

SUPREME COURT RULES, 1996 (C.I 16)

(As amended by C.I 24, 1999)

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SCHEDULE

SUPREME COURT RULES, 1996 (C.I 16)

(As amended by C.I 24, 1999)

IN exercise of the powers conferred on the Rules of Court Committee by clause (4) of article 33, clause (3) of article 64 and clause (2) of article 157 of the Constitution, these Rules are made this 11th day of September, 1996.

PART I—GENERAL PROVISIONS

Rule 1—Session of the Court.

The sessions of the Supreme Court referred to in these Rules as “the Court” shall be held during term and at such other times as the Chief Justice may direct.

Rule 2—Notice of Cause Lists.

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

(2) The publication shall be notice to all parties of the listing before the Court during the term of any cause or matter mentioned in the list.

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

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

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

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

Rule 3—Right of Audience.

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

Rule 4—Register of Causes or Matters.

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

(a) appellate jurisdiction of the Court—

(i) appeals as of right lodged under clause (3) of article 33 of the Constitution;

(ii) appeals in any civil cause or matter lodged under clause (1) of article 131 of the Constitution;

(iii) appeals in any criminal cause or matter lodged under clause (1) of article 131 of the Constitution;

(iv) appeals brought from the National House of Chiefs under clause (4) of article 131 of the Constitution;

(b) original jurisdiction of the Court—

(i) in matters relating to the challenge of election of the President under clause (1) of article 64 of the Constitution;

(ii) in matters relating to the enforcement or interpretation of any provisions of the Constitution under article 2 and clause (1) of article 130 of the Constitution;

(iii) in matters referred to the Court under clause (3) of article 121 and of clauses (1) and (2) of article 135 of the Constitution; and

(c) any other jurisdiction.

Rule 5—Matters not expressly provided for.

Where no provision is expressly made by these Rules regarding the practice and procedure which shall apply to any cause or matter before the Court, the Court shall prescribe such practice and procedure as in the opinion of the Court the justice of the cause or matter may require.

PART II—CIVIL APPEALS

Rule 6—Notice of Grounds of Appeal.

(1) Any appeal to the Court in a civil cause or matter shall be brought by notice of appeal in the Form 1 set out in Part I of the Schedule to these Rules and shall be filed with the registrar of the court below.

(2) A notice of civil appeal shall set forth the grounds of appeal and shall state—

(a) the address for service of the appellant;

(b) whether the whole or part of the decision of the court below is complained of and in the latter case the part complained of;

(c) the nature of the relief sought;

(d) the name and address of counsel for the appellant, if any, which address shall be an address for service;

(e) the names and addresses of all parties affected by the appeal; and

(f) the particulars of any misdirection or error in law, if so alleged.

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

(4) 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 seriatim; and where a ground of appeal is one of law the appellant shall indicate the stage of the proceedings at which it was first raised.

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

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

(7) Notwithstanding sub rules (1) to (6) of this rule the Court—

(a) may grant an appellant leave to amend the ground of appeal upon such terms as the Court may think fit; and

(b) shall not, in deciding the appeal, confine itself to the grounds set forth by the appellant or be precluded from resting its decision on a ground not set forth by the appellant.

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

Rule 7—Appeals by Leave.

(1) An application for leave to appeal under paragraph (b) of clause (1) of article 131 of the Constitution shall be by motion on notice in the Form 2 set out in Part I of the Schedule to these Rules and shall be filed with the Registrar of the court below within fourteen days of the date of the decision against which leave to appeal is sought.

(2) An application for special leave to appeal under clause (2) of article 131 of the Constitution shall be by motion on notice in the Form 3 set out in Part I of the Schedule to these Rules, and shall be filed with the Registrar of the Court within fourteen days of the refusal of the court below to grant leave to appeal.

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

(4) Notwithstanding sub-rules (1) to (3) of this rule an application for special leave to appeal under clause (2) of article 131 shall be entertained by the Court and the Court may grant leave on such terms as the Court may consider fit having regard to the circumstances of the case.

Rule 8—Time Limits.

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

(a) twenty-one days, in the case of an appeal against an interlocutory decision; or

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

(2) The periods specified in sub-rule (1) shall—

(a) in the case of an appeal as of right, be calculated from the date of the decision appealed against; and

(b) in any other case, be calculated from the date on which leave is granted.

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

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

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

(a) that leave has been granted where necessary, and the date of the leave;

(b) good and substantial reasons for the application; and

(c) grounds of appeal which, prima facie, show good cause that the appeal has a reasonable chance of success.

(6) Subject to sub-rule (4) of this rule where a person has applied to the court below for an extension of time within which to lodge a civil appeal and after a period of not less than one month from the date of the application the court below—

(a) has not granted or has refused to grant the application; or

(b) has dismissed the application

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

Rule 9—Notice of Cross Appeal.

(1) A respondent who intends to cross appeal shall give notice of his intention to do so within fourteen days of service upon him of the notice of appeal.

(2) Rule 6 of these Rules shall, with such modification as may be necessary apply to a notice of a cross appeal.

Rule 10—Service of Notice of Appeal.

(1) The Registrar of the court below shall, after a notice of appeal has been filed, cause a copy of the notice to be served upon each of the parties mentioned in the notice of appeal as directly affected by the appeal.

(2) The Court may direct notice to be served on any party to the original action or other proceedings or upon any person not a party to the original action or other proceedings, and may adjourn the hearing of the civil appeal upon such terms as may be just, and make such orders as might have been made if the person served with the notice had originally been a party to the appeal.

