Court, Judge or Judicial Officer;
“ Month ” means calendar month;
“ Record ” means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and Judgments) proper to be laid before the Supreme Court on the hearing of an appeal or any application which by these Rules may be made to the Supreme Court;
“ Registrar ” means the Registrar of the Court of Appeal or any other proper officer having custody of the records in the Court appealed from;
“ Registrar of the Supreme Court ” means the Registrar of the Supreme Court appointed under section 119 of the Constitution;

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" Respondent " includes Intervener;

" Supreme Court " means the Supreme Court established by section 100 of the Constitution.

PART II—GENERRL

2. (1) The Supreme Court shall be duly constituted for the despatch of its business by not less than three Justices:

(2) A single Justice of the Supreme Court may exercise any power vested in the Supreme Court not involving the decision of a cause or matter before the Supreme Court, save that—

(a) in criminal matters, if any such Justice refuses or grants an application in the exercise of any such power any person affected thereby shall be entitled to have the application determined by the Supreme Court constituted by three Justices thereof; and

(b) in civil matters, any order, direction or decision made or given in pursuance of the powers conferred by this section may be varied, discharged or reversed by the Supreme Court constituted by three Justices thereof.

(3) The Justices to constitute the Court at any sitting shall be nominated and summoned by the Chief Justice.

(4) The Chief Justice shall preside at the sittings of the Supreme Court and in his absence the most senior of the Justices of the Supreme Court as constituted for the time being shall preside.

(5) The sittings of the Supreme Court shall be held during the year at such times and places as the Chief Justice may direct.

(6) The Registrar of the Supreme Court shall give or cause to be given to the parties or their Solicitors reasonable notice of the hearing of an appeal or any application under these Rules.

3. Any party to an appeal or an application under these Rules may appear before the Court either in person or may be represented by Counsel of his own choice.

4. The Registrar of the Supreme Court shall keep separate registers of—

Constitution and sittings of the Supreme Court.

Power of single Justice of the Supreme Court.

Right of Audience.

Register of Appeals.

- (a) Criminal appeals,
- (b) Civil appeals,
- (c) Original causes or matters,
- (d) References to the Supreme Court, and
- (e) Supervisory matters.

5. (1) All appeals from the Court of Appeal to the Supreme Court and any application to the Supreme Court shall be governed by these Rules and any other Rules relating thereto.

Appeals to be governed by these Rules.

(2) Where no provision is expressly made by these Rules regarding the practice and procedure which shall apply to any appeal or application before the Supreme Court, the Supreme Court shall prescribe by means of practice directions such practice and procedure as in the opinion of the Supreme Court the justice of the appeal or application may require.

Matters not expressly provided for by these Rules.

6. (1) An appeal shall lie from a judgment, decree or order of the Court of Appeal to the Supreme Court—

Appeal from the Court of Appeal to the Supreme Court.

(a) as of right, in any civil cause or matter where the amount or value of the subject matter of the dispute is not less than such an amount as may be determined by Parliament; or

(b) as of right, in any criminal cause or matter in respect of which an appeal has been brought to the Court of Appeal from a judgment, decree or order of the High Court of Justice in the exercise of its original jurisdiction; or

(c) with the leave of the Court of Appeal, in any other cause or matter, civil or criminal where the Court of Appeal is satisfied that the case involves a substantial question of law or is of public importance;

(d) final decisions in proceedings for dissolution or nullity of marriage;

(e) final decisions in disciplinary proceedings against legal practitioners, medical practitioners and dental surgeons;

(f) final decisions relating to industrial or labour disputes.

(2) Notwithstanding the provisions of the preceding sub-rules, the Supreme Court shall have power to entertain any application for special leave to appeal in any cause or matter, civil or criminal, to the Supreme Court, and to grant such leave accordingly.

(3) The Registrar of the Supreme Court shall within fourteen days of the lodging of a Notice of Appeal (where the appeal lies as of right) notify the appellant of the sum, not exceeding five thousand leones, fixed by him to be deposited as security for costs or for which recognizance shall be given by bond in Form 1 set out in the First Schedule to these Rules, with one or more sureties as the Registrar of the Supreme Court may direct, for the due prosecution of the appeal and the payment of any costs that may become payable to the respondent in the event of the appeal being dismissed for non-prosecution, or of the Supreme Court ordering the appellant to pay the respondent's costs of the appeal as the case may be.

Form 1
First Schedule.

(4) The security for costs or the bond therefor shall be deposited or executed as the case may be, within one month of any such notification.

(5) The Court may, where necessary, require security for costs or for the performance of the orders to be made on appeal, in addition to the sum determined under the provisions of this Rule.

PART III—LEAVE TO APPEAL

7. Application for leave to appeal must first be made to the Court of Appeal, but if leave is refused by that Court an application may be made for special leave to appeal to the Supreme Court by notice of Motion in that behalf filed by the intending appellant.

Leave to
appeal.

PART—IV SPECIAL LEAVE TO APPEAL

8. A notice of motion for special leave to appeal to the Supreme Court shall—

- (a) state the particular grounds upon which the special leave to appeal is sought, and
- (b) be signed by counsel for the applicant or by the applicant himself if he appears in person, and
- (c) be supported by an affidavit stating succinctly and clearly all such facts as may be necessary to enable the Supreme Court to determine whether such leave ought to be granted.

Form of
Notice of
Motion for
Special
Leave to
appeal.

9. (1) The applicant shall file at least six copies of his notice of motion for special leave to appeal together with six copies of the affidavit in support thereof prescribed by Rule 8 and also six certified copies of the judgment from which leave to appeal is sought.

Six copies of notices of motion together with six copies on judgment appealed from etc. to be filed.

(2) The applicant shall also file an affidavit of service of—

(a) the notice of motion,

(b) the affidavit in support thereof, and

(c) a certified copy of the judgement referred to in sub-rule (1),

upon all interested parties.

10. An application for special leave shall be filed within one month of the date of the judgment from which leave to appeal is sought or of the date on which leave to appeal to the Supreme Court is refused by the Court of Appeal.

Time for lodging application for special leave.

11. Where the Supreme Court grants special leave to appeal it shall specify the amount of the security for costs (if any) to be lodged by the applicant or for which recognisance shall be given by bond in form 1 as set out in the First Schedule to these Rules and shall also provide for the costs of the transmission of the record by the Registrar to the Registrar of the Supreme Court and for such further matters as the justice of the case may require.

Security for costs and transmission of record.

12. Save as provided by Rules 8, 9, 10 and 11, the provisions of Rules 10 and 11 shall apply *mutatis mutandis* to applications for special leave to appeal.

General provisions.

13. (1) Any person interested in the subject matter of an appeal already disposed of by the Court of Appeal and who can show that he is not worth two hundred leones excepting his wearing apparel and his interest in the subject matter of the intended appeal and that he is unable to provide sureties, may petition the Supreme Court for leave to appeal *in forma pauperis*. The Petition shall be in Form 2 set out in the First Schedule. An intended Petitioner shall be entitled to copies of the form free of charge upon application to the Registrar of the Supreme Court.

Petition for leave to appeal *in forma pauperis*.

Form 2 First Schedule.

(2) The Petition shall be signed by counsel for the Petitioner or by the Petitioner himself, if he appears in person.

(3) The Petition shall be supported by—

(i) an affidavit sworn to by the Petitioner stating—

(a) his means,

- (b) that he is unable to provide sureties, and
(c) his interest in the subject matter of the intended appeal.

Lodging of
Petition in
forma pau-
peris.

14. (1) A Petitioner for leave to appeal *in forma pauperis* shall lodge with the Registrar of the Supreme Court one copy of his petition together with one copy of the affidavit in support. No fees shall be payable on the lodging of such petition.

(2) The Registrar of the Supreme Court shall within fourteen days of the lodging of the Petition serve upon each of the other parties who appeared in the Court of Appeal a copy of the Petition, and the affidavit in support and within three days of such service, file an affidavit of service thereof.

(3) Any other party who appeared in the Court of Appeal or any other person interested in the subject matter of the intended appeal may file an affidavit in opposition to the Petition stating grounds or reasons why the Petition should not be granted. Such party or person shall file six copies of the affidavit in opposition and shall serve a copy on the Petitioner and any other party who appeared in the Court of Appeal and shall also file an affidavit of service thereof.

Entry of
Petition in
forma pau-
peris.

15. The Registrar of the Supreme Court shall enter every Petition for leave to appeal *in forma pauperis* on the list of the Supreme Court within twenty-one days after the lodging thereof.

Time for
lodging of
Petition in
forma pau-
peris.

16. A Petition for leave to appeal *in forma pauperis* shall be lodged within twenty-one days of the date of the judgment in the case of a judgment for which special leave to appeal is required, and within two months of the date of the judgment in the case of a judgment against which appeal is as of right.

No security
for costs.

17. Where a Petitioner obtains leave to appeal *in forma pauperis* he shall not be required to lodge security for the costs of the Respondent or to pay any Supreme Court fees.

Exemption
of pauper
appellant
from paying
costs.

18. A Petitioner whose petition for leave to appeal *in forma pauperis* is dismissed may, notwithstanding such dismissal, be excused from paying the Supreme Court fees usually chargeable to a Petitioner in respect of a Petition for leave to appeal if the Supreme Court shall think fit so to order.

PART V—RECORD AND SETTLEMENT

Record to be
transmitted
without
delay.

19. As soon as the appeal has been admitted whether by an order of the Court of Appeal or by an order of the Supreme Court granting special leave to appeal, the Registrar of the Supreme Court shall request the Registrar to transmit to him, and the

Registrar shall forthwith transmit, such record which shall comprise the following documents—

- (a) a certified copy of the record of the Court of Appeal;
- (b) a certified copy of the proceedings of the Court of Appeal;
- (c) a certified copy of the judgment appealed from;
- (d) a certified copy of the drawn up order of the judgment appealed from;
- (e) a certified copy of the order granting final leave to appeal where necessary;
- (f) a signed list of all the exhibits forming part of the record of the Court of Appeal together with the originals of all such exhibits; and
- (g) all other documents necessary for the prosecution of the appeal.

