

**SUPREME COURT RULES, 1996**

[C.I. 16]

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**SUPREME COURT RULES, 1996**

[C.I. 16]

[Article 33 (4), Article 64 (3), Article 157 (2)]

[11th September, 1996]

**PART ONE***General Provisions***1. Sessions of the Court**

The sessions of the Supreme Court shall be held during term and at any other times directed by the Chief Justice.

**2. Cause lists**

(1) The Registrar shall, at least fourteen days before the beginning of each term, publish within the precincts of the Court and in the *Gazette*, the long list which shall show the criminal and civil appeals in respect of which preliminary matters for hearing have been completed.

(2) The publication is notice to the parties of the listing before the Court during the term of a cause or matter mentioned in the list.

(3) The Registrar shall during each term publish, within the precincts of the Court and of the High Court in each region, at least fourteen days before the hearing, short lists which show the criminal and civil appeals or matters which are to be heard by the Court.

(4) The Registrar shall deliver notices in respect of the appeals referred to in the short lists under subrule (3) to the parties affected or their counsel who shall serve the parties by themselves or their duly authorised agents if service by an officer of the Court is likely to be difficult or unduly delayed.

(5) Despite subrules (1) to (4), the Court may hear a criminal or a civil appeal which has not been included in the cause list as published, but in respect of which notice of hearing has been served on the parties or their counsel.

(6) Notice of hearing by the Court of a cause or matter, other than an appeal, shall be by publication within the precincts of the Court and by service of notice on the parties or their counsel.

**3. Right of audience**

A person who is a party to a cause or matter before the Court may appear in person or may be represented by counsel of that person's choice.

**4. Register of causes or matters**

The Registrar shall keep a separate register of the various causes or matters brought before the Court under the following headings,

- (a) appellate jurisdiction of the Court,
  - (i) appeals as of right lodged under clause (3) of article 33 of the Constitution;

- (ii) appeals in civil causes or matters lodged under clause (1) of article 131 of the Constitution;
  - (iii) appeals in criminal causes or matters lodged under clause (1) of article 131 of the Constitution;
  - (iv) appeals brought from the National House of Chiefs under clause (4) of article 131 of the Constitution;
- (b) original jurisdiction of the Court,
- (i) in matters relating to the challenge of the election of the President under clause (1) of article 64 of the Constitution;
  - (ii) in matters relating to the enforcement or interpretation of a provision of the Constitution under article 2, or clause (1) of article 130, of the Constitution;
  - (iii) in matters referred to the Court under clause (3) of article 121, and of clauses (1) and (2) of article 135, of the Constitution; and
- (c) any other jurisdiction.

#### **5. Matters not expressly provided for**

Where provision is not expressly made by these Rules regarding the practice and procedure which shall apply to a cause or matter before the Court, the Court shall prescribe the practice and procedure that in the opinion of the Court the justice of the cause or matter requires.

### PART TWO

#### *Civil Appeals*

#### **6. Notice of grounds of appeal**

- (1) An appeal to the Court in a civil cause or matter shall be brought by notice of appeal in the Form 1 set out in Part 1 of the Schedule and shall be filed with the Registrar of the Court below.
- (2) A notice of civil appeal shall set forth the grounds of appeal and shall state
- (a) the address for service of the appellant;
  - (b) whether the whole or part of the decision of the Court below is complained of, and in the latter case the part complained of;
  - (c) the nature of the relief sought;
  - (d) the name and address of counsel for the appellant, which address shall be an address for service;
  - (e) the names and addresses of the parties affected by the appeal; and
  - (f) the particulars of a misdirection or an error in law, if that is alleged.

(3) The appellant shall provide a sufficient number of copies of the notice of the appeal for the use of the Justices of the Court and for service on the parties directly affected by the appeal.

(4) The grounds of appeal shall set out concisely and under distinct heads the grounds on which the appellant intends to rely at the hearing of the appeal, without an argument or a narrative and shall be numbered seriatim and where a ground of appeal is one of law, the appellant shall indicate the stage of the proceedings at which it was first raised.

(5) A ground of appeal which is vague or general in terms or does not disclose a reasonable ground of appeal is not permitted, except the general ground that the judgment is against the weight of evidence and a ground of appeal or a part of it which is not permitted under this rule, may be struck out by the Court on its own motion or on an application by the respondent.

(6) The appellant shall not, without the leave of the Court, argue or be heard in support of a ground of appeal that is not specified as a ground of appeal in the notice of appeal.

(7) Despite subrules (1) to (6), the Court,

- (a) may grant an appellant leave to amend the ground of appeal on the terms specified by the Court; and
- (b) shall not, in deciding the appeal, confine itself to the grounds set forth by the appellant nor shall the Court be precluded from resting its decision on a ground not set forth by the appellant.

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

## **7. Appeals by leave**

(1) An application for leave to appeal under paragraph (b) of clause (1) of article 131 of the Constitution,

- (a) shall be by motion on notice in the Form 2 set out in Part 1 of the Schedule; and
- (b) shall be filed with the Registrar of the Court below within fourteen days of the date of the decision against which leave to appeal is sought.

(2) An application for special leave to appeal under clause (2) of article 131 of the Constitution,

- (a) shall be by motion on notice in the Form 3 set out in Part 1 of the Schedule; and
- (b) shall be filed with the Registrar of the Court within fourteen days of the refusal of the Court below to grant leave to appeal.

(3) Where leave to appeal is granted the appellant shall file a notice of appeal in accordance with these Rules.

(4) Despite subrules (1) to (3) of this rule, an application for special leave to appeal under clause (2) of article 131 of the Constitution shall be entertained by the Court and the Court may grant leave on the term specified by the Court having regard to the circumstances of the case.

### **8. Time limits**

(1) Subject to any other enactment governing appeals, a civil appeal shall be lodged within

- (a) twenty-one days, in the case of an appeal against an interlocutory decision; or
- (b) three months, in the case of an appeal against a final decision unless the Court below or the Court extends the period within which an appeal may be lodged.

(2) The periods specified in subrule (1) shall be calculated

- (a) in the case of an appeal as of right, from the date of the decision appealed against; and
- (b) in any other case, from the date on which leave is granted.

(3) A civil appeal is lodged on the date the notice of appeal is filed.

(4) An application for the extension of time within which to lodge an appeal in respect of a final decision shall not be made after the expiration of three months from the end of the period prescribed by this rule within which an appeal may be lodged.

(5) An application for the extension of time within which to lodge an appeal shall be supported by an affidavit stating

- (a) that leave has been granted where necessary, and the date of the leave;
- (b) good and substantial reasons for the application; and
- (c) the grounds of appeal which, *prima facie*, show good cause that the appeal has a reasonable chance of success.

(6) Subject to subrule (4), where a person has applied to the Court below for an extension of time within which to lodge a civil appeal and after a period of not less than one month from the date of the application the Court below,

- (a) has not granted or has refused to grant the application; or
- (b) has dismissed the application,

the applicant may move the Court to have the application determined by the Court.

### **9. Cross appeals**

(1) A respondent who intends to cross appeal shall give notice of that intention within fourteen days of service on the respondent of the notice of appeal.

(2) Rule 6 shall, with the necessary modifications, apply to a notice of a cross appeal.

**10. Service of notice of appeal**

(1) The Registrar of the Court below shall, after a notice of appeal has been filed, serve a copy of the notice on each of the parties mentioned in the notice of appeal as directly affected by the appeal.

(2) The Court may direct notice to be served on a party to the original action or any other proceedings or on a person not a party to the original action or any other proceedings, and,

- (a) may adjourn the hearing of the civil appeal on terms that are just; and
- (b) may make an order which might have been made if the person served with the notice, had originally been a party to the appeal.

(3) A person served with a copy of a notice of appeal under this rule,

- (a) may, within seven days of the service, file a notice of appearance personally or by counsel; and
- (b) shall, in the notice of appearance, give particulars of the address and the address of the counsel, which shall be an address for service.

(4) Despite anything to the contrary contained in this rule, a notice of appearance or any other document relating to a civil appeal which requires service on a person may be filed with the Registrar of the Court below for service.

(5) The copy for service of a notice or any other document filed in accordance with subrule (4), may be given by the Registrar of the Court below to the party filing it or to the counsel of that party who may serve it personally, or cause it to be served by the duly authorised agent, if service by an officer of the Court is likely to be difficult or unduly delayed.