(3) Any person served with a copy of a notice of appeal under this rule may, within seven days of the service, file a notice of appearance on his own or by counsel, and shall, in the notice of appearance give particulars of his address and the address of his counsel, if any, which shall be an address for service.

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

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

Rule 11—Settling Record of Appeal.

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

(a) issue a summons in the Form 4 set out in Part I of the Schedule to these Rules requesting the parties to appear before him within fourteen days of the service of the notice to settle the documents to be included in the record of appeal; and

(b) settle and sign and in due course file a list of the documents, whether any of the parties, attend to the summons or not.

(2) The Registrar of the court below and the parties to the action shall—

(a) endeavour to exclude from the record of appeal any document which is not relevant to the subject matter of the appeal and generally reduce the bulk of the record of appeal as far as practicable; and

(b) take special care to avoid duplication of documents and unnecessary repetition of headings and other merely formal parts of documents, but any relevant

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

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

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

Rule 12—Security for Costs.

(1) At the time of settling the record of appeal the Registrar of the court below shall notify the appellant of the sum fixed by him to be deposited as security for which recognizance shall be given by bond in the Form 5 set out in Part I of the Schedule to these Rules, With one or more sureties as the Registrar may direct, for the due prosecution of the appeal or for the payment of any costs which may be ordered to be paid by the appellant.

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

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

Rule 13—Exhibits.

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

(2) Where any party finds it difficult to comply with sub-rule (1) because of the nature of the document or exhibit or because it is in the possession of a third party

or for any other sufficient reason, the party may apply to the Registrar of the court below for directions.

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

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

(5) The Court or the Registrar may, subject to such conditions as it or he may impose, allow the return of any exhibit or document to any party pending the hearing of the appeal.

Rule 14—Transmission of Record.

(1) When the record of appeal is ready the Registrar of the court below shall cause notice to be served on parties to the appeal in the Form 6 set out in Part I of the Schedule to these Rules.

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

(a) a certificate of service, in the Form 7 set out in Part I of the Schedule to these Rules, of the notice of appeal;

(b) a certificate, in the Form 8 set out in Part I of the Schedule to these Rules, that the provisions of these Rules have been complied with; and

(c) the docket or file of the cause or matter in the court below containing all papers or documents filed by the parties in connection with the cause or matter.

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

Rule 15—Stating Case.

(1) The appellant shall,—

(a) within three weeks of being notified that the record is ready; or

(b) within such time as the Court may upon such terms as it may determine, file with the Registrar a statement of his case based on the grounds of appeal as set out in the notice of appeal.

(2) Where the appellant does not file the statement of his case in accordance with subrule (1), the Registrar shall certify the failure to the Court by a certificate as in Form 8A in Part 1 of the Schedule and the Court may upon that order the appeal to be struck out. [As substituted by Supreme Court (Amendment) Rules, 1999 (C.I 24), (a)].

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

(4) A party upon whom an appellant's statement of case is served shall, if he wishes to contest the appeal file the statement of his case in answer to the appellant's statement of case within three weeks of the service, or within such time as the Court may upon such terms as it may determine direct.

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

(6) The statement of case of each party to the appeal—

(a) shall set out the full case and arguments to be advanced by the party including all relevant authorities and references to the decided cases and the statute law upon which the party intends to rely; and

(b) in the case of a respondent may include a contention that the decision of the court below be varied.

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

(8) For the avoidance of doubt where there is more than one appeal, the statement of the case of each party shall be in respect of all the appeals concerned.

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

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

(11) Notwithstanding anything to the contrary contained in these Rules, any party to a civil appeal may at any time before judgment apply to the Court to amend any part of the statement of his case and the Court may having regard to the interest of justice and to a proper determination of the issue between the parties, allow the amendment on such terms as it may consider fit.

Rule 16—Control of Proceedings During Pendency of Appeal.

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

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

Rule 17—Notice of Preliminary Objection to be Filed.

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

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

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

Rule 18—Withdrawal of Appeal.

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

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

(3) A party served with a notice of withdrawal may on notice to the appellant, apply to the Taxing Officer for an order to recover 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 the Court.

Rule 19—Non-Compliance with Conditions of Appeal.

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

(2) An appellant whose appeal has been dismissed pursuant to this rule may apply by motion on notice to have his appeal restored, and the Court may, for good and sufficient cause, order that the appeal be restored upon such terms as it may consider fit.

(3) Notwithstanding sub-rules (1) and (2) of this rule, an appellant may apply to the Court for an extension of time within which to fulfil the conditions to be complied with in accordance with these Rules and the Court may, for good and sufficient cause shown, grant an extension of time subject to such conditions as the Court may impose.

Rule 20—Effect of Appeal.

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

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

Rule 21—Determination of Doubts as to Finality of Judgment.

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

Rule 22—Interlocutory Judgment not to Prejudice Appeal.

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

Rule 23—General Powers of the Court.

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

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

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

Rule 24—Non-Appearance of Appellant.

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

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

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

(2) Where an appeal has been struck out owing to the non-appearance of the appellant the Court may, on the application of the appellant made within one month of the striking out and for sufficient cause shown by the appellant, direct the appeal to be re-listed for hearing, on such terms as it may consider just.

Rule 25—Non-Appearance of Respondent.

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

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

Rule 26—Application to Re-List or Set Aside.

