

CHAPTER 8.**CRIMINAL APPEAL.****List of Subsidiary Legislation.**

1. Regulations: Costs.
2. Regulations: Shorthand notes.
3. The Criminal Appeal Rules.

COSTS.**REGULATIONS**

made by the Governor in Council under section 16 on the 25th August, 1951.

Regs. 27
of 1951.

1. These regulations may be cited as the Criminal Appeal (Costs) Regulations.

2. The expenses of any solicitor or counsel assigned to an appellant by the Court of Criminal Appeal shall be allowed as follows—

A fee not exceeding \$15 for a solicitor and a fee for counsel not exceeding \$20:

Provided that the Court of Criminal Appeal may certify that the case was one of exceptional difficulty and thereupon there may be allowed a fee not exceeding \$35 for a solicitor and not exceeding \$50 for counsel or when two counsel are selected, not exceeding \$75 for leading counsel and \$50 for junior counsel.

3. In addition to the fees allowed under regulation 2 of these regulations, a solicitor or counsel may be allowed such actual travelling and hotel expenses incurred, as the Registrar shall in each case allow.

4. The expenses of any witnesses attending on the Order of the Court or examined in any proceedings incidental to the appeal shall be allowed on the scale prescribed for witnesses at the Criminal Sessions in accordance with the sixth schedule to the Criminal Law (Procedure) Ordinance.

5. The Registrar may, subject to any direction given by the Court of Appeal, allow actual travelling and hotel expenses

incidental to the appearance of an appellant not in custody on the hearing of his appeal or on any proceeding preliminary or incidental to the appeal.

6. Where any examination of witnesses is conducted by a person appointed by the Court for the purpose, the person so appointed shall be allowed—

(a) if he be a magistrate, his travelling and subsistence allowance as prescribed by General Orders; the actual cost of hiring a room for the examination, if no court or public room is available, and such other incidental expenses as in the opinion of the Court are necessarily and reasonably incurred;

(b) if he be a practising barrister, his travelling and hotel expenses and in addition such fee not exceeding \$50 a day as the Court may allow.

7. Where any question is referred to a special Commissioner appointed by the Court, or where any person is appointed as assessor to the Court, he shall be allowed such fee as the Court, having regard to his qualifications and ordinary remuneration, may think reasonable, not exceeding \$50 a day.

SHORTHAND NOTES.

REGULATIONS

made by the Governor in Council under section 19 on the 25th August, 1951.

Regs. 28
of 1951.

1. These regulations may be cited as the Criminal Appeal (Shorthand Notes) Regulations.

2. The fees payable to the Registrar by any party interested for a transcript of the shorthand notes taken of the proceedings at the trial of any person convicted on indictment shall be at the rate of twenty-four cents for one hundred and twenty words.

3. The rates of payment for taking shorthand notes at the trial or for making a transcript thereof, shall be as follows—

(a) attendance fee at court—\$5.00 per day;

(b) transcript fee, one hundred and twenty words—twenty-four cents; carbon copies—each, four cents:

Provided that where the shorthand notes or any transcript thereof are taken by any person in the permanent Civil Service of the Colony, this regulation shall not apply.

THE CRIMINAL APPEAL RULES.

ARRANGEMENT OF RULES.

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- (b) Interpretation Ordinance to apply to rules.
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- (b) Shorthand note to be certified by the writer.
- (c) Transcript to be furnished on application of Registrar.
- (d) Party interested may obtain transcript.
- (e) Party interested may obtain transcript from Registrar.
- (f) Definition of "party interested."
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CERTIFICATE OF JUDGE OF TRIAL.

6. (a) Judge's certificate under section 5 (c).
- (b) Judge's certificate may be given at trial without application.

APPEALS WHERE FINE ONLY IS INFLICTED.

7. (a) Fine imposed on conviction to be retained pending appeal.
- (b) Person in custody in default of payment of fine, deemed to be person sentenced to imprisonment.
- (c) Person fined may in certain cases intimate appeal, and not pay fine. Power of court of trial in such cases to impose recognisances.
- (d) Fine to be repaid on success of appeal.
- (e) How appellant committing breach of recognisance under this rule may be dealt with.

CUSTODY OF EXHIBITS USED AT TRIAL.

8. (a) Judge's directions as to custody of exhibits.
- (b) Record of judge's directions as to custody of exhibits.
- (c) List of exhibits produced before committal, to be made by clerk to magistrate.