20. The Registrar of the Supreme Court shall, on receipt of the record, issue a summons set out in Form 3 in the First Schedule to these Rules requesting the parties and their counsel to appear before him at the time and place stated in the summons to settle the documents to be included in the record of appeal and shall, whether any of the parties attend to the summons or not, settle and sign, and, in due course file, a list of such documents.

Settling record of Appeal. Form 3 First Schedule.

21. The Registrar of the Supreme Court as well as the parties and their counsel, shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the appeal, and, generally, to reduce the bulk of the record as far as practicable, taking special care to avoid the unnecessary repetition of documents and headings and other merely formal parts of documents. The documents so excluded shall be enumerated in a list to be attached to the record by the Registrar of the Supreme Court.

Exclusion of unnecessary documents from record.

22. Where in the course of settling the record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, the record, as finally prepared, shall with a view to the subsequent adjustment of the costs of and incidental to such document, indicate, in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

Documents objected to, to be indicated.

23. The appellant shall within such time as the Registrar of the Supreme Court may direct being not less than fourteen days and not more than twenty-eight days deposit with him a sum fixed to cover the estimated cost of making up the record:

Appellant to deposit sum for record.

Provided that in special circumstances such period of time may be extended by the Registrar of the Supreme Court.

Notice to be served on parties that record is ready.

24. The Registrar of the Supreme Court shall, after the record is prepared and made up, cause to be served on all parties mentioned in the notice of appeal a notice that the record is ready for collection after payment of the prescribed fees.

Typewriting of record.

25. The record may be typewritten, duplicated or printed.

Time within which notice of appeal shall be lodged.

26. (1) Where an appeal lies as of right the appellant shall lodge his notice of appeal within three months from the date of the judgment appealed against unless the Supreme Court shall enlarge the time.

(2) Where there is no appeal as of right the appellant shall lodge his notice of appeal within three months from the date on which leave to appeal or special leave to appeal is granted.

(3) An application for special leave to appeal shall be filed within one month from the date of the decision of the Court of Appeal.

(4) No application for enlargement of time in which to appeal shall be made after the expiration of one month from the expiration of the time prescribed within which an appeal may be brought. Every application for enlargement of time shall be by motion supported by an affidavit setting forth good and substantial reasons for the application and by grounds of appeal which *prima facie* show good cause for leave to be granted. When time is so enlarged a copy of the order granting such enlargement shall be annexed to the notice of appeal.

Cross appeal by respondent.

27. (1) A respondent may cross appeal by lodging a notice of cross appeal within one month from the date of the service of the Notice of Appeal on him.

(2) Where a respondent cross appeals, the provisions of these Rules shall apply *mutatis mutandis*.

Service of Notice of cross-appeal by the respondent.

28. A respondent who files a notice of cross appeal shall, within seven days of filing his notice of cross appeal, serve a copy thereof on the appellant, and where there are more than one appellant, on each appellant, and shall, before service endorse such copy with a certificate of the date of the filing of the notice of cross appeal.

PART VI—WITHDRAWAL OF APPEAL

29. Where an appellant who has been granted leave to appeal or who has been granted special leave to appeal has not lodged his notice of appeal desires to withdraw his appeal, he shall give notice in writing to that effect to the Registrar of the Supreme Court, and the said Registrar shall, with all convenient speed after the receipt of such notice, by letter notify the Registrar of the Court of Appeal that the appeal has been withdrawn, and the said appeal shall thereupon stand dismissed as from the date of the said letter without further Order.

Withdrawal of appeal before notice of appeal has been lodged.

30. Where an appellant who has lodged his notice of appeal desires to withdraw his appeal, he shall give notice to that effect to the Registrar of the Supreme Court and to any respondent upon whom a copy of the notice of appeal may have been served in accordance with the Rules. Subject to any agreement between such appellant and the respondent to the contrary, the respondent shall be entitled to apply to the Supreme Court by motion supported by affidavit for his costs.

Withdrawal of appeal after notice has been lodged.

PART VII—NON-PROSECUTION OF APPEAL

31. (1) Where an appellant who has lodged his notice of appeal makes default in doing any act or taking any step within the time provided by these Rules, the Registrar of the Supreme Court shall with due diligence inform the Chief Justice of such default and the Chief Justice may cause the appeal to be entered on a list of the Supreme Court for mention on a particular day and time. The Registrar of the Supreme Court shall give not less than seven days' notice of such day, time and place to the parties.

Default of prosecution.

(2) On the day of mention the Supreme Court may order that the appeal be struck out for want of prosecution or make such other order as in the circumstances may seem fit.

PART VIII—NON-COMPLIANCE WITH CONDITIONS OF APPEAL

32. (1) Where an appellant has not fulfilled the conditions of appeal imposed by the Supreme Court to be complied with by him in accordance with these Rules, the Registrar of the Supreme Court shall certify such fact to the Supreme Court in Form 7 set out in the First Schedule to these Rules, and the Supreme Court may thereupon upon notice to all parties order that the appeal be dismissed with or without costs.

Non-compliance with conditions of appeal. Form 7. First Schedule.

(2) Where a respondent alleges that the appellant has failed to fulfil any of the conditions of appeal imposed by the Supreme Court to be complied with by him in accordance with

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these Rules the Supreme Court may, if satisfied that the appellant has so failed, upon notice to all parties dismiss the appeal for want of prosecution or make any other order as the justice of the case may require.

(3) An appellant whose appeal has been dismissed pursuant to the provisions of this Rule may apply by Notice of Motion to have his appeal restored, and the Court may, for good and sufficient cause, order that the appeal be restored upon such terms as it may think fit.

(4) Notwithstanding the preceding provisions of this rule an appellant may apply to the Supreme Court for an extension of time within which to fulfil the conditions of appeal to be complied with in accordance with these Rules and the Supreme Court may, for good and sufficient cause shown, grant an extension of time subject to such conditions as the Supreme Court may impose.

PART IX—CIVIL APPEALS GENERALLY

33. (1) Every notice of appeal shall be in Form 4 set out in the First Schedule to these Rules and shall recite succinctly and as far as possible, in chronological order, the principal steps in the proceedings leading up to the appeal from the commencement thereof down to the admission of the appeal, but shall not contain argumentative matter or travel into the merits of the case.

(2) Every notice of appeal shall consist of paragraphs numbered consecutively and shall be written, typewritten or lithographed on paper with quarter margin and endorsed with the name of the Court appealed from, the full title and Supreme Court number of the appeal to which the notice relates or the full title of the appeal (as the case may be) and the name and address of the appellant or his counsel and shall be signed by counsel for the appellant or by the appellant himself if he appears in person.

34. All applications whether for orders or directions as to matters of practice or procedure arising after lodging of the notice of appeal or for change in the parties to an appeal shall be addressed to the Supreme Court and may include as incidental to the relief thereby sought, a prayer for orders or directions as to matters of practice or procedure.

35. (1) Every appellant shall within seven days after lodging his notice of appeal or within such time as the Supreme Court may order, serve a copy thereof on the respondent, or, in the case of a cross appeal, on the appellant, and, where there are more than one respondent or appellant, on each respondent or

Form of notice of appeal and number of copies to be lodged. Form 4. First Schedule.

Applications after appeal lodged.

Service of notice of appeal.

appellant and shall before service endorse such copy with a certificate of the date of lodgment of the notice of appeal.

(2) After such service the appellant shall file in the Registry of the Supreme Court a certificate of such service.

36. An application not relating to any appeal of which the record has been registered in the Registry of the Supreme Court and any other application containing allegations of fact which cannot be verified by reference to the registered record or any certificate or duly authenticated statement of the Court of Appeal shall be supported by affidavit. Where the appellant or respondent prosecutes or defends in person, the said affidavit shall be sworn by him and shall state that, to the best of his knowledge, information and belief, the allegations contained in the application are true. Where he is represented by a legal practitioner the said affidavit shall be sworn to by such legal practitioner and shall, beside stating that, to the best of his knowledge, information and belief, the allegations contained in the applications are true, show how he obtained his instructions and the information enabling him to present the application. Verifying application by affidavit.

37. An application for an Order for Revivor or Substitution shall be accompanied by an affidavit sworn by the applicant or where the applicant is represented by a legal practitioner the said affidavit shall be sworn by such legal practitioner showing who is the proper person to be substituted, or entered, on the record in place of, or in addition to a party who has died or undergone a change of status. Application for Order for Revivor or Substitution.

38. All applications referred to in Rules 35 and 36 shall be served on all parties concerned. The applicant shall file a certificate of such service. Service of application.

39. Subject to the provisions of Rule 40, the Registrar of the Supreme Court shall, as soon as the Supreme Court has appointed a day for the hearing of an application forthwith notify all parties concerned in writing of the day so appointed. Notice to parties of day fixed for hearing of application.

40. Where the prayer of an application is consented to in writing by the opposite party, or where an application is of a formal and non-contentious character, the Supreme Court may make the necessary Order thereon without requiring the attendance of the parties and the Registrar of the Supreme Court shall not in any case issue the notice provided for by Rule 39, but shall with all convenient speed after the Supreme Court has made the necessary Order notify the parties in writing that the Order has been made and of the date and nature of such Order. Procedure where application is consented to or is formal.

PART X—CASE

Filing Case.

41. (a) No party to an appeal shall be entitled to be heard by the Supreme Court unless he has previously filed his case in the appeal.

(b) The appellant shall, within one month of being notified that the record is ready in accordance with Rule 24, file with the Registrar of the Supreme Court his case based on the grounds of appeal as set out in the notice of appeal.

(c) The respondent shall, within one month of the receipt of the appellant's case file with the Registrar of the Supreme Court his case:

Provided that the Supreme Court may enlarge the time prescribed by sub-rules (b) and (c) as circumstances may require.

