

to Goods)  
May 1983,

[Legal Notice No. 66]

THE COURT OF APPEAL RULES, 1983

IN exercise of the powers vested in it by Section 90 of the Constitution, the Rules Committee hereby makes the following Rules:-

3.

PART I

1983

Constitu-  
DEVESI,  
of Saint  
he Royal  
-Chief of  
f Septem-  
d Amend-

1983.

1. These Rules may be cited as the Court of Appeal Rules and shall come into operation on the 1st day of October 1983.

Citation  
and  
Commence-  
ment  
No. 10 of  
1978

2. Subject to these Rules and without prejudice to the powers of the Rules Committee as set out in section 90 of the Constitution, the Rules Committee hereby adopt the contents of the Court of Appeal Act, 1978.

3. In these Rules, unless the context otherwise requires:-

Interpre-  
tation

“the Act” means the Court of Appeal Act, 1978;

“appeal” includes cross-appeal;

“appellant” includes cross-appellant;

“Court” means the Court of Appeal for Solomon Islands;

“Form” has the meaning assigned to it in Rule 43;

“full court” means the Court as duly constituted for the purposes of section 6 of the Act;

“High Court” means the High Court of Solomon Islands;

“judge” means a judge of the Court;

“party” includes any person who is entitled to appeal in the Court and any person who has applied successfully to the Court to be heard.

4. At the hearing and determination of the following matters the Court shall be duly constituted for the purposes of section 6(1) of the Act if it consists of two judges:-

Constitu-  
tion of the  
Court.

(a) in civil matters,

(i) an application which, pursuant to section 19 of the Act, may be heard and determined by any judge of the Court; and

(ii) an appeal against an interlocutory order or an interlocutory judgement;

(b) in criminal matters,

(i) any application which pursuant to section 34 of the Act may be heard and determined by any judge of the Court; and

(ii) an appeal against sentence.

Joinder  
and Sub-  
stitution of  
parties.

5. The Court may at any stage, on the application of any party to an appeal or application or of its own motion, add a party or substitute for a party any other person in any proceeding and may order any person to be served with the proceedings if in the opinion of the Court such a course is desirable in the interests of justice and, without prejudice to the generality of the foregoing, may make the Director of Public Prosecutions a party to an appeal or application in a criminal matter whether in addition to, or in substitution for, a private prosecutor as the Court shall think fit.

Appearan-  
ces.

6. In any appeal or matter before the Court any party may appear in person or be represented by a barrister or solicitor entitled to practice in the High Court:

Provided that a party who is not a natural person shall be so represented unless the Court, in the interests of justice, makes other orders.

## PART II APPEALS IN CIVIL CASES

Conditions  
precedent  
to appeal.

7. The conditions precedent to appeal in civil cases for the purposes of section 15 of the Act shall be as set out in Rules 8, 10, 11 and 12.

Notice of  
Appeal.

8. (1) An appeal to the Court shall be by notice of appeal (in this Part referred to as "notice of appeal") which may be given either in respect of the whole or any specified part of the decision of the court below.

(2) The notice of appeal shall be in Form A and shall state:-

(a) whether the whole or part only, and what part, of the judgement or order is appealed from;

- (b) briefly, but specifically, the grounds of appeal; and
- (c) what judgement the appellant seeks in lieu of that appealed from.

(3) The notice of appeal shall be filed with the Registrar and within 7 days of such filing or such greater time as the Registrar shall allow shall be served by the appellant upon all parties directly affected by the appeal, and it shall not be necessary to serve the parties not so affected: but the Court of Appeal may direct notice of the appeal to be served on all or any of the parties to the cause or matter, or upon any person not a party, and in the meantime may postpone or adjourn the hearing upon such terms as may be just and may give such judgment or make such order as might have been given or made if the person served with such notice had been originally parties.

9. (1) An application for leave to appeal shall be in Form B and shall state the grounds upon which it is said the leave should be granted.

Application for leave to Appeal.

(2) The conditions precedent or considering an application for leave to appeal shall be, with the necessary adaptations, those set out in Rules 10, 11, and 12.

10. (1) Except where otherwise provided in any Act every notice of appeal shall, subject to paragraph (3), be filed within thirty days of the decision complained of, calculated from the date upon which the judgment or order of the court below was signed, entered or otherwise perfected.

