

EASTERN CARIBBEAN SUPREME COURT  
COURT OF APPEAL RULES

The attached document specifies Grenada; however the same provisions are applicable to all Member States/Territories in the OECS.

## COURT OF APPEAL RULES

S.R.O.  
58/1968  
S.I. 2/1970  
S.I. 3/1973

The Chief Justice and two other judges of the West Indies Associated States Supreme Court selected by him, in exercise of the powers conferred upon them by section 17 of the West Indies Associated States Supreme Court Order 1967, and all other powers hereunto enabling them, hereby make the following Rules:

### PART I

#### PRELIMINARY

1. (1) These Rules may be cited as the

### COURT OF APPEAL RULES.

Title, commencement  
and  
revocation

(2) Subject to the following provisions of this rule these Rules shall come into operation on the first day of July, One thousand nine hundred and sixty-eight.

(3) The provisions of Part V of these Rules shall come into operation in the States of Antigua, Dominica and St. Christopher-Nevis respectively on the date when in respect of each of the said States a law enacted by the Legislature of that State conferring jurisdiction upon the Court in relation to appeals from the Court of Summary Jurisdiction of that State comes into force as part of the law of that State.

(4) The provisions of Parts VI and VII of these Rules shall come into operation in respect of a State on the date when a law enacted by the Legislature of that State conferring jurisdiction upon the Court in relation to appeals from Magistrates' Courts comes into force as part of the law of that State.

(5) The Federal Supreme Court (Appeal) Rules, 1959, are hereby revoked.

[Subsidiary]

Application 2. These Rules shall apply to the States as defined in Rule 3.

INTERPRETATION

Interpretation 3. In these Rules unless it is expressly provided to the contrary or the context otherwise requires—

“appellant” means the party appealing from a judgment, conviction, sentence, or order and includes his legal representative;

“the Act” means the Act, Ordinance or other enactment by which in any State jurisdiction is conferred upon the Court in respect of appeals from the High Court originating in that State, and until such enactment is passed by the Legislature of a State includes the Federal Supreme Court Regulations in so far as they are in force in that State;

“Central Registry” means the Central Registry of the Court situate in St. Lucia;

“Chief Justice” means the Chief Justice of the Supreme Court;

“Court” means the Court of Appeal;

“court below” means the court from which the appeal is brought;

“Courts Order” means the West Indies Associated States Supreme Court Order 1967;

“Deputy Registrar” means any person appointed as such under the Courts Order in respect of the State in which an appeal is brought;

“Director of Public Prosecutions” means the Director of Public Prosecutions of the State in which the appeal is brought and, where the law of a State does not provide for the office of Director of Public Prosecutions, includes the Attorney-General of that State;

“file” means file in a Registry, and

“filed” and “filing” have corresponding meanings;

“Government Gazette” means, in relation to a State the Gazette published by the authority of the Government of the State and includes any supplement thereto and any *Gazette* Extraordinary so published;

[Subsidiary]

“High Court” means the High Court established by section 4 of the Courts Order;

“Judge” includes the presiding officer of any court from which an appeal lies to the Court;

“legal representative” means any barrister, advocate, solicitor, attorney or legal practitioner admitted to practise as such in any of the States whether or not he has the right of audience in the Court;

“order” includes decree, judgment, sentence or decision of a court below or a Judge thereof;

“party” means any party to the appeal and includes his legal representative;

“Prison Authority” means the head or person in charge of Her Majesty’s Prisons in the State in which the appeal is brought and includes his deputy or other officer discharging his duties;

“proper officer of the court below” means the Registrar of the High Court in the State in which the appeal is brought;

“record” means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and judgments) and required by these Rules to be filed or laid before the Court on the hearing of the appeal;

“Registrar” means the Chief Registrar of the Supreme Court in his capacity of Registrar of the Court and includes a Deputy Registrar or other officer for the time being discharging the duties of the Registrar or Deputy Registrar;

“the Regulations” means the Federal Supreme Court Regulations 1958;

“respondent”

- (a) in a civil appeal means any party (other than the appellant) directly affected by the appeal;
- (b) in a criminal appeal where the Crown is not an appellant, means the person who under the provisions of any law of the State in which an appeal is brought has the duty of appearing for

[Subsidiary]

the Crown or who undertakes the defence of the appeal;

“State” means any of the following with its dependencies (if any), that is to say—

Antigua,  
Dominica,  
Grenada,  
Saint Christopher and Nevis,  
Saint Lucia, and  
Saint Vincent;

“sub-Registry” means a sub-Registry of the Court situate in a State;

“Supreme Court” means the West Indies Associated States Supreme Court established by section 4 of the Courts Order.

(2) Where in these Rules reference is made to a regulation of the Federal Supreme Court Regulations and the Regulations are not in force in a State such reference shall be construed as a reference to the section of the Act which corresponds to the said regulation.

## PART II

### APPEALS GENERALLY

Forms in  
Appendices  
A and C to  
be used

4. The forms set out in Appendices A and C to these Rules, or forms as near thereto as circumstances permit, shall be used in all cases to which such forms are applicable.

Times of  
sittings and  
vacation  
S.I. 3/1972

5. (1) Sittings of the Court shall be held at such times between the fifteenth day of September and the twenty-second day of December and between the tenth day of January and the first day of August in each year as the Chief Justice may direct.

(2) The Court will be in vacation from the twenty-second day of December to the tenth day of January (both days inclusive) and from the first day of August to the fifteenth day of September (both days inclusive) and between the Wednesday before and the second Monday after Easter:

[Subsidiary]

Provided that—

- (i) in urgent cases applications may be heard and determined during the vacations by the Court or a single Judge thereof;
- (ii) the Chief Justice may direct any sitting of the Court to be held during the vacations for the purpose of hearing criminal and civil appeals.

(3) The Court will not sit on Sundays and will not sit in any State on days that are public holidays in that State, and on such other days as the Chief Justice may direct.

(4) The Central Registry of the Court shall be open on every day of the year except Sundays, Good Friday, Easter Eve, Monday and Tuesday in Easter week, Corpus Christi, Whit Monday, Christmas Day and the next following working day, and all other days appointed to be observed as public holidays in the State of St. Lucia, from the hours of 9 a.m. to 4 p.m. except Saturdays when the offices of the Registry will be closed at 12 noon.

Days on which Central Registry is to be closed

(5) Each sub-Registry of the Court shall be open on every day of the year except such days on which the Registry of the High Court in the State in which such sub-Registry is situated is closed.

Days on which sub-Registries are to be closed

6. (1) Notice of each sitting shall be published by the Registrar of the Court in the Government *Gazette* of the State in which each appeal arose at least one week before the date appointed for the commencement of the sitting.

Notice of sittings

(2) The Deputy Registrar shall on the publication of the said notice in the Government *Gazette* post up on the notice board of the Court the cause list of the sitting:

Provided that the Court may in its discretion hear any appeal and deal with any other matter whether or not the same has been included in such cause list so published.

(3) This rule shall not apply to the hearing of any matter by a single Judge.

7. (1) In all proceedings before the Court, the parties may appear in person or be represented on appeal by any person

Right of audience

[Subsidiary]

who is entitled to practise as a barrister in the State in which the appeal arose or is being heard.

(2) In all proceedings before the Registrar or the Registrar of the court below, and in all preliminary and interlocutory proceedings and applications except such as are heard before the Court, the parties thereto may be represented and appear by a barrister or by a solicitor entitled to practise in the State in which the proceeding arose or is being heard.

Register of  
appeals  
brought

8. (1) The Registrar and the Deputy Registrar in each State shall keep separate registers of all civil and criminal appeals brought before the Court including in the criminal appeal register notices of applications for leave to appeal.

(2) Each register shall contain particulars of the date on which—

- (a) the notice of appeal or of application for leave to appeal was lodged;
- (b) any interlocutory order was made;
- (c) the record of the appeal was received;
- (d) the appeal was heard;
- (e) judgment was delivered.

Enlargement  
of time and  
departure  
from Rules

9. Subject to the provisions of regulation 28(2) of the Federal Supreme Court Regulations (relating to the time within which an appeal may be brought in a capital case), and to Order 64, rule 6 of the Rules of the Supreme Court, the Court may enlarge or abridge the time appointed by these Rules, or fixed by an order enlarging time, for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed, or the Court may direct a departure from these Rules in any other way where this is required in the interests of justice.

Service of  
documents

10. Subject to any provision contained in these Rules relating to the service of any particular document—

[Subsidiary]

(1) Service of the documents mentioned in the first column hereunder shall be executed by leaving a true copy thereof in the manner specified in the second column—

Column 1	Column 2
<p>(a) All documents required to be served—</p> <p>(i) on parties to an action who have not filed an address for service; and</p> <p>(ii) on a person not a party to the appeal.</p> <p>(b) All documents required to be served on parties who have an address for service.</p>	<p>by personal service on the party or his authorized agent, or on the person not a party.</p> <p>by leaving the document at the address for service with a person resident at or belonging to such place; or by registered post to such address, in which case, the time of service thereon shall be the time such document would be delivered in the ordinary course of post.</p>

(2) If it be made to appear to a judge of the court below upon application supported by affidavit that prompt personal service of a document cannot be effected he may make such order for substituted service by advertisement or otherwise as may be just.

*Waiver for non-compliance*

11. Non-compliance on the part of an appellant in any criminal cause or matter with these Rules or with any rule of practice for the time being in force shall not prevent the further prosecution of his appeal if the Court considers that such non-compliance was not wilful, and that it is in the interests of justice that non-compliance be waived. The Court may, in such manner as it thinks right, direct the appellant to remedy

Waiver for non-compliance with Rules



[Subsidiary]

such non-compliance, and thereupon the appeal shall proceed. The Registrar shall forthwith notify the appellant of any direction given by the Court under this rule where the appellant was not present at the time when such directions were given.

PART III

CIVIL APPEALS FROM THE HIGH COURT

*Notices of appeal, cross-appeal and preliminary objection*

12. Revoked [S.I. 2-1970].

13. Revoked [S.I. 2-1970].

14. Revoked [S.I. 2-1970].

15. Revoked [S.I. 2-1970].

16. Revoked [S.I. 2-1970].

17. Revoked [S.I. 2-1970].

18. Revoked [S.I. 2-1970].

19. Revoked [S.I. 2-1970].

*The Record*

Evidence

20. When any question of fact is involved in an appeal, the evidence taken in the court below bearing on such question shall, subject to any special order of the Court, be brought before the Court as follows—

- (a) as to any evidence taken by affidavit, by the production of office copies of such affidavit;
- (b) as to evidence taken orally, by the production of a copy of the Judge's notes certified by the Registrar of the court below, or a transcript of the evidence taken by a shorthand writer and certified by him, or such other materials as the Court may deem expedient.

[Subsidiary]

21. (1) Where any notes of proceedings whether in short-hand or longhand have been taken by a person employed by any court or taken by the Judge of the court below, copies of such parts of these notes as are required for the record of appeal shall be supplied by the Registrar of the court below on payment of the fees prescribed in Appendix B.

Copies of proceedings in court below

(2) If no written decision is given by the Judge at the time of giving judgment such Judge shall communicate his reasons for the judgment in writing to the Registrar of the court below and such reasons shall be included in the record.

(3) On hearing of an appeal the Court shall have power, if the notes of the Judge of the court below or a transcript of the evidence are not produced, or if there are no such notes or transcript, to hear and determine such appeal upon any other evidence or statement of what occurred before such Judge which the Court may deem sufficient.

22. (1) Every document or paper required by these Rules to be filed or left with the Registrar or the Registrar of the court below shall be legibly printed, cyclostyled or typewritten with black ink (excluding carbon copies) upon strong white foolscap paper of good quality with an inner margin of not less than two inches and an outer margin of about half-an-inch, and a space of not less than three-eighths of an inch shall be left between every two lines.

Printing or typing of record

(2) There shall be an index to the record and every page thereof shall be numbered consecutively, and every tenth line on a page shall be numbered in the margin. Correspondence and exhibits shall be arranged together at the end of the record.

(3) The Registrar or the Registrar of the court below may refuse to file or receive any document not strictly conforming to the requirements of paragraph (1) of this rule and the Court may disallow the costs of any such document which has been so filed or received.

23. (1) Any party may apply for and, on payment of the prescribed fee, obtain an office copy of the exhibits for the purpose of an appeal to the Court or otherwise.

Copy of list of exhibits

(2) All original documents tendered in evidence to the court below at the trial shall remain in the custody of the court

[Subsidiary]

below until the record of appeal has been prepared, and shall then be forwarded with the record to the Deputy Registrar in the State in which the appeal is to be heard and shall remain in the custody of the Court until the determination of the appeal:

Provided that the Deputy Registrar shall permit a party for the purposes of preparing his record to take copies of all such documents and that the Court or Registrar may allow the return of any document to any party pending the hearing of the appeal and subject to such conditions as it or he may impose.

24. Revoked [S.I. 2-1970].

25. Revoked [S.I. 2-1970].

26. Revoked [S.I. 2-1970].

*Applications*

Applications  
to single  
Judge

27. (1) In any cause or matter pending before the Court, a single Judge of the Court may upon application make orders for—

- (a) giving security for costs to be occasioned by any appeal;
- (b) leave to appeal *in forma pauperis*;
- (c) a stay of execution on any judgment appealed from pending the determination of such appeal;
- (d) an injunction restraining the defendant in the action from disposing or parting with the possession of the subject matter of the appeal pending the determination thereof;
- (e) extension of time;

and may hear, determine and make orders on any other interlocutory application.