(d) Where the appellant fails to file his case in accordance with the provisions of this rule the Registrar of the Supreme Court shall certify such fact to the Supreme Court which may thereupon order that the appeal be dismissed with or without costs.

(e) Where a respondent fails to file his case in accordance with the provisions of this rule he shall not be allowed to be heard at the hearing of the appeal save as to the question of costs.

(f) Where a respondent does not desire to file a case in the appeal he may give the Registrar of the Supreme Court notice in writing of his intention not to file any case while reserving his right to address the Supreme Court on the question of costs.

Typewriting etc. of Case.

42. The Case may be written, typewritten or lithographed or printed.

Number of copies to be filed.

43. Each party shall file ten copies of his case and shall forthwith serve a copy each on all parties concerned.

Form of Case.

44. The Case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the appeal arises, the contentions to be urged by the party filing the same, and the reasons of appeal. Care shall be taken to avoid, as far as practicable, the reproduction in the Case of long extract from the record. The Taxing Officer, in taxing the costs of the appeal, shall either of his own motion, or at the instance of the opposite party, inquire into any unnecessary prolixity in the Case, and shall disallow the costs occasioned thereby.

45. Two or more respondents may, and at their own risk as to costs, file separate Cases in the same appeal. Separate Cases by two or more respondents.

46. Each party shall, within seven days after filing his Case give notice thereof to the other party. Notice of filing of Case.

47. Subject as hereinafter provided, the party who files his Case first may, at any time after the expiration of seven clear days from the day on which he has given the other party the notice prescribed by the last preceding Rule, serve such other party, if the latter has not in the meantime filed his Case, with a "Case Notice", requiring him to file his case within one month from the date of the service of the said Case Notice and informing him that, in default of his so doing, the appeal will be set down for hearing *ex parte* as against him; and if the other party fails to comply with the said Case Notice, the party who has filed his Case may, at any time after the expiration of the time limited by the said Case Notice for the filing of the Case, file an affidavit of Service (which shall set out the terms of the said Case Notice) and the appeal shall thereupon, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the party in default: Case Notice.

Provided that a Case Notice shall not be served until after the completion of the preparation of the record in accordance with Rule 25:

Provided further that nothing in this Rule contained shall preclude the party in default from filing his Case, at his own risk as regards costs and otherwise, at any time up to the date of hearing.

48. Subject to the provisions of Rules 41 and 47 an appeal shall be deemed to be set down as soon as the Cases on both sides are filed. Setting down appeal.

49. Notwithstanding anything to the contrary contained in these Rules, any party to an appeal may, at any time before judgment, by leave of the Supreme Court amend any part of his Case upon such terms as the Supreme Court may think fit. Amending Case.

50. (1) Notwithstanding anything to the contrary contained in these Rules, any party to an appeal may, at any time within the time provided for in paragraph (b) or (c) of Rule 41 as the case may be, apply to the Supreme Court by motion supported by affidavit and served on all parties for leave to dispense with the filing of a case; and the Supreme Court may order that the filing of a case by any party to the appeal be dispensed with or make such order as it may think just. Dispensing with the Case.

(2) This Part shall not apply to criminal appeals.

PART XI—BINDING RECORD, ETC.

51. As soon as an appeal is set down, the Registrar of the Supreme Court shall cause to be bound not less than five copies of the record and Cases for the use of the Supreme Court at the hearing. The several documents shall be arranged in the following order—

- (i) Appellant's Notice of Appeal;
- (ii) Appellant's Case (if any);
- (iii) Respondent's notice of appeal (if any);
- (iv) Respondent's Case (if any);
- (v) Record (all parts being paged at the top of the page);
- (vi) Supplemental record (if any);

and the short title and Supreme Court number of the appeal shall also be shown.

PART XII—HEARING

52. The Registrar of the Supreme Court shall subject to the provisions of Rule 51 notify the parties to each appeal by written notice at the earliest possible date, of the day appointed by the Chief Justice for the hearing of the appeal, and the parties shall be in readiness to be heard on the day so appointed.

53. Any party to an appeal in any action or cause may apply in writing to the Registrar of the Supreme Court, and the Supreme Court may make such order for the attendances of persons at the hearing.

54. At the hearing of an appeal not more than two Counsel shall be admitted to be heard on a side.

55. (1) Where a party has not indicated in his Case that he intends to reply upon a preliminary objection on at the hearing, of the appeal he shall, before raising such objection at the hearing, give four clear days' notice to the other side in Form 5 set out in the First Schedule to these Rules, setting out in full the grounds of objection, and the arguments in support of his objection, and shall lodge at least five copies of the said notice with the Registrar of the Supreme Court.

(2) The party served with the notice of preliminary objection shall, within seven days of the service of such notice on him, lodge with the Registrar of the Supreme Court at least

Not-appli-
cation to
Criminal
appeals.

Mode of
Binding
record, etc.
for use of
Supreme
Court.

Notice to
parties of
day fixed for
hearing
appeal.

Attendance
of persons.

Not more
than two
Counsel
heard on a
side in
appeals.

Preliminary
objection.

Form 5
First Sched-
ule.

five copies of any reply he may have to the grounds of objection and the arguments in support thereof, and shall serve the party making the objection with a copy of the said reply.

(3) Where either party fails to comply with the provision of this rule, the Court may refuse to entertain the objection or the reply or may adjourn the hearing thereof and may make such order as it thinks fit.

56. (1) A party to an appeal shall not be entitled to refer ^{New Evi-} to or adduce new evidence outside those contained in the record ^{dence.} unless the Court, in the interest of justice, allows or requires new evidence relative to the issue before the Court to be adduced.

(2) No such evidence shall be allowed at the hearing unless the Court is satisfied that with due diligence or enquiry the evidence could not have been and was not available to the party at the hearing of the original action to which it relates or in the Court of Appeal.

(3) Any such evidence, if allowed by the Court, may be by oral examination in Court or by an affidavit or by depositions taken before an examiner as the Court may direct.

57. (1) The appellant or respondent shall not without leave of the Court urge or be heard in support of any ground or objection not mentioned in the notice of appeal or notice of cross appeal as the case may be, but the court may in its discretion allow the appellant or respondent to amend the grounds of appeal or grounds of cross appeal, as the case may be, upon such terms as the court may deem just.

(2) The appellant or the respondent shall not without the leave of the court urge or be heard on any contention not urged in his case but the court may in its discretion allow the appellant or respondent, as the case may be, to be heard on any matter not urged in his case.

(3) Notwithstanding the foregoing provisions the court in deciding the appeal shall not be confined to the grounds set forth by the appellant or the respondent, as the case may be, or the contention urged in the case, provided that the court shall not rest its decision on any ground not set forth by the appellant or the respondent, as the case may be, or any contention not urged in the case, unless the parties have had sufficient opportunity of contesting the appeal on that ground.

PART XIII—JUDGMENT AND ORDERS

58. (1) Where the Supreme Court, after hearing an appeal decided to reserve its judgement thereon, the Registrar of the Supreme Court shall in due course notify the parties by written notice of the date appointed by the Supreme Court for the delivery of the judgment. ^{Notice to parties of date fixed for judgment.}

(2) Every judgment of the Supreme Court shall be delivered in open Court and within a reasonable time.

59. One counsel only for each party or group of parties who have lodged a Case need attend when judgment is delivered by the Supreme Court.

Only one Counsel need attend when judgment is delivered.

Effect of appeal.

60. (1) A civil appeal shall not operate as a stay of execution or of proceedings under the judgment or decision appealed against except in so far as the Supreme Court or the Court of Appeal may otherwise order.

(2) Subject to the provisions of these Rules and to any other enactment governing the same, an application for stay of execution or proceedings shall first be made to the Court of Appeal and if that Court refuses to grant the application, the applicant shall be entitled to renew the application before the Supreme Court for determination.

Determination of doubts as to finality of judgment.

Interlocutory judgment not to prejudice appeal.

General powers of the Court.

61. Whenever any doubt arises as to whether any judgment, order, decree or decision is final or interlocutory, the question shall be determined by the Supreme Court.

62. An interlocutory judgment, decree or order from which there has been no appeal shall not operate so as to bear or prejudice the Supreme Court from giving its own decision upon the appeal as may seem just.

63. (1) The Supreme Court may, after considering the statement of the case of each of the parties to the appeal and any other papers or argument filed by the parties, decide to determine the appeal and give judgment in court on a fixed date without further argument or may appoint a date on which the parties shall appear before the Supreme Court for the hearing of further argument.

(2) Where the Supreme Court decides to hear oral arguments the appellant shall, unless the Supreme Court otherwise directs, first argue his case and the respondent shall unless the Supreme Court otherwise directs, be entitled to reply.

Non-appearance of appellant.

64. (1) Where an appellant fails to appear when his appeal is called for hearing the Court—

(a) may proceed to hear the appeal and consider his case on the basis of the case stated by him and allow or dismiss the appeal with or without costs; or

(b) may strike out the appeal with or without costs.

(2) When an appeal has been dismissed or struck out owing to the non-appearance of the appellant the Court may, on the application of the appellant made within one month of such

dismissal or striking out, for sufficient cause shown, direct the appeal to be re-listed for hearing, on such terms as it may deem just.

65. (1) Where the respondent fails to appear when the appeal is called for hearing the Supreme Court may proceed to hear the appeal. Non-appearance of respondent.

(2) Where an appeal has been heard pursuant to the provisions of sub-rule (1) and any judgment given therein is adverse to the respondent, he may within one month of the delivery of the judgment apply to the Supreme Court to have the judgment set aside and the appeal reheard, on such terms as the Court may direct.

66. Any application as is referred to in Rules 62 and 63 shall by Notice of Motion supported by an affidavit setting forth good and sufficient reasons for the application. Application to set aside.

67. The Supreme Court may assess the costs of appeal or may order such costs to be taxed. Where the Supreme Court orders such costs to be taxed, all bills of cost shall be referred to the Registrar of the Supreme Court for taxation and all such taxation shall be regulated by the Schedule of Fees set out in the Fourth Schedule hereto. Taxation of Costs.