ORDER MADE AT TRIAL. CONSEQUENTIAL ORDERS AND SUSPENSION OF SAME
PENDING APPEAL.

RULE

9. Varying order of restitution of property. Persons affected may appear on appeal.
10. (a) Temporary suspension of orders made on conviction as to money awards, costs, etc.
(b) Judge's directions as to property of convicted person pending appeal.
(c) Judge's directions as to securing payment of money by convicted person pending appeal.
(d) Suspension of order of destruction or forfeiture of property.
(e) Suspension of proceedings or claims consequent on conviction.
11. Period of suspension of orders under section 8 of Ordinance.
12. (a) Certificate of conviction not to issue for ten days after conviction.
(b) After ten days from conviction, officer to be satisfied no appeal pending before issuing certificate of conviction.

NOTES AND REPORT OF JUDGE OF TRIAL.

13. Judge's note to be furnished to the Registrar on request.
14. (a) Report of judge of court of trial.
(b) Judge's report to be furnished to Court of Appeal.
15. Registrar to furnish judge of court of trial with materials for report.

NOTICES OF APPEAL AND PERIOD FOR APPEALING; ABANDONMENT OF APPEALS.

16. Obligation on appellants to fill up forms of appeal, notices and to answer questions thereon.
17. Time for appealing against conviction to run from verdict.
18. Time for appealing against sentence to run from pronouncement of sentence.
19. (a) Registrar to require proper officer of court of trial to furnish him with particulars, etc., of trial.
(b) Registrar to require proper officer of court of trial to furnish him with depositions, indictments, pleas, etc., for use of Court of Appeal.
20. Prosecutor at trial to be ascertained.
21. Notice of application for leave to appeal.
22. Abandonment of appeal.
23. Notice of application for extension of time for appealing.

PROCEEDINGS BEFORE JUDGE OF COURT OF APPEAL UNDER SECTION 20.

24. (a) How application for leave to appeal and other preliminary applications are to be dealt with.
(b) Procedure where judge of Court of Appeal refuses applications under section 20 of Ordinance.
(d) Sittings of a judge under section 20.

PROCEDURE UNDER SECTION 23 OF THE ORDINANCE.

25. (a) Judge to forward special case to Registrar and copies to be supplied to appellant and respondent.
(b) These rules to apply to convicted persons where case stated under section 23 of Ordinance.

DUTIES OF ATTORNEY GENERAL.

26. (a) Registrar's duties as to ascertaining respondent.
(b) Prosecutor to afford all information, documents, etc., to Registrar and Attorney General.
27. Court may at any stage substitute a law officer for a private prosecutor.

PROCEDURE ON APPLICATION FOR BAIL:

RIGHTS OF SURETIES:

RULE

ESTREAT OF RECOGNISANCES.

28. (a) Bail: Court of Appeal to specify amount and before whom recognisances to be taken.
 (b) Appellant's recognisances. Surety's recognisances.
 (c) Appellant and prison officer to receive notice of terms of bail.
 (d) Police of district to assist magistrate in inquiring as to surety's sufficiency.
 (e) Appellant's and surety's recognisances to be forwarded to Registrar. Clerk to give surety certificate of recognisances.
 (f) Registrar on receiving recognisances in due form to notify officer of prison to release appellant.
 (g) Form of recognisance.
 (h) Presence of appellant on bail at hearing of his appeal.
 (i) Varying order for bail by Court of Appeal.
 (j) Provisions for sureties discharging their obligations.
 (k) How appellant on bail to be dealt with on arrest at instance of sureties.
 (l) Arrest and commitment of appellant to be notified to Registrar by clerk.
 (m) Power of Court of Appeal to revoke order for bail.
 (n) Officer in charge of prison on commitment of appellant to notify Registrar.
 (o) Sureties' rights at common law preserved.
 (p) Estreat of recognisances.
29. Duty of police to inquire and report as to appellant's means on request of Registrar.
30. (a) Warders, etc., to attend sittings of Court of Appeal.
 (b) Appellant to surrender on appeal, be searched, and remain in custody until further dealt with.
31. (a) Registrar on application of appellant or respondent or where he thinks it necessary to obtain documents, exhibits, etc., for purposes of appeal, and same to be open for inspection.
 (b) Court of Appeal may order production of any document or exhibits, etc.
 (c) Service of orders.

EXHIBITS IN COURT OF TRIAL, HOW DEALT WITH.