(2) Every order made by a single Judge of the Court in pursuance of this rule may be discharged or varied by any Judges of the Court having power to hear and determine the appeal.

Applications  
to Judge of  
court below

28. (1) Applications referred to in the preceding rule shall ordinarily be made to a Judge of the Court, but, where this may cause undue inconvenience or delay, a Judge of the court below may exercise the powers of a single Judge of the Court under that rule.

[Subsidiary]

(2) The Deputy Registrar or the Registrar of the court below shall send to the Registrar one copy of any application heard by a Judge of the court below and of the order made thereon.

(3) Every order made by a Judge of the court below in the pursuance of this rule may be discharged or varied by the Court.

29. (1) An application for leave to appeal *in forma pauperis* may be made *ex parte* by affidavit containing the grounds of the application, the matters referred to in paragraph (1)(a) of rule 32, and the order asked for.

Mode of  
Application

(2) Any other application under these Rules shall be made by way of summons or motion on notice. Such application shall be supported by affidavit, a copy of which shall be served with the summons or notice of motion.

(3) Where an application is made *ex parte* under paragraph (1) of this rule, an order may be made requiring any party affected to be served with notice of the application.

(4) Where an application under these Rules is made by summons, an order may be made adjourning the hearing into open court.

(5) Where an application made by summons is heard by the Court, it shall be treated as if it were a motion, and it shall be heard in open court.

30. (1) An appeal shall not operate as a stay of execution or of proceedings under the judgment appealed from, except so far as the court below or the Court may order, and no intermediate act or proceedings shall be invalidated, except so far as the Court may direct.

Appeal no  
stay except  
by order

(2) On an appeal, interest for such time as execution has been delayed by the appeal shall be allowed unless the Court otherwise orders, and the Registrar may compute such interest without any order for that purpose.

31. (1) Before an application for security for costs is made, a written demand shall be made by the respondent and if the demand is refused or if an offer of security be made by the appellant and not accepted by the respondent, the Court or

Application  
for security  
for costs

[Subsidiary]

the court below shall in dealing with the costs of the application consider which of the parties has made the application necessary.

(2) An application for security for costs may be made at any time after the appeal has been brought and must be made promptly thereafter.

(3) An order for security for costs shall direct that in default of the security being given within the time limited therein, or any extension thereof, the appeal shall stand dismissed with costs.

Bond  
Civil Form 10

(4) A bond with sureties for securing the costs of an appeal shall be in Civil Form 10.

Application  
for leave  
to appeal  
*in forma  
pauperis*

32. (1) An application for leave to appeal *in forma pauperis* shall be accompanied by—

(a) an affidavit stating—

(i) that the appellant is not worth \$120 excepting his wearing apparel and tools of trade and his interest in the subject matter of the intended appeal;

(ii) that his usual income from all sources does not exceed \$10.00 a week;

(b) by a certificate of counsel that the appellant has reasonable grounds of appeal.

(2) Where an appellant 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 registry fees or any fees for copies of the Judge's notes of evidence or the documents required for compiling the record.

*Hearing and Judgments*

Dismissal of  
appeal in  
default of  
appearance

33. If the appellant fails to appear when his appeal is called on for hearing the appeal may be struck out or dismissed with or without costs.

Application  
to re-enter  
appeal dis-  
missed under  
rule 33

34. When an appeal has been struck out owing to the non-appearance of the appellant the Court may, on application by the appellant by notice to the Court, if it thinks fit, and on

[Subsidiary]

such terms as to costs or otherwise as it may deem just, direct the appeal to be re-entered for hearing:

Provided that no application under this rule shall be made after the expiration of twenty-one days from the date of the judgment or order sought to be set aside.

35. If the respondent fails to appear when the appeal is called on for hearing the Court may proceed to hear the appeal *ex parte*. Non-appearance of respondent

36. (1) Where an appeal has been heard *ex parte* under rule 35 of these Rules and any judgment has been given therein adverse to the respondent he may apply by motion to the Court to set aside such judgment and re-hear the appeal and the Court may, if it thinks fit and on such terms as to costs or otherwise as it may deem just, direct the appeal to be re-entered for hearing. Application to set aside *ex parte* judgment

(2) No application to set aside any judgment or order and re-hear the appeal under this rule shall be made after the expiration of twenty-one days from the date of the judgment or order sought to be set aside.

(3) Any such application shall be by motion accompanied by an affidavit setting forth the reasons and grounds for the application and the Court may thereupon in its discretion set aside the judgment or order and order that the appeal be re-heard at such time and upon such conditions as to costs or otherwise as it may think fit.

37. A certificate under the seal of the Court and the hand of the Registrar setting forth the judgment of the Court shall be transmitted to the Registrar of the High Court who shall file the same in the Registry of that Court and the judgment shall be enforced by the High Court. Execution of judgment by court below  
Civil Form 11

### *Fees and Costs*

38. (1) Save as hereinafter provided, the fees prescribed in Appendix B shall be charged in respect of the matters to which they are respectively assigned, and shall be paid in stamps. Court Fees

[Subsidiary]

(2) Where an appeal is brought by or against a State or any person who sued or was sued on behalf of a State no fees shall be payable by such State or person under Part I of Appendix D:

Provided that a judgment in favour of such State or person whether as appellant or respondent for costs to be paid by any other party to the appeal shall, unless the Court otherwise orders, include the amount of any fees which would have been payable if the appeal had been brought by or against a private person.

Legal  
practitioner's  
fees

**39.** (1) Subject to the provisions of this rule, a Taxing Officer when taxing the fees for professional legal services shall—

- (a) unless the Court when awarding costs orders otherwise, allow all such costs, charges and expenses as shall appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, but save as against the party who incurred the same, no costs shall be allowed which appear to the Taxing Officer to have been incurred or increased through over-caution, negligence or mistake, or by payment of special fees to counsel or special charges or expenses to witnesses or other persons, or by other unusual expenses;
- (b) adhere to the Schedule of Allowances in Part II of Appendix B.

(2) In taxing party and party costs, the Taxing Officer shall also, unless the Court when awarding costs orders otherwise, allow—

- (a) the reasonable fees consequent upon the engagement of counsel:

Provided that he may disallow the fees of more than one counsel in unopposed matters and in matters in which counsel has not appeared on the other side;

- (b) in any matter which does not conclude upon the first day, reasonable refreshers for each day subsequent to the first;
- (c) junior counsel's fee on the basis of two-thirds of the fee allowed to leading counsel (excluding travelling expenses and any special fee allowed to leading counsel) where fees to leading and junior counsel are allowed.

[Subsidiary]

(3) The Taxing Officer may in exceptional cases and for good and sufficient reason depart from any of the provisions of the Schedule of Allowances contained in Part II of Appendix B and in particular in the taxation of solicitor and client bills of costs, where strict adherence to such provisions would be inequitable.

40. The fees and allowances to be charged and allowed for interpreters, witnesses, special commissioners, assessors and examiners shall be those from time to time in force in the High Court in the State in which the appeal arises.

Fees of interpreters, commis-sioners, etc.

41. Revoked [S.I. 2-1970].

PART IV

APPEALS AGAINST CONVICTION ON INDICTMENT

*Institution of Appeals*

42. A person desiring to appeal to the Court against conviction or sentence shall commence his appeal by sending to the Registrar a notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which such notice shall be given, as the case may be, in the form of such notices set forth in Forms 1 or 2 in Appendix C, and, in the notice or notices so sent, shall answer the questions and comply with the requirements set forth thereon, subject to the provisions of rule 11 of these Rules. The answers to the questions which an appellant is by this rule required to make in support of his request to be present at the hearing of his appeal shall be deemed to be applications to the Court in such matter.

Obligation on appellant to fill up forms of appeal notice and answer questions thereon  
Criminal Forms 1 and 2

43. (1) The certificate of the Judge of the court below under regulation 21(b) of the Regulations may be in Form 3 in Appendix C.

Judge's certificate under regulation 21(b)  
Criminal Form 3

(2) The Judge of the court below may, in any case in which he considers it desirable so to do, inform the person convicted



[Subsidiary]

before or sentenced by him that the case is in his opinion one fit for an appeal to the Court under regulation 21(b) of the Regulations and may give to such person a certificate to that effect in the Form 3 in Appendix C.

Notices to be signed by appellant

44. (1) Every notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which such notice shall be given shall be signed by the appellant himself, except under the provisions of paragraphs (4) and (5) of this rule.

Signature on notices of appeal and other notices

Any other notice required or authorized to be given by the Act or these Rules shall be in writing and signed by the person giving the same or by his legal representative. All notices required or authorized to be given shall be addressed to the Registrar of the Court.

Service of documents on person in prison

(2) Where an appellant or applicant is a prisoner in prison it shall be sufficient service to deliver the document at the prison to the officer in charge or person appearing to be the officer in charge thereof, who shall cause the same to be served on such prisoner.

Where appellant unable to write

(3) Where an appellant or any other person authorized or required to give or send any notice of appeal or notice of any application is unable to write, he may affix his mark thereto in the presence of a witness who shall attest the same, and thereupon, such notice shall be deemed to be duly signed by such appellant.

Where question of insanity involved

(4) Where, on the trial of a person entitled to appeal, it has been contended that he 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 made by him, any notice required, to be given and signed by the appellant himself may be given and signed by his legal representative.

Notice, etc., on behalf of corporations

(5) In the case of a body corporate where any notice or other document is required to be signed by the appellant himself, it shall be sufficient compliance therewith if such notice or other document is signed by the secretary, clerk, manager or legal representative of such body corporate.

[Subsidiary]

45. The time within which a person convicted shall give notice of appeal or notice of his application for leave to appeal to the Court against his conviction or his sentence, shall commence to run from the day on which the court of trial shall have passed sentence or pronounced final judgment upon him.

Time for appealing against conviction or sentence to run from sentence

46. An application to the Court for an extension of time within which notices may be given, shall be in Form 2 in Appendix C. Every person making an application for such extension of time, shall send to the Registrar together with the proper form of such application, a form, duly filled up of notice of appeal, or of notice of application for leave to appeal, appropriate to the ground or grounds upon which he desires to question his conviction or sentence, as the case may be.

Notice of application for extension of time for appealing Criminal Form 2

47. (1) The Registrar when he has received a notice of appeal or a notice of application for leave to appeal, or a notice of application for extension of the time within which under the Act such notice shall be given, or when the Governor, or the Governor-General (as the case may be) shall exercise his powers under the Act to refer a case to the Court of Appeal, shall require the Registrar of the court below to furnish him with four copies of the proceedings in the court below and if any record has been made of the summing up or direction of the Judge of the court below, four copies thereof or if no such record has been made, a statement giving to the best of such Judge's recollection the substance of the summing up or direction. The Registrar of the court below shall also forward the original exhibits in the case as far as practicable and any original depositions, information, inquisition, plea, or other documents usually kept by him, or forming part of the record of the court below.

Forwarding of proceedings in court below to Registrar

(2) One copy of the proceedings and one copy of the summing up shall be sent by the Registrar of the court below to the Director of Public Prosecutions at the same time he complies with paragraph (1) of this rule.

(3) For the purposes of this rule copies of proceedings shall contain—

(a) the indictment or inquisition and the plea;

[Subsidiary]

- (b) the verdict, any evidence given thereafter, and the sentence;
- (c) notes of any particular part of the evidence or cross-examination relied on as a ground of appeal; and
- (d) such other notes of evidence as the Registrar may direct to be included in the copies of proceedings:

Provided—

- (i) in capital cases copies of the notes of all the evidence shall be supplied; and
- (ii) upon application by either party to an appeal a single Judge of the Court or the Court itself may direct that copies of any particular part, or the whole, of the evidence be supplied to the Court and to the Director of Public Prosecutions.

Records of summing-up

48. (1) Where under any law in force or by direction of the Judge of the court below, notes in longhand or shorthand or typewritten or by any other means have been taken of the summing up or direction of the Judge and of such parts of the proceedings as the Judge of the court below may consider expedient, such record shall be accepted by the Court as accurate unless the Court has reason to doubt its accuracy.

(2) Where no record exists of the summing-up or direction given by the Judge of the court below, his statement giving his recollection of the summing up or direction shall be accepted as accurate unless the Court sees reason to the contrary.

Shorthand note to be verified by the writer

(3) The shorthand writer shall sign the shorthand notes taken by him of any trial or proceedings, or of any part of such trial or proceedings, and certify the same to be a complete and correct shorthand note thereof; and such shorthand note shall be kept in such custody as the Registrar of the court below shall, either specially or generally, direct.

Transcript to be furnished on application of Registrar

(4) The shorthand writer shall, on being directed by the Registrar of the court below, furnish to him for the use of the Court a transcript of the whole, or of any part, of the shorthand note taken by him of any trial or proceedings in reference to which an appellant has appealed under the Act.

[Subsidiary]

(5) A transcript of the whole or any part of the shorthand note relating to the case of any appellant which may be required for the use of the Court shall be typewritten and verified by the person making the same by a statutory declaration in the Form 4 in Appendix C to these Rules that the same is a correct and complete transcript of the whole, or of such part, as the case may be, of the shorthand note purporting to have been taken, signed and certified by the shorthand writer who took the same.

Verification of transcript for use of Court Criminal Form 4

(6) Where no notes in longhand or in shorthand have been taken by direction of the Judge of the court below of any other parts of the proceedings required for the purpose of an appeal, the Judge of the court below shall furnish to the Registrar of the court below his notes of the trial or such part thereof as may be required for such purpose.