**11. Settling record of appeal**

(1) When a civil appeal is lodged with the Court, the Registrar shall,

- (a) issue a summons in the Form 4 set out in Part 1 of the Schedule requesting the parties to appear before the Registrar within fourteen days of the service of the notice to settle the documents to be included in the record of appeal; and
- (b) settle and sign and in due course file a list of the documents, whether or not any of the parties attends to the summons.

(2) The Registrar of the Court below and the parties to the action shall,

- (a) endeavour to exclude from the record of appeal a document which is not relevant to the subject matter of the appeal and generally reduce the bulk of the record of appeal as far as practicable; and
- (b) take special care to avoid duplication of documents and unnecessary repetition of headings and any other merely formal parts of documents;

but a relevant document, copies of which are not included, shall be enumerated in a list to be attached to the record.



(3) Where the Registrar of the Court below or a party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and a party or the other party, in spite of the objection insists on it being included, the document shall be included and the record of appeal shall, with a view to the subsequent adjustment of costs, indicate in an index of papers or otherwise the fact of the objection and the party who objected to the inclusion of the document.

(4) The appellant shall, within one month of settling the record of appeal, deposit with the Registrar of the Court below a sum of money fixed to cover the estimated expenses of making up and forwarding the record of appeal calculated at the full cost of one copy for the appellant and one quarter cost for each of the copies to be forwarded for the use of the Court.

## **12. Security for costs**

(1) At the time of settling the record of appeal the Registrar of the Court below shall notify the appellant of the sum of money fixed by the Registrar to be deposited as security for which recognisance shall be given by bond in the Form 5 set out in Part One of the Schedule, with one or more sureties as the Registrar may direct, for the due prosecution of the appeal or the payment of the costs which may be ordered to be paid by the appellant.

(2) The security for costs or the bond shall be deposited or executed within one month of the notification, but this period may be extended by the Registrar of the Court below for reasons which seem sufficient to the Registrar.

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

## **13. Exhibits**

(1) Subject to this rule, each party shall, before or at the time of settling the record of appeal, deliver to the Registrar of the Court below an exhibit or a thing in the case or which was tendered as exhibit and rejected, and any other relevant documents which were produced or put in by the party at the trial and which are in the party's custody or are under the control of that party.

(2) Where a party finds it difficult to comply with subrule (1) because of the nature of the document or exhibit or because it is in the possession of a third party or for any other sufficient reason, that party may apply to the Registrar of the Court below for directions.

(3) The Registrar of the Court below may, with or without an application, give the necessary direction regarding dispensing with this rule or modifying its application in any way or for securing compliance with it.

(4) Exhibits and any other documents or things delivered to the Court below pursuant to this rule shall remain in the custody of the Court below until the record of appeal has been prepared and shall then be forwarded with the record of appeal to the Registrar and shall remain in the custody of the Court until the final determination of the appeal.

(5) The Court or the Registrar may, subject to the conditions that it or the Registrar may impose, allow the return of an exhibit or a document to a party pending the hearing of the appeal.

#### 14. Transmission of record

(1) When the record of appeal is ready the registrar of the Court below shall serve notice on the parties to the appeal in the Form 6 set out in Part 1 of the Schedule.

(2) The Registrar of the Court below shall transmit to the Registrar the record of appeal together with

- (a) a certificate of service, in the Form 7 set out in Part One of the Schedule, of the notice of appeal;
- (b) a certificate, in the Form 8 set out in Part One of the Schedule, that the provisions of these Rules have been complied with; and
- (c) the docket or file of the cause or matter in the Court below containing the papers or documents filed by the parties in connection with that cause or matter.

(3) The Registrar shall, on receipt of the record of appeal, enter the appeal in the appropriate register as required by these Rules.

#### 15. Statement of case

(1) The appellant shall,

- (a) within three weeks of being notified that the record is ready; or
- (b) within the time and on the terms that the Court determines,

file with the Registrar a statement of the appellant's case based on the grounds of appeal as set out in the notice of appeal.

(2) Where the appellant does not file the statement of case in accordance with subrule (1), the registrar shall certify the failure to the Court by issuing a certificate in the Form 8A<sup>1</sup> set out in Part One of the Schedule, and the Court may then order the appeal to be struck out.<sup>2</sup>

(3) The Registrar shall, as soon as practicable after the filing of the appellant's statement of case, cause copies of the statement to be served on the respondent and any other party to the appeal.

(4) A party on whom an appellant's statement of case is served shall, if that party wishes to contest the appeal file the statement in answer to the appellant's statement of case within three weeks of the service, or within the time and on the terms that the Court determines.

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1. Form 8A inserted by paragraph (d) of C.I. 24.

2. Substituted by C.I. 24. The previous provision reads,  
"Where the appellant does not file the statement in accordance with subrule (1), the Registrar shall certify this fact to the Court which may order the appeal to be struck out."

(5) The appellant may, within fourteen days of the service on the appellant of the respondent's statement in answer, file with the Registrar a reply to the respondent's statement in answer.

(6) The statement of case or in answer of each party to the appeal,

- (a) shall set out the full case and the arguments to be advanced by the party including the relevant authorities and references to the decided cases and the Statute law on which the party intends to rely; and
- (b) in the case of a respondent may include a contention that the decision of the Court below be varied.

(7) Despite anything to the contrary contained in this rule, counsel may agree to submit a joint statement of case for the determination of the appeal before the Court.

(8) Where there is more than one appeal, the statement of case or in answer of each party shall be in respect of all the appeals.

(9) Where a respondent does not file a statement in answer and does not agree jointly to state a case pursuant to this rule, the respondent shall not be allowed to be heard at the hearing of the appeal except as to the question of costs.

(10) At any time after the publication of the short list containing the particulars of appeal, but not less than seven days before the hearing, each party or counsel for each party shall submit to the Court a list of the decided cases and of the Statute law on which counsel intends to rely at the hearing and shall serve a copy of the list on the other parties.

(11) Despite anything to the contrary contained in these Rules, a party to a civil appeal may at any time before judgment apply to the Court to amend a part of the statement of case or in answer of that party and the Court may, having regard to the interests of justice and to a proper determination of the issue between the parties allow the amendment on the appropriate terms.

## **16. Control of proceedings during pendency of appeal**

(1) After the transmission of the record of appeal from the court below to the Court, the Court shall be seized of the appeal and a subsequent application relating to the appeal shall be made to the Court.

(2) An application filed in the Court below after the transmission of the record of appeal shall be transmitted to the Court

## **17. Notice of preliminary objection**

(1) Where a respondent has not indicated in the statement in answer that the respondent intends to rely on a preliminary objection at the hearing of a civil appeal the respondent shall, before raising the objection at the hearing, give fourteen clear days notice to the appellant in the Form 9 set out in Part One of the Schedule, setting out in full the grounds of objection and the arguments in support of the objection.

(2) The appellant shall, within seven days of the service of the notice on the appellant, file a reply to the grounds of objection and the arguments in support of the reply.

(3) Where a respondent or an appellant fails to comply with this rule the Court may refuse to entertain the objection or the reply or may adjourn the hearing and may make an appropriate order.

#### **18. Withdrawal of appeal.**

(1) Subject to rule 9, where an appellant files with the Registrar a notice of withdrawal of the appeal or of a part of it in the Form 10 set out in Part One of the Schedule, the appeal shall be considered dismissed to the extent of the notice of withdrawal.

(2) Copies of the notice of the withdrawal shall be served on any of the parties with regard to whom the appellant wishes to withdraw the appeal, and a party so served is precluded from claiming the costs incurred by that party after the service unless otherwise ordered by the Court.

(3) A party served with a notice of withdrawal may, on notice to the appellant, apply to the taxing officer for an order to recover the costs necessarily or reasonably incurred prior to the service on that party of the notice of withdrawal together with the costs incurred for the purposes of obtaining the order and for attending the Court.

#### **19. Non-compliance with conditions of appeal**

(1) Where an appellant has not fulfilled the conditions to be complied with by the appellant in accordance with these Rules, the Registrar of the Court below shall certify that fact to the Court, in the Form 11 set out in Part One of the Schedule, and the Court may then order the dismissal of the appeal with or without costs.

(2) An appellant whose appeal is dismissed pursuant to subrule (1) may apply by motion on notice to have the appeal restored, and the Court may, for good and sufficient cause, order the restoration of the appeal on the appropriate terms.

(3) Despite subrules (1) and (2), an appellant may apply to the Court for an extension of time within which to fulfill the conditions to be complied with in accordance with these Rules and the Court may, for good and sufficient cause shown, grant an extension of time subject to the conditions imposed by the Court.