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

Rule 27—Cost in Civil Appeals.

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

(2) There shall be a Taxing Officer who shall tax all costs according to a scale to be laid down by law.

(3) A person aggrieved by an order, decision or ruling of the Taxing Officer may apply to a single Justice of the Court to set aside or vary the order, decision or ruling and to make any other order as the Judge may think fit.

(4) An application made under sub-rule (3) shall be by motion on notice supported by an affidavit, and notice of the motion shall be served on the Taxing Officer and on all parties that have interest in the matter.

Rule 28—Execution of Judgment by Court Below.

Where the Court directs any judgment or order to be enforced by any other court, certificate in the Form 12 set out in Part I of the Schedule to these Rules under the seal of the Court and the hand of the presiding Justice setting out the judgment or order shall be transmitted by the Registrar to that other court, and the latter shall enforce the judgment or order in the terms of the certificate.

Rule 29—Appeals in Prerogative Orders and Writs.

The provisions of these Rules relating to civil appeals shall, with such modifications as the Court may determine, apply to an appeal brought to the Court under clause (3) of article 33 of the Constitution.

Rule 30—Appeals in Chieftaincy Matters.

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

PART III—CRIMINAL APPEALS

Rule 31—Time for and Manner of, Appealing in Criminal Cases.

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

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

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

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

(5) A notice referred to in sub-rule (3) of this rule shall be in the Forms 13, 14, or 15 set out in Part II of the Schedule to these Rules.

Rule 32—Notice of Criminal Appeal.

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

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

(3) Where an appellant or any other person authorised or required to give notice of a criminal appeal or notice of any application, is for any valid reason, unable to sign or write, he may affix his mark and thumb-print on it in the presence of a witness

who shall attest it, and upon that, the notice shall be considered to be duly signed by the appellant or that other person.

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

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

Rule 33—Grounds of Appeal.

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

(2) No ground of appeal which is vague or general in terms or discloses no reasonable ground of appeal shall be permitted except the general ground that the judgment is unreasonable or cannot be supported having regard to the evidence.

(3) Any ground of appeal or any part of it which is not permitted under sub-rule (2) may be struck out by the Court on its own motion or on application by the respondent.

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

(5) Notwithstanding subrules (1) to (4) of this rule the Court—

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

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

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

Rule 34—Notice of an Application for Extension of Time to Appeal.

Any person making an application for extension of time within which notice may be given under Rule 31 of these Rules shall send to the Registrar of the court below—

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

Rule 35—Notice of Application for Leave to Appeal.

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

Rule 36—Forwarding of Proceedings to Court.

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

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

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

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

Rule 37—Copies of Record for Parties.

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

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

Rule 38—Action on Decision on Application to Single Justice.

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

Rule 39—Abandonment of Appeal.

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

(2) Where notice provided for under sub-rule (1) has been given, the appeal or application shall be considered struck out.

(3) Upon receipt of a notice of abandonment the Registrar shall give notice as in the Form 18 set out in Part II of the Schedule to these Rules to the respondent, the prison authorities and the Registrar of the court below.

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

Rule 40—Withdrawal of Notice of Abandonment.

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

Rule 41—Temporary Suspension of Orders.

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

(a) requiring that person to pay the whole or any part of the costs and expenses of the prosecution for the offence out of any money taken from him on his arrest or otherwise; or

(b) requiring that person to pay a reward to any other person who appears to that court to have taken an active part in the arrest of the convicted person; or

(c) awarding to any person aggrieved by the offence any sum of money to be paid by the convicted person or by any other person; or

(d) requiring the return, restitution or delivery of any property to any person, or

(e) affecting any right or property of the convicted person shall be suspended where notice of a criminal appeal or notice of an application for leave to appeal against the conviction is filed until the determination of the appeal or until the appeal is abandoned.

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

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

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

Rule 42—Grant of Bail.

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

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

(3) The recognizances provided for in this rule shall be in the Forms 20 and 21 set out in Part II of the Schedule to these Rules.

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

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

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

(b) proceed summarily to dismiss the appeal and issue a warrant for the arrest of the appellant in the Form 22 set out in Part II of the Schedule to these Rules.

(6) Sub-rule (5) shall apply with such modifications as the Court may direct in any case where all appellant indicates that he desires to be present at the hearing of his appeal but does not in fact attend.

Rule 43—Notification of Final Determination of Appeals.

(1) On the final determination of a criminal appeal or of any application to the Court, the Registrar shall give to the appellant if he is in custody and was not present at the determination, and to the respondent and the prison authorities notice of the determination in the Forms 23, 24, 25 or 26 set out in Part II of the Schedule to these Rules as the case may be.

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

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

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

(5) The Registrar of the court below shall, on receiving the formal order referred to in this rule, enter the particulars of the order in the records of that court.

Rule 44—Return of Exhibits.

Upon the final determination of a criminal appeal the Registrar shall, where practicable, and subject to any order of the Court, cause to be returned to the

Registrar of the court below any exhibit or document or things forwarded to the Court in connection with the appeal.

PART IV—ORIGINAL JURISDICTION

Rule 45—Action Brought to Invoke Original Jurisdiction

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

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

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

(b) the address of the plaintiff and of his counsel if any, which shall be an address for service;

(c) the names and addresses of all parties who may be directly affected by the action; and

(d) such other particulars as the Court may from time to time direct.

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

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

Rule 46—Statement of Plaintiff's Case.