68. The Registrar of the Supreme Court shall with all convenient speed after the Supreme Court has given its decision as to the costs of an appeal, petition or other matter, issue to the party to whom costs have been awarded an order to tax and a Notice specifying the day and hour appointed by him for taxation. The party receiving such order to tax and Notice shall, not less than forty-eight hours before the time appointed for taxation lodge his Bill of Costs (together with all necessary vouchers for disbursements), and serve the opposite party with a copy of his Bill of Costs and of the Order to tax and Notice. Order to Tax.

69. The Taxing Officer may, if he thinks fit disallow to any party who fails to lodge his Bill of Costs (together with all necessary vouchers for disbursements) within the time prescribed by the last preceding Rule, or who in any way delays or impedes a taxation, the charges to which such party would otherwise be entitled for drawing his Bill of Costs and attending the taxation. Power of Taxing Officer.

70. Any party aggrieved by a taxation may appeal from the decision of the Taxing Officer to the Supreme Court. The appeal shall be by way of motion, and the party appealing shall give three clear days' Notice of Motion supported by affidavit to the opposite party, and shall also leave a copy of such Notice and affidavit in the Registry of the Supreme Court. Appeal from decision of Taxing Officer.

Taxation
on the pauper
scale.

71. Where the Supreme Court directs costs to be taxed on the pauper scale, the Taxing Officer shall not allow any fees of counsel and shall only award out-of-pocket expenses and a reasonable allowance to cover office expenses, such allowance to be taken at about three-eighths of the usual professional charges in ordinary appeals. Such pauper scale shall apply to and include the application under which leave to appeal *in forma pauperis* was granted.

Enforce-
ment of
Judgment.

72. Any judgment given by the Supreme Court may be enforced by the Supreme Court or by the Court of Appeal or by any other Court which has been seised of the matter, as the Supreme Court may direct.

Certificate
of Judgment
Form 6,
First Sched-
ule.

73. Whenever the Supreme Court directs any judgment or order to be enforced by another court a Certificate in Form 6 set out in the First Schedule to these Rules under the seal of the Court and the hand of the presiding Justice setting forth the judgment or order shall be transmitted by the Registrar of the Supreme Court to that other Court, and the latter shall enforce the judgment or order in terms of the Certificate.

PART XIV—CRIMINAL APPEALS

Time for, and
manner of
appearing in
criminal
matters.

74. (1) Where the State or any person desires to appeal to the Supreme Court in a criminal cause or matter he shall give notice of a criminal appeal or notice of an application for special leave to appeal within one month of the decision of the Court of Appeal or within ten days of the refusal of leave by the Court of Appeal as the case may be:

Provided that in the case of a conviction involving a sentence of death a notice of a criminal appeal or notice of an application for special leave to appeal may be presented to the Supreme Court within forty-two days from the date of the decision of the Court of Appeal or within ten days of the refusal of leave by the Court of Appeal as the case may be.

(2) The period within which notice of a criminal appeal or notice of an application for special leave to appeal may be given may be extended at any time by the Court of Appeal or by the Supreme Court on an application by notice of motion.

(3) The notice of a criminal appeal or notice of an application for special leave to appeal or notice of an application for extension of time within which such notice shall be given, as the case may be, shall be lodged with the Registrar.

(4) Where the Court of Appeal refuses to grant an application for leave to appeal, the appellant shall be entitled to apply to the Supreme Court for special leave to appeal and the Registrar of the Supreme Court shall accordingly notify the Registrar of any such application and the result.

(5) Any such notice shall be in Forms 1, 2 and 3 as the case may be, set out in the Second Schedule to these Rules or forms as near thereto as the circumstances may permit.

Forms 1, 2
and 3,
Second Schedule.

75. (1) The notice of criminal appeal or notice of an application for special leave to appeal shall set out concisely and under distinct heads numbered *seriatim* the grounds upon which the appellant intends to rely at the hearing of the appeal without any argument or narrative.

Grounds of
Appeal.

(2) No ground of appeal which is vague or general in terms or discloses no reasonable ground shall be permitted except the general ground that the judgement is unreasonable or cannot be supported having regard to the evidence; and any ground of appeal or any part thereof which is not permitted under the provisions of this rule may be struck out by the Supreme Court on its own motion or on an application by the respondent.

(3) The appellant shall not, without the leave of the Supreme Court, argue or be heard in support of any ground not mentioned in the notice of criminal appeal or the notice of an application for special leave to appeal.

(4) Notwithstanding the foregoing provisions of this Rule the Supreme Court—

(a) may grant an appellant leave to amend the grounds of appeal upon such terms as the Supreme Court may think just;

(b) shall not, in deciding the appeal confine itself to the grounds set forth by the appellant nor shall the Supreme Court be precluded from resting its decision on any ground not set forth by the appellant.

(5) Where the Supreme Court intends to rest a decision on any ground not set forth by the appellant in his notice of appeal or on any matter not argued before it, it shall afford the parties reasonable opportunity to be heard on any such grounds or matter without re-opening the whole appeal.

76. (1) Save as otherwise provided under sub-rule (5), every notice of a criminal appeal or notice of an application for special leave to appeal or notice of an application for extension of time within which such notice shall be given shall be signed by the appellant or his legal representative.

Notice of
Criminal
Appeal.

(2) Any notice or other document which is required or authorised to be given or sent shall be deemed to be given or sent at the time of posting if forwarded by registered post

addressed to the person to whom such notice or other document is so required or authorised to be given or sent. Save as otherwise provided the ordinary rules of service contained herein shall apply.

(3) Where an appellant or any other person authorised or required to give any notice of a criminal appeal or notice of an application for special leave to appeal is, for any valid reason, unable to write, he may sign or affix his mark and thumbprint thereto in the presence of a witness who shall attest it, and thereupon the notice shall be deemed to be duly signed by the appellant or such other person.

(4) Where it has been contended at the original trial that a person was not responsible according to law for his actions on the ground that he was insane at the time the act was done or the omission was made by him, any notice required to be given and signed by the appellant himself may be given and signed by his legal representative.

(5) Where the appellant is a body corporate any notice or other documents required to be signed pursuant to any provisions of these Rules shall be signed by a Director, Secretary, Clerk, Manager, Trustee, Legal Representative as the case may be, of that body corporate.

77. Any person making an application for extension of time within which notice may be given pursuant to the provisions of Rule 74 shall send to the Registrar—

- (a) the proper form of such application for extension and,
- (b) a form, duly filled in of notice of a criminal appeal, or of a notice of an application for special leave to appeal, as the case may be.

78. Where the Supreme Court has given special leave to appeal or the Court of Appeal has given an appellant leave to appeal, it shall not be necessary for the appellant to give any notice of a criminal appeal and the notice of the application for special leave to appeal or leave to appeal shall be deemed to be the notice of a criminal appeal.

79. (1) As soon as the Registrar of the Supreme Court has received a notice of a criminal appeal, or the Court of Appeal has granted an application for leave to appeal, the Registrar of the Supreme Court shall request the Registrar to transmit to him and the Registrar shall forthwith transmit the record of the Court of Appeal, which shall include the following documents—

Notice of application for extension of time for appealing.

Notice of application for leave to appeal.

- (c) a certified copy of the result of the appeal of the Court of Appeal;
- (b) a certified copy of the judgment of the Court of Appeal;
- (c) a certified copy of the result of the appeal of the Court of Appeal;
- (d) a certified copy of the order granting final leave to appeal;
- (e) a signed list of all the exhibits forming part of the record of the Court of Appeal together with the originals of all such exhibits; and
- (f) all other documents necessary for the prosecution of the appeal.

(2) The State shall be supplied with a copy of the record without payment.

(3) Unless otherwise directed by the Supreme Court or the Court of Appeal that an appellant or respondent be supplied with the copies of the record without payment they shall be supplied by the Registrar of the Supreme Court on the payment of a fee calculated in accordance with the provisions of these Rules and determined by the Registrar of the Supreme Court.

80. Where any application has been dealt with by the Supreme Court in the absence of the applicant or his counsel the Registrar of the Supreme Court shall inform the applicant of the decision of the Supreme Court in Form 4 set out in the Second Schedule to these Rules.

Procedure on decision of application to the Court Form 4. Second Schedule.

81. An appellant or applicant (as the case may be) may, at any time after he has duly lodged notice of a criminal appeal or of an application for special leave to appeal or of an application for extension of time within which such notice shall be given to the Registrar of the Supreme Court, abandon his appeal or application, as the case may be by giving notice of abandonment thereof in Form 5 set out in the Second Schedule to these Rules and upon such notice being given the appeal or application shall be deemed to have been struck out.

Abandon appeal. Form 5. Second Schedule.

(2) Upon receipt of a notice of abandonment the Registrar of the Supreme Court shall give notice thereof in Form 6 set out in the Second Schedule to these Rules to the respondent, the Director of Prisons and the Registrar.

Form 6. Second Schedule.

(3) In the case of an appeal in respect of a conviction involving a sentence of death the Registrar of the Supreme Court shall, in addition, give notice of the abandonment to the President of the Republic.

82. (1) An appellant who has abandoned his criminal appeal may, with leave of the Supreme Court withdraw his notice of abandonment by completing and sending to the Registrar of the Supreme Court a notice in Form 7 set out in the Second Schedule to these Rules within ten days of giving notice of abandonment:

Provided that notice of any such application shall forthwith be given to the respondent by the Registrar of the Supreme Court.

(2) Where on the acquittal or discharge of any person charged with an offence an order is made by the Court of Appeal for the payment of any costs or compensation by the prosecution or the complainant to the person so acquitted or discharged, any such order shall be suspended when notice of a criminal appeal or notice of any application for leave to appeal against the acquittal or discharge is lodged until the determination of the appeal or until the appeal is abandoned.