Time for Appealing and applying for leave to appeal.

(2) Every application for leave to appeal shall be filed within fourteen days of the decision the subject of the appeal calculated as in paragraph (1).

(3) Where an application for leave to appeal is granted the time for filing the notice of appeal for the purposes of paragraph (1) shall start from the date when the applicant is informed of the grant.

Imposition  
of special  
conditions  
on an  
appeal.

11. (1) At any time after the filing of the notice of appeal or application, any party may apply to the Registrar to impose such special conditions precedent, whether as to giving deposit, or security for damages with the Court or for staying execution, or giving undertakings to the Court or making such other interim orders to prevent prejudice to the claims of any party pending the determination of the appeal or otherwise.

(2) An application under this Rule shall be made by notice of motion supported by affidavit and the notice shall be served not less than two days before the return date.

(3) The Registrar may impose such special conditions.

(4) Notwithstanding the generality of the foregoing, the Court or a judge may at any time impose such conditions precedent on an appeal or the continuation thereof as the Court sees fit, in the interests of justice, to impose.

(5) Except so far as is otherwise ordered under this Rule or by the Court or a judge:-

- (a) an appeal shall not operate as a stay of execution or a stay of any proceedings pursuant to a decision of the High Court; and
- (b) no intermediate act or proceeding shall be invalidated by an appeal.

(6) On any appeal, interest at a rate specified for judgment debts shall be allowed on all sums ordered to be paid by the High Court unless the Court otherwise orders.

Appeal fee  
and secu-  
rity for  
costs.

12. (1) The appellant shall:-

- (a) forthwith upon the filing of any notice of appeal, pay to the Registrar the fee prescribed for the filing of such notice; and
- (b) upon request of the Registrar made at any time after the filing of the notice of appeal -

- (i) deposit with the Registrar such sum as the Registrar shall assess as the probable expenses of the preparation, certification and copying of the record; and
- (ii) deposit such further sum, or give security, therefor to the satisfaction of the Registrar, as the Registrar may fix as security for the payment of all such costs as may be ordered to be paid by the appellant.

(2) Unless the Court otherwise orders -

- (a) the dismissal of the appeal shall be sufficient authority to the Registrar for the payment of such sum as may have deposited or secured under paragraph (1)(b)(ii) of this Rule to the successful respondent or respondents in the appeal;
- (b) the allowance of an appeal with costs shall be sufficient authority to the Registrar for the payment of such deposit or security to the appellant;
- (c) such payments may be made to the solicitors on record for the party entitled.

13. In the event of non-compliance with any of the provisions of Rules 8, 9, 10, 11 and 12 and, or in the event of any security required to be given not being given, or being given in part only, within the time directed or within such extended time as may be allowed, all proceedings in the appeal shall be stayed, unless the Court shall otherwise order and the appeal shall be listed for the next sessions of the Court for a formal order of dismissal.

Non compliance with conditions precedent.

14. (1) A respondent who wishes to cross appeal shall, within twenty one days of the service upon him of the notice of appeal file with the Registrar a notice of cross-appeal stating the matters set out in Rule 8(2).

Cross Appeals.

(2) The notice of cross-appeal shall be in Form A with the necessary modifications and adaptations.

Respondent's Notice

15. (1) A respondent who wishes to contend on the appeal that the decision of the High Court should be affirmed on grounds other than those relied upon by that Court shall within fourteen days file of the service of the notice of appeal on him file with the Registrar a respondent's notice specifying the grounds for that contention.

(2) A respondent's notice shall be in Form C.

Parties restricted to terms of notices filed.

16. Except with leave of the Court, an appellant or respondent shall not be entitled at the hearing of an appeal to rely upon any ground of appeal or ground of contention under Rule 15 or to seek any order other than those set out in a notice filed by him:

Provided that the Court or a judge may at any time give leave to amend a notice upon such terms as it or he may consider just.

Preparation of record for hearing of application by a single judge

17. (1) This Rule applies to applications for leave to appeal and other applications to be heard by a single judge.

(2) The Registrar shall not prepare a full record but shall place before the judge the record of the court below or such copies of part of the record as, in the Registrar's opinion, are sufficient to enable the judge to consider and determine the application together with a copy of the application.