(1) The plaintiff may file a statement of his case with the writ, or shall in any case within fourteen days of the filing of the writ file the statement of his case.

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

(a) the facts and particulars, documentary or otherwise, verified by an affidavit, upon which the plaintiff seeks to rely;

(b) the number of witnesses to be called, if any; and

(c) a list of the decided cases and of the statute law on which the plaintiff intends to rely.

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

Rule 47—Service of Writ.

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

Rule 48—Appearance and Statement of Defendant's Case.

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

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

(a) the facts and particulars, documentary or otherwise, verified by affidavit, upon which the defendant seeks to rely;

(b) the number of witnesses to be called, if any;

(c) the name and the address for service of his counsel, where he is represented by counsel; and

(d) a list of the decided cases and of the statute law on which he seeks to rely.

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

(4) Notwithstanding subrule (1) to (3) of this rule a plaintiff may apply to the Court for an extension of time within which to fulfil the conditions to be complied with in accordance with these Rules and the Court may, for good and sufficient cause shown, grant an extension of time subject to such conditions as the Court may impose.

Rule 49—Amendment of Writ or Statement of Case.

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

Rule 50—Memorandum of Agreed Issues.

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

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

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

Rule 51—Arguments of Law.

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

Rule 52—Filing of Document.

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

Rule 53—Hearing.

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

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

(3) Any evidence given may either be by oral examination in the court or by affidavit or by deposition taken before an examiner as the Court may direct in accordance with the Form 28 in Part IV of the Schedule.

PART V—REVIEW

Rule 54—Grounds for Review.

The Court may review any decision made or given by it on the following grounds—

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

at the time when the decision was given.

Rule 55—Time for Applying for Review.

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

Rule 56—Procedure for Bringing Application for Review.

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

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

Rule 57—Statement of Respondent's Case.

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

Rule 58—Failure of Respondent to File his Statement of Case.

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

Rule 59—Setting Down Date for Hearing.

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

(2) The Court may, after the statement of the applicant's case and of the respondent's case and any arguments of law, decide to determine the application and give ruling in court on a fixed date without further arguments or may appoint a time at which the parties shall appear before the Court for further argument in the application.

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

Rule 60—Time Limits.

Any of the time limits specified in this Part may, on application, be extended or abridged by the Court.

PART VI—SUPERVISORY JURISDICTION

Rule 61—Application to Invoke Supervisory Jurisdiction.

(1) An application seeking to invoke the supervisory jurisdiction of the Court under article 132 of the Constitution shall be by motion on notice as specified in Form 29 set out in the Schedule to these Rules and shall—

(a) be accompanied by an affidavit: and;

(b) in the case of an application of an order of certiorari or prohibition, be filed with a copy of the decision, order, determination or other proceeding against which the application is sought; [As substituted by Supreme Court (Amendment) Rules, 1999 (CI 24), (b)].

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

Rule 62—Time Limit.

An application to invoke the supervisory jurisdiction of the Court shall be filed within 90 days of the date when the grounds for the application first arose unless the time is extended by the Court. [As substituted by Supreme Court (Amendment) Rules, 1999 (CI 24), (c)].

Rule 63—Service of Applicant's Statement.

The Registrar shall, as soon as practicable after the filing of the applicant's statement applicant's statement of case, cause copies of the statement of case

together with a copy of the notice of motion to be served on the respondent and any other interested party.

Rule 64—Statement of Respondent's Case and Time Limit.

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

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

Rule 65—Setting Down Application for Hearing.

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

Rule 66—Application for Extension of Time.

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

PART VII—REFERENCES TO THE COURT

Rule 67—References to the Court.

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

(2) A case stated under sub-rule (1) of this rule shall contain—

(a) a summary of the action or matter before the court below or the person or the authority from which the reference is made;

(b) the issue involved in the matter before the court or that person or authority;

(c) the matter or question referred for determination by Court;

- (d) any findings of fact relevant to the matter or question referred to the Court;
 - (e) the arguments of counsel, if any;
 - (f) the ruling or decision of the court below or of that person or authority. And
 - (g) a statement by the court below that the determination of the constitutional matter or question is necessary to a decision of the action, where the reference is made under clause (2) of article 130 of the Constitution.
- (3) Each party may, with the consent of the court below or that person or authority, and shall, when so ordered by the Court, state his case or jointly state a case containing arguments of law and a list of the decided cases and the statute law in support of the case.
- (4) The Court may call for the record of the proceedings before the court below or before the person or authority making the reference.
- (5) The provisions of rule 53 of these Rules shall, with such modifications as may be necessary apply to reference before the Court.

PART VIII—CHALLENGE OF ELECTION OF PRESIDENT

Rule 68—Petition for Challenging Election of President.

- (1) A petition presented pursuant to clause (1) of article 64 of the Constitution shall state—
- (a) the full name and address of the petitioner and of his counsel, if any, which shall be an address for service;
 - (b) the grounds for challenging the validity of the election;
 - (c) a statement of the facts relied on to be verified by affidavit, and of the law in support of the petition;
 - (d) the number of witnesses to be called, if any; and
 - (e) such other matters as the Court may determine.
- (2) The petition shall be filed with the Registrar.

Rule 69—Answer to Petition.

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

(a) the grounds of opposition to the petition;

(b) the facts relied upon, verified by affidavit;

(c) the law in support of the answer in opposition to the petition; and

(d) the number of witnesses to be called, if any.