#### **20. Effect of appeal**

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

(2) Subject to these Rules, and to any other enactment governing appeals, an application for stay of execution or of proceedings shall first be made to the Court below and if that court refuses to grant the application, the applicant may repeat the application before the Court for determination.

#### **21. Determination of doubts as to finality of judgment**

Where a doubt arises as to whether a judgment, an order, a decree or decision is final or interlocutory, the doubt shall be resolved by the Court.

**22. Interlocutory judgment does not prejudice appeal**

An interlocutory judgment, decree or order from which there has not been an appeal shall not operate to bar or prejudice the Court from giving its own decision on the appeal that the Court considers just.

**23. General powers of the Court**

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

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

(3) The Court may in hearing a civil appeal make an order that the Court considers necessary for determining the real issue or question in controversy between the parties.

**24. Non-appearance of appellant**

(1) Where an appellant fails to appear when the appeal is called for hearing, the Court may

- (a) proceed to hear the appeal and consider the case on the basis of the case stated by the appellant and allow or dismiss the appeal with or without costs, or
- (b) strike out the appeal with or without costs.

(2) Where an appeal is struck out owing to the non-appearance of the appellant the Court may, on the application of the appellant made within one month of the striking out and for sufficient cause shown by the appellant, direct the appeal to be relisted for hearing, on the terms that it considers just.

**25. Non-appearance of respondent**

(1) Where the respondent fails to appear when the appeal is called for hearing, the Court may proceed to hear the appeal.

(2) Where an appeal is heard in accordance with subrule (1) and the judgment given is adverse to the respondent, the respondent may, within one month of the delivery of the judgment, apply to the Court to have the judgment set aside and the appeal reheard, on the terms that it considers just.

**26. Application to re-list or set aside**

An application under rule 24 or 25 shall be by motion on notice accompanied by an affidavit setting out the full reasons and grounds for the application.

**27. Costs in civil appeals**

(1) Where the costs of a civil appeal are allowed, such costs may be determined by the Court at the time when the judgment is given or may be ordered to be taxed.

(2) There shall be a taxing officer who shall tax the costs according to a scale laid down by law.

(3) A person aggrieved by an order, a decision or ruling of the taxing officer may apply to a single Justice of the Court to set aside or vary the order, decision or ruling and to make any other appropriate order.

(4) An application made under subrule (3) shall be by motion on notice supported by an affidavit, and notice of the motion shall be served on the taxing officer and on the parties who have an interest in the matter.

**28. Execution of judgment by Court below**

Where the Court directs a judgment or an order to be enforced by any other Court, a certificate in the Form 12 set out in Part One of the Schedule,

(a) under the seal of the Court; and

(b) signed personally by the presiding Justice setting out the judgment or order,

shall be transmitted by the Registrar to that other Court, and the latter shall enforce the judgment or order in accordance with the terms of the certificate.

**29. Appeals in prerogative orders and writs**

The rules relating to civil appeals shall, with the modifications that the Court may determine, apply to an appeal brought to the Court under clause (3) of article 33 of the Constitution.

**30. Appeals in chieftaincy matters**

The rules relating to civil appeals shall, with the modifications that the Court may determine, apply to the hearing by the Court of an appeal from the National House of Chiefs brought to the Court under clause (4) of article 131 or clause (1) of article 273 of the Constitution.

**PART THREE***Criminal Appeals***31. Time and manner of appealing in criminal cases**

(1) Where the Republic of Ghana or a person desires to appeal to the Court in a criminal cause or matter the Republic or that person shall give notice of an application for leave to appeal within one month of the decision of the Court below.

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

(3) The notice of a criminal appeal or the notice of an application for leave to appeal or the notice of an application for extension of time within which the notice shall be given shall be filed with the Court below.

(4) Where the Court below refuses to grant an application for leave to appeal, the appellant may apply to the Court for special leave to appeal and the Registrar shall accordingly notify the Court below of the application and of its results.

(5) A notice referred to in subrule (3) shall be in the Form 13, 14, or 15 set out in Part Two of the Schedule.

### **32. Notice of criminal appeal**

(1) Except as otherwise provided in subrule (5), a notice of a criminal appeal, or a notice of an application for leave to appeal, or a notice of an application for extension of time within which the notice shall be given, shall be signed by the appellant or counsel for the appellant.

(2) A notice or any other document which is required or authorised to be given or sent shall be considered to be duly given or sent at the time of posting if forwarded by registered post addressed to the person to whom the notice or the other document is required or authorised to be given or sent.

(3) Where an appellant or any other person authorised or required to give notice of a criminal appeal or notice of an application is, for a valid reason, unable to sign or write, the appellant or that other person may affix a mark and thumbprint on that document in the presence of a witness who shall attest it, and on that attestation, the notice shall be considered to be duly signed by the appellant or that other person.

(4) Where it has been contended at the original trial that a person was not responsible according to law for the actions of that person on the ground of insanity at the time the act was done or the omission was made by that person, a notice required to be given and signed by the appellant personally may be given and signed by counsel for the appellant.

(5) Where the appellant is a body corporate notice or any other document required to be signed under these rules shall be signed by a director, manager, trustee or counsel of that body corporate.

### **33. Grounds of appeal**

(1) The notice of criminal appeal or the notice of an application for leave to appeal shall set out concisely and under distinct heads numbering seriatim the grounds on which the appellant intends to rely at the hearing of the appeal without an argument or a narrative.

(2) A ground of appeal which is vague or general in terms or does not disclose a reasonable ground of appeal is not permitted except the general ground that the judgment is unreasonable or cannot be supported having regard to the evidence.

(3) A ground of appeal or a part of it which is not permitted under subrule (2) may be struck out by the Court on its own motion or on application by the respondent.

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

(5) Despite subrules (1) to (4), the Court

- (a) may grant an appellant leave to amend the grounds of appeal on the appropriate terms;
- (b) shall not, in deciding the appeal, confine itself to the grounds set out by the appellant nor shall the Court be precluded from resting its decision on a ground not set forth by the appellant.

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

#### **34. Notice of an application for extension of time to appeal**

A person making an application for extension of time within which notice may be given under rule 31 shall send to the Registrar of the Court below

- (a) the proper form of the application for extension; and
- (b) a form duly filled in or a notice of a criminal appeal, or of notice of an application for leave to appeal.

#### **35. Notice of application for leave to appeal**

Where the Court or the Court below gives an appellant leave to appeal, it shall not be necessary for the appellant to give a notice of a criminal appeal and the notice of the application for leave to appeal shall be considered as the notice of a criminal appeal.

#### **36. Forwarding proceedings to the Court**

(1) Where the Court below receives a notice of a criminal appeal, or grants an application for leave to appeal, the Registrar of the Court below shall forward to the Registrar,

- (a) the notice of the criminal appeal or the notice of an application for leave to appeal with the order of the Court below granting leave to appeal; and
- (b) not less than nine copies of the proceedings in the Court below.

(2) The Registrar of the Court below shall also forward to the Registrar the original exhibits in the case as far as practicable and any other documents or things normally kept by the Registrar of the Court below, or that form part of the record of the Court below.

(3) The Court or the Registrar may allow the return of an exhibit, a document or a thing to a party pending the hearing of the criminal appeal and subject to the conditions that it or the Registrar may impose.



**37. Copies of record for parties**

(1) Subject to clause (4) of article 19 of the Constitution, an appellant may, at any time after notice of a criminal appeal or notice of an application for leave has been given to the appellant, obtain from the Registrar of the Court below free of charge for the purposes of the appeal, copies of the record of the proceedings.

(2) The respondent shall be supplied with a copy of the record of the proceedings.

**38. Action on decision on application to single Justice**

Where an application has been dealt with by a single Justice or three Justices of the Court in the absence of the appellant or counsel, the Registrar shall inform the appellant of the decision of the Justices in the Form 16 set out in Part Two of the Schedule.

**39. Abandonment of appeal**

(1) An appellant may, at any time after the notice of a criminal appeal or of an application for leave to appeal, or of an application for extension of time within which the notice shall be given to the Registrar has been duly filed, abandon the appeal or application, by giving notice of the abandonment in the Form 17 set out in Part Two of the Schedule.

(2) Where notice provided for under subrule (1) is given, the appeal or application shall be considered as struck out.

(3) On receipt of a notice of abandonment the Registrar shall give notice in the Form 18 set out in Part Two of the Schedule to the respondent, the prison authorities and the Registrar of the Court below.

(4) In the case of an appeal in respect of a conviction involving a sentence of death, the Registrar shall, in addition, give notice of the abandonment to the appropriate Minister.

