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THE COURT OF APPEAL RULES, 1985

(PUBLIC NOTICE NO. 29 OF 1985)

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

THE COURT OF APPEAL RULES, 1985 **Short title.**

In exercise of the powers conferred on the Rules of Court Committee by subsection (2) of section 120 of the Constitution of Sierra Leone, 1978 (Act No. 12 of 1978) the following Rules are hereby made:—

PART I—PRELIMINARY

1. In these Rules, unless the context otherwise requires— **Interpretation.**

"appellant" includes the party appealing from a judgment order or decree and his solicitor or counsel;

"the Constitution means the Constitution of Sierra Leone 1978 (Act No. 12 of 1978);

"Court" means the Court of Appeal established by subsection (4) of section 100 of the Constitution;

"Court below means the Court or Tribunal from which the appeal is brought;

"decision" includes an award;

"Judge" includes the presiding officer of any Court or Tribunal from which an appeal lies to the Court;

"Judgment" includes a decree, order, sentence or decision of the Court below or any Court, Judge or Judicial Officer and includes also an award;

"Magistrate" includes every person exercising full or limited powers of a magistrate;

"party" includes the solicitor or counsel of the party;

"record" means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before the Court on the hearing of the appeal;

"Registrar" means the Registrar of the Court and any person performing the duties of the Registrar;

"Registrar of the Court below" includes any proper officer having custody of the records of the Court below;

"respondent" means—

(*a*) in a civil appeal, any party other than the appellant, directly affected by the appeal,
and

(*b*) in a criminal appeal, the person (including the State) against whom the appeal is brought.

PART II—GENERAL

Place and time of sittings.

2. (1) The Court may sit at any place in Sierra Leone.

(2) Sittings of the Court shall be held at such times and places as the Chief Justice may direct.

Nomination of members of court.

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

Session.

4. The Court shall be open throughout the year for the transaction of general legal business therein, and shall be deemed to be in continuous session:

Provided that during the long vacation (as referred to in the proviso to section 15 of the Courts Act, 1965) no cause or matter other than a criminal case shall be heard or determined unless all the parties thereto consent or the Court for good or sufficient reasons to be recorded in the minutes of the proceedings so directs.

R ght of audience.

5. In all proceedings before the Court the parties may appear in person or be represented by a solicitor or counsel.

Delivery of judgment.

6. Every judgment of the Court shall be delivered in open Court, and within a reasonable time.

Registers of appeals brought.

7. The Registrar shall keep separate registers of all—

(*a*) Criminal Appeals;
(*b*) Civil Appeals;
(*c*) Appeals from Professionals Tribunals,; and
(*d*) Appeals from other Tribunals.

Forms in Appendices A and C to be used.

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

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PART III—CIVIL APPEALS

Notice and grounds of appeal Civil Form I.

9. (1) All appeals shall be by way of rehearing and shall be brought by notice (in these Rules called "the notice of appeal") to be filed in the Registry of the Court which shall set forth grounds of appeal and shall state whether the whole or part only of the decision of the Court below is complained of (in the latter case specifying such part) and shall state also the nature of the relief sought and the names and addresses of all parties directly affected by the appeal and shall be accompanied by a sufficient number of copies for service on all such parties.

(2) If the grounds of appeal allege mis-direction or error in law, particulars of such mis-direction or error shall be clearly stated.

(3) The grounds of appeal shall set out concisely and under distinct heads the grounds upon which the appellant intends to rely at the hearing of the appeal without any argument or narrative and shall be numbered consecutively.

(4) No ground which is vague or general in terms or which discloses no reasonable ground of appeal shall be permitted, except the general ground that the judgment is against the weight of the evidence. Any ground of appeal or any part thereof which is not permitted under this rule may be struck out by the Court of its own motion or on application by the respondent.

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

(6) Notwithstanding the foregoing provisions of this rule, the Court, in deciding the appeal shall not be confined to the grounds set forth by the appellant:

Provided that the Court shall not rest its decision on any ground not set forth by the appellant unless the parties have had sufficient opportunity of contesting the case on that ground.

Leave. Civil Form 2.

10. (1) Where an appeal lies by leave only, any person desiring to appeal shall apply to the Court below or to the Court by notice of motion within fourteen days from the date of the decision against which leave to appeal is sought unless the Court below or the Court enlarges the time.

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(2) Any application for leave to appeal or for enlargement of time within which an application for leave to appeal may be made, shall be supported by an affidavit setting forth good and sufficient reasons for the application and by proposed grounds of appeal which prima facie show good cause for leave to appeal or enlargement of time within which to apply for such leave should be granted.

(3) Where time is enlarged a copy of the order granting the enlargement shall be annexed to the application.

(4) No application for enlargement of time within which to apply for leave to appeal shall be made after the expiration of fourteen days from the expiration of the time prescribed within which an application for leave to appeal may be made.

(5) Where leave to appeal is granted under this rule the appellant shall file a notice of appeal as provided by rule 9 within fourteen days from the grant of leave.

Time limits for appealing.

11. (1) No appeal shall be brought after the expiration of fourteen days in the case of an appeal against an interlocutory decision or of three months in the case of an appeal against a final decision unless the Court enlarges the time.

(2) The prescribed period for appeal shall be calculated from the date of the decision appealed against:

Provided that where there is no appeal as of right the prescribed period shall be calculated from the date upon which leave to appeal is granted.

(3) An appeal shall be deemed to have been brought when the notice of appeal has been filed in the Registry of the Court.

(4) Any application for enlargement of time within which an appeal may be brought shall be supported by an affidavit setting forth good and sufficient reasons for the application and by grounds of appeal which prima facie show good cause for the enlargement of time to be granted.

(5) Where time is enlarged under this rule a copy of the order granting the enlargement shall be annexed to the notice of appeal.

(6) No application for enlargement of time within which to appeal shall be made after the expiration of one month from the expiration of the time prescribed within which an appeal may be brought.

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Service of notice of appeal.

12. The Registrar shall, after the notice of appeal has been filed, cause to be served a true copy thereof upon each of the parties mentioned in the notice of appeal. It shall not be necessary to serve any party not directly affected:

Provided that the Court may direct notice to be served on all or any party to the action or other proceeding or upon any person not a party and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as may be just and make such order as might have been made if the persons served with such notice had been originally parties to the appeal.

Settling record of appeal.

13. (1) The Registrar shall, upon an appeal being brought, summon the parties before him to settle the documents (which expression shall include any other matter which may form part of a record) to be included in the record and shall, whether any of the parties attend the appointment or not, settle and sign and in due course file a list of such documents.

(2) The Registrar, as well as the parties shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the appeal and generally to reduce the bulk of the record as far as practicable, taking special care to avoid duplication of documents and unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied shall be enumerated in a list at the end of the record.

(3) If the Registrar or any party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, the document shall be included and the record shall, with a view to the subsequent adjustment of the costs of and incidental to the inclusion of such document, indicate in the index of papers or otherwise the fact that, and the party by whom, the inclusion of the document was objected.

(4) The appellant shall within such time as the Registrar directs, deposit with the Registrar a sum fixed to cover the estimated expense 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 three copies for the use of the Court:

Provided that—

(i) the Registrar may if he considers the circumstances warrant such a course of action, fix a reduced sum to cover the estimated expense of making up the records of appeal and then require the appellant to provide paper and other printing material as

specified by him sufficient for the purpose of making up the records of appeal; and

(ii) the Registrar shall keep a record of all paper and other printing material provided by each such appellant.

Security for costs. Civil Form 4.

14. The appellant shall, within such time as the Registrar shall fix, deposit such sum as shall be determined by the Registrar or give security therefor by bond with one or more sureties to his satisfaction as the Registrar may direct for the due prosecution of the appeal and for the payment of any costs which may be ordered to be paid by the appellant.

Additional security for costs.

15. The Court, may, where necessary, require security for costs or for performance of the orders to be made on appeal, in addition to the sum determined under rule 14.

Non-compliance with requirement for appeal. Civil Form 6.

16. (1) If the appellant has failed to comply with any of the requirements of rules 13(4) and 14 the Registrar shall certify such facts to the Court, which may thereupon order that the appeal be dismissed with or without costs.

(2) If the respondent alleges that the appellant has failed to comply with any of the requirements of rules 9, 13(4) or 14 the Court if satisfied that the appellant has so failed, may dismiss the appeal for want of due prosecution or make such other order as the justice of the case may require.

(3) An appellant whose appeal has been dismissed under this rule may apply by notice of motion that the order of dismissal be set aside and the appeal be restored; and the Court may in its discretion, for good and sufficient cause, order that the appeal be restored upon such terms as it may think fit.

Transmission of records.

17. (1) The Registrar shall request the Registrar of the Court below to transmit to him and the Registrar of the Court below shall forthwith transmit the docket, or files of the case in the Court below containing all papers or documents filed by the parties in connection therewith and shall cause to be prepared the records for the use of the Court together with—

Civil Form 5.

(a) a certificate of service of the notice of appeal; and

Civil Form 7.

(b) a certificate that the condition imposed under rules 13(4) and 14 have been fulfilled;

Civil Form 8.

(2) The Registrar shall also cause to be served on all parties mentioned in the notice of appeal a notice that the record is ready for collection after payment of the prescribed fees and shall in due course enter the appeal in the Cause List.

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Notice by respondent of contention that judgement be varied. Civil Form 9.

18. (1) It shall not be necessary for the respondent to give notice of motion by way of cross-appeal; but if a respondent intends upon the hearing of the appeal to contend that the decision of the Court below should be varied, he shall within one month after service upon him of the notice of appeal, cause written notice of such intention to be given to every party who may be affected by such grounds on which he intends to rely and within the same period shall file with the Registrar four copies of such notice, one of which shall be included in the record and the other three copies provided for the use of the Court.