32. Exhibits to which rule 8 (a) relates to be returned to persons producing the same subject to order of court.

NOTIFYING RESULT OF APPEALS.

33. (a) On final determination of appeals, etc., Registrar to notify appellant, Governor and Superintendent of Prisons.
 (b) In cases of death sentence, notice of appeal and of final determination to be sent to Governor.
34. (a) Registrar to notify officer of court of trial results of appeal.
 (b) Officer of court of trial to enter decision of court on records.
35. Registrar after appeal to return original depositions, exhibits, indictment, etc., to officer of court of trial when received from him.

LEGAL AID TO APPELLANTS.

36. Reports as to legal aid under section 18 (5) to be made to judge of Court of Appeal.

RULE.

37. (a) List of counsel and solicitors for purposes of Ordinance.
 (c) Legal aid to be provided from such lists.

COPIES OF DOCUMENTS FOR USE OF APPELLANTS.

38. (a) How appellant or respondent may obtain from Registrar copies of documents or exhibits.
 (b) Counsel and solicitor assigned to appellant may receive copies of documents and exhibits free on his request.
 (c) Transcript of shorthand notes or judge's notes not to be supplied free except on order of court.
 (d) Appellant not legally represented may obtain copy of documents or exhibits free.

PROCEDURE AS TO WITNESSES BEFORE COURT OF APPEAL, AND THEIR EXAMINATION BEFORE EXAMINER.

39. (a) Attendance of witnesses before Court of Appeal.
 (b) Application to Court to hear witnesses.
 (c) Order appointing examiner.
 (d) Registrar to furnish examiner with exhibits, etc., necessary for examination.
 (e) Notification of date of examination.
 (f) Evidence to be given on oath.
 (g) Deposition of witness: How to be taken.
 (h) Travelling expenses of witnesses before examiner.
 (i) Service of notices and orders under rule 31.
 (j) Presence of parties at examination of witnesses.
40. Proceedings under section 12 (d) on reference.

CAUSE LIST.

41. (a) Register of appeals to be kept by the Registrar.
 (b) Registrar to keep general list of appeals.
 (c) List of cases for daily sittings of Court. Notices to appellants in custody.

MISCELLANEOUS PROVISIONS.

42. (a) Application not specially provided for, how made.
 (b) Solicitor's right of audience.
43. Notice by Registrar to appellant of results of all applications.
44. Non-compliance of rules not wilful may be waived by Court.
45. Enforcing duties under rules.
46. Warrants for arrest of appellants to be deemed to be warrants issued under Cap. 11.
47. A petitioner under section 22 (a) to be deemed an appellant for all purposes.
48. Reference to Court under section 22 (b).

SCHEDULE.

FORMS.

THE CRIMINAL APPEAL RULES

Rules
3 of 1951.

made under section 21 by the Rule Committee established under section 94 of the Criminal Law (Procedure) Ordinance (Chapter 11) on the 16th March, 1951, and laid before the Legislative Council on the 29th March, 1951.

INTERPRETATION OF RULES.

Short title.

1. These rules may be cited as the Criminal Appeal Rules.

Inter-
pretation.

2. (a) In these rules—

“the Ordinance” means the Criminal Appeal Ordinance;

“Court of Appeal” means the Court of Criminal Appeal constituted by the Ordinance;

“judge of the court of trial” means the judge of the court from the conviction before or the sentence of which a person desires to appeal under the Ordinance;

“proper officer of the court of trial” means the registrar of the court from conviction before which, or from whose sentence, a person desires to appeal; and includes a sworn clerk or an assistant sworn clerk to whom duties in connection with such court have been assigned under section 17 of the Supreme Court Ordinance;

Cap. 7.

“Registrar” means the Registrar of the Court of Appeal and includes the Deputy Registrar of the Supreme Court and any person temporarily appointed by the Chief Justice to act during the absence of the Registrar of the Court of Appeal;

“shorthand writer” means the person or persons appointed from time to time as such for the purposes of section 19 of the Ordinance;

“respondent” means the person who under section 15 of the Ordinance has the duty of appearing for the Crown, or who undertakes the defence of the appeal;

“exhibits” includes all books, papers, and documents, and all other property, matters and things whatsoever connected with the proceedings against any person who is entitled or may be authorised to appeal under the Ordinance, if the same have been forwarded to the court of trial on the person accused being committed for trial or have been produced and used in evidence during the trial of, or other proceedings in relation to, a person entitled or authorised under the Ordinance to appeal, and any written statement

handed in to the judge of the court of trial by such person; but does not include the original depositions of witnesses examined before the committing magistrate, unless such depositions have been produced and used in evidence during the trial, nor any indictment or inquisition against any such person nor any plea filed in the court of trial.