(3) The applicant shall be entitled, on payment of the cost thereof, of a copy of the record or part thereof placed before the judge.

(4) Where, in the opinion of the Registrar, the respondent to the application is likely to make submissions on the hearing of the application, he shall provide the respondent with a copy of the record or part thereof to be placed before the judge and the cost of so doing shall be defrayed from the deposit made by the applicant for such purpose:

Provided that should the respondent request a copy of the record it shall be provided to him.

(5) The submissions of the respondent shall be in writing and shall be placed before the judge with the papers referred to in paragraph (2).

18. (1) The judge before whom the application is placed shall consider and determine the application on the papers before him and such further written submissions as he may require and shall communicate his determination to the Registrar.

Determina-  
tion of an  
application  
by the  
single judge

(2) The Registrar shall notify the parties in writing of the determination.

(3) A party aggrieved by the determination of the judge may by notice of application filed within seven days of the service of the notification and under paragraph (2) upon him apply to have the matter heard and determined by the full court.

19. (1) This Rule and Rules 20 and 21 shall apply to an appeal or an application renewed before the full court.

Preparation  
of the  
record for  
an appeal  
and applica-  
tion to the  
full court.

(2) Upon deposit of the sum payable under Rule 12(1)(b)(i) in respect of the probable expenses of preparing the record, the Registrar shall, subject to paragraph (3), prepare four copies of the record for the use of the Court and such additional copies as shall enable the parties to have one copy each.

(3) The record shall include such of the following documents as may be necessary for the purposes of the appeal:-

- (a) process and pleadings;
- (b) affidavits;
- (c) transcript of the notes of evidence;
- (d) documentary exhibits;
- (e) reasons for the judgment or order under appeal;
- (f) the formal judgment or order under appeal;
- (g) the notice of appeal;
- (h) the respondent's notice.

(4) The Registrar may, after consulting the parties to the appeal, omit from the record any formal parts of the proceedings of the court below and any parts which are, in his opinion, unnecessary for the proper disposal of the appeal by the Court.

20. When the record has been prepared the Registrar, shall, on the direction of the President, or if the President is for any reason not available, the judge likely to preside at the hearing of the appeal, list the case for hearing at the next convenient session of the Court and shall serve notice of the proposed date of hearing upon the parties.

Listing of a  
case for  
hearing.

Hearing of  
an appeal  
or applica-  
tion by the  
full court.

21. (1) The hearing of the appeal shall be by way of rehearing:

Provided always that the Court may, pursuant to Rule 22, hear evidence and admit such documents as, in the opinion of the Court, it is desirable for good cause to do in the furtherance of justice.

(2) A party may, or if the Court or a judge so directs shall, deliver to the Court and to the other parties not less than fourteen days before the proposed date for hearing argument in support of the grounds advanced in his notice of appeal or of application (in these Rules called "an argument in writing").

(3) A party who has delivered an argument in writing may notify the Court in writing that he does not intend to appear at the hearing and the Court shall in determining the appeal have regard to the argument in writing.

(4) Notwithstanding that a party has delivered an argument in writing that party shall be entitled to attend at the hearing of the appeal and make such supplementary submissions as he shall see fit, subject always to Rule 16.

(5) Where at the hearing of the appeal a party does not appear but relies upon an argument in writing the Court may call for such reply or further argument orally or in writing from that party within such time as the Court may direct where it is necessary for the proper determination of the appeal so to do.

(6) Where at the hearing of the appeal an appellant or applicant does not appear and has not delivered an argument in writing the Court may dismiss the appeal or application or, in the case of a cross-appellant, the cross-appeal:

Provided always that the Court may on good cause being shown set aside a dismissal made under this paragraph and relist the case for hearing upon such terms as to costs or otherwise as it shall determine.

Further  
evidence.

22. (1) The Court shall have full discretionary power to receive further evidence upon questions of fact, which evidence may be taken by oral examination in Court, by affidavit, or by deposition taken before an examiner or commissioner.



(2) Evidence under this Rule, subject to paragraph (3), may be given without special leave.

(3) Leave on special grounds must be granted before further evidence can be given -

- (a) upon an appeal from a final judgment;
- (b) upon an appeal from a judgment after the hearing of a trial or matter upon the merits;

Provided always that no such leave shall be necessary in any case as to matters which have occurred after the date of decision from which the appeal is brought.