(2) Omission to give such notice shall not diminish any of the powers of the Court but may in the discretion of the Court be a ground for postponment or adjournment of the appeal upon such terms as to costs or otherwise as may be just.

Notice of preliminary objection to be filed. Civil Form 10.

19. (1) A respondent intending to rely upon a preliminary objection to the hearing of the appeal shall give the appellant three clear days notice thereof before the hearing setting out the grounds of objection and shall file such notice together with four copies thereof with the Registrar within the same time.

(2) If the respondent fails to comply with this rule the Court may refuse to entertain the objection or may adjourn hearing thereof at the cost of the respondent or make such other order as it thinks fit.

Withdrawal of appeal. Civil Form 12.

20. (1) Subject to the provisions of rule 18, if the appellant files with the Registrar a notice of withdrawal of his appeal the Registrar shall certify that fact to the Court, which may thereupon order that the appeal be dismissed with or without costs. Copies of the notice of withdrawal shall at the expense of the appellant be served on all or any of the parties with regard to whom the appellant wishes to withdraw his appeal, and any party so served shall be precluded from laying claim to any costs incurred by him after such service unless the Court otherwise orders.

(2) Any party served with a notice of withdrawal may, on notice to the appellant, apply to the Court for an Order to recover such costs as he may necessarily or reasonably have incurred prior to the service on him of the notice of withdrawal together with his costs incurred for the purposes of obtaining the order and for attending upon the Court.

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Withdrawal of notice of withdrawal.

(3) An appellant who has withdrawn his appeal may, at anytime before the expiration of the time limited for appeal under these Rules, apply to the Court for leave to withdraw his notice of withdrawal.

Exhibits.

21. (1) Subject to the provisions of this rule, each party shall, immediately after an appeal becomes pending before the Court, deliver to the Court all documents (being exhibits in the case or which were tendered as exhibits and rejected) which are in his custody or were produced or put in by him at the trial.

(2) Subject to the following provisions of this rule, each party to an appeal shall be prepared to produce at the hearing of the appeal all exhibits which are in his custody or were produced or put in by him at the trial other than documents.

(3) Where any party finds it difficult to comply with the provisions of sub-rules (1) and (2) owing to the nature of the document or other exhibits or owing to its being in possession of a third party or for any other reason, he may apply to the Registrar for directions.

(4) The Registrar may, either of his own motion or upon application, give any direction he sees fit, whether dispensing with the provisions of this rule or modifying its application in any way or for securing compliance with it.

(5) All original documents delivered to the Court under this rule shall remain in the custody of the Court until the determination of the appeal:

Provided that the Court or Registrar may allow the return of any document to any party pending the hearing of the appeal and subject to such conditions as it or he may impose.

Control of proceedings during pendency of appeal.

22. After an appeal has been entered and until it has been finally disposed of, the Court shall be seised of the whole of the proceedings as between the parties thereto.

Submissions by party not appearing. Civil Form 13.

23. At any time before the hearing of the appeal, any party to the appeal may file a declaration in writing that he does not wish to be present in person or by Counsel on the hearing of the appeal together with four copies of such arguments as he desires to submit to the Court, of which one shall be supplied to the other party before hearing and the appeal shall be dealt with as if the party appeared.

Non-appearance of appellant.

24. (1) If the appellant fails to appear when his appeal is called on for hearing and has not taken action under rule 23 the appeal may be struck out with or without costs.

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(2) Where an appeal has been struck out owing to the non-appearance of the appellant the Court may, if it thinks fit, and on such terms as to costs or otherwise as it may deem just, direct the appeal to be re-entered for hearing.

(3) No application for an appeal to be re-entered for hearing under this rule shall be made after the expiration of one month from the date of the order sought to be set aside.

Non-appearance of respondent.

25. If the respondent fails to appear when the appeal is called on for hearing and has not taken action under rule 23 the Court may proceed to hear the appeal ex parte.

Application to set aside ex parte judgment.

26. (1) Where an appeal has been heard ex parte under rule 25 and any judgment has been given therein adverse to the respondent, he may apply to the Court to set aside that judgment and to rehear the appeal.

(2) No application to set aside and rehear under this rule shall be made after the expiration of twenty-one days from the date of the judgment sought to be set aside:

Provided that a respondent who has failed within the period of twenty-one days to make application under this rule may nevertheless at anytime within a further period of one month thereafter apply to the Court on notice to the appellant to set aside such judgment and the court, if satisfied that good and sufficient cause has been shown for the application being out of time, may grant the application and make such order in relation thereto or as to costs as it may deem fit in the circumstances.

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

New evidence on appeal.

27. It is not open as of right to any party to an appeal to adduce new evidence in support of his original case; but for the furtherance of justice, the Court may, where it thinks fit, allow or require new evidence to be adduced. Such evidence shall be either by oral examination in Court or by affidavit or by deposition taken before an examiner or commissioner as the Court may direct. A party may, by leave of the Court, allege any facts essential to the issue that have come to his knowledge after the decision of the Court below and adduce evidence in support of such allegations.

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Appeal: No stay of execution unless ordered.

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

Determination of doubt as to finality of judgment.

29. Where any doubt arises as to whether any judgment or order is final or interlocutory, the question may be determined summarily by the Court below or by the Court and any such determination by the Court below, shall notwithstanding the provisions of rule 64, be deemed to be final and binding on all parties for the purposes of determining the time within which an appeal may be brought.

Interlocutory judgment not to prejudice appeal.

30. No interlocutory judgment or order from which there has been no appeal shall operate so as to bar or prejudice the Court from giving such decision upon the appeal as may seem just.

General powers of the Court.

31. The Court may from time to time make any order necessary for determining the real question in controversary in the appeal and may amend any defect or error in the record of appeal, and may direct the Court below to enquire into and certify its finding on any question which the Court thinks fit to determine before final judgment in the appeal, and may make any interim order or grant any injunction which the Court below is authorised to make or grant and may direct any necessary enquires or accounts to be made or taken and generally shall have as full jurisdiction over the whole proceedings as if the proceedings had been instituted and prosecuted in the Court as a Court of first instance, and may rehear the whole case, or may remit it to the Court below to be reheard, or to be otherwise dealt with as the Court may direct.

Power of Court to give any judgment and make any order.

32. The Court shall have power to give any judgment and make any order that ought to have been made, and to make such further or other order as the case may require including any order as to costs. These powers may be exercised by the Court notwithstanding that the appellant may have asked that part only of a decision may be reversed or varied, and may also be exercised in favour of all or any of the respondents or parties although such respondents or parties may not have appealed from or complained of the decision.

view of judgment.

33. The Court shall not review any judgment once given and delivered by it except in accordance with the practice of the Court.

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Costs.

34. (1) Where the costs of an appeal are allowed they may either be fixed by the Court at the time when the judgment is given or may be ordered to be taxed.

Civil Form 14.

(2) The Registrar shall be the Taxing Officer and all such costs shall be taxed by him according to the rules for the time being in force and shall issue to all interested parties a certificate of taxation signed by him:

Civil Form 15.

Provided that any costs incurred by way of fees as prescribed in Appendix B shall be taxed in accordance therewith.

(3) Any person aggrieved by any order, decision or ruling of the Taxing Officer may apply to the Court to set aside such order, decision or ruling and to make such further order as it may think fit.

(4) Any application to the Court under sub-rule (3) shall be by motion accompanied by an affidavit in support.

(5) Notice of such motion shall be given within twenty one days after the service of the Taxing Officer's Certificate on him and shall be served upon the Taxing Officer and upon all parties having interest therein.

Order of Court to be drawn up, signed and filed.

35. (1) After the delivery of every judgment by the Court the order of the Court shall be drawn up and signed by the Registrar under the seal of the Court and filed.

Registrar to supply certified true copies of drawn up order.

(2) Any person may apply to the Registrar for a certified true copy of the drawn up order and the Registrar shall cause such copy to be issued to that person upon the payment by him of the prescribed fee.

Enforcement of judgment.

36. (1) Any judgment given by the Court may be enforced by the Court or by the Court below or by any other court which has been seised of the matter, as the Court may direct.

Execution of judgment by Court below. Civil Form 16.

(2) Where the Court directs any judgment to be enforced by another court, the Registrar shall transmit to that other court a certificate under the seal of the court and the hand of the presiding Judge or in his absence, under the hand of any of the Justices who constituted the panel which heard the appeal, setting forth the judgment and the other court shall enforce that judgment in terms of the certificate.

Fees.

37. (1) Except as otherwise provided in this rule the fees prescribed in Appendix B shall be charged in respect of the matters to which they are respectively assigned, and shall be paid to the Registrar.

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

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

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

Matters not expressly provided for.

38. Where no other provision is made by these Rules the procedure and practice which were in force in the Court immediately before the twenty-seventh day of April, 1961, shall apply in so far as it is not inconsistent with these Rules, and the forms in use therein may be used with such adaptations as are necessary.

PART IV—CRIMINAL APPEALS

Time for appealing.

39. Where any person aggrieved desires to appeal to the Court or to obtain the leave of the Court to appeal, he shall give notice of appeal or notice of his application for leave to appeal in such manner as may be directed by these Rules within twenty-one days after the date of conviction, or acquittal or discharge as the case may be:

Provided that, except in the case of conviction involving sentence of death or corporal punishment, the time within which notice of appeal or notice of an application for leave to appeal may be given, may be extended at any time by the Court or by the Court below.

Method of appealing.

Criminal Forms 1, 2 & 3.

Criminal Form 6.

40. (1) Where an appeal lies to the Court under this part a person desiring to appeal to the Court shall commence his appeal by sending to the Registrar a notice of appeal or, where he needs the leave of the Court to appeal, a notice of application for such leave, which notices shall be in Form 1, 2 or 3 in Appendix C, as the case may be, and in a case in which the Judge of the Court below has granted a certificate of fitness thereof for appeal, he shall send to the Registrar a notice of appeal in Form 6 in Appendix C to which shall be annexed the said certificate.