(b) The Interpretation Ordinance, and any Ordinance amending the same shall apply for the interpretation of these rules as it applies for the interpretation of an Ordinance.

Inter-pretation Ordinance to apply to rules.
Cap. 5.
Scheduled forms to be used.

3. The forms set out in the schedule to these rules, or forms as near thereto as circumstances permit, shall be used in all cases to which such forms are applicable.

NOTICES OF APPEAL.

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

Notices of appeal to be signed by appellant and addressed to Registrar.

Any other notice required or authorised to be given for the purposes of the Ordinance or these rules shall be in writing and signed by the person giving the same or by his counsel or solicitor. All notices required or authorised to be given for the purposes of the Ordinance or these rules to the Court of Appeal shall be addressed to "The Registrar of the Court of Criminal Appeal".

(b) Any notice or other document which is required or authorised by the Ordinance or these rules 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 such notice or other document is so required or authorised to be given or sent.

How notices, etc., may be sent or given.

(c) When an appellant or any other person authorised or required to give or send any notice of appeal or notice of any application for the purposes of the Ordinance or of these rules 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.

(d) Where, on the trial of a person entitled to appeal under the Ordinance, it has been contended that he was not responsible according to law for his actions on the ground that he was insane at the time the act was done or the omission made by him, any notice required by these rules to be given and signed

Appellant's representative may act for him where question of insanity involved.

by the appellant himself may be given and signed by his counsel or solicitor or other person authorised to act on his behalf.

Notice, etc.,
on behalf of
corporations.

(e) In the case of a body corporate where by the Ordinance or these rules any notice or other document is required to be signed by the appellant himself, it shall be sufficient compliance therewith if such notice or other document is signed by the secretary, clerk, manager, or counsel or solicitor of such body corporate.

SHORTHAND WRITERS AND TRANSCRIPT OF NOTES.

What
shorthand
notes shall
be taken.

5. (a) For the purpose of section 19 of the Ordinance shorthand notes shall be taken of the summing up of the judge of the court of trial, and of such other parts of the proceedings as the judge of the court of trial may consider expedient and order to be taken in the course of the trial.

Shorthand
note to be
certified by
the writer.

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

Transcript to
be furnished
on application
of Registrar.

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

Party
interested
may obtain
transcript.

(d) On the application of a party interested in a trial or other proceeding in relation to which a person may appeal under the Ordinance, the Registrar shall direct the shorthand writer to furnish to such party and to no other person, a transcript of the whole, or of any part of the shorthand note of any such trial or other proceedings, on payment to the Registrar by such party interested of the charges on such scale as may be fixed by regulations made by the Governor in Council.

Party
interested
may obtain
transcript
from
Registrar.

(e) A party interested in an appeal under the Ordinance may obtain from the Registrar a copy of the transcript of the whole or of any part of such shorthand note as relates to the appeal subject to the provisions of section 19 of the Ordinance.

Definition of
"party
interested."

(f) For the purposes of this rule, "a party interested" shall mean the prosecutor or the person convicted, or any other person named in, or immediately affected by, any order made by the judge of the court of trial, or other person authorised to

act on behalf of a party interested, as herein defined; but shall not include the Attorney General, to whom a copy of such transcript shall be furnished free of charge.

(g) Whenever under the Ordinance or these rules a transcript of the whole or of any part of such shorthand note is required such transcript may be made by the shorthand writer who took and certified the shorthand note, or by such other competent person as the Registrar may direct.

Transcript to be made by writer thereof or some other person on Registrar's directions.

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

Verification of transcript for use of Court of Appeal.

CERTIFICATE OF JUDGE OF TRIAL.

6. (a) The certificate of the judge of the court of trial under section 5 (c) of the Ordinance may be in the Form I in the schedule to these rules.

Judge's certificate under section 5 (c).

(b) The judge of the court of trial may, in any case in which he considers it desirable so to do, inform the person convicted before or sentenced by him that the case is in his opinion one fit for an appeal to the Court of Appeal under section 5 (c), and may give to such person a certificate to that effect in the Form I in the schedule to these rules.

Judge's certificate may be given at trial without application.

APPEALS WHERE FINE ONLY IS INFLICTED.

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

Fine imposed on conviction to be retained pending appeal.