(7) On the application of a party interested in a trial or other proceedings in relation to which a person may appeal under the Act, the Registrar of the court below shall direct the shorthand writer to furnish to such party, and to no other person, a transcript of the whole, or of any part of the shorthand notes of any such trial or other proceedings, on payment to the proper officer of the court below of such fees as may be prescribed by rules of court in the State in which the trial or other proceedings have taken place for copies of proceedings required on appeal in any criminal cause or matter.

Party interested may obtain transcript

(8) A party interested in an appeal under the Act may obtain from the Registrar of the court below a copy of the transcript of the whole or of any part of such shorthand note as relates to the appeal on payment to the proper officer of the court below of such fees as may be prescribed by rules of court in the State in which the appeal is brought for copies of proceedings required on appeal in any criminal cause or matter.

Party interested may obtain transcript from Registrar

(9) For the purposes of this rule, "a party interested" shall mean the prosecutor or the person convicted, or any other person named in, or immediately affected by, any order made by the Judge of the court below, or other person authorized to act on behalf of a party interested, as herein defined, but shall not include the Director of Public Prosecutions, to whom a copy of such transcript shall be furnished free of charge.

Definition of "party interested"

[Subsidiary]

Transcript of notes not to be supplied free except by order of Court

(10) A transcript of the shorthand notes taken of the proceedings at the trial (or a copy of the Judge's notes of the trial) of any appellant shall not be supplied free of charge except by an order of the Court or a Judge thereof, upon an application made by an appellant or by his counsel or solicitor assigned to him under the Act.

*Judge's Report*

Report of Judge of court below

49. (1) The Registrar shall, if in relation to any appeal the Court directs him so to do, request the Judge of the court below to furnish him with a report in writing, giving his opinion upon the case generally or upon any point arising upon the case of the appellant, and such Judge shall furnish the same to the Registrar.

(2) The report of the Judge shall be made to the Court, and, the Registrar shall, on request, furnish a copy thereof to the appellant and to the respondent.

Furnishing Judge of court below with materials for report

50. When the Registrar requests the Judge of the court below to furnish a report under these Rules, he shall send to such Judge a copy of the notice of appeal or notice of application for leave to appeal or any other document or information which he shall consider material, or which the Court at any time shall direct him to send or with which such Judge may request to be furnished by the said Registrar, to enable such Judge to deal in his report with the appellant's case generally or with any point arising thereon.

*Copies of documents for use of Appellant or Respondent*

How appellant or respondent may obtain from Registrar of court below copies of documents or exhibits

51. (1) At any time after notice of appeal or notice of application for leave to appeal has been given under the Act or these Rules, an appellant or respondent, or the solicitor or other person representing either of them, may obtain from the Registrar of the court below copies of any documents (other than notes of proceedings) or exhibits in his possession under the said Act or these Rules for the purposes of such appeals. Such copies shall be supplied by the said Registrar on payment to the proper officer of the court below of such fee as may be prescribed by rules of court in the State in which the appeal is brought for copies of proceedings required on appeal in any criminal cause or matter.

[Subsidiary]

(2) Where solicitor and counsel, or counsel only, are assigned to an appellant under the Act, copies of any such documents or exhibits which they or he may request the said Registrar to supply shall without charge be supplied unless the said Registrar thinks that they are not necessary for the purpose of the appeal.

Counsel and solicitor assigned to an appellant may receive copies of documents and exhibits free on request

(3) Where an appellant who is not legally represented requires from the said Registrar a copy of any such document or exhibit in his custody for the purposes of his appeal, he may obtain it free of charge, if the said Registrar thinks, under all the circumstances, it is desirable or necessary to supply the same to him.

Appellant not legally represented may obtain copy of documents or exhibits free

*Conduct of Prosecution and Defence*

52. (1) When the Registrar has received a notice of appeal or where leave to appeal is granted to any appellant, he shall—

(a) notify the Director of Public Prosecutions, or

(b) if the prosecutor is a private person, enquire if he intends to defend the appeal and, if the answer is in the negative, so inform the Director of Public Prosecutions.

Registrar to notify Director of Public Prosecutions or prosecutor, if a private person, of receipt of notice of appeal

(2) It shall be the duty of a prosecutor, who declines to defend an appeal, and of his counsel or solicitor, to furnish to the Registrar and the Director of Public Prosecutions, or either of them, any information, documents, matters and things in his possession or under his control connected with the proceedings against the appellant, which the Registrar or Director of Public Prosecutions may require for the purposes of their duties under the Act.

Prosecutor to afford all information, documents, etc., to Registrar and Director of Public Prosecutions

*Legal Aid to Appellants*

53. (1) The Registrar shall cause to be prepared in such form as he thinks most convenient for each State a separate list of counsel who are willing to act as counsel for appellants if and when nominated under the Act.

Lists of counsel and solicitors for purposes of the Act

(2) The Registrar shall also cause to be prepared in such form as he thinks most convenient a list of solicitors who are willing to act as solicitors on behalf of appellants if and when nominated so to do under the Act.

[Subsidiary]

Legal aid to be provided from such lists

(3) When legal aid is assigned to an appellant, the Court may give such directions as to the stage of the appeal at which such legal aid shall commence and whether counsel only, or counsel and solicitor, shall be assigned or otherwise as it may think right.

(4) The Registrar shall thereupon, subject to any special order of the Court, select from such lists or otherwise a counsel and a solicitor or a counsel only for the purpose of affording legal aid to an appellant under the directions of the Court, having regard in so doing to the place at which the appellant was tried and the counsel and solicitor, if any, who represented the appellant at his trial and the nature of the appeal.

*Proceedings before a single Judge*

Procedure on decision of application to single Judge  
Criminal Forms 5 and 6

54. (1) Where any application has been dealt with by a single Judge, the Registrar shall notify the appellant of the decision in Form 5 in Appendix C. In the event of such Judge refusing all or any of such applications the Registrar on notifying such refusal to the appellant shall forward to him Form 6 in Appendix C. If the appellant does not desire to have the said application or applications determined by the Court as duly constituted for the hearing of appeals under the Act or does not return within five days to the Registrar Form 6 duly filled up by him the refusal of his application or applications by such Judge shall be final. If the appellant desires that his said application or applications shall be determined by the Court duly constituted as aforesaid and is not legally represented he may, if the Court give him leave, be present at the hearing and determination by the Court of his said application or applications:

Provided that an appellant who is legally represented shall not be entitled to be present without special leave of the Court.

(2) When an appellant duly fills up Form 6 and returns it within the prescribed time to the Registrar expressing a desire to be present at the hearing and determination by the Court of the applications mentioned in this rule, such form shall be deemed to be an application by the appellant for leave to be so present. The Registrar, on receiving the said form, shall take the necessary steps for placing the said application before the Court. If the said application to be present is refused by

[Subsidiary]

the Court, the Registrar shall notify the appellant; and if the said application is granted, the Registrar shall notify the appellant and the officer in charge of the prison wherein the appellant is in custody, as provided by these Rules. For the purpose of constituting a Court the Judge who has refused any such application may sit as a member of such Court, and take part in determining such application.

(3) Except where otherwise provided in these Rules, any application to the Court may be made by the appellant or respondent, or by counsel on their behalf, orally or in writing; but in regard to such applications, if the appellant is unrepresented and is in custody and is not entitled or has not obtained leave to be present before the Court, he shall make any such application by forwarding the same in writing to the Registrar who shall take the proper steps to obtain the decision of the Court thereon.

Application not specially provided for, how made

(4) Save as is otherwise provided in sub-paragraph (b) of this paragraph the parties to the following matters may be represented and appear by a solicitor alone—

Solicitor's right of audience

(a) in all proceedings before a Judge of the Court in the exercise of his jurisdiction—

- (i) to give leave to appeal;
- (ii) to extend the time within which notice of appeal or of an application for leave to appeal may be given;
- (iii) to assign legal aid to an appellant;
- (iv) to allow the appellant to be present at any proceedings where he is not entitled to be present without leave; or

(v) to admit an appellant to bail;

(b) in all preliminary and interlocutory proceedings and applications except such as are heard before the Court.

55. Where the Court has, on a notice of application for leave to appeal duly served and in Form 1 in Appendix C, given an appellant leave to appeal, it shall not be necessary for such appellant to give any notice of appeal but the notice of application for leave to appeal shall in such case be deemed to be a notice of appeal.

Notice of application for leave to appeal deemed to be notice of appeal if application granted



[Subsidiary]

*Suspension of Orders and Admission to Bail*

When fine imposed on conviction to be retained pending appeal

56. (1) Where a person has, on his conviction, been sentenced to payment of a fine, and in default of payment to imprisonment, the person lawfully authorized to receive such fine shall, on receiving the same, retain it until the determination of any appeal in relation thereto.

Person in custody in default of payment of fine deemed to be person sentenced to imprisonment

(2) If such person remains in custody in default of payment of the fine, he shall be deemed, for all purposes of the Act or these Rules, to be a person sentenced to imprisonment.

Power of court of trial to impose recognizances  
Criminal Forms 7 and 8

(3) Where any person has been convicted and is thereupon sentenced to the payment of a fine, and, in default of such payment, to imprisonment, and he intimates to the Judge of the court below that he is desirous of appealing to the Court against his conviction such Judge may, if he thinks right so to do, order such person forthwith to enter into recognizances in such amount, and with or without sureties in such amount, as such Judge may think right, to prosecute his appeal, and, subject thereto, may order that payment of the said fine shall be made at the final determination of his said appeal, if the same be dismissed, to the Registrar of the court below, or as the Court may then order. The recognizances under this rule shall be in Forms 7 and 8 in Appendix C.

The Registrar of the court below shall forward the recognizances of the appellant and his surety or sureties to the Registrar of the Court.

Appellant committing breach of recognizance

(4) If an appellant to whom paragraph (3) of this rule applies does not serve in accordance with these Rules a notice of appeal or of abandonment of his appeal within fourteen days from the date of his conviction or sentence, the Registrar of the court below shall report such omission to the Court, who may, after notice in Forms 9 and 10 in Appendix C has been given to the appellant and his sureties, if any, order an estreat of the recognizances of the appellant and his sureties, and the manner of such estreat shall be that provided for estreating recognizances under the law of the State in which the appeal is brought, and may issue a warrant for the apprehension of the appellant and may commit him to prison in default of payment of his fine, or may make such other order as it may think fit.

Criminal Forms 9 and 10

[Subsidiary]

(5) An appellant who has been sentenced to the payment of a fine, and has paid the said or part thereof in accordance with such sentence, shall, in the event of his appeal being successful, be entitled, subject to any order of the Court, to the return of the sum or any part thereof so paid by him.

Repayment of fine on success of appeal

57. (1) Where, on the conviction of a person, the Judge of the court below makes an order condemning such person to the payment of the whole or of any part of the costs and expenses of the prosecution for the offence of which he shall be convicted out of any moneys taken from such person on his apprehension or otherwise, or where such Judge lawfully makes on the conviction of any person before him any order for the payment of money by such convicted person or by any other person or any order affecting the rights of property of such convicted person, the operation of such orders shall in any of such cases be suspended until the expiration of fourteen days after the day on which any of such orders were made. In cases where notice of appeal or notice of application for leave to appeal is given within fourteen days from and after the date of the pronouncement of sentence against such person such orders shall be further suspended until the determination of the appeal against the conviction in relation to which they were made. The Court may, by order, annul any order to which this rule refers on the determination of any appeal or may vary such order, and such order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

Temporary suspension of orders made on conviction as to money awards, costs, etc.

The proper officer of the court below shall keep a record of any orders to which this rule refers.

(2) Where upon the conviction of any person of any offence, the trial court orders that any disqualification, forfeiture or disability attach to such person, and notice of appeal or notice of application for leave to appeal is given in respect of such conviction, sentence or order, the Court may upon application suspend such disqualification, forfeiture or disability until the determination of the proceedings upon appeal.

Suspension of disqualifications consequent on conviction

(3) Where the Judge of the court below makes any such order on a person convicted before him as in this rule mentioned, he shall give such directions as he thinks right as to the retention, by any person, of any money or valuable securities belonging to the person so convicted and taken from such person on

Judge's directions as to property of convicted person pending appeal

[Subsidiary]

his apprehension or of any money or valuable securities at the date of his conviction in the possession of the prosecution for the period of fourteen days, or in the event of an appeal, until the determination thereof by the Court. The proper officer of the court below shall keep a record of any directions given under this rule.

Judge's  
directions as  
to securing  
payment of  
money by  
convicted  
person  
pending  
appeal

(4) When the Judge of the court below on the conviction of a person before him makes any order for the payment of money by such person or by any other person upon such conviction, and, by reason of this rule, such order would otherwise be suspended, such Judge may, if he thinks right so to do, direct that the operation of such order shall not be suspended unless the person on whom such order has been made shall, in such manner and within such time as the said Judge shall direct give security by way of undertaking or otherwise for the payment to the person in whose favour such order shall have been made of the amount therein named. Such security may be to the satisfaction of the person in whose favour the order for payment shall have been made or of any other person as such Judge shall direct.

Suspension  
of order of  
destruction  
or forfeiture  
of property

(5) Where on a conviction any property, matters or things, the subject of the prosecution or connected therewith, are to be or may be ordered to be destroyed or forfeited under the provisions of any rule, regulation, statute, Act or other law, the destruction or forfeiture or order for destruction or forfeiture thereof shall be suspended for the period of fourteen days from and after the date on which the verdict on the indictment was returned, and in the event of an appeal shall be further suspended until the determination thereof by the Court.