Criminal Forms 1, 2 & 3.

(2) Where an appeal lies to the Court from the decision of a Court below given in the exercise of its appellate jurisdiction, a person desiring to appeal to the Court against such decision

shall commence his appeal by sending to the Registrar a notice of appeal or where he needs the leave of the Court of Appeal, a notice of application for such leave, which notices shall be in Form 1, 2, or 3 in Appendix C as the case may be.

(3) Where a person desires to obtain from the Court an extension of time to enable him to appeal or make an application for leave to appeal under sub-rule (1) or (2), he shall do so by sending to the Registrar an application, for such an extension which appllication shall be in Form 4 in Appendix C together with such form of notice or application as would have been appropriate to the case under sub-rule (1) or (2), had the notice been given or the application made within time. Criminal Form 4.

(4) An appellant or applicant shall enter the particulars required by, and answer the questions set out in the Form which is appropriate to his case under this rule, and his answer to the question as to whether he desires to be present at the hearing of his appeal shall be deemed to be an application to the Court in such matter.

(5) Where an appellant or applicant desires to present his case or argument in writing he shall do so within twenty-one days after service of notice on him by the Registrar that the records are ready or within such further time as the Court may direct. Presentation of case or argument in writing.

41. Where under any law a Judge of the Court below has issued a Certificate that a case tried before or by him is a fit case for appeal, that certificate shall be in Form 5 in Appendix C. Judge's certificate. Criminal Form 5.

42. (1) Every notice of appeal or notice of application for leave to appeal or notice of application for extension of time whithin which to appeal, shall be signed by the Appellant. Notices of appeal.

Any other notice required or authorised to be given shall be in writing and signed by the person giving the notice or by his Solicitor or Counsel. All notices required or authorised to be given shall be addressed to the Registrar.

(2) Any notice or other document which is required or authorised to be given or sent shall be deemed to be duly given or sent if forwarded by registered post addressed to the person to whom that notice or other document is so required or authorised to be given or sent.

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

Notice, etc., on behalf of Corporations.

(4) In the case of a body corporate where any notice or other document is required to be signed by the appellant, it shall be sufficient compliance therewith if that notice or other document is signed by the Secretary, Clerk or Manager of such body corporate.

Forwarding proceedings in Court below to Registrar.

43. (1) The Registrar, when he has received a notice of appeal, or a notice of application for leave to appeal, or a notice of application for extension of time within which such a notice shall be given shall request the Registrar of the Court below to transmit to him, and the Registrar of the Court below shall forthwith transmit, the records of the proceedings in the Court below including the summing up or direction of the Judge and if no such summing up has been made, a statement giving to the best of the Judge's recollection the substance of the summing up or direction. He shall also request the Registrar of the Court below to transmit to him, and the Registrar of the Court below shall forthwith transmit, the original exhibits in the case as far as practicable and any original depositions, information, inquisition, plea, or other documents usually kept by him, or forming part of the record of the Court below.

(2) Whether any such notice is in relation to a conviction involving a sentence of death, the Registrar shall notify the President and the Director of Prisons that there is an appeal pending

(3) The Court may, pending the hearing of an appeal and subject to such conditions as it may impose, order the return of any exhibit in the custody of the Registrar to any party who in the opinion of the Court is entitled to that exhibit.

Procedure on decision of application by single Justice.

44. (1) Where any application has been dealt with by a single Justice the Registrar shall notify the appellant of the decision in Form 7 in Appendix C.

Criminal Form 7.
Criminal Form 8.

(2) Where that Justice has refused any application the Registrar on notifying the refusal to the appellant shall forward to him Form 8 in Appendix C which Form the appellant is required to fill up and forthwith return to the Registrar.

(3) Where the appellant does not desire to have the said application determined by the Court as duly constituted for the hearing of appeals or does not return within seven days to the Registrar Form 8 duly filled up by him the refusal of his application by that Justice shall be final.

Notice of application for leave to appeal.

45. Where the Court has, on a notice of application for leave to appeal duly served and in Form 2 or 3 in Appendix C, given an appeallant leave to appeal, it shall not be necessary for

that appellant to give any notice of appeal but the notice of application for leave to appeal shall, in such case, be deemed to be a notice of appeal.

Abandonment of appeal

46. (1) An appellant at any time after he has duly served notice of appeal or of application for leave to appeal or of application for extension of time within which such notice shall be given, may abandon his appeal by giving notice of abandonment thereof in Form 9 in Appendix C to the Registrar and upon such notice being given the appeal shall be deemed to have been dismissed by the Court.

Criminal Form 10.

(2) Upon receipt of a notice of abandonment duly completed and signed or marked by the appellant or the party authorised to sign notices under paragraph (4) of rule 42 the Registrar shall give notice thereof in Form 10 in Appendix C to the Attorney-General and Minister of Justice, the respondent, the Director of Prisons and the Registrar of the Court below, and return to the last mentioned person any original documents and exhibits received from him.

(3) Where the notice of abandonment is of the abandonment of an appeal in relation to a conviction involving sentence of death, the Registrar shall also give such a notice thereof to the President and the Director of Prisons.

Notice of abandonment of appeal may be withdrawn.

47. An appellant who has abandoned his appeal, may, within twenty-one days, with the leave of the Court, withdraw his notice of abandonment by filing up Form 11 in Appendix C together with Form 4 (Notice of application for extension of time within which to appeal) and sending them to the Registrar

Criminal Form 11.

Person in custody in default of payment of fine.

48. (1) Where a person has, on his conviction, been sentenced to payment of a fine, and in default of payment to imprisonment and such person remains in custody in default of payment of the fine, he shall be deemed, for purposes of appeal, to be a person sentenced to imprisonment.

Power of Court of trial to impose recognisances.

Criminal Forms 12 and 13.

(2) Where any person has been convicted and is thereupon sentenced to the payment of a fine, and in default of such payment, to imprisonment, and he intimates to the Judge of the Court below that he is desirous of appealing against his conviction, the Judge may, if he thinks fit, order such person forthwith to enter into recognisances in such amount, and with or without sureties in such amount, as the Judge may think fit, to prosecute his appeal, and subject thereto may order that payment of the said fine shall be made at the final determination of his said appeal, if the appeal is dismissed to the Registrar of the Court below, or as the Court may then order. The recognisance under this rule shall be in Forms 12 and 13 in Appendix C.

(3) The Registrar of the Court below shall forward the recognisances of the appellant and his surety or sureties to the Registrar.

Appellant committing breach of recognisance. Criminal Forms 14 & 15.

(4) If an appellant to whom sub-rule (2) applies does not serve in accordance with these rules a notice of appeal of abandonment of his appeal within twenty-one days from the date of his conviction or sentence the Registrar shall report that omission to the Court which may, after notice in Forms 14 and 15 in Appendix C has been given to the appeallant and his sureties, if any, order an estreat of the recognisances of the appellant and his sureties, and may issue a warrant for the apprehension of the appellant and may commit him to prison in default of payment of the fine, or may make such other order as it thinks fit.

Repayment of fine on success of appeal.

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

Varying order of restitution of property.

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

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

50. (1) Where on the conviction of a person, the Judge of the Court below makes an order condemning such person to the payment of the whole or any part of the costs and expenses of the prosecution for the offence of which he has been convicted out of any moneys taken from such person on his apprehension or otherwise, or where such Judge orders a reward to any person who appears to have been active in the apprehension of any such convicted person, or where such Judge makes on the conviction of any person before him any order for the payment of money by the convicted person or by any other person or any order affecting the rights of property of that convicted person, the operation of such orders shall in any of such cases be suspended when notice of appeal or notice of application for leave to appeal is given until the determination of the appeal against the conviction in relation to which they were made or until abandonment of the appeal under rule 46 (1). The Court may by order annual any order to which this rule refers on the determination of any appeal, or may vary such order, and such

order, if annulled, shall not take effect, and if varied, shall take effect as so varied.

Suspension of disqualifications consequent on conviction.

(2) Where, upon conviction of any person of any offence any disqualification forfeiture or disability attaches to such person by reason of such conviction, such disqualification, forfeiture or disability shall be suspended when notice of appeal or notice of application for leave to appeal is given until the determination of the appeal or the dismissal of the application for leave to appeal.

Suspension of order for destruction or forfeiture of property.

(3) Where on conviction, anything is ordered to be destroyed or forfeited under the provisions of any law, the destruction or forfeiture or order for destruction or forfeiture thereof shall be suspended when notice of appeal or notice of application for leave to appeal is given until the determination thereof by the Court.

Suspension of proceedings or claims consequent on conviction.

(4) Where, upon conviction of any person of any offence any claim may be made or any proceedings may be taken under any law against such person or any other person in consequence of such conviction, such proceedings shall not be taken when notice of appeal or notice of application for leave to appeal is given until the determination thereof.

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

Records of summing up.

51. (1) Where any trial is heard with a jury or assessors and by direction of the Trial judge a record is made by some mechanical or electrical device of any summing up or direction of the Judge, that record shall be accepted by the Court as accurate unless the Court has reason to doubt its accuracy.

(2) Where in such a trial a record of any summing up or direction is otherwise made, by direction of the Trial Judge, either in longhand or shorthand, such record shall be accepted by the Court as accurate subject to any corrections or additions which the Trial Judge may certify ought to be made in order to render the record accurate.

(3) Where in such a trial the Trial Judge does not give any directions for recording any summing up or direction given by him, his statement made in accordance with subsection (2) of section 197 of the Criminal Procedure Act, 1965 (Act No. 32 of 1965) shall be accepted as accurate.

Proeedure where question of law reserved.

52. Where the Judge of the Court below reserves a question of law for the consideration of the Court, the person aggrieved

shall for the purposes of these Rules be deemed to be an appellant.

Appellant and surety's recognisances before whom to be taken.