**40. Withdrawal of notice of abandonment**

An appellant who has abandoned the criminal appeal may, with the leave of the Court, withdraw the notice of abandonment by completing and sending to the Registrar a notice in the Form 19 set out in Part Two of the Schedule.

**41. Temporary suspension of orders**

(1) Unless the Court otherwise directs, an order made by a trial court on the conviction of a person

- (a) requiring that person to pay the whole or a part of the costs and expenses of the prosecution for the offence out of monies taken from that person on arrest or otherwise;
- (b) requiring that person to pay a reward to any other person who appears to that court to have taken an active part in the arrest of the convicted person;
- (c) awarding to a person aggrieved by the offence a sum of money to be paid by the convicted person or by any other person;

- (d) requiring the return, restitution or delivery of property to a person;
- (e) affecting a right or property of the convicted person,

shall be suspended where notice of a criminal appeal or notice of an application for leave to appeal against the conviction is filed until the determination of the appeal or until the appeal is abandoned.

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

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

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

#### **42. Grant of bail**

(1) The Court may, at any time during the pendency of a criminal appeal, on its own motion or on an application made by a person, grant bail to the applicant or revoke or vary an order previously made.

(2) The Court shall, in granting bail to an appellant pending the determination of the appeal, specify the amount in which the appellant and surety of the appellant shall be bound by recognisance, and unless otherwise directed by the Court the recognisance of the appellant or that surety shall be taken before the Registrar.

(3) The recognisance provided for in subrule (2) shall be in the Forms 20 and 21 set out in Part Two of the Schedule.

(4) An appellant who is granted bail shall be personally present at each hearing of the appeal and at the final determination of the appeal unless the Court otherwise directs.

(5) Where an appellant is not present at the hearing of the appeal after having been granted bail under this rule, the Court may

- (a) consider the appeal in the absence of the appellant and make an appropriate order; or
- (b) summarily dismiss the appeal and issue a warrant for the arrest of the appellant in the Form 22 set out in Part Two of the Schedule.

(6) Subrule (5) shall apply with the modifications that the Court may direct in a case where an appellant indicates that the appellant desires to be present at the hearing of the appeal but does not in fact attend.

#### **43. Notification of final determination of appeal**

(1) On the final determination of a criminal appeal or of an application to the Court, the Registrar shall give to the appellant, if the appellant is in custody and was not present at the determination, and to the respondent and the prison authorities, notice of the determination in the Forms 23, 24, 25, or 26 set out in Part 2 of the Schedule.

(2) In the case of an appeal in respect of a conviction involving a sentence of death, the Registrar shall, on receiving the notice of a criminal appeal or of an application for extension of the time within which to appeal, send copies of the notice to the appropriate Minister and to the prison authorities.

(3) The Registrar shall, on the final determination of the appeal, notify the appellant, the appropriate Minister, the respondent and the prison authorities of the decision of the Court.

(4) The Registrar shall, on the final determination of a criminal appeal, notify the Registrar of the Court below, and by a formal order inform the Registrar of the Court below of the decision, and the orders or directions made or given by the Court in connection with the appeal.

(5) The Registrar of the Court below shall, on receiving the formal order referred to in subrule (4), enter the particulars of the order in the records of that Court.

#### **44. Return of exhibits**

On the final determination of a criminal appeal the Registrar shall, where practicable, and subject to the order of the Court, return to the Registrar of the Court below the exhibits or documents or things forwarded to the Court in connection with the appeal.

### **PART FOUR**

#### *Original Jurisdiction*

#### **45. Invoking original jurisdiction**

(1) Except as otherwise provided in these Rules, an action brought to invoke the original jurisdiction of the Court shall be commenced by writ in the Form 27 set out in Part Three of the Schedule which shall be signed by the plaintiff or counsel for the plaintiff.

(2) The writ shall set out as concisely as possible the nature of the relief sought by the plaintiff and shall state

- (a) the full name of the plaintiff and the capacity in which the action is being brought;
- (b) the address of the plaintiff and of the counsel for the plaintiff which shall be an address for service;

- (c) the names and addresses of the parties who may be directly affected by the action; and
- (d) any other particulars that the Court may direct.

(3) A copy of the writ shall be served on each of the parties mentioned in the writ as directly affected who shall be considered as the defendants and on the Attorney-General if not named specifically as a defendant.

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

#### **46. Statement of plaintiff's case**

(1) The plaintiff may file a statement of case for the plaintiff with the writ, or shall within fourteen days of the filing of the writ file the statement of the plaintiff's case.

(2) The statement of the plaintiff's case shall state,

- (a) the facts and particulars, documentary or otherwise, verified by an affidavit, on which the plaintiff seeks to rely;
- (b) the number of witnesses to be called; and
- (c) a list of the decided cases and of the Statute law on which the plaintiff intends to rely.

(3) Where a statement of the plaintiff's case is not filed within fourteen days of the filing of the writ, the respondent may apply to the Court to have the action struck out.

#### **47. Service of writ**

The Registrar shall, as soon as practicable after the filing of the statement of the plaintiff's case, serve copies of the statement on the defendant and on the Attorney-General.

#### **48. Appearance and statement of defendant's case**

(1) A defendant on whom a writ and a statement of the plaintiff's case are served shall, if the defendant wishes to contest the case, within fourteen days of the service of the statement of the plaintiff's case or within the time that the Court on terms may direct, file a statement of the defendant's case which shall be signed by the defendant or counsel for the defendant.

(2) The statement of the defendant's case shall state

- (a) the facts and particulars, documentary or otherwise, verified by affidavit, on which the defendant seeks to rely;
- (b) the number of witnesses to be called;
- (c) the name and the address for service of counsel for the defendant where the defendant is represented by counsel; and
- (d) a list of the decided cases and of the Statute law on which the defendant seeks to rely.

(3) The Attorney-General, if not mentioned as a defendant, may file an answer within fourteen days of the service of the statement of the plaintiff's case and shall do so when ordered by the Court.

(4) Despite subrules (1) to (3), a plaintiff may apply to the Court for an extension of time within which to fulfill the conditions to be complied with in accordance with these Rules and the Court may, for good and sufficient cause shown, grant an extension of time subject to the conditions that the Court may impose.

#### **49. Amendment of writ or statement of case**

A writ or statement of the plaintiff's or of the defendant's case may be amended at any time with the leave of the Court on the terms that the Court may determine.

#### **50. Memorandum of agreed issues**

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

(2) The memorandum of agreed issues shall be signed by the parties and may, with the leave of the Court granted on the terms determined by the Court, be amended on the application of any of the parties.

(3) Where the parties cannot agree on the issues each party may file that party's own memorandum of issues.

#### **51. Arguments of law**

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

#### **52. Filing of document**

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

#### **53. Hearing**

(1) The Court, after considering the statement of the plaintiff's case and of the defendant's case, the memorandum of issues and the arguments of law,

- (a) may decide to determine the action and give judgment in the Court on a fixed date without further arguments; or
- (b) may appoint a time at which the parties shall appear before the Court for further arguments in the action.

(2) Where the Court decides to hear oral evidence and arguments, the plaintiff shall at the hearing, unless the Court directs otherwise, first open the case for the plaintiff and each defendant is then entitled to reply to it before the witnesses are called to testify.

(3) Evidence may be given by oral examination in the Court, or by affidavit, or by deposition taken before an examiner as the Court may direct in accordance with the Form 28 set out in Part Four of the Schedule.

## PART FIVE

### *Review*

#### **54. Grounds for review**

The Court may review a decision made or given by it on the ground of

- (a) exceptional circumstances which have resulted in a miscarriage of justice; or
- (b) the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the applicant's knowledge or could not be produced by the applicant at the time when the decision was given.

#### **55. Time for applying for review**

An application for review shall be filed at the Registry of the Court not later than one month from the date of the decision sought to be reviewed.

#### **56. Procedure for bringing application for review**

(1) The application for review shall be made by motion supported by an affidavit and accompanied by a statement of the applicant's case, clearly setting out and fully arguing the relevant grounds on which the applicant relies.

(2) The motion shall be made on notice to the parties affected by the application.

#### **57. Statement of respondent's case**

A respondent to the application shall, within fourteen days of service on the respondent of the application, file a statement of case in answer to the application fully arguing the respondent's case.

#### **58. Failure of respondent to file statement of case**

If the respondent fails to file the statement of case within the time limit specified in rule 57, the applicant may set down the application for hearing with notice to the respondent.