(3) Where upon the conviction of any person of any offence any disqualification, forfeiture or disability attached to that person by reason of the conviction, and notice of a criminal appeal or notice of an application for leave to appeal or notice of an application for special leave to appeal against the conviction is filed, the disqualification, forfeiture or disability shall be suspended until the determination of the appeal or until the appeal is abandoned.

(4) Where upon the conviction of any person of any offence any property, matter or thing which is the subject matter of the prosecution or is connected therewith is required to be or may be ordered to be destroyed or forfeited under the provisions of any law and notice of a criminal appeal or notice of an application for leave to appeal against the conviction or notice of an application for special leave to appeal is lodged, the order for destruction or forfeiture thereof shall be suspended until the determination of the appeal or until the appeal is abandoned.

83. (1) The Supreme Court may at any time during the pendency of a criminal appeal on its own motion or on application made by any person admit the appellant to bail or revoke or vary any such order previously made.

(2) Where the Supreme Court admits an appellant to bail pending the determination of his appeal, the Supreme Court shall specify the amount in which the appellant and his surety if any, shall be bound by recognizance and unless otherwise directed by the Supreme Court the recognizance of the appellant or his surety shall be taken before the Registrar of the Supreme Court.

(3) The Recognizances provided for in this Rule shall be in Forms 8 and 9 set out in the Second Schedule to these Rules. Forms 8 and 9. Second Schedule.

(4) An appellant who has been admitted to bail shall be personally present at each and every hearing of his appeal and at the final determination thereof.

(5) Where an appellant is not present at the hearing of his appeal after having been admitted to bail pursuant to the provisions of this Rule, the Supreme Court may—

(a) consider the appeal in his absence and make such order as it thinks fit, or

(b) proceed summarily to dismiss the appeal or issue a warrant for the arrest of the appellant in Form 10 set out in the Second Schedule to these Rules. Form 10. Second Schedule.

(6) The provisions of the immediately preceding sub-rule shall apply with such modifications as the Supreme Court may direct in any case where an appellant indicates that he desires to be present at the hearing of his appeal but does not in fact attend.

84. (1) On the final determination of a criminal appeal or of any application to the Supreme Court, the Registrar of the Supreme Court shall give to the appellant, if he is in custody and was not present at such determination, and to the respondent and the Director of Prisons notice of such determination in Forms 11, 12, 13 and 14 set out in the Second Schedule to these Rules as the case may be. Notification of final determination of Appeals. Forms 11, 12, 13 and 14.

(2) In the case of an appeal in respect of conviction involving a sentence of death, the Registrar of the Supreme Court shall, on receiving the notice of the criminal appeal or of an application for extension of time within which to appeal or the notice of application for special leave to appeal, send copies thereof to the President of the Republic and to the Director of Prisons and on the final determination of the appeal shall forthwith notify the appellant, the President of the Republic, the respondent and the Director of Prisons of the decision of the Supreme Court. Second Schedule.

(3) The Registrar of the Supreme Court shall, upon the final determination of a criminal appeal notify the Registrar, and, by a formal order inform him of the decision of, and any orders or directions made or given by, the Supreme Court in connection therewith.

(4) The Registrar shall, on receiving the formal order referred to in this Rule, enter the particulars thereof in the records of the Court of Appeal.

24
Enforce-
ment of
orders.
No certi-
ficate of
conviction
to issue.
Return of
exhibits
etc.
Order to
deliver
reserved
judgment,
etc.

85. Any order given or made by the Supreme Court may be enforced by it or by the Court of Appeal or by the High Court as the case may be most expedient.

86. The Registrar shall not issue, under any law authorizing him so to do, a certificate of conviction of any person convicted in the Court of Appeal after notice of appeal or notice of application for special leave to appeal is given until the determination or abandonment thereof.

87. Upon the final determination of a criminal appeal the Registrar of the Supreme Court shall, where practicable and subject to any order of the Supreme Court, cause to be returned to the Registrar any exhibits or other documents forwarded to the Supreme Court in connection with the appeal.

PART XV—SUPERVISORY JURISDICTION

88. (1) Where a judgment or ruling has been reserved by any Court subordinate to the Supreme Court for three months or more, the Court, may, on its own motion or upon the application of a party to the action or appeal, as the case may be, order the lower Court concerned to deliver judgment or ruling on or before a date specified in the Order.

(2) The Registrar shall cause a certified copy of the said Order to be forwarded to the Registrar of the relevant Court for transmission to each Magistrate, Judge or Justices concerned in the said reserved judgment or ruling.

(3) The Registrar shall make a return to the Court within three days of the date specified in the Order as aforesaid stating whether the Order has been complied with.

(4) If the return is to the effect that the Order has not been complied with the Court may make such further or other Order as it may deem fit.

PART XVI—ORIGINAL JURISDICTION

89. (1) Save as otherwise provided in these Rules, an action brought to invoke the original jurisdiction of the Court shall be commenced by Originating Notice of Motion in Form 8 set out in the First Schedule to these Rules which shall be signed by the Plaintiff or his Counsel.

(2) The Notice of Motion shall be supported by an affidavit setting forth as concisely as possible the nature of the relief sought by the plaintiff and shall state—

(a) the full name of the plaintiff and the capacity in which he is bringing the action;

- (b) the address for service of the plaintiff and of his Counsel, if any, which shall be an address for service;
- (c) the names and address of all parties who may be directly affected by the action; and
- (d) such other particulars as the Court may from time to time direct.

(3) A copy of the Notice of Motion shall be served on each of the parties mentioned in it as directly affected who shall be deemed to be the defendants and on the Attorney-General and Minister of Justice if not named specifically as a defendant. In addition the Court may order that the Notice of Motion be served on any other person.

(4) The plaintiff shall within three days of the service of the Notice of Motion and supporting affidavit file an affidavit of service thereof.

(5) The Court may at any time on its own motion or on the application of a party, order that any other person be made a party to the action in addition to or in substitution for any other party.

90. (1) The plaintiff may file a statement of his case with the Notice of Motion, or shall in any case within ten days of the filing of the Notice of Motion file the statement of the plaintiff's case. Statement of Plaintiff's case.

(2) The statement of the plaintiff's case—

- (a) shall set forth the facts and particulars, documentary or otherwise, verified by an affidavit, upon which the plaintiff seeks to rely;
- (b) shall state the names and particulars of the witnesses, if any, whom he intends to call at the hearing; and
- (c) may also file a list of the decided cases and of the statute law on which the plaintiff intends to rely.

(3) Where a statement of the plaintiff's case is not filed within ten days of the filing of the Notice of Motion, the Notice of Motion shall be deemed to have been struck out.

91. The Registrar shall, as soon as practicable after the filing of the Notice of Motion and of the statement of the plaintiff's case, serve copies thereof on the defendants and on the Attorney-General and Minister of Justice. Service on Defendant and Attorney-General.

92. (1) A defendant upon whom a Notice of Motion and a statement of the plaintiff's case are served shall, if he wishes to contest the case, within ten days of such service, or within such time as the Court upon terms may direct, file a statement of the defendant's case which shall be signed by the defendant or his Counsel.

(2) The statement of the defendant's case—

- (a) shall set forth the facts and particulars, documentary or otherwise, verified by affidavit, upon which the defendant seeks to rely;
- (b) shall state the names and particulars, of the witnesses, if any, whom he intends to call at the hearing;
- (c) shall state the address for service of his Counsel, where he is represented by Counsel; and
- (d) may also include a list of the decided cases and of the statute law on which he seeks to rely.

(3) If the defendant does not file his case within the time stipulated the Registrar shall issue a certificate to that effect.

(4) The Attorney-General and Minister of Justice if not mentioned as a defendant, may, if he chooses, file an answer within ten days of the service on him of the statement of the plaintiff's case.

93. A Notice of Motion or statement of the plaintiff's case or of the defendant's case, as the case may be, may at any time with the leave of the Court be amended on such terms as the Court may determine.

94. (1) The parties may agree to file, or shall if so ordered by the Court file, a memorandum specifying the issues agreed by them to be tried at the hearing of the action.

(2) The memorandum of agreed issues shall be signed by the parties or their Counsel and may, with the leave of the Court granted upon such terms as the Court may determine, be amended upon the application of the parties.

95. The Court may, after the memorandum of agreed issues has been submitted to it, order any of the parties to clarify or state fully in writing any further arguments of law with a list of the decided cases and the statute law in support of his case not already dealt with in the statement of his case or in the memorandum of agreed issues.

96. The statement of the plaintiff's case and of the defendant's case as well as the memorandum of agreed issues or the arguments of law shall be filed with the Registrar. Filing of documents.

97. (1) The Court may, after considering the statement of the plaintiff's case and of the defendant's case, the memorandum of agreed issues and any arguments of law, decide to determine the action and give judgment in Court on a fixed date without argument or may appoint a time at which the parties shall appear before the Court for further hearing of the action. Hearing.

(2) Where a party does not appear at the hearing the Court may order the action to proceed in his absence.

(3) Where the Court decides to hear oral evidence and arguments, the plaintiff shall at such hearing, unless the Court directs otherwise, first open his case and each defendant shall then be entitled to reply thereto before any witnesses of whom notice has been given are called to testify.

(4) The Court may, on its own motion or upon the application of a party to the action on such terms as the Court may direct, cause any evidence relevant to the issue to be adduced by a statement of the plaintiff's case or of the defendant's case.

(5) Any such evidence may be either by oral examination in Court or by affidavit or by deposition taken before an examiner as the Court may direct.

98. Where no provision is expressly made in these Rules relating to the Original and the Supervisory Jurisdiction of the Supreme Court, the practice and procedure for the time being of the High Court shall apply *mutatis mutandis*. Matters not expressly provided for.

PART XVII—REFERENCES TO THE COURT

99. (1) A reference to the Court for the determination of any question cause or matter pursuant to any provision of the Constitution or of any other law shall be by way of a case stated by the Court below making the reference. Reference by case stated.