Suspension  
of proceed-  
ings or claims  
consequent  
on conviction

(6) Where, upon conviction of any person of any offence, any claim may be made or any proceedings may be taken under any rule, regulation, statute or other law against such person or any other person in consequence of such conviction, such proceedings shall not be taken until after the period of fourteen days from the date on which the verdict against such person was returned or in the event of an appeal to the Court until the determination thereof.

[Subsidiary]

(7) Any person affected by any orders which are suspended under this rule may, with the leave of the Court, be heard on the final determination of any appeal, before any such orders are varied or annulled by the Court.

Person affected may appear

*Procedure on application for bail*

*Right of Sureties*

*Estreat of Recognizances*

58. (1) Where the Court admits an appellant to bail pending the determination of his appeal on an application by him duly made, the Court shall specify the amounts in which the appellant and his surety or sureties (unless the Court directs that no surety is required) shall be bound by recognizance, and shall direct, if it thinks right so to do, before whom the recognizances of the appellant and his surety or sureties (if any) may be taken.

Appellant and surety's recognizances before whom to be taken

(2) The Registrar shall notify the appellant and the officer in charge of the prison within which he is confined, of the terms and conditions on which the Court shall admit the appellant to bail under the Act.

Appellant and prison officer to receive notice of terms of bail

(3) In the event of the Court not making any special order or giving any special directions under this rule, the recognizances of the appellant and of his surety or sureties (if any) may be taken before a Magistrate or Justice of the Peace and shall be sent to the Deputy Registrar of the Court.

(4) The recognizances provided for in this rule shall be in Forms 11 and 12 in Appendix C.

Form of recognizances Criminal Forms 11 and 12

(5) The Deputy Registrar, on being satisfied that the recognizances of the appellant and his surety or sureties (if any) are in due form and in compliance with the order of the Court admitting the appellant to bail shall forward the recognizances of the appellant and his surety or sureties to the Registrar and shall send in Form 13 in Appendix C a notice to the officer of the prison in which the appellant shall

Registrar on receiving recognizances in due form to notify officer of prison to release appellant Criminal Form 13

[Subsidiary]

then be confined. This notice, when received by the said officer, shall be a sufficient authority to him to release the appellant from custody.

Presence of appellant on bail at hearing of his appeal  
Warrant for apprehension of appellant on bail  
Criminal Form 14

(6) 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. The Court may, in the event of such appellant not being present at any hearing of his appeal, if it thinks right so to do, decline to consider the appeal, and may proceed summarily to dismiss the same, and may issue a warrant for the apprehension of the appellant in Form 14 in Appendix C:

Provided that the Court may consider the appeal in his absence, or make such order as it may think fit.

Varying order for bail

(7) When an appellant is present before the Court, the Court may, on an application made by any person or, if it thinks right so to do, without any application, make an order admitting the appellant to bail; or revoke or vary any such order previously made, or enlarge from time to time the recognizances of the appellant or of his sureties or substitute any other surety for a surety previously bound as it thinks right.

Power to revoke order for bail  
Criminal Form 14

(8) At any time after an appellant has been released on bail, the Court may, if satisfied that it is in the interests of justice so to do, revoke the order admitting to bail, and issue a warrant in Form 14 in Appendix C for his apprehension, and order him to be committed to prison.

(9) The Court may on any breach of the recognizances of the appellant, if it thinks right so to do, order such recognizances and those of his surety or sureties to be estreated, and the manner of such estreat shall be similar to that provided under the law of the State in which the appeal is brought.

Provisions for sureties discharging their obligations

(10) Where the surety or sureties for an appellant upon whose recognizances such appellant has been released on bail by the Court suspects or suspect that the said appellant is about to depart out of the State, or in any manner to fail to observe the conditions of his recognizances on which he was so released,

[Subsidiary]

such surety or sureties may lay an information before a magistrate acting in and for the judicial district in which the said appellant is, or is by such surety or sureties believed to be, or in which such surety or sureties may then be and such magistrate shall thereupon issue a warrant for the apprehension of the said appellant.

(11) The said appellant shall, on being apprehended under the said warrant, be brought before the court in and for which the said magistrate acts, before whom the said information was laid or some other magistrate's court specified in the said warrant. The said court shall, on verification of the said information by oath of the informant, by warrant of commitment, commit him to the prison to which persons charged with indictable offences before such court are ordinarily committed. The officer in charge of such prison shall, unless such prison was the prison from which the appellant was released on bail under these Rules, notify the Prison Authority of such commitment, as in this rule mentioned.

How appellant on bail to be dealt with on arrest at instance of sureties

Where the appellant is by such court committed to a prison which was not the prison from which he was released on bail after his conviction the Prison Authority, subject to any order of the Court, may transfer him to the prison from which he was so released.

(12) The clerk of the said court on the commitment of any such appellant, shall forthwith notify the Registrar to that effect, and forward to him the said information and the deposition in verification thereof taken before such court together with a copy of the said warrant of commitment.

Arrest and commitment of appellant to be notified to Registrar by clerk

(13) When an appellant has been released on bail and has, under a warrant under these Rules or by surety or sureties, been apprehended and is in prison, the officer in charge thereof shall forthwith notify the Registrar who shall take steps to inform the Court thereof, and the Court may give to the Registrar such directions as to the appeal or otherwise as it shall think right.

Officer in charge of prison on commitment of appellant to notify Registrar

[Subsidiary]

*Abandonment of Appeal*

Abandonment  
of appeal  
Criminal  
Form 15

59. (1) An appellant at any time after he has duly served notice of appeal or of application for leave to appeal, or of application for extension of time within which such notice shall be given, may abandon his appeal by giving notice of abandonment thereof in Form 15 in Appendix C to the Registrar, and upon such notice being given the appeal shall be deemed to have been dismissed by the Court.

Criminal  
Form 16

(2) Upon receipt of a notice of abandonment duly completed and signed or marked by the appellant or the party authorized to sign notices under rule 44, the Registrar shall give notices thereof in Form 16 in Appendix C to the respondent, the Prison Authority and the Registrar of the court below, and in the case of an appeal against a conviction involving a sentence of death, shall in like manner give notice to the Governor, or the Governor-General as the case may be, and the Registrar shall also return to the Registrar of the court below any original documents and exhibits received from him.

*Determination of Appeal*

Varying  
order of  
restitution  
of property

60. Where, upon the trial of a person entitled to appeal against his conviction, an order of restitution of any property to any person has been made by the Judge of the court below, the person in whose favour or against whom the order of restitution has been made, and, with the leave of the Court, any other person, shall, on the final hearing by the Court of an appeal against the conviction on which such order of restitution was made, be entitled to be heard by the Court before any order annulling or varying such order of restitution is made.

Judgments of  
the Court

61. Unless the Court direct to the contrary in cases where, in the opinion of the Court, the question for decision is a question of law on which it would be convenient that separate judgments should be pronounced by the Judges of the Court, the judgment of the Court shall be pronounced by the presiding Judge or such other Judge of the Court hearing the appeal as he may direct, and no judgment with respect to the determination of any question shall be separately pronounced by any other member of the Court.

[Subsidiary]

**62.** (1) In the final determination of any appeal or of any application to the Court, the Registrar shall give to the appellant, if he be in custody and has not been present at such final determination, and to the respondent and the Prison Authority notice of such determination in Forms 17 to 20 in Appendix C.

Notification on final determination of appeals  
Criminal Forms 17 to 20

(2) In any case of an appeal in relation to a conviction involving a sentence of death, the Registrar shall on receiving the notice of appeal or of any application for leave to appeal, send copies thereof to the Governor or the Governor-General, as the case may be, and to the Prison Authority, and on the final determination of any such appeal by the Court shall forthwith notify the appellant, the Governor or the Governor-General, as the case may be, the respondent and the Prison Authority.

Notification of appeals in capital cases

**63.** (1) The Registrar at the final determination of an appeal shall notify in such manner as he thinks most convenient to the Registrar of the court below the decision of the Court in relation thereto and also any orders or directions made or given by the Court in relation to such appeal or any matter connected therewith.

Notification of result of appeal  
Criminal Form 20

(2) The Registrar of the court below shall on receiving the notification referred to in this rule enter the particulars thereof on the records of such Court.

Entry of decision of Court on records

**64.** The Registrar of the court below shall not issue, under any law authorizing him so to do, a certificate of conviction of any person convicted in the court below if notice of appeal or notice of application for leave to appeal is given, until the determination or abandonment thereof.

Restrictions on issue of certificate of conviction

**65.** Upon the final determination of an appeal for the purposes of which the Registrar has obtained from the Registrar of the court below any original depositions, exhibits, information, inquisition, plea, or other documents usually kept by such Registrar, or forming part of the record of the court below, the Registrar shall, where practicable, cause the same to be returned to the Registrar of the court below.

Return of original depositions, etc.



[Subsidiary]

*Procedure as to Witnesses before Court and their examination before examiner*

Attendance of witness before the Court  
Criminal Form 21

66. (1) Where the Court has ordered any witness to attend and be examined before the Court an order in Form 21 in Appendix C shall be served upon such witness specifying the time and place at which to attend for such purpose.

Application to Court to hear witnesses  
Criminal Form 22

(2) Such order may be made on the application, at any time, of the appellant or respondent, but if the appellant is in custody and not legally represented the application shall be made in Form 22 in Appendix C.

Order appointing examiner

(3) Where the Court orders the examination of any witness to be conducted otherwise than before the Court itself, such order shall specify the person appointed as examiner to take, and the place of taking, such examination and the witness or witnesses to be examined thereat.

Furnishing examiner with exhibits, etc., necessary for examination

(4) The Registrar shall furnish to the person appointed to take such examination any documents or exhibits and any other material relating to the said appeal as and when requested to do so. Such documents and exhibits and other material shall after the examination has been concluded be returned by the examiner, together with any depositions taken by him under this rule, to the Registrar.

Notification of date of examination  
Criminal form 23

(5) When the examiner has appointed the day and time for the examination he shall request the Registrar to notify the appellant or respondent and their legal representatives, if any, and when the appellant is in prison, the Prison Authority thereof. The Registrar shall cause to be served on every witness to be examined a notice in Form 23 in Appendix C.

Evidence to be taken on oath

(6) Every witness examined before an examiner under this rule shall give his evidence upon oath or on affirmation to be administered or taken by such examiner, except where any such witness if giving evidence as a witness on a trial on indictment need not be sworn.

Deposition of witness how to be taken  
Criminal Form 24

(7) The examination of every such witness shall be taken in the form of a deposition and unless otherwise ordered shall be taken in private. The caption in Form 24 in Appendix C shall be attached to any such deposition.

[Subsidiary]

(8) Where any witness shall receive an order or notice to attend before the Court or an examiner, the Registrar may, if it appears to him necessary so to do, pay to such witness a reasonable sum for his expenses.

Expenses of witnesses before examiner

(9) The appellant and his legal representative (if any) and the respondent shall be entitled to be present at and take part in any examination of any witness to which this rule relates.

Presence of parties at examination of witnesses

67. When an order of reference is made by the Court to a special commissioner, the question to be referred, and the person to whom as special commissioner the same shall be referred, shall be specified in such order. The Court may in such order, or by giving directions as and when it from time to time shall think right, specify whether the appellant or respondent or any person on their behalf may be present at any examination or investigation or at any stage thereof as may be ordered, and specify any and what powers of the Court may be delegated to such special commissioner, and may require him from time to time to make interim reports to the Court upon the question referred to him, and may, if the appellant is in custody, give leave to him to be present at any stage of such examination or investigation and give the necessary directions to the Prison Authority accordingly, and may give directions to the Registrar that copies of any report made by such special commissioner shall be furnished to the appellant and respondent.

Proceedings on reference

*Case stated or question of law reserved under regulation 37 of the Regulations*

68. (1) Where in pursuance of regulation 37 of the Regulations a Judge of the High Court states a case or reserves a question of law for the consideration of the Court in respect of a person convicted on indictment before him, he shall forward such case to the Registrar who shall on receiving the same send a copy thereof to the appellant and respondent respectively.

Judge to forward special case to Registrar and copies to be supplied to appellant and respondent

(2) Where under the provisions of regulation 37 of the Regulations a Judge of the court below states a case for the consideration of the Court the person convicted shall for the purposes of these Rules be deemed to be an appellant who has appealed under the Regulations:

These Rules to apply to convicted persons where case stated under regulation 37

[Subsidiary]

Provided however, that in these circumstances the Registrar shall not be empowered to refer the case stated to the Court for summary determination.

(3) Where a case is stated or a question of law reserved for consideration of the Court under regulation 37 of the Regulations paragraph (1) of rule 69 of these Rules shall apply.

*Duties of Registrar*

Duties of Registrar with respect to notices of appeal, etc.

69. Subject to the provisions of rule 68—

(1) The Registrar shall take all necessary steps for obtaining a hearing under Part III of the Regulations of any appeal or application, notice of which is given to him under that Part and shall obtain and lay before the Court in proper form all documents, exhibits, and other things relating to the proceedings in the Court before which the appellant or applicant was tried which appear necessary for the proper determination of the appeal or application.

(2) The Registrar shall furnish the necessary forms and instructions in relation to notices of appeal or notices of application under Part III of the Regulations to any person who demands the same, and to officers of courts, the Prison Authority and such other officers or persons as he thinks fit, and the Prison Authority shall cause these forms and instructions to be placed at the disposal of prisoners desiring to appeal or to make any application under Part III of the Regulations and shall cause any such notices given by a prisoner in his custody to be forwarded on behalf of the prisoner to the Registrar.