#### **59. Setting down date for hearing**

(1) After receipt of the statement of case of the respondent, or after fourteen days of the service of the applicant's statement of case on the respondent, the Registrar may set the application down for hearing.

(2) The Court, after considering the statement of the applicant's case and of the respondent's case and the arguments of law,

- (a) may decide to determine the application and give ruling in open court on a fixed date without further arguments; or
- (b) may appoint a time at which the parties shall appear before the Court for further argument in the application.

(3) A respondent who fails to file a statement of case within the time limit specified in rule 57 shall not be heard in open court, except as to the question of costs.

#### 60. Time limits

A time limit specified in this Part may, on application, be extended or abridged by the Court.

### PART SIX

#### *Supervisory Jurisdiction*

#### 61. Invoking supervisory jurisdiction

(1) An application seeking to invoke the supervisory jurisdiction of the Court under article 132 of the Constitution shall be made by motion on notice as specified in the Form 29<sup>3</sup> set out in Part Four of the Schedule and shall,

- (a) be accompanied with an affidavit, and
- (b) in the case of an application for an order of certiorari or prohibition, be filed with a copy of the decision, order, determination or other proceeding against which the application is sought.<sup>4</sup>

(2) The notice of motion shall be accompanied by a statement of the applicant's case based on the reliefs sought and the grounds of the application.

#### 62. Time limits

An application to invoke the supervisory jurisdiction of the Court shall be filed within ninety days of the date when the grounds for the application first arose unless the time is extended by the Court.<sup>5</sup>

3. Form 29 was substituted by paragraph (e) of C.I. 24.

4. Substituted by C.I. 24. The previous provision reads,

"(1) An application seeking to invoke the supervisory jurisdiction of the Court under article 132 of the Constitution,  
 (a) shall be by motion on notice as specified in the Form 2 set out in Part IV of the Schedule,  
 (b) shall be filed with a copy of the decision against which the application is sought, and  
 (c) accompanied by an affidavit."

5. Substituted by C.I. 24. The previous provision reads,

"An application to invoke the supervisory jurisdiction of the Court shall be filed within three months of the date of the decision against which the jurisdiction is invoked unless the time is extended by the Court."

**63. Service of applicant's statement**

The Registrar shall, as soon as practicable after the filing of the applicant's statement of case, serve copies of the statement of case together with a copy of the notice of motion on the respondent and any other interested party.

**64. Statement of respondent's case and time limit**

(1) A party on whom an applicant's statement of case is served shall if that party intends to oppose the application, within fourteen days of the service, or within the time that the Court on terms may direct, file a statement of the case in answer to the applicant's statement.

(2) The applicant may, within seven days of the service on the applicant of the respondent's statement of case, file with the Registrar a reply to the respondent's statement of case.

**65. Setting down application for hearing**

On the receipt of the reply to the respondent's statement of case, or where the applicant does not file a reply within the period specified in subrule (2) of rule 64, the Registrar shall set down the application for hearing on a date convenient to the Court.

**66. Application for extension of time**

An application for the extension of time within which to invoke the supervisory jurisdiction of the Court under rule 62 shall not be made after the expiration of the three months period within which an application, seeking to invoke the supervisory jurisdiction may be filed.

**PART SEVEN***Reference to the Court***67. Reference to the Court**

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

(2) A case stated under subrule (1) shall contain

- (a) a summary of the action or matter before the Court below or the person or the authority from which or from whom the reference is made;
- (b) the issue involved in the matter before the Court below or that person or authority;
- (c) the matter or question referred for determination by the Court;
- (d) the findings of fact relevant to the matter or question referred to the Court;
- (e) the arguments of counsel;
- (f) the ruling or decision of the Court below or of that person or authority; and



- (g) a statement by the Court below that the determination of the constitutional matter or question is necessary to the determination of the action, where the reference is made under clause (2) of article 130 of the Constitution.

(3) Each party may, with the consent of the Court below or that person or authority and shall, when so ordered by the Court, state a case or jointly state a case containing arguments of law and a list of the decided cases and the Statute law in support of the case.

(4) The Court may call for the record of the proceedings before the Court below or before the person or authority making the reference.

(5) Rule 53 shall, with the necessary modifications, apply to a reference before the Court.

## PART EIGHT

### *Challenge of Election of President*

#### **68. Petition for challenging the election of President**

A petition presented pursuant to clause (1) of article 64 of the Constitution shall be filed with the Registrar, and shall state

- (a) the full name and address of the petitioner and of counsel for the petitioner which shall be an address for service;
- (b) the grounds for challenging the validity of the election;
- (c) a statement of the facts relied on to be verified by affidavit, and of the law in support of the petition;
- (d) the number of witnesses to be called; and
- (e) any other matters that the Court may determine.

#### **69. Answer to petition**

The Attorney-General and any other person on whom a petition is served shall file with the Registrar, within twenty-one days of the service, an answer to the petition which shall state

- (a) the grounds of opposition to the petition;
- (b) the law in support of the answer in opposition to the petition; and
- (c) the number of witnesses to be called.

#### **70. Evidence at hearing of petition**

(1) A party to the petition may at the hearing of the petition with the leave of the Court call any witnesses.

(2) The Court may on its own motion call a witness whose evidence is, in the opinion of the Court, likely to be relevant to the matter before the Court.

**71. Announcement of decision**

The Court shall, at the conclusion of the hearing of the petition, deliver its judgment and the Registrar shall, within seven days of the delivery of the judgment, forward a copy of the judgment to the Electoral Commission.

**PART NINE***Miscellaneous***72. Copies of documents for the Court**

Where for the purposes of these Rules a person files or is required to file a document, that person shall, in addition, file a sufficient number of copies of the document for the use of the Justices of the Court and for service on the Attorney-General, on the other parties and on any other persons that the Court may direct.

**73. Exercise of powers of a single Justice**

An application pursuant to article 134 of the Constitution in respect of a cause or matter, civil or criminal, shall be made by motion on notice and shall be served on a party who has an interest in the cause or matter.

**74. Pronouncement of judgment**

(1) At the conclusion of the hearing of a matter before the Court, each Justice is at liberty to express an opinion on the matter before the Court.

(2) The judgment, order or decree of the Court shall be pronounced by the presiding Justice or any other Justice of the Court hearing the question or matter as the presiding Justice may direct.

(3) Opinions of the Justices of the Court shall be handed over to the Registrar immediately after delivery for the compilation of a composite opinion of the Court.

(4) Copies of the opinions shall on payment of the requisite fees be given to the parties and the public after they have been duly certified by the Registrar in accordance with section 99 (1) of the Courts Act, 1993 (Act 459).

**75. Adjournments**

The Court may adjourn an action or a matter before it as it considers fit to do and on the appropriate terms.

**76. New evidence**

(1) A party to an appeal before the Court is not entitled to adduce new evidence in support of the original action unless the Court, in the interests of justice, allows or requires new evidence relative to the issue before the Court to be adduced.

(2) Evidence shall not be allowed unless the Court is satisfied that with due diligence or enquiry the evidence could not have been, and was not, available to the party at the hearing of the original action to which it relates.

(3) Evidence may be given by oral examination in Court, by an affidavit or by deposition taken before an examiner as directed by the Court.

**77. Examination regarding new evidence**

(1) Where the Court orders the examination of a witness to be conducted otherwise than before the Court, the order shall specify

- (a) the person appointed as examiner to take the evidence;
- (b) the place of taking the evidence;
- (d) the issue or matter for the examination; and
- (c) the witness to be examined.

(2) The Registrar shall furnish the examiner with the documents or exhibits and any other material relating to the issue before the Court as and when required by the examiner.

(3) The documents, exhibits and other materials furnished pursuant to subrule (2) shall be returned to the Registrar by the examiner together with the depositions taken and the report made by the examiner in accordance with this rule on the conclusion of the examination.

(4) The examiner, on appointing the day and time for the examination, shall request the Registrar to notify the parties and their counsel, and the prison authorities, if a party is in prison.

(5) The Registrar shall serve on every witness to be examined a notice as specified in the Form 28 set out in Part Four of the Schedule.

(6) A witness examined before an examiner in accordance with this rule shall give evidence on oath or affirmation to be administered by the examiner.

(7) The examination of a witness shall be taken in public in the form of a deposition unless otherwise ordered by the Court.

**78. Reference by the Court**

(1) Where the Court makes an order referring to a referee to or arbitrator for an opinion on a question arising out of a cause or matter before it, the Court shall specify the question so referred.

(2) Rule 76 shall apply with the necessary modifications to a reference made under this rule.