23. On the hearing of an appeal the Court may:-

- (a) dismiss the appeal;
- (b) allow the appeal and make such further or other order as the court below was authorised by law to make or as the case may require;
- (c) order a retrial of all or part of the issues in the case before the High Court;
- (d) remit the case to the High Court to hear evidence or further evidence on an issue or otherwise as the Court may specify;
- (e) adjourn the hearing either generally or to a specified date;
- (f) make such order as to costs as it sees fit.

Powers of the Court on appeal.

### PART III APPEALS IN CRIMINAL MATTERS

24. (1) Notice of appeal in a case of a conviction by the High Court or in the case of an appeal heard by the High Court or notice of application for leave to appeal shall be in Forms D, E and F respectively and shall be filed with the Registrar within the time allowed by section 25 of the Act:

Notice of appeal and application for leave to appeal.

Provided always that a judge or the Court may for good cause enlarge the time for appealing provided in that section.

(2) A notice of appeal and notice of application shall state briefly but specifically the grounds of appeal or application.

Service of  
notice on  
the Respon-  
dent.

25. Upon receipt of a notice under this Part the Registrar shall cause a copy of such notice to be served within 14 days on the respondent.

Cross  
appeal in  
Criminal  
matters.

26. The respondent to an appeal made under this Part who is entitled to appeal or apply for leave to appeal pursuant to the Act may file a cross-appeal or cross-application within 14 days of the service upon him of the notice of appeal and the provisions of Rule 24 shall apply mutatis mutandis to such a cross-appeal.

Record for  
the pur-  
poses of  
applications  
for leave  
and appeals

27. (1) Upon receipt of a notice of application for leave to appeal the Registrar shall not prepare a full record of the proceedings of the High Court but only the parts thereof which the Registrar may decide, after consultation with the parties, are necessary for proper determination of the application.

(2) Upon receipt of a notice of appeal the Registrar shall prepare four copies of the record of the High Court and sufficient further copies for the parties to the appeal.

(3) The record shall consist of not less than the information and the judgment and sentence of the court and such other parts of the record as the Registrar may decide, after consultation with the parties, are necessary for the proper determination of the appeal:

Provided always that where any part of the record is omitted the Registrar in his certification shall specify the part omitted.

(4) A judge may in any case certify that the case is a fit one for a full record and thereupon the Registrar shall prepare a full record.

Determina-  
tion of  
Application  
for leave to  
Appeal by  
the single  
judge.

28. (1) In the case of an application for leave to appeal the Registrar shall, upon completion of the record as required by Rule 27(1), forward to a single judge the notice of appeal and record for consideration by him of the grant of leave to appeal pursuant to section 34 of the Act.

(2) The single judge shall determine the application on the papers before him and shall inform the Registrar of his decision who shall notify the applicant in writing and in the case of refusal, with such notification the Registrar shall forward Form

(3) If the single judge grants leave the appeal shall be listed in the next convenient session of the Court.

(4) If the single judge refuses leave the applicant may renew his application to the full court by filing notice in Form G within 14 days of the receipt of the notification under paragraph (2) and thereupon the application shall be listed for such determination.

(5) If the application is not renewed within 14 days the refusal of leave by the single judge shall be final.

(6) Where the single judge or court has granted leave to appeal on a notice of application for such leave duly served and in the form provided under these Rules it shall not be necessary for the appellant to give notice of appeal but the application for leave to appeal shall in such a case be deemed to be notice of appeal.

29. (1) The hearing of the appeal shall be by way of rehearing subject to the exercise of the powers of the Court set out in Part IV of the Act.

Hearing of the Appeal

(2) The appellant shall not without leave of the Court argue any ground of appeal not contained in his notice of appeal or application.

30. An appellant or applicant may at any time abandon his appeal by giving notice in Form H to the Registrar and thereupon the appeal shall be deemed to have been dismissed by the Court.

Abandonment of Appeal.

31. (1) An applicant -

Application in ancillary matters.

- (a) for extension of time in which to appeal or apply for leave;
- (b) for assignment of legal aid;
- (c) to be allowed to be present at proceedings where leave for such is required;
- (d) for admission to bail pending appeal;

shall apply in Form I filed with the Registrar.