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

(2) Where that Court does not make any special order or give any special directions under this rule, the recognisances of the appellant and of his surety or sureties (if any) may be taken before a Magistrate.

(3) The recognisances provided for in this rule shall be in Forms 16 and 17 in Appendix C.

Form of recognisances. Criminal Forms 16 & 17.

(4) The Registrar of the Court below shall forward the recognisances of the appellant and his surety or sureties to the Registrar.

Presence of Appellant on bail at hearing of his appeal. Criminal Form 18.

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

(6) The Court may, where such appellant is not present at any hearing of his appeal, if it thinks fit, decline to consider the appeal, and may proceed summarily to dismiss the appeal, and may issue a warrant for the apprehension of the appellant in Form 18 in Appendix C:

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

Varying order for bail.

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

Power to revoke order for bail. Criminal Form 18.

(8) At any time after an appellant has been released on bail, the Court or, where the appellant was released on bail by the Court before which he was convicted, that Court may, if satisfied that it is in the interest of justice so to do, revoke the order admitting to bail, and issue a warrant in Form 18 in Appendix C for his apprehension, and order him to be committed to prison.

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Notification of final determination of appeal. Criminal Forms 19 to 22.

54. (1) On the final determination of any application to the Court or of any appeal the Registrar shall give to the appellant if he is in custody and had not been present at such final determination, and to the respondent and the Director of Prisons notice of such determination in Forms 19 and 20 or 21 in Appendix C.

Notification of appeal in capital cases.

(2) On the final determination of any application to the Court or of any appeal in relation to a conviction involving sentence of death, the Registrar shall also forthwith notify in Form 20 or 22 as the case may be, the President and the Director of Prisons.

Notification of result of appeal.

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

Entry of decision on Court records.

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

Enforcement of orders, etc

56. Any order given or made by the Court may be enforced by the Court or by the Court below as may be most expedient.

Restrictions on issue of certificate on conviction.

57. The Registrar of the Court below shall not issue, except in cases of applications for bail, a certificate of conviction of any person convicted in the Court below if notice of appeal or notice of application for leave to appeal is given until the determination or abandonment thereof.

Return of original depositions, etc.

58. Upon the final determination of an appeal for the purpose of which the Registrar has obtained from the Registrar of the Court below any original depositions, exhibits, informations inquisition, plea, or other documents usually kept by the said Registrar or forming part of the record of the Court below, the Registrar shall, where practicable cause them to be returned to the Registrar of the Court below:

Provided that at the final determination of the appeal the Court may order the return of any exhibit in the custody of the Registrars to any party who in the opinion of the Court is entitled to it.

Copies of records for appellant.

59. At any time after notice of appeal or notice of application for leave to appeal has been given, the appellant may obtain from the Registrar copies of the record and of any documents

or exhibits in his possession for the purposes of the appeal. Such copies shall be supplied by the Registrar at the rate of twenty cents for the first folio and ten cents for each subsequent folio:

Provided that the Court may direct that the appellant be supplied with such copies free of charge.

Attendance of witness before the Court. Criminal Form 23.

60. (1) Where the Court has ordered any witness to attend and be examined before the Court an order in Form 23 in Appendix C. shall be served upon that witness specifying the time and place at which to attend for that purpose.

Application to Court to hear witness. Criminal Form 24.

(2) The order may be made at any time on the application of the appellant or respondent, but if the appellant is in custody and not represented by a Solicitor or Counsel the application shall be made by him in Form 24 in Appendix C.

Order appointing examiner.

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

Furnishing examiner with exhibits, etc., necessary for examination.

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

Notification of date of examination.

(5) When the examiner has appointed the day and time for the examination he shall request the Registrar to notify the appellant and the respondent and their Solicitors or Counsel, if any, and where the appellant is in prison, the Director of Prisons.

Criminal Form 25.

(6) The Registrar shall cause to be served on every witness to be examined a notice in Form 25 in Appendix C.

Evidence to be taken on oath.

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

Deposition of witness how to be taken. Criminal Form 26.

(8) The examination of every such witness shall be taken in the form of a deposition and unless otherwise ordered, shall be taken in private. The caption in Form 26 in Appendix C shall be attached to any such deposition.

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(9) Where any witness receives an order or notice to attend before the Court or an examiner, the Registrar shall pay to that witness a reasonable sum for his expenses. Expenses of witness before examiner.

(10) The appellant and the respondent shall be entitled to be present at and take part in any examination of any witness to which this rule relates. Presence of parties at examination of witnesses

61. When an order of reference is made by the Court to a special commissioner, the question to be referred, and the person to whom as special commissioner the question has been referred, shall be specified in the order. The Court may in that order or by giving directions as and when it from time to time thinks fit, specify whether the appellant or respondent or any person on its behalf may be present at any examination or investigation or at any stage thereof as may be ordered, and specify any and what powers of the Court may be delegated to that special commissioner and may require him from time to time to make interim reports to the Court upon the question referred to him, and may, if the appellant is in custody, give leave to be present at any stage of such examination or investigation and give the necessary dirctions to the Director of Prisons and may give directions to the Registrar that copies of any report made by such special commissioner shall be furnished to the appellant and respondent. Proceedings on reference.

62. (1) The determination of any question before the Court shall be according to the opinion of the majority of the Justices of the Court hearing the case. Judgments of the Court.

(2) Separate judgements may be pronounced by any member of the Court.

(3) The Order of the Court shall be pronounced by the presiding Justice.

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

(2) Where in the opinion of the Court the interests of justice so require, the Court may grant free legal aid to any party in the preparation and conduct of its defence.

PART V—MISCELLANEOUS

Court to which application should be made.

64. Except where otherwise provided in these rules or by any other enactment, where any application may be made either to the Court below or to the Court, it shall be made in the first instance to the Court below, but if the Court below refuses the application, the applicant shall be entitled to have the application determined by the Court.

Record to be type-written, duplicated or printed and notices to parties of day fixed for hearing.

65. (1) The record of appeal may be typewritten, duplicated or printed.

(2) The Registrar shall notify the parties to each appeal by written notice at the earliest possible date of the day fixed for the hearing of the appeal and the parties shall be in readiness to be heard on the day so fixed.

Waiver of compliance with rules.

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

Costs of appeal.

67. On the hearing and determination of an appeal or any proceedings preliminary or incidental thereto, the costs if any shall be at the discretion of the Court.

PART VI—APPEAL TO THE SUPREME COURT

Oral notice of intention to appeal to Supreme Court in criminal cases.

68. (1) Where the Court acquits or discharges an appellant or respondent as the case may be (or where a sentence of a fine or other non-custodial sentence is substituted for a sentence of imprisonment), the State or other person aggrieved may give oral notice of intention to appeal to the Supreme Court before the Court rises on the day judgement is delivered.

Criminal Forms 27 and 28.

(2) Where such notice is given, the Court shall, upon the oral application of the State, or other person aggrieved, require the appellant or respondent as the case may be, to enter into a recognisance (where applicable) with or without sureties for his due appearance before the Supreme Court during the hearing of the appeal until its determination. The recognisance shall be in Forms 27 and 28 respectively in Appendix C.

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(3) Where such oral notice has been given, the State or other person aggrieved shall, within the time limited for appeal to the Supreme Court, file notice of appeal in accordance with rule 74 of the Supreme Court Rules 1982 (P.N. No. 1 of 1982) and in Form 1 of the Second Schedule to those Rules.

(4) If the State or other person aggrieved fails to comply with sub-rule (3) of this rule upon the expiration of the time limited for filing a notice of Appeal, the said recognisance and all obligations thereunder shall thereupon be deemed to be discharged.

Application for leave to appeal to the Supreme Court.

69. (1) Application to the Court for leave to appeal to the Supreme Court shall be by motion and shall be made within one month from the date of the judgement, decision or order to be appealed from. The applicant shall give all interested parties notice of his intended application.

(1) The period within which an application for leave to appeal may be made may be extended at any time by the Court on an application by the applicant to the Court. The application shall be by motion supported by affidavit showing good cause why the time should be extended.

Conditions on which leave to appeal is to be granted.

70. Leave to appeal to the Supreme Court in pursuance of the provisions of any law relating to such appeal shall, in the first instance be granted by the Court only upon condition of the appellant, within a period to be fixed by the Court but not exceeding three months from the hearing of the application for leave to appeal, providing good and sufficient security to the satisfaction of the Court, in a sum not exceeding five thousand leones, for the prosecution of the appeal and the payment of all such costs as may become payable to the respondent in the event of the appellant not obtaining an order granting him final leave to appeal or of the appeal being dismissed for want of prosecution, or of the Supreme Court ordering the appellant to pay the respondent's cost of the appeal as the case may be.

Execution of judgment pending appeal.

71. Where the judgement appealed from requires the appellant to pay money or perform a duty, the Court may, when granting leave to appeal, either direct that the said judgment be carried into execution or that the execution thereof shall be suspended pending the appeal, as the Court may deem just, and where the Court directs the said judgement to be carried into execution, the person in whose favour it was given shall, before the execution thereof, provide good and sufficient security, to the satisfaction of the Court, for the due performance of such order as the Supreme Court may think fit to make thereon.

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Manner of Providing Security.

72. For the purposes of rules 70 and 71 a person may provide security in any manner the Court may approve in his case, and for the avoidance of doubt it is declared that such security may, with the approval of the Court, consist in whole or in part of a deposit of money.

Rules not applicable to the State.

73. Rules 70, 71 and 72 shall not apply to the State.

Consolidation of appeals.

74. Where there are two or more applications for leave to appeal arising out of the same matter, and the Court is of opinion, that it would be for the convenience of the Supreme Court and all parties concerned that the appeals should be consolidated, the Court may direct the appeals to be consolidated and grant leave to appeal by a single order.

Rescinding leave to appeal.