**79. Waiver of non-compliance**

Where a party to the proceedings before the Court fails to comply with a provision of these Rules or with the terms of an order or a direction given or with a rule of practice or procedure directed or determined by the Court, the failure to comply is a bar to further prosecution of the proceedings unless the Court considers that the non-compliance should be waived.

**80. Costs of actions**

The award of costs on the determination of a matter is at the discretion of the Court.

**81. Return of documents or things**

On the final determination of an appeal, the Registrar shall, within one month of the determination, forward to the Court below the exhibits and documents or any other things received by the Registrar or by the Court in respect of the appeal to which the documents or things relate.

**82. Interpretation**

In these Rules, unless the context otherwise requires,

“**appellant**” includes the party appealing from a judgment, an order or a decree and the counsel of the appellant;

“**appropriate Minister**” means the Minister responsible for Justice;

“**civil appeal**” includes an appeal brought in a civil cause or matter, an appeal brought pursuant to clause (3) of article 33, clause (4) of article 131 and clause (1) of article 273 of the Constitution;

“**Court**” means the Supreme Court;

“**Court below**” means the Court or body from which an appeal or any other cause or matter is brought;

“**criminal appeal**” means an appeal brought in a criminal cause or matter;

“**interlocutory decision**” means a decision which is not a final decision in a cause or matter;

“**High Court**” includes a Regional Tribunal;

“**leave**” includes special leave;

“**long list**” means the cause list published under subrule (1) of rule 2;

“**memorandum of agreed issues**” means the memorandum of agreed issues prepared pursuant to rule 50;

“**party**” includes a party to an appeal or any other proceedings and counsel of that party;

“**record of appeal**” includes the pleadings, proceedings, evidence and judgments, and the aggregate of the papers relating to an appeal proper to be laid on the hearing of an appeal before the Court pursuant to subrule (1) of rule 11;

**“Registrar”** includes the Judicial Secretary and the Deputy Judicial Secretary and the Registrar of the Court;

**“Republic”** includes the Government and a Department or Minister of State;

**“respondent”** means,

- (a) in a civil appeal, a party directly affected by the appeal, other than the appellant;
- (b) in a criminal appeal, the Republic or a person who undertakes the defence of the judgment appealed against;
- (c) counsel for a party mentioned in paragraph (a) or (b) of this definition;

**“short list”** means the cause list published under subrule (3) of rule 2;

**“signature”** includes a thumb-print and a mark;

**“Supreme Court”** includes a single Justice, five or more Justices sitting as the Supreme Court;

**“taxing officer”** means the Registrar of the Supreme Court;

**“term”** means a period between vacations when the Supreme Court is in session;

**“vacation”** means,

- (a) the period commencing on the Tuesday immediately following Easter Monday in each year and ending on the Friday immediately following;
- (b) the period commencing on the first day of August in each year and ending on the last day of September, in that year; or
- (c) the period commencing on the 24th day of December in each year and ending on the 6th day of January in the ensuing year.

### 83. Revocation

*Omitted.*<sup>6</sup>

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6. Rule 83 revoked the Supreme Court Rules, 1970 (C.I. 13).

SCHEDULE

PART ONE

Civil Appeal Forms

[Rule 6 (1)]

FORM 1

IN THE SUPREME COURT

Notice of Civil Appeal

Civil Appeal No. ....

- 1. Between ..... Appellant  
and ..... Respondent

TAKE NOTICE that the appellant being dissatisfied with the decision (that part of the decision) more particularly stated here and contained in the judgment (order or decree) of the Court of Appeal (High Court, etc.) dated the .. day of .., 20.....and having obtained (special) leave on the .... day of .., 20.... of the Supreme Court (Court of Appeal) to Appeal does appeal to the Supreme Court on the grounds set out in paragraph 3 and will at the hearing of the appeal seek the reliefs set out in paragraph 4.

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

- 3. The grounds of appeal are (give particulars of misdirection or error of law):  
1.  
2.  
3.

- 4. The reliefs sought from the Supreme Court are .....

- 5. The address for service of the appellant is .....

- 6. The persons directly affected by the appeal are:  
Name .....  
Address .....  
.....  
Name .....  
Address .....  
.....

FORM 1—continued

Dated this ..... day of ....., 20 .....

Appellant or Counsel for the Appellant

To:

The Registrar  
The Court of Appeal

..... Division

Accra.

And to the Respondent or Counsel for the Respondent.

FORM 2

[Rule 7 (1)]

IN THE COURT OF APPEAL

Notice of Motion for Leave to Appeal to the Supreme Court

Between ..... Appellant  
and ..... Respondent

TAKE NOTICE that pursuant to paragraph (b) of clause (1) of article 131 of the Constitution, the Court of Appeal will be moved on the ..... day of ..... at ..... o'clock in the forenoon or as soon thereafter as counsel can be heard on the hearing of an application for leave to appeal to the Supreme Court against the decision of the ..... (Court) given on the ..... day of..... In the case entitled: .....

And further take notice that the grounds of this application are .....

Dated this ..... day of ....., 20 .....

Applicant or Counsel for the Applicant

To:

The Registrar  
The Court of Appeal

..... Division

Accra.

And to the Respondent or Counsel for the Respondent.

FORM 3  
[Rule 7 (2)]

IN THE SUPREME COURT

*Application for Leave to Appeal*

Between ..... Appellant  
and ..... Respondent

TAKE NOTICE that pursuant to the provisions of clause (2) of article 131 of the Constitution, the appellant being dissatisfied with the refusal of the Court of Appeal in the exercise of the jurisdiction conferred on it by paragraph (b) of clause (1) of article 131 of the Constitution to grant leave to appeal to the Supreme Court hereby applies to the Supreme Court for leave to appeal in the cause or matter entitled—

.....  
The grounds for the application are as follows:  
.....

Dated this ..... day of ....., 20 .....

.....  
*Appellant or Counsel for the Appellant*

To:  
The Registrar  
The Supreme Court  
Accra.  
And to the Respondent or Counsel for the Respondent

FORM 4  
[Rule 11 (1) (a)]

IN THE COURT OF APPEAL

..... DIVISION

ACCRA

*Summons to Parties by Registrar to Settle Record*

Between ..... Appellant  
and ..... Respondent

TAKE NOTICE that all parties concerned are required to attend before me at the Court Office at ..... on the ..... day of ..... at the hour of ..... in the ..... noon to proceed with the settling of the record of appeal.



FORM 4—continued

Dated this ..... day of ....., 20 .....

Registrar

To:

- The Appellant or Counsel for the Appellant.
- The Respondent or Counsel for the Respondent.
- Any Other Parties or their Counsel.

FORM 5  
[Rule 12 (1)]

IN THE COURT OF APPEAL

..... DIVISION

ACCRA

*Bond for Costs on a Civil Appeal*

We ..... of .....  
 and ..... of .....  
 and ..... of .....  
 are jointly and severally held finally bound to .....  
 of ..... in the sum of ..... cedis to be paid  
 to ..... and the executors, administrators or assignees ourselves  
 .....  
 ..... for which payment is to be made; we bind  
 ourselves, and each of us, individuals, our heirs, executors and administrators, by those present.

Sealed with our seals.

Dated the ..... day of ....., 20 .....

Whereas a suit is now pending before the Supreme Court in which the above-bounden .....  
 ..... is appellant ..... and ..... is respondent;

And whereas a judgment was given by the Court below, on the ..... day of  
 ....., for .....  
 and .....  
 has filed a notice of appeal from that 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.

FORM 5—continued

And whereas the above-named .....  
and ..... at the request of the .....  
have agreed to enter into this obligation for the specified purposes:  
.....  
.....

Now the condition of this obligation is, that if ..... 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 or otherwise remain the force.

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

FORM 6

[Rule 14 (1)]

IN THE COURT OF APPEAL

..... DIVISION

ACCRA

Between ..... Appellant  
and ..... Respondent

TAKE NOTICE that the record in the above-named appeal has this ..... day of .....  
been sent to the Registrar of the Supreme Court.

Dated the ..... day of ....., 20 .....

.....  
*Registrar*

To:  
The Appellant or Counsel for the Appellant.  
The Respondent or Counsel for the Respondent.  
Any other Parties or their Counsel.

Supreme Court Rules, 1996

FORM 7  
[Rule 14 (2) (a)]

IN THE COURT OF APPEAL

..... DIVISION

ACCRA

*Certificate of Service of Notice of a Civil Appeal*

Between ..... Appellant  
and ..... Respondent

I, the undersigned Registrar of the Court, hereby certify that notice of appeal in the above-named case was served on the respondent on ..... day of .....