(2) A case stated pursuant to the provisions or sub-rule (1) shall contain—

- (a) a summary of the facts of the action before the Court below from which the reference is made;
- (b) the issues involved in the matter before the Court below;
- (c) the matter or question referred for determination to the Court;

give leave to be present at any stage of such examination or investigation and give the necessary direction to the Director of Prisons and may give directions to the Registrar of the Supreme Court that copies of any report made by such special commissioner shall be furnished to the appellant and respondent.

103. Non-compliance on the part of an appellant with these Rules or with any rule of practice for the time being in force shall not prevent the further prosecution of the appeal, cause, matter or reference if the Supreme Court considers that such non-compliance was not wilful and that it is in the interest of justice that such non-compliance be waived. The court may in such manner as it thinks fit direct the appellant or any party to an appeal, cause, matter or reference to remedy such non-compliance, and thereupon the appeal shall proceed. The Registrar of the Supreme Court shall forthwith notify the appellant of any direction given by the Supreme Court under this Rule, where the appellant was not present at the time when such directions were given.

104. Where there are two or more appeals or applications for leave to appeal or for special leave to appeal arising out of the same matter, or though not arising out of the same matter yet they raise identical points of law, and the Supreme Court is of opinion that it would be for the convenience of the Supreme Court and all parties concerned that the appeals should be consolidated, the court may direct the appeals to be consolidated.

105. On the hearing and determination of an appeal, cause, matter or reference or any proceeding preliminary or incidental thereto the costs, if any shall be at the discretion of the Supreme Court.

106. (1) The Supreme Court may, on account of the poverty of any party (although such party may not have been formally admitted to prosecute or defend as a pauper) or for other sufficient reason, dispense, if it sees fit, with payment of any fees if the circumstances of the case so require.

(2) Where in the opinion of the Supreme Court the interest of justice so requires, the Court may grant legal aid to any party in the preparation and conduct of his case.

107. (1) Save as hereinafter provided, the fees, prescribed in the Fourth Schedule shall be charged in respect of the matters to which they are respectively assigned, and shall be paid to the Registrar of the Supreme Court.

(2) No fee shall be payable in respect of any matter where such fee would be payable by the State or any Government Department:

Waiver of
costs with
costs.

Consolidation
of
appeal.

Costs of
appeal.

Fees and
legal aid.

Fees
Fourth
Schedule.

Provided that when any person is ordered to pay the costs of the State or any Government Department in any case all fees which would have been payable but for the provisions of this sub-rule shall be taken as having been paid and shall be recoverable from such person.

108. The State is bound by these Rules except those provisions relating to payment of fees and security for costs. State bound by Rules.

109. The Supreme Court Rules, 1976 are hereby revoked: Revocation and Savings,

Provided that every act or thing done thereunder before the commencement of these Rules shall remain in force and be deemed to have been done under these Rules.

SUPREME COURT RULES, 1982
FIRST SCHEDULE

FORM 1

Rule 6(3)

IN THE SUPREME COURT OF SIERRA LEONE
BOND FOR COSTS ON A CIVIL APPEAL

Between

Appellant

and

Respondent

Know all men by these presents, that we
of

and of

and of

are jointly and severally held and firmly bound to

of

in the sum of Le of lawful money to be paid to the said
his executors, administrator or assigns,
for which payment well and truly to be made, we bind ourselves, and each
of us for himself, in the whole our and every of our heirs, executors and
administrators, firmly by these presents.

Sealed with our seals.

Dated the day of , in the year of our Lord, 19
WHEREAS a suit is now pending before the Supreme Court wherein

the above-bounden
is appellant and the said
is respondent:

AND WHEREAS a judgment was given by the Court of Appeal, on the day of . 19

for the said and the said has filed notice of appeal from the said judgement:

AND WHEREAS it is by law provided that the party appealing shall give security to the satisfaction of the Registrar of the Supreme Court for the due prosecution of the appeal and for the payment of any costs which may be ordered to be paid by the appellant:

AND WHEREAS the above-named , at the request of the said have agreed and to enter into this obligation for the purposes aforesaid:

Now the condition of this obligation is such, that if the said shall duly prosecute the appeal and if the above-

bounden and any or either of them shall pay any cost which may be ordered to be paid by the appellant this obligation shall be void, otherwise remain in full force.

Signed, sealed and delivered in the presence of

(L.S.)
(L.S.)
(L.S.)

SUPREME COURT RULES, 1982

FORM 2

Rule 13

IN THE SUPREME COURT OF SIERRA LEONE
PETITION OF WOULD-BE APPELLANT OR RESPONDENT TO
APPEAL OR RESPOND IN FORMA PAUPERIS

between The Petition of and Would-be-Appellant
and Would-be-Respondent
(state name, address and occupation)

showeth as follows:—

I am hereby applying to be admitted as a poor person to prosecute (or defend) or to be a party to the above-mentioned appeal and I declare that I am not worth two hundred leones (Le200) excluding my wearing apparel, tools of trade and the subject matter of the appeal.

And your Petitioner as in duty bound will always pray.

Dated this day of , 19 .

To: The Registrar,
Supreme Court,
Freetown.

(Signed)

(Here state the names and addresses of persons affected by the appeal).

SUPREME COURT RULES, 1982
FIRST SCHEDULE
CIVIL APPEAL FORMS
CIVIL FORM 3

Rule 20

IN THE SUPREME COURT OF SIERRA LEONE
SUMMONS TO PARTIES TO SETTLE RECORD

Between.....Appellant

And

.....Respondent

Take notice that all parties concerned are required to attend before me at my office at..... on.....day the.....day of 19.....at the hour of.....o'clock in the..... noon to proceed with settling of the record of appeal herein.

Dated this day of , 19 .

.....
Registrar
Supreme Court.

To:.....
.....
.....

SUPREME COURT RULES, 1982
FIRST SCHEDULE
CIVIL APPEAL FORMS

FORM 4

Rule 33(1)

IN THE SUPREME COURT OF SIERRA LEONE
NOTICE OF CIVIL APPEAL

Civil Appeal No.....

Between

Appellant

and

Respondent

TAKE NOTICE that the Appellant being dissatisfied with the decision (that part of the decision) more particularly stated hereunder contained in the judgment (order or decree) of the Court of Appeal dated the day of

19 , and having obtained (special) leave on

the day of 19 of the Supreme Court (Court of Appeal) to appeal therefrom doth hereby appeal to the Supreme Court upon the grounds set out in paragraph 4 hereof and will at the hearing of the appeal seek the reliefs set out in paragraph 5 hereof.

2. The part of the decision complained of is as follows:—

.....
.....

3. The particulars of misdirection or of error in law are as follows:

.....
.....

4. The Grounds of Appeal are:

- 1.
- 2.
- 3. etc.

5. The reliefs sought from the Supreme Court are

.....
.....
.....

AND take notice that the grounds of the said objection are as follows—

- 1.
- 2.
- 3.
- 4.

Dated this day of , 19 Appellant/Respondent

To the above-named Appellant/Respondent or his Solicitor.

SUPREME COURT RULES, 1982

FORM 6

Rule 73

IN THE SUPREME COURT OF SIERRA LEONE
CERTIFICATE OF THE ORDER OF THE SUPREME COURT

Civ. App. No.

Between

Appellant

and

Respondent

This appeal coming on for hearing on the day
of , 19 before

in the presence of
for the appellant and
for the respondent.

I HEREBY CERTIFY that an Order was made as follows:—

Given under my hand and the seal of the Supreme Court this

day of , 19 .

.....
Presiding Judge

To: The Registrar
(Appropriate Court)

SUPREME COURT RULES, 1982

FORM 7

Rule 32 (1)

IN THE SUPREME COURT OF SIERRA LEONE
CERTIFICATE OF NON-COMPLIANCE WITH CONDITIONS
OF APPEAL

Civ. App. No.

Between

Appellant

and

Respondent.

I hereby certify that the appellant (s) in the above-mentioned cause has/ have not complied with the conditions imposed upon him/them as would-be appellant/appellants.

Dated the

day of

19

.....
Registrar

SUPREME COURT RULES, 1982

CIVIL FORM 8

Rule 89(1)

IN THE SUPREME COURT OF SIERRA LEONE

S.C.

No.

Between

Plaintiff

and

Defendant

TAKE NOTICE that the Supreme Court of Sierra Leone will be moved at the expiration of 21 days from the Service upon you of this notice, or so soon thereafter as Counsel can be heard for the following reliefs pursuant to Section 104 (1) of the Constitution of Sierra Leone, 1978, namely

(a)

(b)

AND FURTHER TAKE NOTICE that at the hearing of this suit the Plaintiff will rely on the Affidavit of sworn on the day of 19 and filed herein.

SUPREME COURT RULES, 1982
SECOND SCHEDULE
CRIMINAL APPEAL FORMS

FORM 1

Rule 74 (5)

IN THE SUPREME COURT OF SIERRA LEONE
NOTICE OF A CRIMINAL APPEAL

THE STATE V.

TO THE REGISTRAR OF THE

I/The State being dissatisfied with the decision (that part of the decision) more particularly stated in paragraph 2 hereof contained in the judgment/order of.....
.....
.....

dated the day of ,19 (and day of
having obtained special leave/leave on the day of
 19 to appeal therefrom) hereby give/hereby gives
you notice of a criminal appeal against the said decision (part of the decision
to the Supreme Court, on the grounds that

- (a)
- (b)
- (c)
- (d)
- (e)

2. The part of the decision complained of:

3. State whether appeal is on a question of law or of fact or of mixed law and fact and state particulars thereof.

PARTICULARS OF PROCEEDINGS IN COURT BELOW, ETC.

Fill in these Particulars.

1. Date of decision appealed against.
2. Court from whose decision appeal is made.
3. Offence to which the decision relates (e.g. stealing, murder forgery, treason, etc).
4. Decision of Court below (conviction, acquittal, etc.)
5. Sentence (if any)

- 6. In case of an appeal on a question of law whether that question of law was raised at Court below.
- 7. State whether you are a prisoner and if so place of confinement, and if not place of abode or other address.
- 8. If in custody state if you desire to be present on the hearing of your appeal by the Supreme Court.