75. Where an appellant, having obtained an order granting him conditional leave to appeal and having complied with conditions imposed on him by such order, fails thereafter to apply with due diligence to the Court for an order granting him final leave to appeal, the Court may, on an application in that behalf made by the respondent, rescind the order granting conditional leave to appeal notwithstanding the appellant's compliance with the conditions imposed by such order, and may give such direction as to costs of the appeal and the security provided by the appellant as the Court shall think fit, or make such further or other order in the premises as, in the opinion of the Court, the justice of the case requires.

Notice to other parties.

76. (1) On an application for final leave to appeal the Court may inquire whether notice, or sufficient notice, of the application has been given by the appellant to the parties concerned and, if not satisfied as to the notices given, may defer the granting of the final leave to appeal, or may give such other directions in the matter as in the opinion of the Court the justice of the case requires.

(2) The Registrar shall, as soon as possible, transmit to the Registrar of the Supreme Court a certificate to the effect that the respondent has received notice, or is otherwise aware of the order of the Court granting final leave to appeal.

Prosecution of appeal.

77. An appellant who has obtained final leave to appeal shall prosecute his appeal in accordance with the rules for the time being regulating the general practice and procedure in appeals to the Supreme Court.

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Withdrawal of appeal.

78. (1) An appellant who has obtained an order granting him conditional leave to appeal may, at any time prior to the making of an order granting him final leave to appeal, withdraw his appeal on such terms as to costs and otherwise as the Court may direct.

(2) Where an appellant having obtained final leave to appeal, desires, prior to the lodging of his notice of appeal in the Supreme Court, to withdraw his appeal, the Court may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn, and the appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without express order of the Supreme Court and the costs of the appeal and the security provided by the appellant shall be dealt with in such manner as the Court may think fit to direct.

Substitution of parties.

79. (1) Where at any time between the order granting final leave to appeal and the lodging of the notice of appeal in the Supreme Court, the record becomes defective by reason of the death or change of status of a party to the appeal, the Court may, notwithstanding the order granting final leave to appeal, on an application in that behalf made by any person interested, grant a certificate showing who in the opinion of the Court, is the proper person to be substituted or entered on the record in place of, or in addition to, the party who has died or undergone a change of status, and the name of that person shall thereupon be deemed to be so substituted or entered on the record as aforesaid without express order of the Supreme Court.

(2) Where, after the lodging of the notice of appeal in the Supreme Court, the record becomes defective by reason of the death or change of status of a party to the appeal, the Court shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Supreme Court showing who, in the opinion of the Court is the proper person to be substituted or entered on the record in place of or in addition to the party who has died or undergone a change of status.

(3) This rule shall not apply to criminal appeals.

Costs.

80. Where the Supreme Court directs a party to bear the costs of an appeal incurred in the Court such costs shall be taxed by the proper officer of the Court in accordance with these Rules.

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Interpretation.

81. In this Part unless a contrary intention appears—

"appeal" means appeal to the Supreme Court;

"judgment" includes decree, order, sentence and decision of the Court;

"record" means the aggregate of papers relating to an appeal.

PART VII—REVOCATION

Revocation of Sierra Leone Court of Appeal Rules, 1973.

82. The Sierra Leone Court of Appeal Rules, 1973 (P.N. No. 28 of 1973) are hereby revoked:

Provided that any act or thing done under the said Rules before the commencement of these Rules shall continue in full force and be deemed to have been done under the corresponding provisions of these Rules.

LANBUK.COM LANBUK SIERRA LEONE

APPENDIX A

CIVIL FORM 1

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF APPEAL

Rule 9 (1)

BETWEEN.....Plaintiff and.....
Defendant.

Take notice that the plaintiff/defendant being dissatisfied with the decision that part of the decision more particularly stated in paragraph 2* of the.....
.....Court contained in the judgment/order of.....**
dated the.....day of.....19.....doth hereby appeal to the Court of Appeal upon the grounds set out in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4.

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

2. Part of decision of the lower Court complained of:***
3. Grounds of Appeal:
   (1)
   (2)
   (3) etc.
4. Relief sought from the Court of Appeal:
5. Persons directly affected by the appeal:

NAME	ADDRESS
(1)	
(2)	
(3), etc.	

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

.....
Appellant.

CIVIL FORM 2

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF MOTION FOR LEAVE TO APPEAL

Rule 10 (1)

BETWEEN.....Plaintiff and.....
Defendant.

Take notice that the Court of Appeal at.....
will be moved on the.....day of.....19.....

---

*Strike out words not applicable.
**State name of Judge
***If appealing against whole decision insert "Whole decision".

as Counsel can be heard on the hearing of an application for special leave to appeal against the decision of the.....
Court.....given on the.....day
of/.....19.....

And further take notice that the grounds of this application are:—

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

.....
Applicant or his Solicitor or Counsel.

To:
THE REGISTRAR
COURT OF APPEAL FOR SIERRA LEONE
AND*.....

CIVIL FORM 3

IN THE COURT OF APPEAL OF SIERRA LEONE

SUMMONS TO PARTIES BY REGISTRAR TO SETTLE RECORD

Rule 13(1)

BETWEEN.....Appellant and.....
Respondent.

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

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

.....
Registrar.

To.....

CIVIL FORM 4

IN THE COURT OF APPEAL OF SIERRA LEONE

BOND FOR COSTS ON APPEAL BY APPELLANT AND SURETY/IES

Rule 14

Bond for costs on appeal.

KNOW all men, by these presents, that we.....of
and.....of.....
and.....of.....are jointly and
severally held and firmly bound to.....of
.....in the sum of.....leones of
lawful money to be paid to the said.....his

*Insert name of respondent.

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

Sealed with our seals.

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

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

And whereas a judgement was given by the Court therein, on the .....day of.....for the said.....and the said.....has filed Notice of Appeal from the said judgement.

And whereas it is by law provided that the party appealing shall give security to the satisfaction of the Registrar for the due prosecution of the appeal and for the payment of any costs which may be ordered to be paid by the appellant.

And whereas the above-named.....,and..... at the request of the said.....have agreed to enter into this obligation for the purpose aforesaid:

Now the condition of this obligation is such, that if the said .....shall duly prosecute the appeal and if the above bounden.....and..... .....any or either of them shall pay any costs which may be ordered to be paid by the appellant this obligation shall be void, otherwise remain in full force.

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

..... (L.S.)
(Name and address of person

..... (L.S.)

before whom given).....

(Signature/Mark and seal of Appellant and Signature (s) and seal(s) of Surety(ies).

(Signature of person before whom given)

CIVIL FORM 5

IN THE COURT OF APPEAL OF SIERRA LEONE

CERTIFICATE OF SERVICE OF NOTICE OF APPEAL

Rule 17(1)(a)

BETWEEN.....Appellant(s) and.....Respondent(s)

I, the undersigned Registrar of the Court of Appeal do certify that notice of appeal in the above-named case was duly served upon.....the Respondent herein.

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

.....

Registrar.

CIVIL FORM 6

IN THE COURT OF APPEAL OF SIERRA LEONE

CERTIFICATE OF NON-COMPLIANCE WITH CONDITIONS IMPOSED UPON A WOULD-BE APPELLANT

Rule 16(1)

BETWEEN.....Plaintiff(s)/Appellant(s)

and.....Defendant(s)/Respondent(s).

Pursuant to rule 16 (1) of the Court of Appeal Rules, 1984 I hereby certify that the Appellant(s) in the above-named cause have/has complied with none of the requirements of rules 13(4) and 14.

DATED at.....the.....day of.....19.....

.....

Registrar.

CIVIL FORM 7

IN THE COURT OF APPEAL OF SIERRA LEONE

CERTIFICATE OF REGISTRAR THAT CONDITIONS OF APPEAL HAVE BEEN FULFILLED

Rule 17(1)(b)

BETWEEN.....Appellant and.....Respondent.

I do 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 this.....day of.....19.....

.....

Registrar.

LANBUK.COM LANBUK SIERRA LEONE

CIVIL FORM 8

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE TO PARTIES FOR COLLECTION OF RECORD

Rule 17(2)

BETWEEN.....Appellant and.....
Respondent.

Take notice that the record in the above-named appeal is now ready for collection.

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

.....

Registrar.

To.....

CIVIL FORM 9

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE BY RESPONDENT OF INTENTION TO CONTEND THAT DECISION OF COURT BELOW BE VARIED

Rule 18(1)

BETWEEN.....Appellant and.....
Respondent.

Take notice that upon the hearing of the appeal the Respondent herein intends to contend that the decision of the Court below dated the.....
day of.....19.....shall be varied as follows:—

And take notice that the grounds on which the Respondent intends to rely are as follows:—

1.
2.
3., etc.

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

.....

Respondent

CIVIL FORM 10

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE BY RESPONDENT OF INTENTION TO RELY UPON PRELIMINARY OBJECTION

Rule 19(1)

Appeal No.....19.....

BETWEEN.....Appellant and.....
Respondent.

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

LANBUK.COM LANBUK SIERRA LEONE

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

1.
2.
3., etc.

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

.....

Plaintiff/Defendant-Respondent.

To the above-named Plaintiff, Defendant-Appellant, his Solicitor or Counsel or Agent of.....

CIVIL FORM 11

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF WITHDRAWAL OF APPEAL

Rule 20(1)

C. A. Civil Appeal No.....

BETWEEN.....Appellant(s) and.....Respondent(s)

Take notice that the Appellant(s) herein intends(s) and do (th) hereby wholly withdraw his/their appeal against (all) the Respondent(s) in the above-mentioned appeal.

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

.....

Appellant(s)

THE REGISTRAR,
COURT OF APPEAL,
And to:

CIVIL FORM 12

IN THE COURT OF APPEAL OF SIERRA LEONE

CERTIFICATE BY REGISTRAR OF WITHDRAWAL OF APPEAL

Rule 20(1)

C. A. Civil Appeal No.....

BETWEEN.....Appellant(s) and.....Respondent(s)

I hereby certify that the Appellant(s) in the above-mentioned appeal have/has on the.....day of.....19.....filed notice of withdrawal of the appeal herein.