(2) The answer to the petition shall be filed with the Registrar.

Rule 70—Evidence of Hearing Petition.

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

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

Rule 71—Announcement of Decision.

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

PART IX—MISCELLANEOUS

Rule 72—Copies of Documents for Court.

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

Rule 73—Exercise of Powers of a Single Justice.

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

Rule 74—Pronouncement of Judgment of Court.

(1) At the conclusion of the hearing of any matter before the Court, each Judge shall be at liberty to express his opinion on the matter before the Court.

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

(3) Opinions of the Justices of the Court shall be handed over to the Registrar of the Court immediately after delivery for the compilation of a composite opinion of the Court and copies thereof shall upon payment of the requisite fees be given to the parties and the public after they have been duly certified by the Registrar of the Court in accordance with section 99 (1) of the Courts Act, 1993 (Act 459).

Rule 75—Adjournments.

The Court may adjourn any action or matter before it as it considers fit to do and upon such terms as it may think fit.

Rule 76—New Evidence.

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

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

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

Rule 77—Examination Regarding New Evidence.

(1) Where the Court orders the examination of a witness to be conducted otherwise than before the Court, the order shall specify the person appointed as examiner to take the evidence, the place of taking the evidence, the examination and the witness to be so examined.

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

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

(4) When the examiner has appointed the day and time for the examination he shall request the Registrar to notify the parties and their counsel, if any and the prison authorities if any of the parties is in prison.

(5) The Registrar shall cause to be served on every witness to be examined a notice as specified in the Form 28 set out in Part IV of the Schedule to these Rules.

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

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

Rule 78—Reference by the Court.

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

(2) The provisions of rule 76 of these Rules shall apply with such modification as may be necessary to a reference made under this rule.

Rule 79—Waiver of Non-Compliance.

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

Rule 80—Costs of Actions.

The award of costs on the determination of any matter shall be at the discretion of the Court.

Rule 81—Return of Documents or Things.

On the final determination of an appeal, the Registrar shall, within one month of such determination, forward to the court below the exhibits and documents or other

things received by him or by the Court in respect of the appeal to which the documents or things relate.

Rule 82—Interpretation.

In these Rules, unless the context otherwise requires—

“appellant” includes the party appealing from judgment, order or decree and his counsel;

“appropriate Minister” means Minister responsible for Justice;

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

“the Court” means the Supreme Court;

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

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

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

“High Court” includes Regional Tribunals;

“leave” includes special leave;

“long list” means the cause list published under sub-rule (1) of rule 2 of these Rules;

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

“party” includes any party to an appeal or other proceedings and his counsel;

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

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

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

“respondent” means—

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

(b) in a criminal appeal, the Republic or other person who undertakes the defence of the judgment appealed against;

(c) counsel for a party mentioned in paragraph (a) or (b);

“short list” means the cause list published under sub-rule (3) of Rule 2 of these Rules;

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

“Supreme Court” includes a single Justice, five or more Justices;

“Taxing Officer” means the Registrar of the Supreme Court;

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

“vacation” means any of the following periods—

(a) the period commencing on the Tuesday immediately following Easter Monday in each year and ending on the Friday immediately following;

(b) the period commencing on the first day of August in each year and ending on the last day of September, in that year; and

(c) the period commencing on the 24th day of December in each year and ending on the 6th day of January in the ensuing year.

Rule 83—Revocation.

The Supreme Court Rules, 1970 (C.I. 13) are revoked.

SCHEDULE

PART I

CIVIL APPEAL FORMS

FORM 1

Rule 6(1)

IN THE SUPREME COURT OF GHANA

NOTICE OF CIVIL APPEAL

Civil Appeal No.

Between

Appellant

and

Respondent

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

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

.....
..

3. The Grounds of Appeal are (Give particulars of misdirection or error of law):

- 1.
- 2.
- 3.

4. The reliefs sought from the Supreme Court are

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

5. The address for service of the appellant is

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

6. The persons directly affected by the appeal are:

Name

.....

Address

.....

.....

.

Name

.....

.

Address

.....

..

.....

Dated this day of

.....

Appellant or his Counsel

To:

The Registrar

The Court of Appeal

..... Division

Accra.

And to the Respondent or his Counsel

FORM 2

Rule 7 (1)

IN THE COURT OF APPEAL

DIVISION

NOTICE OF MOTION FOR LEAVE TO APPEAL TO THE SUPREME COURT

Between

Appellant

and

Respondent

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

.....
....

.....

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

.....

Dated this day of

.....

Applicant or his Counsel

To:

The Registrar,

The Court of Appeal

..... Division

Accra.

And to the Respondent or his Counsel

FORM 3

Rule 7(2)

IN THE SUPREME COURT OF GHANA

APPLICATION FOR LEAVE TO APPEAL

Between

Appellant

and

Respondent

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

.....
.....

The grounds for the application as follows:

.....
.....

Dated this day of

.....

Appellant or his Counsel

To:

The Registrar

The Supreme Court,

Accra.

And to the Respondent or his Counsel.

FORM 4

Rule 11(1) (a)

IN THE COURT OF APPEAL

.....DIVISION

ACCRA

SUMMONS TO PARTIES BY REGISTRAR TO SETTLE RECORD

Between

Appellant

and

Respondent

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

Dated this day of

.....