.....
 Signature and address of
 Witness attesting mark, ect.

.....
 Signature/Mark and Thumb print
 of Appellant or of Counsel

N.B.

- (i) Strike out words which are not applicable
- (ii) if appealing against the whole decision state in paragraph 2 above " the whole decision "
- (iii) The Supreme Court will if you desire it, consider your case and argument if put into writing by you or your behalf instead of your case and argument being presented orally. If you desire to present your case and argument in writing set out as fully as you think right your case and argument in support of your appeal.

SUPREME COURT RULES, 1982

FORM 2

Rule 74 (5)

IN THE SUPREME COURT OF SIERRA LEONE
 NOTICE OF APPLICATION FOR EXTENSION OF TIME
 WITHIN WHICH TO APPEAL

TO THE REGISTRAR OF THE

I/the State being dissatisfied with the decision/part of the decision more particularly stated in paragraph 2 hereof contained in the judgment/ order of _____ dated the _____ day of _____, 19____ do hereby give (hereby gives) you Notice that (I/the State) hereby apply (applies) to the Supreme Court for an extension of time within which (I/the State) may give NOTICE OF APPEAL (or Notice of Application for leave to appeal) on the grounds following:

(Here set out clearly and concisely the reasons for the delay in giving such notice and the grounds on which you submit that the Supreme Court should extend the time).

2. Part of decision of the Court below complained of—

PARTICULARS OF PROCEEDINGS IN COURT BELOW, ETC.

Fill in these particulars:

1. Date of decision complained of
2. Court whose decision is complained of
3. Offence to which decision relates
4. Decision of Court below (conviction, acquittal, etc.)
5. If in custody state place of confinement, if not in custody state place of abode or other address.

-
- (i) You are required to send to the Registrar of the Supreme Court, duly filled up Forms 1 or 2 together with this Notice (see Rule 4).
 - (ii) Strike out words not applicable.

SUPREME COURT RULES, 1982

FORM 3

Rule 74 (5)

IN THE SUPREME COURT OF SIERRA LEONE

**NOTICE OF APPLICATION FOR LEAVE OR SPECIAL LEAVE TO
APPEAL**

**THE STATE v.
TO THE REGISTRAR OF THE**

I/the State being dissatisfied with the decision (that part of the decision) more particularly stated in paragraph 2 hereof contained in the judgment/order of _____ dated the _____ day of _____, 19____ (and having been refused leave to appeal by the Court of Appeal on the _____ day of _____, 19____) and being desirous of appealing against the said decision/part of the decision, hereby give(s) you notice that I/the State hereby apply (applies) for (Special) leave to appeal against the said decision/part of the decision on the grounds hereinafter set forth—

(Here set forth the grounds on which you desire to question the decision/part of the decision).

Part of decision of Court below complained of:

PARTICULARS OF PROCEEDINGS IN COURT BELOW, ETC.

Fill in these particulars.

1. Date of decision appealed against.
2. Court from whose decision the appeal is made.
3. Offence to which the decision relates.
4. Decision of Court below (conviction, acquittal, etc.)
5. Sentence (if any).
6. State whether you are a prisoner and if so place of confinement and if not place of abode or other address.
7. If in custody and desire to be present when the Supreme Court considers your present application and/or at the final hearing of your appeal state—
 - (a) whether or not you are represented by Counsel, and
 - (b) your reasons for desiring to be present.

.....
*Signature and address of
Witness attesting mark, ect.*

.....
*Signature/mark and thumbprint
of Applicant or his Counsel*

-
- 7
B.—(i) Strike our words not applicable
- (ii) If appealing against the whole decision state in paragraph 2 above
“the whole decision”
- (iii) The Supreme Court will if you desire it, consider your case and argument if put in writing by you or on your behalf, instead of your case and argument being presented orally. If you desire to present your case and argument in writing set out as fully as you think right your case and argument in support of your appeal.

SUPREME COURT RULES, 1982

FORM 4

Rule 80

IN THE SUPREME COURT OF SIERRA LEONE
NOTIFICATION TO APPELLANT OF DECISION

THE STATE v.

I hereby give you notice that a Justice (Justices) of the Supreme Court having considered your application(s) for:—

- (a) Leave to appeal;
- (b) For extension of time in which notice of appeal or of application for leave to appeal may be given;
- (c) Permission to be present during the hearing of any proceedings in your appeal;
- (d) Admissnion to bail;
- (e) Leave to withdraw abandonment of appeal, has (have) refused the application(s) marked and has (have) granted your application(s) marked.

If you desire to have the above-mentioned application(s), which have been refused, determined by the full Supreme Court, you are required to fill up the enclosed form and return it to me forthwith.

Dated this day of , 19

.....
Registrar, Supreme Court.

To the above-named

SUPREME COURT RULES, 1982

FORM 5

Rule 81(1)

NOTICE OF ABANDONMENT OF APPEAL

THE STATE v.

I/the State having previously served notice of (appeal/application for leave to appeal/application for extension of time within which to give notice of appeal/notice of application for leave to appeal) to the Supreme Court against (my conviction/the sentence of passed upon me on the said conviction (Court) on the day of

, 19 hereby give(s) you NOTICE
that (I/the State, do(es) not intend further to prosecute the said appeal,

that (1/the State hereby abandon(s) all further proceeding in regard
as from the date of this notice.

Dated this _____ day of _____, 19

.....
Signature and address of witness
attesting mark

.....
Signature/mark and thumbprint
of Applicant or his Counsel

Strike out words not applicable.

SUPREME COURT RULES, 1982

FORM 6

Rule 81(2)

IN THE SUPREME COURT OF SIERRA LEONE
NOTIFICATION OF ABANDONMENT OF APPEAL

THE STATE v.

To (1)

This is to give notice that I have this day received from the above-
named _____ a notice of abandonment of all proceedings in
regard to his appeal to the Supreme Court. The said notice is dated
_____ day of _____, 19

By Rule _____ of the Supreme Court Rules, 19 _____ upon
notice of abandonment being given the appeal shall be deemed to have
been struck out by the Supreme Court.

Dated this _____ day of _____, 19

.....
Registrar, Supreme Court.

- (1) Send copies to
 - (a) The President
 - (b) The Attorney-General and Minister of Justice or other Respon-
dent
 - (d) The Registrar of the Court below.
 - (c) The Director of Prisons

IN THE SUPREME COURT OF SIERRA LEONE
NOTICE OF APPLICATION FOR LEAVE TO WITHDRAW
ABANDONMENT OF APPEAL

THE STATE v.

TO THE REGISTRAR, SUPREME COURT.

I the State having duly sent a notice that (I/the State desire (s) to appeal to the Supreme Court and having abandoned the said appeal: GIVE YOU NOTICE, that (I/the State hereby (apply/applies) to the Supreme Court for leave to withdraw the said Notice of Abandonment in the special circumstances following:—

(Here set out as clearly and concisely as possible the special reasons for giving such notice, and grounds on which you submit the Supreme Court should allow you to withdraw the abandonment.

PARTICULARS OF PROCEEDINGS IN COURT BELOW, ETC:

Fill in these particulars

1. State Court to whose decision the appeal relates.
2. State decision or part complained of (e.g. conviction acquital, sentence).
3. State offence to which decision relates (e.g. stealing, treason).
4. If you are in custody state place of confinement, if not in custody state place of abode or other address.

Dated this day of , 19

.....
Signature/mark and thumbprint of Applicant.

N.B.—Form 2 must be filled up and sent with this notice to Registrar, Supreme Court.

SUPREME COURT RULES, 1982

Form 8

Rule 83(3)

IN THE SUPREME COURT OF SIERRA LEONE
RECOGNIZANCE OF BAIL OF APPELLANT

THE STATE v.

BE IT REMEMBERED THAT WHEREAS

was convicted of

day of

, 19

(and

was thereupon sentenced to

), and now is in lawful custody at

and has duly appealed against his conviction

(and sentenced) to the Supreme Court and has applied for bail pending the determination of his appeal, and has been granted bail on entering into his own recognizances in the sum of Le

(with

sureties each in the sum of Le

), the said undersigned,

being the and acknowledges himself to owe to the State the

said sum of Le

of good and lawful money, to be made and

levied on his goods and chattels, lands and tenements to the use of the State

if he the said

fail in the condition endorsed.

Taken and acknowledged this

day of

19

,

Before me,

.....
Registrar, Supreme Court.

CONDITION

The condition of the within written recognizance is such that if the said shall personally appear and surrender himself at and before the Supreme Court at each and every hearing of his appeal to such Supreme Court and at the final determination thereof and then and there abide by the judgment of the said Supreme Court and not depart or be absent from such Supreme Court at any such hearing without the leave of the said Supreme Court, and in the meantime not depart from his usual place of abode without the leave of the Supreme Court, then this recognizance shall be void, otherwise of full force and effect.

The following to be filled up by the appellant and signed by him:

When released on bail my residence, to which any Notices, etc. are to be addressed, will be as follows:—

.....
Appellant

- (c) Permission to be present during the proceedings in your appeal;
- (d) admission to bail;
- (e) leave to withdraw abandonment of appeal;

and has finally determined the same and has this day given judgment to the effect following:—

Here set out the decision of the Court:—

Dated this day of , 19 .

.....
Registrar, Supreme Court

SUPREME COURT RULES, 1982

Form 12

Rule 84(1)

IN THE SUPREME COURT OF SIERRA LEONE
NOTIFICATION TO AUTHORITIES OF RESULT OF APPLICATION
THE STATE v.

To

.....(1)

This is to give you notice that the above-mentioned having applied for—

- (a) leave to appeal to the said Court;
- (b) leave to extend the time within which he may give notice of appeal or of an application for leave to appeal;
- (c) permission to be present during the proceedings in his appeal;
- (d) admission to bail;

(e) leave to withdraw abandonment of appeal;
the court has this day finally determined his said application and has given judgment to the effect following:—

Here set out the decision of the Court.