DATED at.....the.....day of.....

.....

Registrar.

CIVIL FORM 13

IN THE COURT OF APPEAL OF SIERRA LEONE

FORM OF DECLARATION THAT A PARTY DOES NOT WISH TO BE PRESENT OR REPRESENTED AT HEARING OF APPEAL

Rule 23

Appeal No.....

BETWEEN.....Appellant and.....
Respondent.....

I.....Appellant/Respondent do hereby declare that I do not wish to be present in person or by Counsel on the hearing of the above-mentioned appeal, but desire to submit the following arguments for consideration of the Court:—

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

.....

Appellant/Respondent.

CIVIL FORM 14

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF TAXATION

Rule 34 (2)

BETWEEN.....Appellant and.....
Respondent.

Take notice that the Bill of costs of the.....
herein, will be taxed on.....the.....day of.....
.....19....., at the hour of.....o'clock in the
.....noon.

Your absence notwithstanding.

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

.....

Taxing Officer.

To the above-named.....of.....
.....and.....of.....

CIVIL FORM 15

IN THE COURT OF APPEAL OF SIERRA LEONE

BILL OF COSTS

Rule 34 (2)

Civil Appeal No.....

Title of Cause

.....Appellant

vs.

.....Respondent

Bill of Costs of:
Date of Judgement:
Date of appearance:
Dates on which the Cause was in the list:

No. of Item	*Particulars*	*Claimed*	*Allowed*

Le——————

Taxed at Le:
Allowed at Le:

.....
Taxing Officer.

Note—Every bill of costs must be delivered in duplicate on this Form to the Registrar who will upon request deliver one of the copies to the opposite party. Every payment included in the bill, including allowances to witnesses, must be proved either by receipts or by the verbal admission of the payee to the Registrar or by an affidavit or otherwise to the satisfaction of the Registrar.

CIVIL FORM 16

IN THE COURT OF APPEAL OF SIERRA LEONE

CERTIFICATE OF THE ORDER OF THE COURT

Rule 36

Appeal from the.....of the.....
dated the.....day of....., 19... ...
.....Motion
.....Appeal No.....
.....Appellant
vs.
.....Respondent

.....
Presiding Justice

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

I hereby certify that an Order was made as follows—

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

.....
Registrar.

APPENDIX B

FEES IN CIVIL MATTERS

	Le	c
On filing Notice of Appeal against a final Judgement or decision	15	00
On Respondent's Notice of intention to contend that decision of Court below be varied	15	00
On filing Notice of Appeal against an interlocutory order or decision	8	00
On filing motion for leave to appeal	15	00
On filing Notice of Appeal where leave granted	4	00
On settling record of appeal	4	00
On bond to secure costs of appeal	4	00
On filing motion for extension of time: if the time has not yet expired	10	00
On filing motion for extension of time: if the time has already expired	30	00
On filing any motion not otherwise provided for	8	00
On filing motion for stay of execution (if application is made by separate motion)	8	00
On filing amended or additional grounds of appeal:		
if filed at least three weeks before the date fixed for the commencement of the sitting for which the appeal is set down ...	4	00
if filed less than three weeks but at least two clear days before such date	12	00
if filed later, but before the hearing of the appeal ...	18	00
On amending or adding to grounds of appeal by leave or direction of the Court at the hearing	30	00
On Registrar's certificate that conditions of appeal have been fulfilled	4	00
Hearing fee payable in advance	16	00
And if the hearing occupies more than four hours, for each addition complete hour	4	00
On filing motion to restore appeal dismissed under rule 16 (3)	30	00
On filing motion to restore appeal struck out under rule 24 ...	15	00
On filing motion to set aside and rehear appeal determined ex parte	30	00
On filing motion to set aside Taxing Officer's decision or order ...	4	00
On every certificate of the order of the Court of Appeal (made on the final determination of appeals under rule 36)	8	00
On filing every document or exhibit	0	40
On inspection of any document or judgement	0	20
On office copies of any documents: for every folio of 100 words or part thereof	0	18
On lodging a bill of costs for taxation including taxation for the first twenty folios	4	00
For every ten folios or part thereof after the first twenty ...	2	00
On filing motion for leave to appeal to the Supreme Court ...	30	00
On every bond where the appeal is to the Supreme Court ...	8	00

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	Le	c
On making and drawing up Order for leave to appeal to the Supreme Court	8	00
The cost of the record of appeal shall be calculated as follows: Full cost as above to any party and one-quarter cost for each copy for the use of the Court		
Fees for service of any documents and in connection therewith and payments for mileage involved by such service shall be charged and paid under the rules and scale regulating service in the Court below.		

APPENDIX C

CRIMINAL FORM I

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF APPEAL—QUESTION OF LAW ONLY

Rule 40 (1)

State *vs.*

To the Registrar of the.....

Here state name of person aggrieved and offence e.g. name of convict. *Where appellant for any reason not in custody or where appellant is the State.

I.....being dissatisfied with my conviction/the acquittal or discharge of.....and.....being now a prisoner in the State's Prison at..... (or whose address is)..... do hereby give you Notice of Appeal against my conviction/ the acquittal or discharge of the said..... .....(particulars of which hereinafter appear) to the Court on question of law, that is to say:—

Here state as clearly as you are able the question of law on which you desire to appeal.

DATED the.....day of.....19.....

(Signature or mark).....

Appellant.

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

*In case of a convicted person state residential address.

PARTICULARS OF TRIAL AND CONVICTION

Fill in all these particulars.

1. Date of Trial
2. Place of Trial
3. Sentence
4. Whether above questions of law were raised at the trial. State—
   (*a*) whether or not you desire to be present at the hearing of the appeal.
   (*b*) whether or not you will be represented by Solicitor or Counsel.

(2) 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.

State if you desire to be present when judgement is delivered.

CRIMINAL FORM 2

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF APPLICATION FOR LEAVE TO APPEAL AGAINST A CONVICTION

Rule 40 (1) and (2)

State *vs.*

To the Registrar of the.....

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

having been convicted of the offence of.....

and now being a prisoner in the State's Prison at.....

(or whose address is)*.....)

and being desirous of appealing against my said conviction do hereby give you notice that I hereby apply to the Court for leave to appeal against my said conviction on the grounds hereinafter set forth.

*Where applicant for any reason not in custody.

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

(Signature or mark).....

Applicant.

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

*State residential address

PARTICULARS OF TRIAL AND CONVICTION

Fill in these particulars.

1. Date of Trial
2. Place of Trial
3. Sentence

Grounds of application:

(1) If you desire to be present when the Court considers your present application for leave to appeal, state:—

Here state as clearly and concisely as possible the grounds on which you desire to appeal against your conviction.

(*a*) whether or not you will be represented by a Solicitor or Counsel and

(*b*) the grounds on which you submit that the Court should give you leave to be present thereat.

(2) 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.

State if you desire to be present at the final hearing of your appeal.

CRIMINAL FORM 3

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

State *vs.* *Rule 39 (1)*

To the Registrar of the.....

I.....

Here state the offence, e.g. larceny, murder, forgery, etc., *Where applicant for any reason not in custody.

having been convicted of the offence of.....
and now being a prisoner in the State's Prison at.....
(or whose address is) ..... : .....
do hereby give you notice that I desire to apply to the Court for leave to appeal against the sentence of.....
.....passed upon me for the said offence on the following grounds:—

Here set forth the grounds on which you desire to question the sentence.

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

(Signature or mark).....
Applicant.

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

*State residential address.

PARTICULARS OF TRIAL AND CONVICTION

1. Date when sentence passed.
2. Place of Trial

(1) If you desire to be present when the Court considers your application for leave to appeal, state—

(a) whether or not you will be represented by Solicitor or Counsel.

(*b*) the grounds on which you submit that the Court should give you leave to be present thereat.

(2) 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.

State if you desire to be present at the final hearing of your appeal.

CRIMINAL FORM 4

IN THE COURT OF APPEAL OF SIERRA LEONE

Here state name of person aggrieved and offence e.g. The state. *Where applicant for y reason ot in custody or where plicant is he State.

NOTICE OF APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO APPEAL OR TIME WITHIN WHICH TO APPLY FOR LEAVE TO APPEAL

Rule 40(3)

To the Registrar of the.....

I.....being dissatisfied with my conviction/the acquittal or discharge of.....
.....of the offence(s) of.....in the

.....day of.....19.....and being now a prisoner in the State's Prison at.....
.....(or whose address is)*.....
.....give you notice that I hereby apply to the Court for an extension of time within which I may give Notice of Appeal (or Notice of Application for leave to appeal) on the grounds following:—

DATED this.....day of.....19.....
(Signature or mark).....
Applicant.

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

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

*In the case of a convicted person state residential address.

You are required to send to the Registrar of the Court, duly filled up, Form I, if your proposed appeal involves a question of law alone; or Form 6, if you have obtained the Certificate of the Judge of the Court of Trial; or Form 2, if you have not obtained such Certificate; or Form 3, if you desire to appeal against your sentence only, together with this Notice.

CRIMINAL FORM 5

IN THE COURT OF APPEAL OF SIERRA LEONE

JUDGE'S CERTIFICATE

Rule 41

The State *vs.*

In the.....Court of.....
.....holden at.....

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

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

I do hereby certify that the case is a fit case for an appeal by the said.....to the Court upon the following grounds:—

Here specify in general terms the grounds on which certificate granted.

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

CRIMINAL FORM 6

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF APPEAL UPON CERTIFICATE OF THE JUDGE OF THE COURT OF TRIAL

Rule 40(1)

The State *vs.*

To the Registrar of the.....

I,.....

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

having been convicted of the offence of.....

and being a prisoner in the State's prison at.....