(2) An application made under this Rule shall be forwarded by the Registrar to a single judge and the application shall be determined by him on the papers and he shall inform the Registrar of his decision who shall notify the applicant in writing and with a notification of refusal the Registrar shall forward to the applicant Form G

(3) If the single judge refuses the application the applicant may renew his application to the full court by filing notice in Form G within 14 days of the receipt by him of the notification under paragraph (2) and thereupon the application shall be listed for such determination.

Presence of  
appellant  
granted bail

32. (1) An appellant who is granted bail shall be present in the Court at each and every hearing of his appeal and upon the final determination thereof.

(2) Where an appellant who is granted bail does not comply with paragraph (1), the Court may decline to consider the appeal and may proceed summarily to dismiss the same and may issue a warrant for the arrest of the appellant:

Provided that the Court may consider the appeal in his absence and make such other order as they think right.

Persons en-  
titled to be  
heard as to  
compen-  
sation  
orders etc.

33. Whereupon the trial of any person who appeals to the Court an order has been made by the Court of trial for payment of compensation, restoration of property under section 157 of the Criminal Procedure Code or for restitution of property under section 158 of the Criminal Procedure Code, any person in whose favour or against whom an order has been made, and with the leave of the Court, any other person, shall on the final hearing of the Court of an appeal in which such order was made, be entitled to be heard by the Court before any order is made under section 24(2) of the Act annulling or varying such order.

Judge's  
certificate.

34. (1) The certificate of the judge of the court of trial under section 20(b) of the Act shall be in Form J and shall be forwarded forthwith by the proper officer of the court of trial to the Registrar.

(2) The judge of the court of trial may, in any case before him in which he considers it desirable to do so, whether or not application is made on that behalf, give a certificate under

section 20(b) in Form J certifying that the case is a fit case for appeal and shall inform the convicted person accordingly.

35. (1) The Registrar shall, whenever in relation to any appeal under this Part the Court or a judge thereof directs him so to do, request the judge of the High Court before whom the appellant was convicted or sentenced, as the case may be, 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 the judge of the High Court shall furnish such report to the Registrar as so requested.

Judge's report to the Court.

(2) The report of a judge of the High Court under this rule shall be a report to the Court and, except by leave of that court or a judge thereof, the Registrar shall not furnish the report or any part thereof or disclose any part of the contents thereof to any person.

36. (1) Any documents and exhibits before the court of trial shall be retained, unless the Registrar or a judge otherwise orders, by the proper officer of the court of trial.

Documents and Exhibits.

(2) Upon the final determination of an appeal the Registrar shall, subject to any order the court or a judge may see fit to make, return all exhibits or documents to the proper officer of the court of trial or to any other person from whom such documents or exhibits have been obtained.

(3) At any time after a notice of appeal or application has been served under this Part the appellant, applicant or the respondent may obtain from the Registrar or officer of court of trial a copy of any document or exhibit in his possession for the purpose of the application or appeal and such copies shall be provided at the rate prescribed for copying documents in civil proceedings in the High Court:

Provided always that the Court or a judge or the Registrar may waive the payment in the case of a party who has not sufficient means to pay therefor or for any other reasonable cause.

37. (1) On the final determination of an appeal under this Part, the Registrar shall notify in such manner as he thinks most convenient such determination to -

Notification of result of appeal.

- (a) the proper officer of the court of trial;
- (b) the appellant and respondent; and
- (c) where appropriate, the Superintendent of Prisons.

(2) The proper officer of the court of trial, on receiving notification shall enter the particulars thereof on the records of the court of which he is such officer.

Forms of  
warrants  
etc.  
(LN 70/  
1963)

38. The various forms for warrants of arrest, recognizances, summons and notices specified in the Magistrates Courts (Forms) Rules shall be used by the Registrar and the Court in relation to criminal matters with such necessary amendments adaptations and modifications as may be required.

#### PART IV REPEALS AND MISCELLANEOUS

Repeal of  
Court of  
Appeal  
Rules 1973  
(LN 40/73)

39. The Court of Appeal Rules 1973 other than Rule 10 (which requires the payment of fees in civil appeals) and the First Schedule (which prescribes the fees payable in civil appeals) are hereby repealed.

Transitional

40. Any appeal commenced under the Court of Appeal Rules 1973 shall be continued under these Rules as though it were commenced under these Rules.