Dated the ..... day of ....., 20 .....

.....  
*Registrar*

To:  
The Registrar  
The Supreme Court  
Accra.

FORM 8  
[Rule 14 (2) (b)]

IN THE COURT OF APPEAL

..... DIVISION

ACCRA

*Certificate of Registrar that Conditions of Appeal have been Fulfilled*

Between ..... Appellant  
and ..... Respondent

I hereby certify that the above-named appellant has duly and punctually complied with the conditions of appeal imposed on him in the above-named case.

Dated the ..... day of ....., 20 .....

.....  
*Registrar*

FORM 8—continued

To:  
The Registrar  
The Supreme Court  
Accra.

FORM 8A<sup>7</sup>  
[Rule 15 (2)]

THE SUPREME COURT

CERTIFICATE AS TO NON-COMPLIANCE WITH FILING OF APPELLANT(S)

*Statement of Case*

Between ..... Appellant  
and ..... Respondent

I hereby certify that the appellant(s) in the above-mentioned appeal has/have not complied with the requirement of rule 15 (1) of C.I. 16.

Dated at this ..... day of ....., 20 .....

.....  
*Registrar*

To:  
The Court  
And to:  
The Appellant or Counsel for the Appellant.  
The Respondent or Counsel for the Respondent.

7. Inserted by C.I. 24.

FORM 9

[Rule 17 (1)]

IN THE SUPREME COURT

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

Between ..... Appellant  
and ..... Respondent

TAKE NOTICE that the above-named respondent intends, at the hearing of this appeal, to rely on the following preliminary objection of which notice is hereby given to you, viz:

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

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

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

(etc.)

Dated this ..... day of ....., 20 .....

.....  
*Respondent or Counsel for the Respondent*

To the above-named Appellant or Counsel for the Appellant.

FORM 10

[Rule 18 (1)]

IN THE SUPREME COURT

*Notice of Withdrawal of Appeal*

Civil Appeal No. ....

Between ..... Appellant  
and ..... Respondent

TAKE NOTICE that the above-named appellant hereby withdraws his appeal against .....  
..... the respondent in the above-mentioned appeal.

FORM 10—continued

Dated at this ..... day of ....., 20 .....

.....  
*Appellant or Counsel for the Appellant*

To:  
The Registrar  
The Supreme Court  
Accra  
And to:

\_\_\_\_\_  
FORM 11  
[Rule 19 (1)]  
IN THE COURT OF APPEAL  
..... DIVISION  
ACCRA

*Certificate as to Non-compliance with Conditions Imposed upon an Appellant*

Between ..... Appellant  
and ..... Respondent

I hereby certify that the appellant(s) in the above-named cause has/have not complied with the requirements of these Rules with respect to the payment of a deposit for the record of appeal and for security for costs.

Dated at this ..... day of ....., 20 .....

.....  
*Registrar*

FORM 12

[Rule 28]

IN THE SUPREME COURT

*Certificate of the Order of the Supreme Court*

Appeal No. ....

Appellant .....  
versus ..... Respondent

Appeal from the ..... of the ..... dated the ..... day of .....  
This appeal came on for hearing on the ..... day of .....  
before ..... in the presence of ..... for the appellant .....  
and for the respondent .....

I HEREBY CERTIFY that an Order was made as follows:

.....  
.....

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

.....  
*Justice of the Supreme Court*

PART TWO

*Criminal Appeal Forms*

FORM 13

[Rule 31 (5)]

IN THE SUPREME COURT

*Notice of a Criminal Appeal*

Appellant .....

Respondent .....

1. To: The Registrar of the Court of Appeal

I/the Republic being dissatisfied with the decision (that part of the decision) more particularly stated in paragraph 2 contained in the judgment/order of the Court of Appeal dated the ..... day of ..... (and having obtained special leave/leave on the ..... day of ..... to appeal) hereby give(s) you notice of an appeal against the decision (part of the decision) to the Supreme Court.

2. The part of the decision complained of: .....

FORM 13—continued

3. Grounds of appeal (*Give particulars of misdirection or error of law*)

- (a) .....
- (b) .....
- (c) .....
- (d) .....

4. Particulars of Proceedings in Court below, etc.

*Fill in these particulars.*

- (1) Date of decision appealed against.
- (2) Court from whose decision appeal is made.
- (3) Offence to which the decision relates (e.g. stealing, murder, forgery, treason, etc.).
- (4) Decision of court below (conviction, acquittal, etc.).
- (5) Sentence (if any).
- (6) In case of an appeal on a question of law whether that question of law was raised at Court below.
- (7) State whether you are a prisoner and if so place of confinement, and if not, place of abode or other address.
- (8) If in custody state if you desire to be present on the hearing of your appeal by the Court.

.....  
*Signature/Mark/Thumbprint of Appellant or of Counsel*

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

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

FORM 14  
[Rule 31 (5)]

IN THE SUPREME COURT

*Notice of Application for Leave or Special Leave to Appeal*

Appellant .....

Respondent .....



FORM 14—continued

1. To: The Registrar of the Appeal Court

I/the Republic being dissatisfied with the decision (that part of the decision) more particularly stated in paragraph 2 here and contained in the judgment/order of ..... dated the ..... day of ..... (and having been refused leave to appeal by the Court of Appeal) on the day of ..... and wanting to appeal against the decision/part of the decision, hereby give(s) you notice that I/the Republic apply (applies) for (special) leave to appeal against the decision/part of the decision to the Appeal Court.

2. The part of the decision of court below complained of: .....

3. Grounds of appeal (Give particulars of misdirection or error of law)

(a) .....

(b) .....

(c) .....

4. Particulars of Proceedings in Court below  
(Fill in these particulars)

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

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

.....  
*Signature/Mark/Thumbprint of Applicant or of Counsel for the Applicant*

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

FORM 15  
[Rule 31 (5)]

IN THE SUPREME COURT

*Notice of Application for Extension of Time within which to Appeal*

1. To: THE REGISTRAR OF THE .....
- I/the Republic being dissatisfied with the decision/part of the decision more particularly stated in paragraph 2 contained in the judgment/order of the Court of Appeal dated the ..... day of ..... hereby give(s) you notice that I/the Republic apply (applies) to the Court for an extension of time within which I/the Republic may give you notice of appeal (or notice of application for leave to appeal) on the following grounds:
- (Here set out clearly and concisely the reasons for the delay in giving the notice and the grounds on which you submit that the Court should extend the time.)*
2. The part of the decision of the Court below complained of:.....
3. Particulars of proceedings in Court below, etc.  
*(Fill in the particulars)*
- (1) Date of decision complained of.
  - (2) Court whose decision is complained of.
  - (3) Offence to which decision relates.
  - (4) Decision of court below (conviction, acquittal, etc.).
  - (5) If in custody state place of confinement, if not in custody state place of abode or other address.

- NB: (i) You are required to send to the Registrar of the Court the completed Form 13 or 14 together with this Notice (*see rule 34*).
- (ii) Strike out words not applicable.

FORM 16  
[Rule 31 (5)]

IN THE SUPREME COURT

*Notification to Appellant of a Single Justice's Decision, etc.*

Appellant .....

Respondent .....

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

- (a) leave to appeal;
- (b) for extension of time within which notice of appeal or of application to leave of appeal may be given;
- (c) admission to bail;
- (d) leave to withdraw/abandonment of appeal,

FORM 16—continued

and has (have) refused the application(s) (or has (have) granted your application(s) (as the case may be) this ..... day of ....., 20 .....

Registrar

To the above-named.

FORM 17

[Rule 39 (1)]

IN THE SUPREME COURT

Notice of Abandonment of Appeal

Appellant .....

Respondent .....

To: THE REGISTRAR OF THE SUPREME COURT

I/the Republic having previously served notice of appeal/application for extension of time within which to give notice of appeal/notice of application for leave to appeal to the Court against my conviction/the sentence of ..... passed upon me on the said conviction by the decision/part of the decision of the ..... Court on the ..... day of ..... hereby give(s) you ..... Notice that I/the Republic do(es) not intend further to prosecute the appeal, but that I/the Republic abandon(s) all further proceedings with respect to this matter as from the date of this notice.

Dated this ..... day of ....., 20 .....

Signature and address of witness attesting mark

Signature or mark and thumbprint of Applicant

NB: Strike out words not applicable

FORM 18

[Rule 39 (3)]

IN THE SUPREME COURT

Notification of Abandonment of Appeal

Appellant .....

Respondent .....

To: (1) .....