.....(or whose address is)*.....

*Where applicant for any reson not in custody.

and having duly obtained a certificate which is hereto annexed from the Judge before whom I was tried for the said offence that it is a fit case for appeal, do hereby give you notice of appeal against my said conviction (particulars of which appear) to the Court.

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

(Signature or mark).....

Appellant.

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

*State residential address.

PARTICULARS OF TRIAL AND CONVICTION

1. Date of Trial
2. Place of Trial
3. Sentence

Fill in all these particulars.

You are required to answer the following question:—

Do you desire to be present on the hearing of your appeal by the Court?

N.B. The Court will, if you desire it, consider your case and argument if put into writing by you or on your behalf instead of your case and argument being presented orally. You must send with this Notice to the Registrar of the Court of Trial the Certificate of the Judge who tried you.

CRIMINAL FORM 7

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTIFICATION TO APPELLANT OF A SINGLE JUSTICE'S DECISION

Rule 44

The State *vs.*

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

(*a*) Leave to appeal.

(*b*) Extension of time within which notice of appeal or of application for leave to appeal may be given;

(*c*) Permission to be present during the hearing of any proceedings in your appeal;

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(*d*) Admission to bail;
(*e*) Leave to withdraw abandonment of appeal,

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

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

DATED this.....day of.....19.....
(Signature).....
Registrar of the Court of Appeal.

To the above-named

CRIMINAL FORM 8

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF APPEAL BY APPELLANT FROM REFUSAL OF A SINGLE JUSTICE

Rule 44

The State vs.

To the Registrar, Court of Appeal.

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

(*a*) Leave to appeal;
(*b*) Extension of the time within which notice of appeal or application for leave to appeal may be given;
(*c*) Permission to me to be present during the hearing of any proceedings in my appeal;
(*d*) Admission to bail;
(*e*) Leave to withdraw abandonment of appeal, has/have been refused; do hereby give you notice that I desire that the said application(s) shall be considered and determined by the full Court and that as I am not represented by Solicitor or Counsel I desire to be present at the determination of my said application(s))*

DATED this.....day of.....19.....
(Signature or mark).....
Appellant.

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

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

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

CRIMINAL FORM 9

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF ABANDONMENT OF APPEAL

Rule 46(1)

The State *vs.*

I,.....

(*a*) having been convicted of.....in the .....Court at.....and having been desirous of appealing to the Court against my said conviction (or the sentence of.....imposed upon me on my said conviction) or

(*b*) being dissatisfied with the acquittal or discharge of..... .....of the offence(s) of..... .....in the..... Court at .....and having been desirous of appealing to the Court against the said acquittal or discharge, Do hereby give you notice that I do not intend further to prosecute my appeal, but that I hereby abandon all further proceedings in regard thereto as from the date of this notice.

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

(Signature or mark).....

To the Registrar, Court of Appeal.

CRIMINAL FORM 10

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTIFICATION OF ABANDONMENT OF APPEAL

Rule 46(2) and (3)

The State *vs.*

To*.....

This is to give you notice that I have this day received from the above-named.....

a notice of abandonment of all proceedings in regard to his appeal to the Court.

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

By rule 46 (1) of the Court of Appeal Rules 1985 the notice of abandonment having been given, the appeal is deemed to have been dismissed by the Court.

---

*(*a*) The Attorney-General and Minister of Justice;
*(*b*) The Respondent;
*(*c*) The Director of Prisons;
*(*d*) The Registrar of the Court below;
*(*e*) The President (in the case of an appeal against a conviction involving a sentence of death).

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

.....
Registrar of the Court.

CRIMINAL FORM 11

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF APPLICATION FOR LEAVE TO WITHDRAW AN ABANDONMENT OF APPEAL

Rule 47

TO THE REGISTRAR, COURT OF APPEAL

I.....

(*a*) having been convicted of the offence of.....
.....and now being a prisoner in the State's Prison at.....
or whose address is)*.....) or

(*b*) having been dissatisfied with the acquittal or discharge of.....
.....of the offence(s) of.....
and whose address is*.....
and having duly sent a notice that I desire to appeal to the Court of Appeal, and having abandoned my appeal, hereby give you Notice, that I shall apply to the Court of Appeal on the.....of.....
.....198.....for leave to withdraw my notice of abandonment, in the special circumstances following:—

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

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

DATED this.....day of.....19.....
(Signature or mark).....
Applicant.

*State residential address.

N.B.—Form 4 must be filled up and sent with this Notice to the Registrar.

CRIMINAL FORM 12

IN THE COURT OF APPEAL OF SIERRA LEONE

RECOGNISANCE OF APPELLANT SENTENCED TO PAYMENT OF FINE

Rule 48(2)

The State *vs.*

To Wit: Be it remembered that whereas.....
of.....
was on the.....day of.....19.....
convicted of.....and was.....
thereupon sentenced to pay the sum of.....as a fine for the said offence by the (a).....and has intimated to the said Court that he desires to appeal against his said conviction on a question of law a one (or upon a certificate of the Judge that his is a fit case for appeal);

(a) Here fill in the Court of Trial.

AND WHEREAS the said Court considers that the said Appellant may in lieu of payment at and upon his said conviction of the said sum, be ordered to enter into recognisance of bail in the sum of Le.....and with.....
sureties, each in the sum of Le.....to prosecute his said appeal before the Court:

The said.....doth hereby acknowledge himself to owe to the State the said sum of Le.....of good and lawful money, to be made and levied of his goods and chattels, lands and tenements, to the use of the State, if he the said.....
fail in the condition endorsed.

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

(Signature or mark).....
Appellant

(b) Indicate Office

(Signature).....
(b) (Person before whom taken)

CONDITION

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

LANBUK.COM LANBUK SIERRA LEONE

CRIMINAL FORM 13

IN THE COURT OF APPEAL OF SIERRA LEONE

RECOGNISANCE OF SURETIES FOR APPELLANT SENTENCED TO A FINE

Rule 48 (4)

The State *vs.*

To Wit: Be it remembered that on the.....day of .....19.....of..... and.....personally come before the...*... and.....and severally acknowledged themselves to the State the several sums following that is to say: the said.....the sum of Le.....and the said.....the sum of Le.....of good and lawful money, to be made and levied of their goods and chattels, lands and tenements, respectively, to the use of the State if .....now before the said Court fa in the condition hereon endorsed.

*Here fill in the Court of Trial.

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

(Signature or mark).....
Sureties

(Signature).....
(Person before whome taken)

CONDITION

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

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CRIMINAL FORM 14

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE OF BREACH OF HIS RECOGNISANCE TO APPELLANT SENTENCED TO A FINE

Rule 48(4)

The State vs.

To the above-named.....Appellant

WHEREAS you were convicted on the.....day of..... 19.....of the offence of.....and were sentenced to the payment of Le.....and in default of such payment to imprisonment, and you entered into recognisance in the sum of Le....., with..... sureties in the sum of Le....., each to prosecute your appeal;

AND WHEREAS twenty one days have elapsed since your said conviction, and no notice of appeal has been served by you:

Now I hereby give you notice that unless you attend at the sitting of the Court to be holden on the.....day of .....19.....and then show good cause to the contrary, the Court may order an estreat of your recognisance and those of your sureties, or may otherwise deal with you according to law.

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

.....

Registrar of the Court of Appeal.

CRIMINAL FORM 15

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE TO SURETY FOR APPELLANT OF ESTREAT OF RECOGNISANCES

Rule 48(4)

The State *vs*

Here fill in surety's name and address.

To:.....

of.....

WHEREAS you the above-named, became duly bound in recognisance as surety, for that the said..... having been convicted of..... and for the said offence fined the sum of Le..... hould duly prosecute an appeal in relation to his said conviction before the Court;

AND WHEREAS the said..... as not so prosecuted his appeal:

Now I hereby give you notice that at the sitting of the Court on.....
next your recognisance may be ordered to be estreated, unless you then shew good cause to the contrary.

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

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

CRIMINAL FORM 16

IN THE COURT OF APPEAL OF SIERRA LEONE

RECOGNISANCE OF BAIL OF APPELLANT

Rule 53(3)

The State *vs.*

Be it remembered that whereas..... (*a*) State Offence
was convicted of (*a*) .....
on the.....day of.....19.....
(and was thereupon sentenced to.....),
and now is in lawful custody in the State's Prison at.....
.....and has duly appealed against his conviction (and sentence) to the Court and has applied for bail pending the determination of his appeal, and has been granted bail on entering into his own Recognisance in the sum of Le.....
with.....sureties each in the sum of Le.....
the said ..... personally appear
before me the undersigned, being the (*b*)..... (*b*) Indicate office
.....and acknowledge himself to owe to the State the said sum of Le.....of good and lawful money, to be made and levied of his goods and chattels, lands and tenements to the use of the State, if he the said.....
.....fail in the condition endorsed

(*Signature or mark*).....
Appellant.

Taken and acknowledged this.....day of.....
19....., at .....before me.
(*Signature*).....
(*b*) (*Person before whom taken*)

CONDITION

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

the leave of the said Court and in the meantime not depart from his usual place of abode, without the leave of the Court, then this Recognisance shall be void, otherwise of full force and effect

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

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

(*Signature or mark*).....

Appellant.

CRIMINAL FORM 17

IN THE COURT OF APPEAL OF SIERRA LEONE

RECOGNISANCE OF APPELLANT'S SURETIES

Rule 53(3)

The State *vs.*

BE IT REMEMBERED that on this.....day of.....19.... .... of ..... and ..... appeared before me the undersigned being the *..... .....and severally acknowledged themselves to owe to the State the several sums following that is to say, the said.....the sum of Le..... the sum of Le.....and the said..... .....the sum of Le.....of good and lawfull money, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of the State if.....now in lawful custody in the State's Prison at..... fail in the condition hereon endorsed.