Service.

41. (1) Subject to paragraph (2) service required by these Rules or the Act may be effected in any manner prescribed by law for service of document in a High Court civil action.

(2) The Court or a judge may, in any case, make such orders and give such directions as to service as may be required.

Copies to  
be filed.

42. Where these Rules or the Act require any party to file any document such document shall be produced on A4 size paper and four clear copies of the document shall be filed.

Reference  
to Forms.

43. Where in these Rules there is a reference to a Form, that Form shall be the Form as set out in the First Schedule with such necessary adaptations to conform with the circumstances of the case.

44. Except in proceedings involving the decision of an appeal or an application for leave to appeal heard by the full court, the Court or a judge may sit and act in Chambers.

Court of Judge may sit in Chambers.

45. A judge sitting as a single judge of the Court may sit and act wherever convenient.

Judge to sit and act as maybe convenient.

46. (1) The Registrar shall be the taxing officer.

Powers of Registrar.

(2) Save where otherwise expressly provided any person aggrieved by the decision of the Registrar in any matter may within seven days of such decision apply to a judge to have the decision set aside and the judge on the application may give such directions or make such orders as he shall think fit.

(3) An application made under this Rule shall be by notice of application supported by affidavit.

47. (1) Where there has been non-compliance with these Rules by any party the Court or a judge may on such terms and conditions as it or he considers just permit the prosecution of the appeal notwithstanding the non-compliance.

Non-compliance with-Rules.

(2) Notwithstanding the generality of the foregoing the Court or a judge may order that an appeal be struck out for non-compliance with these Rules or an order made under these Rules or the Act.

48. (1) Where in any trial a shorthand writer has taken a shorthand note of the proceedings by any means then the transcript of that shorthand note duly certified by the person who took it as being an accurate transcription of the note shall constitute the record of the trial in lieu of the notes kept by the judge.

Transcript of shorthand notes to form record.

(2) For the purposes of this rule "a shorthand note" includes a record made by machine operated by the person certifying the accuracy of the transcript and "shorthand writer" shall be construed accordingly.

SCHEDULE

FORMS

GENERAL TITLE

In the Court of Appeal for Solomon Islands

Case No.

| |

Between:

Appellant  
(Applicant)

| |

And:

Respondent.



FORM A

Court of Appeal Rules 1983, Rule 8(2)  
Civil Appeal

Notice of Appeal

- TO (1) The Registrar of the Court of Appeal  
(2) (Name of other party) Respondent

(Name of Appellant) having been the (Plaintiff, Defendant or other description) in Case No. \_\_\_\_\_ in the High Court hereby gives notice of appeal against the judgment or order of that court given on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

The appellant appeals against (stage whether whole or part only, and what part of the judgment or order is appealed from):-

The grounds of the appeal are:-

The appellant seeks the following judgment in lieu of that appealed from:-

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Appellant or his Barrister  
or Solicitor

NB Under Rule 16 of the Court of Appeal Rules you will not, without leave of the Court, be able to argue on the hearing of appeal any ground not contained in the Notice of Appeal.

FORM B

The Court of Appeal Rules 1983, Rule 9(1)

(Application for leave to appeal in civil matters)

TO

(Respondent)

(Name of applicant) having been the Plaintiff/Defendant  
(description of party) in Case No. before the High  
Court seeks leave to appeal from a judgment or order of  
that court as follows:

The applicant appeals against (state whether whole or part  
only, and what part of the judgment is appealed from):

The grounds of appeal upon which leave to appeal should  
be granted are:

Dated the day of 19

Applicant or his Barrister  
or Solicitor

FORM C

Court of Appeal Rules 1983, Rule 15(2)

Respondent's Notice

TO

(Appellant)

(Name of Respondent) having received a Notice of Appeal hereby gives notice that he contends that the decision of the High Court should be affirmed on grounds other than those relied upon by that Court.

And that in support of that contention he relies upon the following grounds:-

Dated the                      day of                      19 .

Respondent or his Barrister  
or Solicitor

s)

spondent)

Defendant  
e the High  
order of

le or part  
ed from):

al should

19

FORM D

Court of Appeal Rules, 1983 Rule 24(1)

(Notice of Appeal in the Case of Conviction)

Notice of Appeal

TO The Registrar of the Court of Appeal.