Registrar

To:

The Appellant or his Counsel

The Respondent or his Counsel

Any Other Parties or their Counsel

FORM 5

Rule 12(1)

IN THE COURT OF APPEAL

.....DIVISION

ACCRA

BOND FOR COSTS ON A CIVIL APPEAL

Know all men by these presents, that we

of

and of

and of

are jointly and severally held finally bound to

of

in the sum of cedis to be paid to

.....his executors, administrators or assigns, for which payment is to be made; we bind ourselves, and each of us, individuals, our heirs, executors and administrators, by these presents.

Sealed with our seals

Dated the day of

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

And whereas a judgment was given by the court below, on the day of

for

and

has filed a notice of appeal from that judgment.

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

And whereas the above-named.....

andat the request of the.....

have agreed to enter into this obligation for the specified purpose:

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

Signed, sealed and } L.S.}

Delivered in the } L.S.}

presence of }

FORM 6

Rule 14(1)

IN THE COURT OF APPEAL

.....DIVISION

ACCRA

Between

Appellant

and

Respondent

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

Dated this day of

.....

Registrar

To:

The Appellant or his Counsel

The Respondent or his Counsel

Any other Parties or their Counsel.

FORM 7

Rule 14(2)(a)

IN THE COURT OF APPEAL

.....DIVISION

ACCRA.

CERTIFICATE OF SERVICE OF NOTICE OF A CIVIL APPEAL

Between

Appellant

and

Respondent

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

Dated at this day of

.....

Registrar

The Registrar,

Supreme Court,

Accra.

FORM 8

Rule 14(2)(b)

IN THE COURT OF APPEAL

.....DIVISION

ACCRA

CERTIFICATE OF REGISTRAR THAT CONDITIONS OF APPEAL HAVE BEEN FULFILLED

Between

Appellant

and

Respondent

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

Dated this day of

.....

Registrar

To:

The Registrar,

Supreme Court,

Accra.

FORM 8A

Rule 15(2)

THE SUPREME COURT OF GHANA

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

Between Appellant and Respondent

.....

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

Dated at.....the.....day of

.....

.....

REGISTRAR

To: The Court

And to: The Appellant or his Counsel

The Respondent or his Counsel. [As inserted by Supreme Court (Amendment) Rules, 1999 (CI 24), (d)].

FORM 9

Rule 17(1)

IN THE SUPREME COURT OF GHANA

NOTICE BY RESPONDENT OF INTENTION TO RELY ON PRELIMINARY OBJECTION

Between

Appellant

and

Respondent

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

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

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

- 1.
- 2.
- 3.

(etc.)

Dated this day of

.....

Respondent or his Counsel

To the above-named Appellant or his Counsel.

FORM 10

Rule 18(1)

IN THE SUPREME COURT OF GHANA

NOTICE OF WITHDRAWAL OF APPEAL

Civil Appeal No....

Between

Appellant

and

Respondent

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

Dated at this day of

.....

Appellant or his Counsel

To:

The Registrar,

Supreme Court,

Accra.

And to

FORM 11

Rule 19(1)

IN THE COURT OF APPEAL

.....DIVISION

ACCRA.

CERTIFICATE AS TO NON-COMPLIANCE WITH CONDITIONS IMPOSED UPON AN APPELLANT

Between

Appellant

and

Respondent

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

Dated at the day of

.....

Registrar

FORM 12

Rule 28

IN THE SUPREME COURT OF GHANA

CERTIFICATE OF THE ORDER OF THE SUPREME COURT

Appeal No.....

Appellant

versus

Respondent

Appeal from the of the dated the day of

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

I HEREBY CERTIFY that an Order was made as follows:

.....

.....

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

.....

Justice of the Supreme Court

PART II

CRIMINAL APPEAL FORMS

FORM 13

Rule 31(5)

IN THE SUPREME COURT OF GHANA

NOTICE OF A CRIMINAL APPEAL

Appellant

Respondent

To: THE REGISTRAR OF THE COURT OF APPEAL

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

2. The part of the decision complained of:

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

(a)

.....

(b)

.....

(c)

.....

(d)

.....

(e)

.....

4. PARTICULARS OF PROCEEDINGS IN COURT BELOW, ETC.

Fill in these particulars.

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

.....

Signature/Mark/Thumbprint of Appellant or of Counsel

.....

Signature and address of Witness attesting mark, etc.

NB:

- (i) Strike out words which are not applicable
- (ii) If appealing against the whole decision state in paragraph 2 above "the whole decision".
- (iii) The Court will if you desire it, consider your case and argument if put in writing by you or on your behalf instead of your case and arguments being presented

orally. If you desire to present your case and argument in writing set out as fully as you think right your case and argument in support of your appeal.

FORM 14

Rule 31(5)

IN THE SUPREME COURT OF GHANA

NOTICE OF APPLICATION FOR LEAVE OR SPECIAL LEAVE TO APPEAL

Appellant

Respondent

To: THE REGISTRAR OF THE

I/the Republic being dissatisfied with the decision (that part of the decision) more particularly stated in paragraph 2 here and contained in the judgment/order of dated the day of (and having been refused leave to appeal by the Court of Appeal) on the day of

and wanting to appeal against the decision/part of the decision

Hereby give(s) you notice that I/the Republic apply (applies) for (special) leave to appeal against the decision/part of the decision.

2. Part of the decision of court below complained of:

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

4. PARTICULARS OF PROCEEDINGS IN COURT BELOW

Fill in these particulars.