(3) Other duties of the Registrar are set out in regulation 35 of the Regulations.

*Costs in Criminal Appeals*

Expenses payable to solicitor or counsel

70. The expenses of any solicitor or counsel assigned to an appellant by the Court in criminal appeals shall be allowed as follows:

In respect of—

(a) a notice of appeal or application for leave to appeal, or

[Subsidiary]

(b) a notice of application for extension of time within which to appeal

a fee not exceeding \$15.12 for a solicitor and \$25.20 for counsel.

In respect of any appeal—

a fee not exceeding \$50.40 for a solicitor and a fee for counsel not exceeding \$75.60:

Provided that the Court, after the conclusion of the appeal, may, if it thinks fit, certify that the case was one of exceptional length or difficulty and thereupon the fee may be increased to such sum as the Court, having regard to the length and difficulty of the case, may direct, but not exceeding \$100.80 for a solicitor and \$151.20 for counsel.

In addition to such fee as aforesaid, counsel and solicitor may be allowed, subject to taxation, such travelling expenses as have been actually and reasonably incurred.

71. The expenses of any witnesses attending on the order of the Court or examined in any proceedings incidental to the appeal shall be allowed at the same rate as those of a witness in a case of felony tried at the Criminal Sessions of the State where the Court is sitting.

Expenses of witnesses

72. The expenses of the appearance of an appellant not in custody on the hearing of his appeal or on any proceeding preliminary or incidental to the appeal may be allowed at the same rate as those of an ordinary witness in a case of felony tried at the Criminal Sessions of the State where the Court is sitting.

Expenses of appearance of appellant

73. Where any examination of witnesses is conducted by a person appointed by the Court for the purpose, the person so appointed shall be allowed if he be a Magistrate or other person in the service of a State, the actual expenses of travelling, the actual cost of hiring a room for the examination, if no court or public room is available, and such other incidental expenses as in the opinion of the Court are necessarily and reasonably incurred. If the person appointed is not a Magistrate or other such person he shall be allowed such expenses as

Expenses of examiner

[Subsidiary]

aforesaid, and in addition such fee, not exceeding \$50.40 a day, as the Court may allow.

Expenses of  
special Com-  
missioner or  
assessor

74. Where any question is referred to a special commissioner appointed by the Court, or where any person is appointed as assessor to the Court, he shall be allowed such fee as the Court, having regard to his qualifications and ordinary professional remuneration, may think reasonable, not exceeding \$50.40 a day.

Appeals  
from  
Summary  
Courts  
Modification  
of Rules

75. (1) The provisions of Parts I, II and III of these Rules shall apply *mutatis mutandis* to appeals from decisions of the Court of Summary Jurisdiction established by the laws of the States of Antigua, Dominica and St. Christopher-Nevis respectively subject to the following modifications.

(2) References to the Registrar of the High Court shall include the Registrar of the High Court in his capacity of clerk of the Court of Summary Jurisdiction.

(3) In Order 64, rule 5 of the Rules of the Supreme Court (time limits for appealing) the words "four weeks" shall be substituted for the words "six weeks".

(4) Order 64, rule 11 of the Rules of the Supreme Court (settling the record) shall not apply.

(5) For Order 64, rule 12 of the Rules of the Supreme Court (entering appeal) the following shall be substituted:

"(1) The appellant shall within six weeks from the date when the appeal is brought or within such extended time as may be granted by the Court or by a Judge thereof, or by a Judge of the court below under rule 28 of these Rules—

(A) file with the Deputy Registrar—

(a) an affidavit of service of the notice of appeal;

(b) the record, consisting of copies of the following documents and papers—

(i) the notice of appeal;

- (ii) the judgment or order appealed from;
- (iii) the pleadings;
- (iv) all necessary affidavits;
- (v) the Judge's notes at the trial;
- (vi) the judgment or reasons for judgment delivered by the trial Judge;
- (vii) all other documents including the correspondence and exhibits required for the hearing of the appeal; and

(B) leave four copies of the record for the use of the Judges and the Registrar of the Court."

(6) In taxing party and party costs the Taxing Officer shall not, unless the Court when awarding costs orders otherwise, allow more than one hundred and twenty dollars in respect of counsel.

(7) In sub-rule (1) of rule 38 (Court fees) the words "Appendix D" shall be substituted for the words "Appendix B"; and in sub-rule (2) thereof the words "Appendix D" shall be substituted for the words "Part I of Appendix B".

(8) The provisions of this Part shall not apply to a State where it is provided by the law of that State that the Court of Summary Jurisdiction shall be presided over by a Magistrate.

## PART VI

### CRIMINAL APPEALS FROM MAGISTRATES' DECISIONS

76. (1) Where the appellant under any law regulating appeals from magistrates gives a written notice of his intention to appeal, five copies thereof shall also be filed by him for the use of the Judges of the Court and the Director of Public Prosecutions or other respondent.

Copies of notices and grounds of appeal to be filed

(2) Together with the grounds of appeal required to be filed by such law, four copies thereof shall also be filed by the appellant for the use of the Judges of the Court and the Director of Public Prosecutions or other respondent.

[Subsidiary]

Copies of proceedings, etc.

77. Five copies of the proceedings and of the notes of evidence for the use of the Judges of the Court and the Director of Public Prosecutions or other respondent, shall be provided by the clerk of the Magistrate's Court from which the appeal is taken, and shall be forwarded by him together with the copies of the notice of appeal if any, and of the grounds of appeal, to the Registrar with the record.

PART VII

APPEALS (OTHER THAN CRIMINAL APPEALS) FROM  
MAGISTRATES' DECISIONS

Preliminary objection by respondent

78. Upon receiving the documents directed to be transmitted by law regulating appeals from magistrates, the Registrar shall forthwith, by notice in writing, require the respondent to draw up and lodge with him for the information of the Court and the appellant, a written statement of any preliminary objections he may propose to take to the hearing of the appeal. A copy of the said statement shall be sent by the respondent to the appellant not later than three clear days before the day of hearing of the appeal. Any failure on the part of the respondent to comply with this rule may render him liable to be deprived of his costs or part thereof.

Evidence relating to preliminary objection

79. Evidence relating to a preliminary objection shall ordinarily be by affidavit, but the Court may in its discretion hear oral evidence in lieu of or in addition to written evidence.

Amendment of grounds of appeal

80. Grounds of appeal may be amended at any time upon such terms as the Court shall think just.

Copies of notice and grounds of appeal

81. (1) Where the appellant under any law regulating appeals from magistrates gives a written notice of appeal, four copies thereof shall also be filed by him for the use of the Judges of the Court.

(2) Together with the grounds of appeal required to be filed by such law four copies thereof shall also be filed by the appellant for the use of the Judges of the Court.

[Subsidiary]

Made this fifteenth day of February, 1968.

ALLEN LEWIS  
*Chief Justice.*

K. L. GORDON  
*Justice of Appeal.*

P. CECIL LEWIS  
*Justice of Appeal.*

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[Subsidiary]

APPENDIX A

CIVIL FORMS

**Index for Forms**

Form No.	Appeal Rules No.	Description of Form
1	Rule 12(1)	Notice of Appeal.
2	.. 13(1)	Notice of Motion for special leave to appeal.
3	.. 13(4)	Application by Respondent for leave to appeal.
4	.. 16(1)	Notice by Respondent of intention to contend that decision of Court below be varied.
5	.. 18(1)	Notice by Respondent of intention to rely upon preliminary objection.
6	.. 19(1)	Summons to Parties by Registrar to settle Record.
7	.. 24(1)(i)(b)	Affidavit of Service of Notice of Appeal.
8	.. 24(3)	Notice to the parties of filing of Record and of setting down of Appeal for hearing.
9	.. 25	Notice of Withdrawal of Appeal.
10	.. 31(4)	Bond for Costs on Appeal.
11	.. 37	Certificate of the Order of the Court.
12	.. 41(3)	Notice of Taxation.

CIVIL FORM 1

IN THE COURT OF APPEAL

Notice of Appeal

GRENADA

Civil Appeal No. .... of 19 .....

Between

..... (Plaintiff/Defendant)\* Appellant(s)

and

..... (Plaintiff/Defendant)\* Respondent(s)

TAKE NOTICE that the (Plaintiff/Defendant) Appellant being dissatisfied with the decision/that part of the decision\* more particularly stated in paragraph 2 hereof of the ..... (Court) contained in the judgment/order\* of ..... dated the ..... day of ..... 19 ..... doth hereby appeal to the Court of Appeal upon the grounds set out in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4.

And the Appellant further states that the names and addresses including his own of the persons directly affected by the appeal are those set out in paragraph 5.

2. (Insert here whole or part of decision complained of)

3. Grounds of Appeal.

(1)

(2)

(3), etc.

4. (Insert here the relief sought from the Court of Appeal)

5. Persons directly affected by the appeal—

*Name*

*Address*

(1)

(2)

(3), etc.

[Subsidiary]

CIVIL FORM 1—(Continued)

DATED this ..... day of ..... 19.....

.....  
Appellant(s)  
or Solicitor for the Appellant(s).

\_\_\_\_\_  
\*Strike out words inapplicable.

If appealing against the whole decision insert "Whole decision".

CIVIL FORM 2

IN THE COURT OF APPEAL

**Notice of Motion for Special Leave to Appeal**

GRENADA

Civil Appeal No. .... of 19 .....

Between

..... (Plaintiff/Defendant)\* Appellant(s)

and

..... (Plaintiff/Defendant)\* Respondent(s)

TAKE NOTICE that the Court of Appeal at .....  
will be moved on the ..... day of .....  
19..... at ..... o'clock in the forenoon or as soon  
thereafter as counsel can be heard on the hearing of an application  
for special leave to appeal against the decision of the .....  
..... (Court) given on the ..... day of  
..... 19.....

AND further take notice that the grounds of this application are—

DATED this ..... day of ..... 19.....

.....  
Applicant or his Solicitor.

CIVIL FORM 2—(Continued)

To  
THE REGISTRAR,  
COURT OF APPEAL.

And† .....

\*Strike out words inapplicable.

†Insert name of respondent.

CIVIL FORM 3

IN THE COURT OF APPEAL

**Application by Respondent for Leave to Appeal**

GRENADA

Civil Appeal No. .... of 19 .....

Between

..... (Plaintiff/Defendant)\* Appellant(s)

and

..... (Plaintiff/Defendant)\* Respondent(s)

TAKE NOTICE that upon the hearing of the application for leave to appeal the Respondent intends to apply for leave to appeal and to contend that the decision of the (Court below) dated the ..... day of ..... 19..... should be varied as follows:

†

AND TAKE NOTICE that the grounds on which the Respondent intends to rely are as follows:

- 1.
- 2.
3. etc.

DATED this ..... day of ..... 19.....

.....  
(Respondent(s) )

[Subsidiary]

CIVIL FORM 3—(Continued)

To ..... (Appellant)  
and to the Registrar.

\_\_\_\_\_  
\*Strike out words inapplicable.

†State the variation which will be asked for.

\_\_\_\_\_  
CIVIL FORM 4

IN THE COURT OF APPEAL

**Notice by Respondent of Intention to Contend that  
Decision of Court Below be Varied**

GRENADA

Civil Appeal No. .... of 19 .....

Between

..... (Plaintiff/Defendant)\* Appellant(s)

and

..... (Plaintiff/Defendant)\* Respondent(s)

TAKE NOTICE that upon the hearing of the above appeal the Respondent herein intends to contend that the decision of the (Court below) dated the ..... day of ..... 19..... should be varied as follows:

†

AND TAKE NOTICE that the grounds on which the Respondent intends to rely are as follows:

- 1.
- 2.
3. etc.

DATED this ..... day of ..... 19.....

.....  
Respondent(s)

To ..... (Appellant)  
and to the Registrar.

CIVIL FORM 4—(Continued)

\*Strike out words inapplicable.

†State the variation which will be asked for.

CIVIL FORM 5

IN THE COURT OF APPEAL

**Notice by Respondent of Intention to Rely upon Preliminary Objection**

GRENADA

Civil Appeal No. .... of 19 .....

Between

..... (Plaintiff/Defendant)\* Appellant(s)

and

..... (Plaintiff/Defendant)\* Respondent(s)

TAKE NOTICE that the Respondent herein named intends, at the hearing of this appeal, to rely upon the following preliminary objection notice whereof is hereby given to you, viz:

AND TAKE NOTICE that the grounds of the said objection are as follows:

- 1.
- 2.
3. etc.

DATED this ..... day of ..... 19.....

.....  
(Plaintiff/Defendant)\* Respondent(s).

To the above-named (Plaintiff/Defendant)\* Appellant(s).

\*Strike out words inapplicable.

[Subsidiary]

CIVIL FORM 6

IN THE COURT OF APPEAL

**Summons to Parties by Registrar to Settle Record**

GRENADA

Civil Appeal No. .... of 19 .....

Between

..... (Plaintiff/Defendant)\* Appellant(s)

and

..... (Plaintiff/Defendant)\* Respondent(s)

TAKE NOTICE that all parties concerned are required to attend before me at the Registry of the Supreme Court ..... on ..... the ..... day of ..... 19..... at the hour of ..... in the ..... noon to settle the record of appeal herein.

DATED this ..... day of ..... 19.....

.....  
Registrar.

To:

\_\_\_\_\_  
\*Strike out words inapplicable.