Dated this day of 19

.....
Registrar, Supreme Court.

9)
(1) Send copies addressed to:

- (a) The President
- (b) The Attorney-General and Minister of Justice or other Respondent
- (c) The Director of Prisons
- (d) The Registrar of the Court below

SUPREME COURT RULES, 1982

Form 13

Rule 84(1)

IN THE SUPREME COURT OF SIERRA LEONE
NOTIFICATION TO APPELLANT OF THE RESULT OF HIS APPEAL
THE STATE v.

TO THE ABOVE-NAMED APPELLANT

This is to give you Notice that the Supreme Court having considered the matter of your appeal has finally determined the same and has this day given judgment to the effect following:—

Here set out
the decision of
the Court

Dated this day of 19 .

.....
Registrar, Supreme Court.

SUPREME COURT RULES, 1982

FORM 14

Rule 84(1)

IN THE SUPREME COURT OF SIERRA LEONE
NOTICE TO AUTHORITIES OF RESULT OF APPEAL

THE STATE v.

This is to give you notice that the above-named having appealed against his conviction of the offence of before the Court, and/or the sentence of

.....
passed upon him for the offence of by the Court, the Supreme Court has finally determined the said appeal and has this day given judgment therein to the effect following:—

Here set out

the decision
of the Court

Dated this _____ day of _____, 19 .

.....
Registrar, Supreme Court

- (1) Send copies to:
- (a) The President
 - (b) The Attorney-General and Minister of Justice
 - (c) The Director of Prisons
 - (d) The Registrar of the Court below

SUPREME COURT RULES, 1982

THIRD SCHEDULE

FORM 1

Rule 10 (1)

IN THE SUPREME COURT OF SIERRA LEONE

ORDER TO WITNESS TO ATTEND COURT FOR EXAMINATION
Between

vs.

to
NAME ect.
of witness
of

WHEREAS on good cause shown to the Court you have been ordered to attend and be examined as a witness before such Court upon the appeal of the above-named:

This is to give you notice to attend before the said Court at _____ on _____ the _____ day of _____ 19 _____, at _____ o'clock in the noon. You are also required to have with you at the said time and place any books, papers or other things relating to the said appeal which you may have had notice so to produce.

Dated this _____ day of _____, 19

.....
Registrar, Supreme Court

SUPREME COURT RULES, 1982

FORM 2

Rule 101(2)

IN THE SUPREME COURT OF SIERRA LEONE
APPELLANT'S APPLICATION FOR FURTHER WITNESS

BETWEEN: vs.

I, having appealed to the
Court, hereby request you to take notice that I desire that the said Court shall
order the witness hereinafter specified to attend the Court and be examined
on my behalf.

DATED this day of , 19 .

.....
*Signature and address of witness
attesting mark.*

.....
*Signature/mark and thumbprint of
Appellant or of Counsel.*

You are required to fill up the following and sign the same.

1. Name and addresses of witnesses
2. Whether such witnesses have been examined at trial.
3. If not, state the reason why they were not so examined.
4. On what matters do you wish them to be examined on the appeal?

State shortly the evidence you think they can give. .

SUPREME COURT RULES, 1982

FORM 3

Rule 101(5)

IN THE SUPREME COURT OF SIERRA LEONE
NOTICE TO WITNESS TO ATTEND BEFORE AN EXAMINER

BETWEEN: *Name, etc. of witness*

TO vs.
of

WHEREAS on good cause shown to the Court you have been ordered to
be examined as a witness upon the appeal of the above-named, and your depo-
sition to be taken for the use of the said Court:

This is to give you notice to attend at

(a)

(a) Specify place of examination.

on the
before (b)
in the

day of
at
noon.

19
o'clock (b) Fill in examiner's name.

You are also required to have with you at the said time and place any books, papers or other things under your control or in your possession in any manner relating to the said appeal of which you have had notice so to produce.

DATED the

day of

19

.....
Registrar, Supreme Court.

SUPREME COURT RULES, 1982

FORM 4

Rule 101(7)

IN THE SUPREME COURT OF SIERRA LEONE
DEPOSITIONS OF WITNESSES EXAMINED BEFORE EXAMINER

BETWEEN:

vs.

The depositions (on oath) taken before me the undersigned, being an examiner duly appointed by the Court in that behalf of
of _____ and _____ (Name etc, of witness)
of _____ witnesses, examined before me under
an order of the said Court dated _____ day of _____ 19
in the presence of the said
appellant (or of his legal representative) and the respondent at

on the

day of

19

at which the said appellant (or his legal representative) and Respondent had full opportunity of asking questions of the said witnesses, to whom the depositions following were read by me before being signed by them the said witnesses respectively.

The depositions of
who (upon oath duly administered by me) said as follows:—

MADE the

day of

,19

.....
Examiner.

SUPREME COURT RULES, 1982

FOURTH SCHEDULE

PART I

Rule 107(1)

SUPREME COURT FEES

placed by 3 M
1994

| | Le | Cts |
|--|----|-----|
| Lodging Notice of Appeal or Cross Appeal | 15 | 00 |
| Lodging application for special leave to Appeal | 10 | 00 |
| Lodging of any other notice of Motion | 5 | 00 |
| Cost of Supreme Court Record shall be calculated at the rate of 10 cents each for the first ten folios of 100 words or part thereof and five cents for each subsequent folio of one hundred words each or part thereof | | |
| On settling record of appeal | 3 | 00 |
| Setting down appeal (chargeable to appellant only) | 20 | 00 |
| Setting down application for special leave to appeal (chargeable to Petitioner only) | 5 | 00 |
| Filing Case | 10 | 00 |
| Filing Amended Case | 5 | 00 |
| Filing of Notice of Preliminary objection | 10 | 00 |
| Reply thereto | 5 | 00 |
| Filing affidavit | 2 | 00 |
| Filing each document or Exhibit | | 50 |
| Filing Recognisance | 5 | 00 |
| Filing Examiner's or Arbitrator's Report | 10 | 00 |
| On filing motion for extension of time if the time has not yet expired | 5 | 00 |
| if the time has already expired | 20 | 00 |
| On filing motion for stay of execution | 10 | 00 |
| On filing motion to restore appeal struck out or dismissed | 20 | 00 |
| On filing motion for extension of time within which to fulfil conditions of appeal | 10 | 00 |
| On filing motion against taxation by Taxing Officer | 10 | 00 |
| On filing Certificate of service of notice of appeal or cross appeal | 2 | 00 |
| On inspection of record | 2 | 00 |
| Summoning of Witnesses, etc. | 2 | 00 |
| Order determining an Appeal | 15 | 50 |
| Any other Order | 10 | 50 |
| Certified copy of Order | 1 | 65 |
| For attendance of Witnesses from Le5 | | |
| Le50 per diem according to the discretion of the Registrar of the Supreme Court or of the Supreme Court as the case may be | | |
| On lodging a bill of costs for taxation including taxation for the first twenty folios | | |
| For every ten folios or part thereof | 2 | 00 |
| After the first twenty | 1 | 00 |
| Office copies of any document: for every folio of 100 words or part thereof | | 10 |

Fees for service of any document and in connection therewith and, payments for mileage involved by such service shall be charged and paid under the rules and scales regulating service in the High Court.

Le Cts

| | | |
|---|----|----|
| Filing originating Notice of Motion | 20 | 00 |
| Filing Statement of Case | 10 | 00 |
| Copy of Judgment, Ruling or Opinion of the Supreme Court per folio of 100 words or part thereof | | 3 |

File by 85
2008

FOURTH SCHEDULE

PART II

FEES ALLOWED TO COUNSEL CONDUCTING APPEALS OR OTHER MATTERS BEFORE THE SUPREME COURT

| | Le | Cts |
|---|----|-----|
| Retainer Fee | 10 | 00 |
| Perusing written, typewritten or printed Record for every 25 folios | 1 | 00 |
| Instructions for Petition, Notice of Appeal or Motion for special leave to appeal | 10 | 00 |
| Instructions for Case | 5 | 00 |
| Instructions to Counsel to argue an Appeal | 10 | 00 |
| Instructions to Counsel to argue Petition or Motion | 5 | 00 |
| Drawing Petition, Notice of Appeal, Notice of Motion for special leave to Appeal per folio | | 50 |
| Drawing and fair copy, Case Notice | 1 | 00 |
| Copying Petition, Notice of Appeal, Notice of Motion or Motion for special leave to appeal per folio of 100 words or part thereof | | 20 |
| Perusing Petition, Motion or Affidavit per folio | | 50 |
| Perusing Notice of Appeal | 3 | 00 |
| Perusing Case per Sheet of 10 pages | 5 | 00 |
| Attending Consultation | 10 | 00 |
| Attending for the hearing of a Petition, Notice of Motion, or Notice of Appeal | 10 | 00 |
| Attending Supreme Court when Appeal on paper | 5 | 00 |
| Attending hearing of an Appeal per day | 21 | 00 |
| Attending for Judgement | 7 | 00 |
| Attendances generally | 3 | 00 |
| Instructions for Brief | | |
| Drawing Bill of Costs per folio | | 10 |
| Copying Bill of Costs per folio | | 5 |
| Attending Taxation of Costs | 5 | 00 |

MADE this 6th day of November, 1981.

- Hon. Justice E. Livesey Luke *Chairman*
Chief Justice
- Hon. Justice O. B. R. Tejan..... *Member*
Justice of the Supreme Court
- Hon. Justice S. C. E. Warne..... *Member*
Justice of Appeal
- Hon. Justice O. M. Golley..... *Member*
High Court Judge
- N. D. Tejan-Cole, Esq..... *Member*
Director of Public Prosecutions
- J. M. E. Richards, Esq..... *Member*
Acting First Parliamentary Counsel
- M. R. O. Garber, Esq..... *Member*
Legal Practitioner
- Garvas J. Betts, Esq..... *Member*
Legal Practitioner

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