*Indicate office

(*Signature or mark*).....

Sureties.

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

(*Signature*).....

(**Person before whom taken*).

*Indicate office

CONDITION

The condition of the within written Recognisance is such that whereas the said..... having been convicted of.....and now in such lawful custody as before mentioned (under a sentence of..... .....for such offence), has duly appealed to the Court against his said conviction (and sentence and having applied to the said Court for bail pending the determination of his said appeal, has been granted bail on his entering into, recognisances in the sum of Le..... with.....sureties each in the sum

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

CRIMINAL FORM 18

IN THE COURT OF APPEAL OF SIERRA LEONE
WARRANT FOR ARREST OF APPELLANT ON BAIL

Rule 53(5)

The State *vs.*

To the Constables of the Police Force and to the (*a*).....
.....of the State's Prison at.....

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

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

(*a*) Indicate Office

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

.....
Presiding Justice.

CRIMINAL FORM 19

IN THE COURT OF APPEAL OF SIERRA LEONE
NOTIFICATION TO APPELLANT OF RESULT OF APPLICATION

Rule 54(1)

The State *vs.*

To the above-named Appellant.

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

(*a*) leave to appeal to the said Court;

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

(*c*) admission to bail;

(*d*) leave to withdraw abandonment of appeal, and has finally determined the said application and has this day given judgment to the following effect:—

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

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

CRIMINAL FORM 20

IN THE COURT OF APPEAL OF SIERRA LEONE
NOTICE TO AUTHORITIES OF RESULT OF APPLICATION
Rule 54(1)

The State *vs.*

To*.....

This is to give you notice that the above-mentioned having applied 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*) admission to bail;

(*d*) leave to withdraw abandonment of appeal,

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

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

.....
Registrar of the Court.

CRIMINAL FORM 21

IN THE COURT OF APPEAL OF SIERRA LEONE
NOTIFICATION TO APPELLANT OF THE RESULT OF HIS APPEAL
Rule 54(1)

The State *vs.*

To the above-named Appellant.

This is to give you notice that the Court having considered your appeal have finally determined it and have this day given judgment to the following effect:—

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

.....
Registrar of the Court of Appeal

---

*(*a*) The Attorney-General and Minister of Justice;
(*b*) The Respondent;
(*c*) The Director of Prisons;
(*d*) The Registrar of the Court below;
(*e*) The President (in the case of an appeal against a conviction involving a sentence of death).

CRIMINAL FORM 22

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

Rule 54(1)

The State *vs.*

To*.....

This is to give you notice that the above-named having appealed against—

(*a*) his conviction of the offence of.....
before the.....Court.

(*b*) the sentence of.....passed upon him for the offence of.. .....by the.....Court.

(*c*) the acquittal or discharge of.....by the.....Court,

the Court has finally determined the said appeal, and has this day given judgment therein to the following effect:—

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

.....
Registrar of the Court of Appeal

CRIMINAL FORM 23

IN THE COURT OF APPEAL OF SIERRA LEONE
ORDER TO WITNESS TO ATTEND COURT FOR EXAMINATION

Rule 60(1)

The State *vs.*

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

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

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

DATED the.....day of.....19....

.....
Registrar of the Court.

---

*(*a*) The Attorney-General and Minster of Justice
(*b*) The Respondent;
(*c*) The Director of Prisons;
(*d*) The Registrar of the Court below;
(*e*) The President (in the case of an appeal against a conviction involving a sentence of death).

CRIMINAL FORM 24

IN THE COURT OF APPEAL OF SIERRA LEONE

APPELLANT'S APPLICATION FOR FURTHER WITNESSES

Rule 60(2

To the Registrar, Court of Appeal.

The State *vs.*

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

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

(*Signature or mark*).....

Appellant.

Signature and address of witness to mark.....

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

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

CRIMINAL FORM 25

IN THE COURT OF APPEAL OF SIERRA LEONE

NOTICE TO WITNESS TO ATTEND BEFORE AN EXAMINER

rule 60(5) & (6)

The State *vs.*

Name etc., of witness. To.....

of.....

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

This is to give you notice that you are required to attend at (*a*).....on the.....day of .....19....before (*b*).....

.....at .....o'clock in the noon.

(*a*) Specify place of examiniaton.

(*b*) Fill in examiner's name.

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

DATED the.....day of .....19....

.....

Registrar of the Court.

CRIMINAL FORM 26

IN THE COURT OF APPEAL OF SIERRA LEONE

CAPTION FOR DEPOSITION OF WITNESS EXAMINED BEFORE EXAMINER

Rule 60(6)

The State *vs.*

The deposition (on oath) taken before me the underisgned, being an examiner duly appointed by the Court in that behalf of.....
of.....and.....
of.....witnesses, examined before me under an order of the said Court dated.....day of .....19.....in the presence of the said.....
.....Appellant (or of his professional representative) and the Respondent (or his professional representative) at.....
on the.....day of.....19....,
which said Appellant (or his Solicitor or Counsel) and Respondent had full opportunity of asking questions of the said witnesses, to whom the deposition following were read by me before being signed by them the said witnesses respectively.

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

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

Signature.....
Examiner.

CRIMINAL FORM 27

IN THE COURT OF APPEAL OF SIERRA LEONE

RECOGNISANCE OF APPELLANT*RESPONDENT FOR DUE APPEARANCE BEFORE SUPREME COURT

Rule 68 (2)

The State *vs.*

To Wit:

Be it remembered that whereas.....
of.....
was
*(*a*) on the .....day of.....19....acquitted/* discharged by the Court in respect of the offence of.....
*(*b*) on the.....day of.....19....in substitution for the term of.....imprisonment imposed upon him by the.....Court sentenced by the Court to pay the sum of Le.....as a fine**/sentenced to.....in respect of the offence of.....

AND whereas the State (or other person aggrieved) has given oral notice to the Court of intention to appeal to the Supreme Court against the judgment of the Court;

AND whereas upon oral application by the State (or other person aggrieved) the Court has required the said.....to enter into a Recognisance* with.....sureties each n the sum of Le...../*without sureties for his due appearance before the Supreme Court during the hearing of the said appeal and at the final determination of the appeal:

Now the said.....doth hereby acknowledge himself to owe to the State the said sum of Le..... .....of good and lawful money, to be made and levied of his goods and chattels, lands and tenements, to the use of the State, if he the said.....fail in the condition hereon endorsed.

Taken and acknowledged this.....day ot .....19.... before the Court.

Signature of mark.....
Appellant/Respondent.*

Signature.....
* **(Person before whom taken)*

CONDITION

The condition of the within written Recognisance is such that the said .....of..... shall personally appear and be present at and before the Supreme Court at each and every hearing of the above-mentioned appeal and at the final determination thereof and then and there abide by the judgment of the Supreme Court and not depart or be absent from that Court at any such hearing without the leave of that Court, and in the meantime not to depart from his usual place of abode without notification to that Court and pay to the Registrar of that Court the said sum of Le.....or such sum as the Supreme Court or the Court may order*/do such act as the Supreme Court or the Court may order, then the Recognisance shall be void, otherwise of full force and effect.

*Delete where not applicable.

**State other non-custodial sentence where applicable.

***Indicate office.

CRIMINAL FORM 28

IN THE COURT OF APPEAL OF SIERRA LEONE

RECOGNISANCE OF SURETIES OF APPELLANT*/RESPONDENT FOR DUE APPEARANCE BEFORE SUPREME COURT

Rule 68(2)

The State *vs.*

To Wit:

Be it remembered that on the.....day of.....
19.....of.....
and.....of.....
personally came before the Court and severally acknowledged themselves to owe to the State the several sums following that is to say, the said.....
.....the sum of Le.....
and the said.....the sum of Le.....
.....of good and lawful money, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of the State if.....now before the Court fail in the condition hereon endorsed.

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

Signature or mark.....
Sureties
Signature.....
**(*Person before whom taken*)

CONDITION

The condition of the within written Recognisance is such that Whereas—

the said.....of.....

*(*a*) having been acquitted*/discharged by the Court in respect of the offence of.....

**(*b*) having been sentenced by the Court to pay the sum of Le.....
.....as a fine***/having been sentenced by the Court to.....in substitution for the term of imprisonment imposed upon him by the.....
.....Court;

And whereas the State (or other person aggrieved) has given oral notice to the Court of intention to appeal to the Supreme Court against the judgment of the Court;

And whereas on oral application by the State (or other person aggrieved) the court has required the said.....to enter into a Recognisance with.....sureties in the

Sum of Le.....: if the said.....
of.....shall personally appear and be present at and before the Supreme Court at each and every hearing of the above-mentioned appeal and at the final determination thereof and then and there abide by the judgment of the Supreme Court and not depart or be absent from that Court at any such hearing without the leave of that Court and in the meantime not to depart from his usual place of abode without notification to that Court* and pay to the Registrar of that Court the said sum of Le.....
.....or such sum as the Supreme Court or the Court may order***/do such act as the Supreme Court or the Court may order, then this Recognisance shall be void, otherwise of full force and effect.

*Delete where not applicable.

**Indicate office

***State other non-custodial sentence where applicable.

Made this *9th* day of *November, 1984.*

E. LIVESEY-LUKE *Chief Justice*	.. ..	*Chairman*
N. D. TEJAN-COLE *Director of Public Prosecutions*	.. ..	*Member*
O. B. R. TEJAN *Justice of the Supreme Court*	.. ..	*Member*
C. S. DAVIES *Justice of the Court of Appeal*	.. ..	*Member*
D. E. M. WILLIAMS *Judge of the High Court*	.. ..	*Member*
L. J. CHINERY-HESSE *First Parliamentary Counsel*	.. ..	*Member*
E. T. E. FEWRY, Esq. *Legal Practitioner*	.. ..	*Member*
DR. W. S. MARCUS-JONES *Legal Practitioner*	.. ..	*Member*

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