[Subsidiary]

CIVIL FORM 7

IN THE COURT OF APPEAL

**Affidavit of Service of Notice of Appeal**

GRENADA

Civil Appeal No. .... of 19 .....

Between

..... (Plaintiff/Defendant)\* Appellant(s)

and

..... (Plaintiff/Defendant)\* Respondent(s)

I, ..... of .....

..... (occupation) do make oath and say—

That notice of appeal in the above appeal filed herein on the ..... day of ..... 19..... was duly served upon ..... the Respondent herein (here state mode of service) ..... on the ..... day of ..... 19..... in accordance with the Court of Appeal Rules.

Sworn to at the ..... )  
(address) )  
on the ..... day of )  
..... 19..... )

Before me

Commissioner of Affidavits.

This affidavit is filed on behalf of .....

\*Strike out words inapplicable.



[Subsidiary]

CIVIL FORM 8

IN THE COURT OF APPEAL

**Notice to the Respondent of Filing of Record  
and of Setting Down of Appeal for Hearing**

GRENADA

Civil Appeal No. .... of 19 .....

Between

..... (Plaintiff/Defendant)\* Appellant(s)

and

..... (Plaintiff/Defendant)\* Respondent(s)

TAKE NOTICE that the above named Appellant has duly filed the record and documents required to be filed pursuant to rule 24(1) of the Court of Appeal Rules, and that I have set down the appeal for hearing before the Court of Appeal.

DATED this ..... day of ..... 19.....

.....  
Registrar.

To the Appellant, Respondent, etc.

\_\_\_\_\_  
\*Strike out words inapplicable.

CIVIL FORM 9

Rule 25

IN THE COURT OF APPEAL

**Notice of Withdrawal of Appeal**

GRENADA

Civil Appeal No. .... of 19 .....

Between

..... (Plaintiff/Defendant)\* Appellant(s)

and

..... (Plaintiff/Defendant)\* Respondent(s)

[Subsidiary]

CIVIL FORM 9—(Continued)

TAKE NOTICE that the Appellant(s) herein intend(s) and doth hereby wholly withdraw his/their appeal against (all) the Respondent(s) in the above-mentioned appeal.

DATED this ..... day of ..... 19.....

.....  
Appellant(s)

.....  
THE REGISTRAR,  
COURT OF APPEAL.

And to ..... Respondent(s)  
and the Registrar of the Court below.

.....  
\*Strike out words inapplicable.

.....  
CIVIL FORM 10 Rule 31(4)

IN THE COURT OF APPEAL

**Bond for Costs on Appeal**

GRENADA

Civil Appeal No. .... of 19 .....

Know all men, by these presents, that we .....  
..... of .....  
and ..... of .....  
and ..... of .....  
are jointly and severally held and bound to .....  
..... of ..... in the sum  
of ..... dollars of lawful money to be paid  
to the said ..... his  
executors, administrators, 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.

[Subsidiary]

CIVIL FORM 10—(Continued)

(Signed) ..... (Appellant)  
..... (Surety)  
..... (Surety)

DATED the ..... day of ..... in the  
year of Our Lord, 19.....

WHEREAS a suit is now pending in the Court at .....  
wherein the above-bounden ..... is  
..... and the said .....  
is .....

AND WHEREAS a judgment was given by the Court below therein,  
on the ..... day of ..... for the  
said ..... and the said  
..... has filed Notice of Appeal  
from the said judgment.

AND WHEREAS it is by law provided that the party appealing shall  
give security to the satisfaction of the Registrar of the Court below  
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 .....  
and ..... at the request of the said  
..... have agreed 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 costs which may be ordered to be paid by the appellant  
this obligation shall be void, otherwise remain in full force.

Signed, sealed and delivered } ..... (L.S.)  
in the presence of } ..... (L.S.)  
..... (L.S.)

[Subsidiary]

CIVIL FORM 11

Rule 37

IN THE COURT OF APPEAL

**Certificate of the Order of the Court**

GRENADA

Civil Appeal No. .... of 19 .....

Appeal from the ..... in the  
State of ..... dated the .....  
day of ..... 19.....

..... Motion

..... Appeal No.

..... (Plaintiff/Defendant)\* Appellant(s)

v.

..... (Plaintiff/Defendant)\* Respondent(s)

This appeal coming on for hearing on the .....  
day of ..... 19..... before .....  
in the presence of .....  
for the Appellant(s) and .....  
for the Respondent(s).

I HEREBY CERTIFY that an Order was made as follows:

Given under my hand and the Seal of the Court this .....  
..... day of ..... 19.....

.....  
Registrar.

\_\_\_\_\_  
\*Strike out words inapplicable.

[Subsidiary]

CIVIL FORM 12

IN THE COURT OF APPEAL

**Notice of Taxation**

GRENADA

Civil Appeal No. .... of 19 .....

Between

..... (Plaintiff/Defendant)\* Appellant(s)

and

..... (Plaintiff/Defendant)\* Respondent(s)

TAKE NOTICE that the Bill of Costs of the .....  
herein, will be taxed on ..... the .....  
day of ..... 19....., at the hour of .....  
o'clock in the ..... noon.

Your absence notwithstanding.

DATED at ..... this ..... day of .....  
19.....

.....  
Solicitor for

To the above-named Appellant/Respondent of .....

\_\_\_\_\_  
\*Strike out words inapplicable.  
\_\_\_\_\_

APPENDIX B

PART I

**Fees of Court in Civil Appeals from the High Court**

	\$ c.
1. On filing notice of appeal against a final judgment or decision, entering the appeal for hearing and on judgment thereunder an inclusive fee of ... ..	12.00
2. On filing respondent's notice of intention to contend that decision of court below be varied ... ..	5.00
3. For entering a special case, case stated, point of law or demurrer for argument, entering same for hearing and on judgment thereunder an inclusive fee of ...	7.00
4. On filing notice of appeal against an interlocutory order or decision, entering the appeal for hearing and on judgment thereunder an inclusive fee of ... ..	7.00
5. On making any application not otherwise specifically provided for, and for filing judgment or order thereunder an inclusive fee of ... ..	5.00
6. On filing bond to secure costs of appeal ... ..	2.50
7. On filing motion for leave to appeal to the Judicial Committee of the Privy Council ... ..	2.50
8. On filing every bond where the appeal is to the Judicial Committee of the Privy Council ... ..	2.50
9. On filing order for leave to appeal to the Judicial Committee of the Privy Council ... ..	2.50
10. On appointment to settle record on appeal to the Judicial Committee of the Privy Council ... ..	1.25
11. On sealing record on appeal to the Judicial Committee of the Privy Council ... ..	2.50
12. On filing every document or exhibit for which no special fee is provided ... ..	.60
13. On taxation of bill of costs including certificate ...	2.50
14. On certifying any document as an office copy... ..	1.25
15. If in a foreign language, the actual cost of making and examining the copy, and, in addition, for marking and sealing the copy as an office copy... ..	1.25
16. For an office copy of a plan, map, section, drawing, photograph or diagram the actual cost of making and	

[Subsidiary]

APPENDIX B—(Continued)

PART I—(Continued)

	\$	c.
examining the copy, and, in addition, for marking and sealing the copy as an office copy ... ..	1.25	
17. For a copy of reasons for judgment per folio of 100 words ... ..	.15	
But with a minimum fee, for one set of reasons, of	1.25	
And with a maximum fee, for one set of reasons, of	25.00	
18. For a copy of a report of the Registrar per folio of 100 words ... ..	.15	
19. On perusing and allowing by a Judge or Registrar of any bond ... ..	1.25	
20. On sealing a writ of subpoena not exceeding three persons ... ..	1.25	
21. For a certificate of the Registrar for which no special fee is provided ... ..	1.25	
22. On obtaining appointment for examination of a witness before an officer of the Court or other person ...	1.25	
23. In respect of every witness examined by an officer or other person in his office, for each hour or part of an hour ... ..	1.25	
24. For an examination of witnesses away from the office of the examiner, the reasonable travelling and other expenses in addition to the fee chargeable under Item 23. ... ..		
25. For making every search ... ..	1.00	
26. For an office copy of any document filed in the Registry, per folio of 100 words, for the first folio	.25	
For every other folio or part thereof ... ..	.15	
27. On office copies of any document to be included in record—including judges' notes of evidence, for the first folio to consist of 100 words ... ..	.25	
For every other folio or part thereof ... ..	.15	
28. On certifying any document as an office copy ...	1.25	

The fees to be taken in the offices of the Sheriff or Bailiff are the same as those which are required to be taken by the Sheriff or Bailiff of the State in which the appeal arises in respect of a like proceeding or act in a cause pending in the High Court.

APPENDIX B

PART II

LEGAL PRACTITIONERS' FEES IN CIVIL APPEALS

**Schedule of Allowances**

(Save in respect of item 19, a folio shall consist of one hundred words (or figures) or part thereof; four figures to count as a word.)

**Instructions**

	\$	c.
1. Instructions to file notice of appeal (including grounds of appeal) ... ..	12.00	
2. Instructions to file notice of cross appeal (including grounds of appeal) ... ..	12.00	
3. Instructions to file any application relative to an appeal	7.00	
4. Instructions to appear for the respondent to any application to an appeal ... ..	7.00	
5. Instructions to file case stated or special case having regard to the amount involved in the appeal, its nature, importance and difficulty, the interest of the parties, the other costs to be allowed, the general conduct of the proceedings and all other relevant circumstances	12.00	
6. Instructions for affidavit and for any other interlocutory matter, the charge for which is not specified in these scales ... ..	3.00	
7. Instructions for brief to counsel to advise or to settle pleadings. This will be allowed where justifiable under the circumstances of the particular case ... ..	7.00	



[Subsidiary]

APPENDIX B—(Continued)

PART II—(Continued)

	\$	c.	
8. Drawing notice of appeal including grounds of appeal... ..	}	per folio for the first 10 folios, \$1;	
9. Drawing notice of motion ... ..		per folio for the next 10 folios 75c.,	
10. Drawing a case stated ... ..		and thereafter per folio 36c.	
11. Drawing notice of cross appeal, including grounds of appeal ... ..		(The minimum charge under these items shall be \$7.00 save that the minimum shall not apply in the case of verifying affidavits of service and other formal affidavits.)	
12. Drawing any order ... ..			
13. Drawing any petition, affidavit, any notice except a formal notice, summons, further particulars or request for further particulars			
14. Drawing any writs of execution, arrest or attachment and any other important document not otherwise provided for ...			
15. Drawing index of record or any index to brief ... ..			.75
16. Drafting instructions to Counsel with brief on any matter ... ..			per folio
17. Drawing any subpoena or any formal notice each document ... ..			1.50
18. Drafting a letter or telegram ... ..			2.00
If more than one folio, for each additional folio ... ..			.40
Copy to keep, where necessary, per folio... ..			.15
19. Drawing Bill of Costs per folio ... ..			.75

NOTE: A folio is to comprise 72 words, every figure comprised in a column or authorized to be used being counted as one word.

**Copying**

20. Copies of the record on appeal, if prepared by the appellant's attorney or solicitor, such fee for the first copy and such fee for additional copies as the Registrar may consider reasonable.

(If not prepared by the appellant's attorney or solicitor the reasonable cost of the record as a disbursement).

APPENDIX B

PART II—(Continued)

	\$	c.
21. Copies of any matter required for the Court, for counsel, for the attorney or for service or for any other necessary purpose for the first copy per folio	.25	
For each additional copy per folio ... ..	.15	
<b>Attendances</b>		
22. At the Registry (clerk's attendance) ... ..	2.00	
23. On the Registrar in chambers at the rate per hour or part thereof (to be increased at the discretion of the Taxing Officer) ... ..	5.50	
24. On an opposite party, if necessary and proper, the like as under the preceding items ... ..		
25. On a Judge in chambers—at the rate per hour or part thereof (to be increased at the discretion of the Taxing Officer) ... ..	8.50	
26. In Court where matter listed but not reached, on any day for each hour or part thereof necessarily and justifiably spent ... ..	5.50	
27. Attendance on receipt of letter or telegram ...	1.50	
28. Attendance on receipt of formal acknowledgement...	1.00	
29. Other merely formal attendances including attendances to file, to swear affidavits or to bespeak copies...	2.00	
30. Attendances not purely formal and including attendances on witnesses and others to obtain statements and other materials for brief on trial or for use at trial but not including attendances to represent parties at hearing in Court or chambers; such fee as may be reasonable according to circumstances with a minimum fee of ... ..	7.00	
in respect of each hour or part thereof		
31. Attendance to inspect or produce pursuant to notice per hour or part thereof ... ..	5.50	
32. Attendance before a Registrar in chambers on taxation matters for each hour or part thereof... ..	5.50	
33. Attending at hearing as solicitor of an appeal or any other matter in Court for each day as may be necessary such sum as may, in the opinion of the Taxing Officer be reasonable not being less than ... ..	17.00	

[Subsidiary]

APPENDIX B—(Continued)

PART II—(Continued)

	\$	c.
34. Attending Court to hear reserved judgment per hour	5.50	
35. Attendance upon a shorthand writer to obtain copy of transcript for appellate purposes ... ..	3.00	
36. Attending to issue writ of execution ... ..	3.00	
37. Any attendance not specifically provided for ...	2.00	
38. Journeys necessarily undertaken. An allowance for the time necessarily occupied on the journey and, in the case of a journey to attend the trial, to include an allowance for the time which, in the opinion of the Taxing Officer, a legal representative is necessarily detained at the place of trial. Such sum per day, including Sundays as the Taxing Officer may think reasonable, not to exceed ... ..	28.00	

Disbursements for fares, hotel and transport expenses are also to be allowed, but not for normal out of pocket expenses other than board and lodging. The disbursement allowed for travelling by motor car shall be at the rate of 25c. per mile provided the total distance travelled exceeds three miles. For journeys under three miles no allowance shall be made for travelling by motor car.