(1) Date of decision appealed against.

(2) Court from whose decision the appeal is made.

(3) Offence to which the decision relates.

(4) Decision of Court below (conviction, acquittal, etc.)

(5) Sentence (if any)

(6) State whether you are a prisoner and if so place of confinement, and if not place of abode or other address.

(7) If in custody state if you desire to be present when the Court considers your present application and/or at the final hearing of your appeal.

.....

Signature or mark and thumbprint of Applicant or his Council

.....

Signature and address of Witness attesting mark, etc.

NB:

(i) Strike out words which are not applicable.

(ii) If appealing against the whole decision state in paragraph 2 above “the whole decision”.

(iii) The Court will if you desire it, consider your case and argument if put in writing by you or on your behalf instead of your case and arguments being presented orally. If you desire to present your case and argument in writing set out as fully as you think right your case and argument in support of your appeal.

FORM 15

Rule 31(5)

IN THE SUPREME COURT OF GHANA

NOTICE OF APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO APPEAL

To: THE REGISTRAR OF THE

I/the Republic being dissatisfied with the decision/part of the decision more particularly stated in paragraph 2 contained in the judgment/order of the Court of Appeal dated the

day of hereby give(s) you notice that I/the Republic apply (applies) to the Court for an extension of time within which I/the Republic may give NOTICE OF APPEAL (or Notice of Application for leave to appeal) on the ground as follows:

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

2. Part of decision of the Court below complained of

3. Particulars of proceedings in court below, etc.

Fill in the particulars:

(1) Date of decision complained of

(2) Court whose decision is complained of

(3) Offence to which decision relates

(4) Decision of court below (conviction, acquittal, etc.)

(5) If in custody state place of confinement, if not in custody state place of abode or other address.

(i) You are required to send to the Registrar of the Court completed For 13 or 14 together with this Notice (see rule 34).

(ii) Strike out words not applicable.

FORM 16

Rule 38

IN THE SUPREME COURT OF GHANA

NOTIFICATION TO APPELLANT OF A SINGLE JUSTICE'S DECISION, ETC.

Appellant

Respondent

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

(a) Leave to Appeal;

(b) For extension of time within which notice of appeal or of application for leave of appeal may be given;

(c) Admission to bail;

(d) Leave to withdraw/abandonment of appeal;

has (have) refused the application(s) (or has (have) granted your application (s) (as the case may be).

Dated this day of

.....

Registrar

To the above-named.

FORM 17

Rule 39(1)

IN THE SUPREME COURT OF GHANA

NOTICE OF ABANDONMENT OF APPEAL

Appellant

Respondent

To: THE REGISTRAR OF THE SUPREME COURT

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

Dated this day of

.....

Signature or mark and thumbprint

.....

Signature and address of Witness attesting mark,

Strike out words not applicable.

FORM 18

Rule 39(3)

IN THE SUPREME COURT OF GHANA

NOTIFICATION OF ABANDONMENT OF APPEAL

Appellant

Respondent

To:(1)

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

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

Dated this day of

.....

Registrar

(1) Send copies to—

(a) The Attorney-General or other Respondent.

(b) The Head of the Ministry responsible for....

(c) The Prison authority, and

(d) The Registrar of the court below.

FORM 19

Rule 40

IN THE SUPREME COURT OF GHANA

NOTICE OF APPLICATION FOR LEAVE TO WITHDRAW AN ABANDONMENT
OF APPEAL

Appellant

Respondent

To: THE REGISTRAR, SUPREME COURT

I/the Republic having duly sent a notice that I/the Republic desire(s) to appeal to the Supreme Court and having abandoned the appeal; give you notice, that I/the Republic hereby apply (applies) to the Supreme Court for leave to withdraw the Notice of Abandonment on the following grounds—

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

2. PARTICULARS OF PROCEEDINGS IN COURT BELOW, ETC.

Fill in the particulars:

(1) State court to whose decision the appeal relates

(2) State decision or part complained (e.g. conviction, acquittal, sentence).

(3) State offence to which decision relates (e.g. stealing, treason).

(3) If you are in custody state place of confinement and if not in custody state place of abode or other address.

Dated this day of

.....

Signature or mark and thumbprint of Applicant or his Counsel

.....

Signature and address of witness attesting mark, etc.

N.B.—Form 15 must be filled up and sent with the notice to the Registrar.

FORM 20

Rule 42(3)

IN THE SUPREME COURT OF GHANA

RECOGNIZANCE OF BAIL OF APPELLANT

Appellant

Respondent

BE IT REMEMBERED THAT WHEREAS was convicted of on the day of

(and was thereupon and now is in lawful custody at and has duly appealed against his conviction (and sentence) to the Court and has applied for bail pending the determination of his appeal, and has been granted bail on entering into his own recognizance in the sum of), has personally come before me the undersigned, being the , and acknowledged himself to owe to the Republic the sum of to be made and levied of his goods and chattels, lands and tenements to use of the Republic if fails in the condition endorsed.

Taken and acknowledged this day of

at before me.

.....

CONDITION

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

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

When released on bail any residence, to which any Notices, etc. are

to be addressed, will be as follows:—

.....

Appellant Signature/Mark /Thumbprint of Applicant

.....

Signature and address of Witness attesting mark, etc.

FORM 21

Rule 42(3)

IN THE SUPREME COURT OF GHANA

RECOGNIZANCE OF APPELLANTS SURETIES

Appellant

Respondent

BE IT REMEMBERED THAT on this day of

of and

of

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

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

.....