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

By rule 39 (1) of the Supreme Court Rules, 1996 upon notice of abandonment being given the appeal is considered to have been struck out by the Court.

Dated this ..... day of ....., 20 .....

.....

Registrar

Send copies to

- (a) the Attorney-General or other Respondent,
- (b) the Head of the Ministry responsible for .....,
- (c) the Prison authority, and
- (d) the Registrar of the Court below.

\_\_\_\_\_

FORM 19

[Rule 40]

IN THE SUPREME COURT

Notice of Application for Leave to Withdraw an Abandonment of Appeal

Appellant .....

Respondent .....

To: THE REGISTRAR of the SUPREME COURT

I/the Republic having duly sent a notice that I/the Republic desire(s) to appeal to the Supreme Court and having abandoned the appeal: GIVE YOU NOTICE, that I/The Republic hereby apply (applies) to the Supreme Court for leave to withdraw the Notice of Abandonment on the following grounds:

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

FORM 19—continued

Particulars of Proceedings in Court below, etc.

(Fill in these particulars)

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

Dated this ..... day of ....., 20 .....

.....  
*Signature and address of witness attesting mark      Signature/Mark/Thumbprint of Applicant or  
 Counsel for the Applicant*

NB: Form 15 must be filled in and sent with the notice to the Registrar.

IN THE SUPREME COURT

FORM 20

Recognisance of Bail of Appellant

Appellant .....

Respondent .....

BE IT REMEMBERED THAT WHEREAS ..... was convicted of ..... on the day of ..... (and was thereupon and now is in lawful custody 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 recognisance in the sum of ..... ), ..... has personally come before me the undersigned, being the ..... and acknowledged himself to owe to the Republic the sum of ₦ ..... to be made and levied of his goods and chattels, lands and tenements to the use of the Republic if he fails in the condition endorsed.

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

CONDITION

The condition of this recognisance is that if ..... personally appears and surrenders himself at and before the Court at each hearing of his appeal and at the final determination, abides with the judgment of the Court and does not depart or is not absent from the Court at any hearing without the leave of the Court, and in the meantime does not depart from his usual place of abode without the leave of the Court, then this recognisance shall be void, otherwise it shall be of full force and effect.

FORM 20—continued

(The following to be filled in 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: .....

Signature and address of witness attesting mark      Signature/Mark/Thumbprint of Applicant

FORM 21

[Rule 42 (3)]

IN THE SUPREME COURT

Recognisance of Appellant's Sureties

Appellant .....

Respondent .....

BE IT REMEMBERED THAT on this day of ..... of ..... and ..... of ..... came before me the undersigned, and severally acknowledged themselves to owe to the Republic the sum of ₦ ..... and ..... the sum of ₦ ..... to be made and levied of their goods and chattels, lands and tenements respectively, to the use of the Republic, if ..... now in lawful custody at ....., fail to comply with the conditions here endorsed.

Taken and acknowledged before me the undersigned, on the date stated above. ....

CONDITION

The condition of the written recognisance is that whereas ..... has been convicted of ..... and is now in lawful custody as mentioned (under a sentence of ..... for such offence), has duly appealed to the Court against his conviction and sentence, and having applied to the Court for bail, pending the determination of his appeal, has been granted bail on his entering into recognisance in the sum of ₦ ..... with sureties each in the sum of ₦ ..... if ..... personally appears and surrenders himself at and before the Court and at the final determination abides by the judgment of the Court, and does not depart or is not absent from the Court and in the meantime does not depart from his usual place of abode without the leave of the Court, then this recognisance shall be void, otherwise it shall be of full force and effect.

Supreme Court Rules, 1996

FORM 22

[Rule 42 (5) (b)]

IN THE SUPREME COURT

Warrant for Arrest of Appellant on Bail

Appellant .....

Respondent .....

To: THE POLICE OFFICERS OF THE POLICE SERVICE

(or as the case may be)

(a) State office And to the (a) ..... of Prison
..... at .....

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

(b) State office This is to command you, Police Officers, (or as the case may be) to
apprehend immediately .....
and to bring him to the (b) ..... of the prison and there deliver him with this
warrant into the custody of ..... and you .....
are hereby required to receive ..... into your custody in the
prison and there safely to keep him until a further order of the Court.

Dated this ..... day of ....., 20 .....

Presiding Justice

FORM 23

[Rule 43 (1)]

IN THE SUPREME COURT

Notification to Appellant of Result of Application

Appellant .....

Respondent .....

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 Court;
(b) leave to extend the time within which you may give notice of appeal or of application for
leave to appeal;

FORM 23—continued

- (c) bail;
- (d) leave to withdraw/abandonment of appeal;

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

.....

Dated this ..... day of ....., 20 .....

Registrar

FORM 24  
[Rule 43 (1)]

IN THE SUPREME COURT

*Notification to Authorities of Result of Application*

Appellant .....

Respondent .....

To: ..... (1)

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

- (a) leave to appeal to the Court;
- (b) leave to extend the time within which he may give notice of appeal or of an application for leave to appeal;
- (c) bail;
- (d) leave to withdraw/abandonment of appeal;

the Court has this day finally determined his application(s) and has given judgment to the following effect:

*(Here set out the decision of the Court)* .....

Dated this ..... day of ....., 20 .....

Registrar

(1) Send copies addressed to,

- (a) the Attorney-General or other respondent.
- (b) the Chief Director, Ministry of .....
- (c) the Prison authority.
- (d) the Registrar of the Court below.



Supreme Court Rules, 1996

FORM 25

[Rule 43 (1)]

IN THE SUPREME COURT

Notification to Appellant of the Result of his Appeal

Appellant .....

Respondent .....

To: THE ABOVE-NAMED APPELLANT

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

.....

Dated this ..... day of ....., 20 .....

Registrar

FORM 26

[Rule 43 (1)]

IN THE SUPREME COURT

Notice to Authorities of Result of Appeal

Appellant .....

Respondent .....

This is to give you notice that the above-named having appealed against his conviction of the offence of ..... before the Court, and or the sentence of ..... passed upon him for the offence of ..... by the Court, the Court has finally determined the appeal, and has this day given judgment to the following effect:

.....

DATED this ..... day of ....., 20 .....

Registrar

Send copies addressed to:

- (a) the Attorney-General or other respondent.
- (b) the Chief Director, Ministry of .....
- (c) the Prison authority.
- (d) the Registrar of the Court below.

PART THREE

Forms for Original Jurisdiction

FORM 27

[Rule 45 (1)]

Motion on Notice to Invoke Original Jurisdiction of the Supreme Court

Between: ..... Plaintiff

and ..... Defendant

To:

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

IN THE NAME OF THE REPUBLIC you are hereby commanded within fourteen days after the service on you of the statement of the plaintiff's case inclusive of the day of service, that you are to file or cause to be filed for you a statement of the defendant's case in an action at the Suit of:

.....  
.....

The nature of the relief sought is as follows:

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

The capacity in which the plaintiff is bringing the action is as follows:

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

The address for service of the Plaintiff is as follows:

.....  
.....

The address for service of Counsel for the Plaintiff is as follows:

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

FORM 27—continued

The names and address of persons affected by this writ are as follows:

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

Dated this ..... day of ....., 20 .....

.....  
*Plaintiff or Counsel for the Plaintiff*

PART FOUR

*Miscellaneous*

FORM 28

[Rules 53 (3), 77 (5)]

IN THE SUPREME COURT

*Notice to Witness to Attend before an Examiner*

To: .....

*Names of Witness*

of .....

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

This is to give you notice to attend at (a) .....  
on ..... before (b) .....  
at ..... o'clock in the ..... noon.

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

Dated this ..... day of ....., 20 .....

(a) Specify place of Examination.

(b) Fill in examiner's name.

.....  
*Registrar*

FORM 29<sup>8</sup>

[Rule 61 (1)]

IN THE SUPREME COURT

*Motion on Notice to Invoke the Supervisory Jurisdiction of the Supreme Court*

Republic v. ....  
ex parte ..... (name of applicant)

TAKE NOTICE THAT pursuant to the provision of article 132 of the Constitution, this Court will be moved on the ..... day of ..... 20 ..... at ..... o'clock in the forenoon or so soon thereafter as counsel can be heard on the hearing of an application for an order of ..... (here state relief sought) directed to (here state person to whom the order is to be directed) ..... in terms of the accompanying affidavit.

And further take notice that the grounds for the application are as follows:

.....

Dated this ..... day of ....., 20 .....

\_\_\_\_\_

8 . Substituted by C.I. 24.