39. Agency correspondence if shown to the satisfaction of the Taxing Officer that such correspondence has been necessary and reasonable. Such sums as would be allowed under items 18 or 40.		
40. Letters, messages, etc. Such fee including letters not otherwise allowed between party and party as the Taxing Officer may consider reasonable not exceeding	3.00	

**Perusals**

41. Perusals of any necessary documents for the first 10 folios—per folio ... ..	.50
For each subsequent folio ... ..	.15

**Disbursements**

42. All Court fees, counsel's fees and other fees and payments which, in the opinion of the Taxing Officer have been properly paid, shall be allowed.	
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APPENDIX B—(Continued)

PART II—(Continued)

\$ c.

**Maps, Plans and Models**

43. The Taxing Officer may allow such fees for maps, plans and models for use at the trial or hearing as he considers reasonable.

**Marshal, Sheriff and Bailiff's Fees**

44. There shall be paid to Sheriffs, Marshals and Bailiffs, such fees and travelling and subsistence allowances as are by rules of Court or other law prescribed for the service or execution of any summons, warrant, writ, or other process of the High Court in the State in which the execution or service is sought to be levied or effected.
-

[Subsidiary]

APPENDIX C

CRIMINAL FORMS

**Index to Forms**

Form No.	Appeal Rules No.	Description of Forms
1	Rule 42	Notice of appeal or application for leave to appeal against conviction or sentence.
2	.. 42	Notice of application for extension of time within which to appeal.
3	.. 43	Judge's certificate.
4	.. 48(5)	Declaration verifying transcript of shorthand notes.
5	.. 54	Notification to appellant of a single Judge's decision.
6	.. 54	Notice of appeal by appellant from refusal of a single Judge.
7	.. 56(3)	Recognizance of appellant sentenced to payment of a fine.
8	.. 56(3)	Recognizance of sureties for appellant sentenced to a fine.
9	.. 56(4)	Notice of breach of his recognizances to appellant sentenced to a fine.
10	.. 56(4)	Notice to surety for appellant of estreat of recognizances.
11	.. 58(3)	Recognizance of bail of appellant convicted on indictment.

APPENDIX C—(Continued)

Index to Forms—(Continued)

Form No.	Appeal Rules No.	Description of Forms
12	Rule 58(3)	Recognizance of appellant's sureties.
13	.. 58(5)	Notice to Officer in Charge of Prisons to release appellant on bail.
14	.. 58(6) & (8)	Warrant for arrest of appellant on bail.
15	.. 59(1)	Notice of abandonment.
16	.. 59(2)	Notification of abandonment of appeal.
17	.. 62(1)	Notification to appellant of result of application.
18	.. 62(1)	Notice to authorities of result of application.
19	.. 62(1)	Notification to appellant of the result of his appeal.
20	.. 62(1) & 63(1)	Notice to authorities of result of appeal.
21	.. 66(1)	Order to witness to attend court for examination.
22	.. 66(2)	Appellant's application for further witness.
23	.. 66(5)	Notice to witness to attend before an examiner.
24	.. 66(7)	Caption for deposition of witness examined before examiner.

[Subsidiary]

CRIMINAL FORM 1

Rule 42

IN THE COURT OF APPEAL

**Notice of Appeal or Application for leave to Appeal against  
Conviction or Sentence**

GRENADA

Criminal Appeal No. .... of 19 .....

TO THE REGISTRAR OF THE COURT OF APPEAL.

Name of Appellant .....

Convicted at the Assizes held at .....

.....

(1) e.g.  
Larceny  
Forgery

Offence of which convicted .....

(2) Set out  
the actual  
date upon  
which the  
appellant  
was con-  
victed and  
sentenced

Sentence .....

Date when convicted .....

Date when sentence passed .....

(3) If not  
in custody  
here set out  
appellant's  
address in  
full

Name of Prison .....

[Subsidiary]

CRIMINAL FORM 1—(Continued)

I, the above-named appellant, hereby give you notice that I desire to appeal to the Court of Appeal against my .....  
on the grounds hereinafter set forth on page 2 of this notice.

(4) If the appellant wishes to appeal against conviction he must write the word "conviction". If he wishes to appeal against sentence he must write the word "sentence". If he wishes to appeal against both conviction and sentence he must write the words "conviction" and "sentence"

(Signed) (5) .....  
*Appellant.*

(5) This notice must be signed by the appellant. If he cannot write he must affix his mark in the presence of a witness. The name and address of such attesting witness must be given



[Subsidiary]

CRIMINAL FORM 1—(Continued)

(6) If this notice is signed more than fourteen days after sentence the appellant must also fill in Form 2 and send it with this notice

Dated this (6) ..... day of ..... 19.....

(7) The appellant must answer each of these questions

QUESTIONS (7)

1. Did the judge before whom you were tried grant you a certificate that it was a fit case for appeal? .....
2. Do you desire the Court of Appeal to assign you legal aid? .....
- If your answer to this question is "Yes" then answer the following questions:
  - (a) What was your occupation and what wages, salary or income were you receiving before your conviction? .....
  - (b) Have you any means to enable you to obtain legal aid for yourself? .....
3. Is any solicitor now acting for you? .....
- If so, give his name and address. ....  
.....  
.....

(8) An appellant is not entitled to be present on the hearing of an application for leave to appeal

4. Do you desire to be present when the Court considers your appeal? (8) .....

[Subsidiary]

CRIMINAL FORM 1—(Continued)

5. Do you desire to apply for leave to call any witnesses on your appeal? .....  
If your answer to this question is "Yes", you must also fill in Form 22 and send it with this notice.

Grounds of Appeal or Application (9)

**N.B.** If one of the grounds set out is "misdirection" by the judge, particulars of such alleged misdirection must be set out in this notice.

The appellant can also, if he wishes, set out, in addition to his above reasons, his case and argument fully.

(9) These must be filled in before the notice is sent to the Registrar. The appellant must here set out the grounds or reasons he alleges why his conviction should be quashed or his sentence reduced

CRIMINAL FORM 2

Rule 42

IN THE COURT OF APPEAL

**Notice of Application for Extension of the time within which to Appeal**

GRENADA

Criminal Appeal No. .... of 19 .....

TO THE REGISTRAR OF THE COURT OF APPEAL

I, .....  
having been convicted of the offence of .....  
..... in the High Court of Justice,  
Criminal Assizes, held at .....  
..... on the .....  
day of ..... 19....., and being

Here state the offence e.g., larceny, murder, forgery, etc.

[Subsidiary]

\*When applicant for any reason not in custody

now a prisoner in Her Majesty's Prison at .....  
..... \*(or now living at .....  
.....), give you notice that I hereby apply to the Court for an extension of time within which I 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 the Court should extend the time

(Signed)  
(or mark) .....

*Applicant.*

Signature and address of witness attesting mark

Dated this ..... day of ..... 19.....

You are required to send to the Registrar of the Court, duly filled up Form 1, together with this Notice.

\_\_\_\_\_

[Subsidiary]

CRIMINAL FORM 3

Rule 43

IN THE COURT OF APPEAL

**Judge's Certificate**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

In the High Court of Justice, Criminal Assizes, holden at  
.....

WHEREAS the said .....  
was tried and convicted before me, the undersigned, in the said Court  
on the ..... day of .....  
on a charge of .....

State  
shortly the  
offence,  
e.g.,  
larceny,  
murder,  
forgery,  
etc.

I DO HEREBY CERTIFY that the case is a fit case for an appeal by the said  
.....  
to the Court upon the following grounds:

Here  
specify in  
general  
terms the  
grounds on  
which  
certificate  
granted

.....  
*Judge.*

DATED this ..... day of ..... 19.....

[Subsidiary]

CRIMINAL FORM 4

Rule 48(5)

IN THE COURT OF APPEAL

**Declaration Verifying Transcript of Shorthand Notes**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

I, .....  
of .....  
do solemnly and sincerely declare that, having been required by the Registrar of the High Court to furnish him a transcript of the shorthand note relating to the trial (or other proceeding) in relation of .....  
..... which shorthand note

is now produced and shown to me marked .....  
and purporting to have been signed and certified by me, I have made a correct and complete transcript thereof to the best of my skill and ability in pursuance of the said requirement, which said transcript is now shown to me marked "B". And I make this declaration conscientiously believing the same to be true and I am aware that if there is any statement in this declaration which is false in fact, which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

DATED this ..... date of ..... 19.....

(Signed) .....

\_\_\_\_\_

IN THE COURT OF APPEAL

**Notification to Appellant of a single Judge's Decision**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

I hereby give you notice that a Judge of the Court of Appeal having considered your application(s) for—

- (a) Leave to appeal;
- (b) Extension of time within 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) Admission to bail;

has refused the application(s) marked ..... (and has granted your application(s) marked .....).

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

DATED this ..... day of ..... 19.....

.....

*Registrar.*  
*Court of Appeal.*

To the above-named.

\_\_\_\_\_

[Subsidiary]

CRIMINAL FORM 6

Rule 54

IN THE COURT OF APPEAL

**Notice of Appeal by Appellant from Refusal of a single Judge**  
**GRENADA**

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

TO THE REGISTRAR OF THE COURT OF APPEAL

I, ..... having received  
your notification that my application(s) for—

- (a) Leave to appeal;
- (b) Extension of the time within which notice of appeal or applica-  
tion for leave to appeal may be given;
- (c) Permission to me to be present during the hearing of any  
proceedings in my appeal;
- (d) Admission to bail;

has/have been refused;

DO HEREBY GIVE YOU NOTICE that I desire that the said application(s)  
shall be considered and determined by the Court (and that as I am  
not legally represented I desire to be present at the determination of  
my said application(s)\*

(Signed)  
(or mark)

.....  
*Appellant.*

Signature and address of  
witness attesting mark.

DATED this ..... day of ..... 19.....

If you desire to state any reasons in addition to those set out by  
you in your original notice upon which you submit that the Court shall  
grant your said application(s) you may do so in the space below.

\_\_\_\_\_  
\*Strike out if you do not desire to be present.

IN THE COURT OF APPEAL

**Recognizance of Appellant Sentenced to Payment of a Fine**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

TO WIT: Be it remembered that whereas .....  
of .....  
was on the ..... day of ..... 19.....  
convicted of ..... and was thereupon  
sentenced to pay the sum of \$..... as a fine for his  
said offence by the High Court (Criminal Jurisdiction) at .....  
..... and has intimated  
to the said Court that he desires to appeal against his said conviction  
on a question of law alone (or upon a certificate of the Judge of the  
said Court that his is a fit case for appeal).

And whereas the said Court considers that the said Appellant may,  
in lieu of payment at and upon his said conviction of the said sum,  
be ordered to enter into recognizance of bail himself in the sum of  
\$..... and with ..... sureties,  
each in the sum of \$ ..... to prosecute  
his said appeal before the Court of Appeal.

This said ..... doth hereby  
acknowledge himself to owe to Our Lady the Queen the said sum of  
\$..... of good and lawful money, to be made  
and levied of his goods and chattels, land and tenements, to the use  
of Our said Lady the Queen, her heirs and successors, if he the said  
..... fail in the condition endorsed.

Taken and acknowledged this ..... day of .....  
..... 19....., at the said Court.

Before me

(Signed) .....  
*Registrar of the High Court.*



[Subsidiary]

CRIMINAL FORM 7—(Continued)

**Condition**

The condition of the within written recognizance is such that if the said  
.....  
of .....  
shall personally appear and be present at and before the Court of Appeal  
at each and every hearing of his appeal to such Court and at the final  
determination thereof and then there prosecute his said appeal and  
abide by the judgment of such Court, and not depart or be absent  
from such Court at any such hearing without leave of such Court,  
and pay the said sum of \$..... or such sum  
as such Court may order to the Registrar thereof, then this recognizance  
shall be void, otherwise of full force and effect.

(Signed) .....  
*Appellant.*

CRIMINAL FORM 8 Rule 56(3)

IN THE COURT OF APPEAL

**Recognizance of Sureties for Appellant Sentenced to a Fine**  
GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

TO WIT: Be it remembered that on the ..... day of  
..... 19..... of .....  
and ..... personally came before  
the High Court (Criminal Jurisdiction) at .....  
and severally acknowledged themselves to owe to Our Lady the Queen  
the several sums following that is to say: the said .....  
the sum of \$ ..... and the said .....  
..... the sum of \$.....  
of good and lawful money, to be made and levied of their goods and  
chattels, lands and tenements, respectively, to the use of Our said Lady

[Subsidiary]

CRIMINAL FORM 8—(Continued)

the Queen, her heirs and successors if .....  
now before the said Court fail in the condition hereon endorsed.

Taken and acknowledged before the said Court on the day and year  
first above-mentioned.

(Signed) .....  
Registrar of the High Court.