(Name of Appellant) having been convicted before the High Court on            day of            19            of the following offence:

hereby gives notice of appeal against his conviction on the following grounds:

I do/do not (strike out as inapplicable) desire to seek leave to call witnesses at the hearing of my appeal/see note 2:

Dated at            this            day of            19            .

Appellant or his Barrister  
or Solicitor

Notes:

1. Applications for leave to appeal against sentence for legal aid, extension of time, bail pending appeal and permission to be present at an application must be on a separate form (Form I).
2. If you do desire leave to call a witness you must obtain Form K and complete it.

FORM E

Court of Appeal Rules, 1983 Rule 24(1)

(Notice of Appeal in respect of Appeal heard by the  
High Court)

Notice of Appeal

TO (1) The Registrar of the Court of Appeal  
(2) (Name of other party in High Court) Respondent

(Name of Appellant) having been a party to an appeal to the  
High Court hereby gives notice of appeal against the judg-  
ment given on the                      day of                      19 .  
dismissing/allowing the appeal on the following grounds:-

Dated at                      this .                      day of                      19 .

Appellant or his Barrister  
or Solicitor

FORM F

Court of Appeal Rules, 1983 Rule 24(1)

(Application for leave to appeal)

Notice of Application for leave to Appeal

TO The Registrar of the Court of Appeal

(Name of Appellant) having been convicted by the High  
Court on the                      day of                      19                      of  
the following offence:-

and having been sentenced as follows:-

gives notice of his intention to apply for leave to appeal  
against sentence on the following grounds:

Dated at                      this                      day of                      19                      .

Appellant or his Barrister  
or Solicitor

FORM G

Court of Appeal Rules 1983, Rules 28(4) and 31(3)

(Notice of renewal of application to the full court)

Notice of Renewal of Application

(Important: If this Form is not completed and returned to Registrar, Court of Appeal, High Court Honiara within 14 days the decision to refuse shall be final)

(Name) of Applicant having had his application (strike out any of those which have not been made or which have been granted) -

- (a) for leave to appeal;
- (b) for extension of time within which notice of appeal or application for leave to appeal may be given;
- (c) that legal aid may be assigned to him;
- (d) that he be allowed to be present at any proceedings;
- (e) that he be admitted to bail pending appeal,

refused by (state name of judge) gives notice that he renews the application to the full court. The notification of the refusal was received on            day of            19

Dated at            the            day of            19

Applicant or his Barrister  
or Solicitor

the High  
of

to appeal

19

FORM H

Court of Appeal Rules, Rule 30

(Abandonment of Appeal)

Notice of Abandonment of Appeal

(Name of Applicant) having filed Notice of Appeal (Application for leave to Appeal) gives Notice that he abandons his appeal.

Dated at                    the                    day of                    19

Applicant or his Barrister  
or Solicitor



FORM I

Court of Appeal Rules, Rule 31(1)

(Notice of Application in Ancillary matters)

Notice of Application

(Name of Applicant) having filed Notice of Appeal (Application for leave to Appeal) gives notice that he applies for the following (delete as inappropriate):

- 1. extension of the time within which notice of appeal or an application for leave to appeal may be given on the following grounds:
- 2. that legal aid may be assigned to him;
- 3. to allow him to be present at any proceedings in case where he is not entitled to be present without leave;
- 4. to admit him to bail pending appeal in which case the following persons have agreed to be sureties in the amounts shown:

(Name and address of surety)	(Occupation)	(Amount)
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(a)

(b)

Dated at                    the                    day of                    19 .

Applicant or his Barrister  
or Solicitor

Appeal (Applicant abandons

19



FORM K

Appellant's Application for Further Witnesses

I, \_\_\_\_\_, having appealed to the Court of Appeal hereby state my desire that the Court shall order the witness(es) hereinafter specified to attend the Court and be examined on my behalf.

Signed

Appellant

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

You are required to fill up this form and sign it:

1. Name and address of witness:
2. Whether such witness gave evidence at trial:
3. If not, why did he not give evidence?
4. On what matters do you wish him to give evidence on the appeal?
5. State shortly the evidence you think he can give:

Signed

Appellant

Made this twenty second day of September 1983.

.....  
(F. Daly)

.....  
(F. Kabui)

.....  
(B. Kwanairara)