CONDITION

The condition of the written recognizance is that whereas has been convicted of and is now in lawful custody as mentioned (under a sentence of for such offence), has duly appealed to the Court against his conviction (and sentence), and having applied to the Court for bail, pending the determination of his appeal, has been granted bail on his entering into recognizance in the sum of with sureties each in the sum of ¢ if personally appears and surrenders himself at and before the Court and at the final determination abides by the judgment of the Court, and does not depart or is not absent from the Court and in the meantime does not depart from his

usual place of abode without the leave of the Court, then this recognizance shall be void, otherwise it shall be of full force and effect.

FORM 22

Rule 42 (5)(b)

IN THE SUPREME COURT OF GHANA

WARRANT FOR ARREST OF APPELLANT ON BAIL

Appellant

Respondent

To: THE POLICE OFFICERS OF THE POLICE SERVICE

(or as the case may be)

(a) State office and to the (a) of Prison

at

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

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

Dated this day of

.....

Presiding Justice

FORM 23

Rule 43 (1)

IN THE SUPREME COURT OF GHANA

NOTIFICATION TO APPELLANT OF RESULT OF APPLICATION

Appellant

Respondent

To: THE ABOVE-NAMED APPELLANT

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

(a) leave to appeal to the Court;

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

(c) bail;

(d) leave to withdraw/abandonment of appeal;

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

Dated this day of

.....

Registrar

FORM 24

Rule 43 (1)

IN THE SUPREME COURT OF GHANA

NOTIFICATION TO AUTHORITIES OF RESULT OF APPLICATION

Appellant

Respondent

To

.....(1)

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) bail;

(d) leave to withdraw/abandonment of appeal;

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

Here set the Dated this day of

decision of

court

.....

Registrar

(1) Send copies addressed to

(a) The Attorney-General or other respondent

(b) The Chief Director, Ministry of

(c) The Prison Authority, and

(d) The Registrar of the court below.

FORM 25

Rule 43 (1)

IN THE SUPREME COURT OF GHANA

NOTIFICATION TO APPELLANT OF THE RESULT OF HIS APPEAL

Appellant

Respondent

To: THE ABOVE-NAMED APPELLANT

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

Dated this day of

.....

Registrar

FORM 26

Rule 43 (1)

IN THE SUPREME COURT OF GHANA

NOTICE TO AUTHORITIES OF RESULT OF APPEAL

Appellant

Respondent

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

Dated this day of

.....

Registrar

(1) Send copies addressed to:

(a) The Attorney-General or other respondent

(b) The Chief Director, Ministry of

(c) The Prison Authority, and

(d) The Registrar of the court below.

PART III

FORMS FOR ORIGINAL JURISDICTION

FORM 27

Rule 45(1)

IN THE SUPREME COURT OF GHANA

WRIT TO INVOKE ORIGINAL JURISDICTION

Between

Plaintiff

and

Defendant

To:

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

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

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

The nature of the relief sought is as follows:

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

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

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

The address for service of the Plaintiff is as follows:

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

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

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

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

- 1.
.....
.....
.....

.....
.....

2.

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

3.

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

Dated this day of

.....

Plaintiff or his Counsel

PART IV

Rule 53(3), 77(5)

MISCELLANEOUS

FORM 28

IN THE SUPREME COURT OF GHANA

NOTICE TO WITNESS TO ATTEND BEFORE AN EXAMINER

To:

Names of witness.

of

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

This is to give you notice to attend at (a) (a) Specify place of examination on before (b)

at o'clock in the noon.

(b) Fill in examiner's name.

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

Dated the day of

.....

Registrar

FORM 29

Rule 61 (1)

IN THE SUPREME COURT OF GHANA

MOTION ON NOTICE TO INVOKE THE SUPERVISORY

JURISDICTION OF THE SUPREME COURT

Republic v. Ex parte (name of applicant).

TAKE NOTICE that pursuant to the provisions of article 132 of the Constitution,

this Court will be moved on theday ofat O'clock

in the forenoon or so soon thereafter as counsel can be heard on the hearing of an application for an order of(here state relief sought) directed to.

(here state person to whom the order is to be directed).....in terms of the accompanying affidavit.

AND FURTHER TAKE NOTICE THAT the grounds for the application are as follows—

Dated this.....day of

JUSTICE ISAAC KOBINA ABBAN

Chief Justice (Chairman)

DR. OBED YAO ASAMOAH

Attorney-General and Minister for Justice (Member)

JUSTICE CHARLES FREDERICK HAYFRON-BENJAMIN

Justice of the Supreme Court (Member)

JUSTICE ALEX AWUAKYE FORSTER

Justice of the Court of Appeal (Member)

DSP FRANK ADU-POKU

Director, Legal Directorate, Ghana Police Service (Member)

COL. ALEXANDER BEDIAKO DONKOR

Judge Advocate-General of the Ghana Armed Forces (Member)

DANIEL RANSFORD KODI SANKAH

Editor, Council for Law Reporting (Member)

PETER ALA ADJETEY

Ghana Bar Association (Member)

MRS. HANNA TETTEH-KPODAR

Ghana Bar Association (Member)

MISS EIRENE QUAINOO

(Secretary)

[As substituted by Supreme Court (Amendment) Rules, 1999 (CI 24), (e)].

Date of Gazette Notification: 27th September, 1996.