**Condition**

The condition of the within written recognizance is such that whereas  
the said .....  
having been convicted of .....  
and having been sentenced to pay a fine of \$.....  
for his said offence, and having now intimated his desire to appeal  
on a question of law alone (or with the certificate of the Judge of  
this Court) to the Court of Appeal against the said conviction, and  
having, in lieu of payment at and upon his said conviction of the said  
sum of \$..... been ordered to enter into recognizance  
of bail himself in the sum of \$ ..... and with  
..... sureties in the sum of \$.....  
if the said ..... shall personally appear  
and be present at and before the Court of Appeal at each and every  
hearing of his appeal to such Court and at the final determination thereof,  
and then and there prosecute his said appeal and abide by the judgment  
of such Court, and not depart or be absent from such Court at any  
such hearing without the leave of such Court, then this recognizance  
shall be void, otherwise of full force and effect.

(Signed) .....  
Surety.

(Signed) .....  
Surety.

[Subsidiary]

CRIMINAL FORM 9

Rule 56(4)

IN THE COURT OF APPEAL

**Notice of Breach of His Recognizances to Appellant  
Sentenced to a Fine**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

TO THE ABOVE-NAMED ..... APPELLANT

WHEREAS you were convicted on the ..... day of  
..... 19....., of the offence of .....  
.....  
and were sentenced to the payment of \$..... and in  
default of such payment to imprisonment, and you entered into  
recognizances in the sum of ..... with .....  
..... sureties in the sum of .....  
each, to prosecute your appeal, and whereas fourteen days have elapsed  
since your said conviction, and no notice of appeal has been served  
by you, NOW I HEREBY GIVE you notice that unless you attend  
at the sitting of the Court to be holden on the .....  
day of ..... 19..... and then show good cause  
to the contrary, the Court may order an estreat of your recognizances  
and those of your sureties, or may otherwise deal with you according  
to law.

(Signed) .....  
*Registrar, Court of Appeal.*

[Subsidiary]

CRIMINAL FORM 10

Rule 56(4)

IN THE COURT OF APPEAL

**Notice to Surety for Appellant of Estreat of Recognizances**

GRENADA

Criminal Appeal No. .... of 19 .....

TO .....

of .....

WHEREAS you the above-named, became duly bound in recognizances as surety, for that the said ..... having been convicted of ..... and for his said offence fined the sum of \$..... should duly prosecute an appeal in relation to the said conviction before the Court, and whereas the said ..... has not so prosecuted his appeal, now I hereby give you notice that at the sitting of the Court on ..... next your recognizances may be ordered to be estreated, unless you then show good cause to the contrary.

(Signed) .....  
*Registrar, Court of Appeal.*

CRIMINAL FORM 11

Rule 58(3)

IN THE COURT OF APPEAL

**Recognizance of Bail of Appellant Convicted on Indictment**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

BE IT REMEMBERED THAT WHEREAS ..... was convicted of ..... on the ..... day of ..... 19..... (and was thereupon sentenced to .....

[Subsidiary]

CRIMINAL FORM 11—(Continued)

and now is in lawful custody in Her Majesty's Prison at .....  
..... and has duly appealed against  
his conviction (and sentence) to the 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 .....  
..... with ..... sureties,  
each in the sum of ..... the said .....  
..... personally cometh before me the undersigned,  
being the ..... and acknowledges himself  
to owe to Our Lady the Queen the said sum of .....  
of good and lawful money, to be made and levied of his goods and  
chattels, lands and tenements to the use of Our said Lady the Queen,  
her heirs and successors, if he the said .....  
fail in the condition endorsed.

Taken and acknowledged this ..... day of .....  
..... 19..... at .....  
before me.

Signed .....  
Office: *Magistrate, etc.*

**Condition**

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

Signed .....  
*Appellant.*

[Subsidiary]

CRIMINAL FORM 12

Rule 58(3)

IN THE COURT OF APPEAL

**Recognizance of Appellant's Sureties**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

BE IT REMEMBERED that on this ..... day of  
..... 19..... and .....  
..... of .....  
personally came before me the undersigned being the .....  
..... of .....  
and severally acknowledged themselves to owe to Our Lady the Queen  
the several sums following, that is to say, the said .....  
..... the sum of \$.....  
and the said .....  
the sum of \$ ..... of good and lawful money,  
to be made and levied of their goods and chattels, lands and tenements  
respectively, to the use of Our said Lady the Queen, her heirs and  
successors, if ..... now in  
lawful custody in Her Majesty's Prison at .....  
..... fail in the condition hereon endorsed.

Taken and acknowledged before me the undersigned, the day and  
year first above-mentioned.

.....  
*Magistrate, etc.*

**Condition**

The condition of the within written recognizance is such that whereas  
the said ..... having  
been convicted of ..... and now in  
such lawful custody as before mentioned (under a sentence of ....  
.....  
for such offence), has duly appealed to the Court of Appeal against

[Subsidiary]

CRIMINAL FORM 12—(Continued)

his said conviction (and sentence) and having applied to such Court for bail, pending the determination of his said appeal, has been granted bail on his entering into recognizances in the sum of \$.....

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

(Signed) .....

*Surety.*

.....

*Surety.*

CRIMINAL FORM 13

Rule 58(5)

IN THE COURT OF APPEAL

**Notice to Officer in Charge of Prisons to Release Appellant on Bail**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

TO THE OFFICER IN CHARGE OF PRISONS

WHEREAS ..... was convicted of ..... on the ..... day of ..... 19..... (and was thereupon sentenced to ..... ) and now is in lawful custody in Her Majesty's Prison at .....

[Subsidiary]

CRIMINAL FORM 13—(Continued)

AND WHEREAS ..... having duly appealed to the Court of Appeal against such conviction (and/or sentence) and having duly applied to that Court, has been granted bail by the said Court pending the determination of his said appeal

on entering into recognizances himself in the sum of \$ ..... (and with ..... sureties each in the sum of \$.....), in the forms provided under these Rules.

AND WHEREAS I, the Deputy Registrar of the said Court of Appeal, have been given to understand that the said ..... is now in your lawful custody in the said prison under the said conviction and sentence.

AND WHEREAS I have received a recognizance of the said .. and recognizances from ..... sureties for the said ..... and the said recognizances are in due form and in compliance with the order of the said Court of Appeal admitting the said ..... to bail.

Now I do give you notice that if the said ..... do remain in your custody under the said conviction (and sentence) and for no other cause you shall on receipt of this notice suffer him to go at large. And this notice shall be your authority in that behalf.

DATED this ..... day of ..... 19.....

(Signed) .....  
Deputy Registrar, Court of Appeal.



[Subsidiary]

CRIMINAL FORM 14 Rule 58(6) & (8)

IN THE COURT OF APPEAL

Warrant for Arrest of Appellant on Bail

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

(a) State Office Head of Prisons

TO THE CONSTABLES OF THE POLICE FORCE, AND TO THE (a) ..... OF HER MAJESTY'S PRISON AT .....

WHEREAS ..... an Appellant in the Court has been released on bail, and it has now been ordered by the said Court that a Warrant be issued for the apprehension of the said .....

These are therefore to command you the said Constables forthwith to apprehend the said .....

(a) State Office Head of Prisons

and to bring him to the (a) ..... of the said prison and there deliver him with this warrant into the custody of the said (a) ..... and you the said (a) ..... are hereby required to receive the said ..... into your custody in the said prison and there safely to keep him until further order of the said Court.

..... Presiding Judge.

DATED this ..... day of ..... 19.....

[Subsidiary]

CRIMINAL FORM 15

Rule 59(1)

IN THE COURT OF APPEAL

**Notice of Abandonment**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

TO THE REGISTRAR OF THE COURT OF APPEAL.

I, ..... having been convicted of ..... in the High Court (Criminal Jurisdiction) at ..... and having been desirous of appealing to the Court against my said conviction (or the sentence of ..... passed upon me on my said conviction) do hereby give you notice that I do not intend further to prosecute my appeal, but that I hereby abandon all further proceedings in regard thereto as from the date hereof.

(Signed) .....  
(or mark)

Signature and address of witness attesting mark.

DATED this ..... day of ..... 19.....

[Subsidiary]

CRIMINAL FORM 16

Rule 59(2)

IN THE COURT OF APPEAL

**Notification of Abandonment of Appeal**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

TO THE DIRECTOR OF PUBLIC PROSECUTIONS.

\*This is to give you 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 Court.

The said notice is dated the ..... day of ..... 19.....

By Rule 59(1) of the Court of Appeal Rules, upon the notice of abandonment being given the appeal shall be deemed to have been dismissed by the Court.

DATED this ..... day of ..... 19.....

.....  
*Registrar of the Court of Appeal.*

Send copies addressed to:—

- (a) The Governor or the Governor-General, if the conviction involved a sentence of death.
- (b) Any other respondent.
- (c) The Prison Authority, and
- (d) The Registrar of the court below.

[Subsidiary]

CRIMINAL FORM 17

Rule 62(1)

IN THE COURT OF APPEAL

**Notification to Appellant of Result of Application**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

To the above-named Appellant.

This is to give you notice that the Court has considered the matter of your application for—

- (a) leave to appeal to the said Court;
- (b) leave to extend the time within which you may give notice of appeal or of application for leave to appeal;
- (c) permission to be present during the proceedings in your appeal;
- (d) admission to bail;
- (e) insert here nature of any other application that may have been made;

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

.....  
*Registrar of the Court of Appeal.*

DATED this ..... day of ..... 19.....

[Subsidiary]

CRIMINAL FORM 18

Rule 62(1)

IN THE COURT OF APPEAL

**Notice to Authorities of Result of Application**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN V.

TO THE REGISTRAR OF THE HIGH COURT\*

To .....

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 application for leave to appeal;
- (c) permission to be present during the proceedings in his appeal;
- (d) admission to bail;
- (e) insert here nature of any other application that may have been made,

the Court has this day finally determined his said applications and has given judgment to the effect following:

Here set  
out the  
decision of  
the Court

.....  
*Registrar of the Court of Appeal.*

\_\_\_\_\_  
\*Send copies address to—

- (a) The Governor or the Governor-General, if sentence of death has been passed.
- (b) The Director of Public Prosecutions or other respondent, and
- (c) The Prison Authority.

[Subsidiary]

CRIMINAL FORM 19

Rule 62(1)

IN THE COURT OF APPEAL

**Notification to Appellant of the Result of his Appeal**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

To the above-named Appellant.

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

.....  
*Registrar of the Court of Appeal.*

DATED this ..... day of ..... 19.....

CRIMINAL FORM 20

Rules 62(1)  
& 63(1)

IN THE COURT OF APPEAL

**Notice to Authorities of Result of Appeal**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

TO THE REGISTRAR OF THE HIGH COURT\*

To .....

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

Subsidiary]

CRIMINAL FORM 20—(Continued)

of ..... by the High Court  
(Criminal Jurisdiction) at .....  
the Court has finally determined the said appeal, and has this day given  
judgment therein to the effect following:

.....  
*Registrar of the Court of Appeal.*

DATED this ..... day of ..... 19.....

\_\_\_\_\_  
\*Send copies addressed to—

- (a) The Governor or the Governor-General, if sentence of death is involved.
- (b) The Director of Public Prosecutions or other respondent.
- (c) The Prison Authority.

CRIMINAL FORM 21

Rule 66(1)

IN THE COURT OF APPEAL

**Order to Witness to Attend Court for Examination**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

To .....  
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.

[Subsidiary]

CRIMINAL FORM 21—(Continued)

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 of which you may have had notice so to produce.

.....  
*Registrar of the Court of Appeal.*

DATED this ..... day of ..... 19.....

CRIMINAL FORM 22 Rule 66(2)

IN THE COURT OF APPEAL

**Appellant's Application for further Witness**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

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

(Signed) .....  
(or mark) *Appellant.*

Signature and address of  
witness attesting mark.

DATED this ..... day of ..... 19.....

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

1. Names 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.



[Subsidiary]

CRIMINAL FORM 23

Rule 66(5)

IN THE COURT OF APPEAL

**Notice to Witness to Attend Before an Examiner**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

To .....  
of .....

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

(a) Specify place of examination  
(b) Fill in examiner's name

This is to give you notice to attend at (a) .....  
..... on the ..... day of  
..... 19..... before (b) .....  
..... 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 under your control or in your possession in any manner relating to the said appeal of which you may have had notice so to produce.

.....  
*Registrar of the Court of Appeal.*

DATED this ..... day of ..... 19.....

[Subsidiary]

CRIMINAL FORM 24

Rule 66(7)

IN THE COURT OF APPEAL

**Caption for Deposition of Witness Examined before Examiner**

GRENADA

Criminal Appeal No. .... of 19 .....

THE QUEEN v.

The deposition (on oath) taken before me the undersigned, being an examiner duly appointed by the Court in that behalf of ..... of ..... and ..... of ..... witnesses, examined before me under an order of the said Court dated the ..... day of ..... 19..... in the presence of the said ..... Appellant (or of his professional representative) and the Respondent at ..... on the ..... day of ..... 19..... which said Appellant (or his professional 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 deposition of ..... of ..... who (upon oath duly administered by me) said as follows:

[Subsidiary]

APPENDIX D

**Fees of Court in Civil Appeals from Courts of Summary Jurisdiction**

	\$ c.
On entering an appeal ... ..	5.00
On filing every document or exhibit ... ..	.25
On every judgment ... ..	5.00
On amending or adding to grounds of appeal by leave or direction of Court at the hearing ... ..	1.00
Provided that the Court shall have power to reduce or waive the fee	
On inspection of any document or judgment ...	.25
On filing motion for re-entering appeal struck out...	10.00
On office copies of any documents for the first folio of 100 words ... ..	.25
For every other folio or part of a folio ... ..	.15
Every taxation of bill of costs including certificate...	2.50