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

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

Person fined may in certain cases intimate appeal, and not pay fine. Power of court of trial in such cases to impose recognisances.

(c) 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 of trial that he is desirous of appealing against his conviction to the Court of Appeal, either upon grounds of law alone, or, with the certificate of the judge of the court of trial upon any grounds mentioned in section 5 (c) of the Ordinance, such judge may, if he thinks right so to do, order such person forthwith to enter into recognisances, in such amount and with or without sureties in such amount as such judge may think right, to prosecute his appeal. And, subject thereto, may order that payment of the said fine shall be made at the final determination of the said appeal, if the same be dismissed, to the Registrar or as the Court of Appeal may then order. The recognisance under this rule shall be in the Forms XX and XXI in the schedule hereto. A surety becoming duly bound by recognisance under this rule, shall be deemed to be, for all purposes, and shall have all the powers of a surety under the provisions of rule 28.

The proper officer of the court of trial shall forward the recognisances of the appellant and his surety or sureties to the Registrar.

Fine to be repaid on success of appeal.

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

How appellant committing breach of recognisance under this rule may be dealt with.

(e) If an appellant to whom rule 7 (c) applies, does not serve in accordance with these rules, a notice of appeal upon grounds of law alone, or with the certificate of the judge of the court of trial upon any grounds mentioned in section 5 (c) of the Ordinance, within ten days from the date of his conviction and sentence, the Registrar shall report such omission to the Court of Appeal, who may, after notice in the Forms XXII and XXIII in the schedule hereto has been given to the appellant and his sureties, if any, order an estreat of the recognisances of the appellant and his sureties in manner provided by rule 28 (p) hereof, and may issue a warrant for the apprehension of the appellant and may commit him to prison in default of payment of his fine, or may make such other order as they think right.

CUSTODY OF EXHIBITS USED AT TRIAL.

Judge's directions as to custody of exhibits.

8. (a) The judge of the court of trial may make any order he thinks fit for the custody, disposal, or production of any exhibits in the case, but unless he makes any such order,

exhibits shall be kept in the custody of the proper officer of the court of trial for a period of ten days from the date of conviction, and if an appeal is pending, then until the final determination of such appeal; if no appeal or application for leave to appeal is lodged during the said period of ten days then the exhibits shall be returned to the custody of the person producing the same or of the counsel or solicitor for the prosecution or defence respectively.

(b) The proper officer of the court of trial shall keep a record of any order or direction of the judge thereof given under this rule.

(c) Whenever a person is committed for trial, it shall be the duty of the clerk of the court committing such person for trial to make and forward, with the depositions taken in relation to such person, a complete list of such exhibits as have been produced and used in evidence for or against him during any proceedings before such magistrate, to the Court before which such person is to be tried. Such list shall be in the Form XXXII in the schedule to these rules, subject to the necessary modifications, and shall be signed by such clerk. The exhibits appearing on such list shall be marked with consecutive numbers or letters for the purpose of readily identifying the same.

Any exhibits put in for the first time at the trial shall be added to such list by the proper officer of the court of trial and marked as herein provided.

ORDER MADE AT TRIAL. CONSEQUENTIAL ORDERS AND SUSPENSION OF SAME PENDING APPEAL.

9. Where, upon the trial of a person entitled to appeal under the Ordinance against his conviction, an order of restitution of any property to any person has been made by the judge of the court of trial, the person in whose favour or against whom the order of restitution has been made, and, with the leave of the Court of Appeal, any other person, shall, on the final hearing by the Court of Appeal of an appeal against the conviction on which such order of restitution was made, be entitled to be heard by the Court of Appeal before any order under the provisions of section 8 (3) of the Ordinance, annulling or varying such order or restitution, is made.

10. (a) Where, on the conviction of a person, the judge of the court of trial makes an order condemning such person to the payment of the whole or of any part of the costs and expenses of the prosecution for the offence of which he shall be convicted

Record of judge's directions as to custody of exhibits. List of exhibits produced before committal, to be made by clerk to magistrate.

Varying order of restitution of property. Persons affected may appear on appeal.

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

out of any moneys taken from such person on his apprehension or otherwise or where such judge lawfully makes on the conviction of any person before him any order for the payment of money by such convicted person or by any other person or any order affecting the rights or property of such convicted person, the operation of such orders shall in any of such cases be suspended until the expiration of ten days after the day on which any of such orders were made. And in cases where notice of appeal or notice of application for leave to appeal is given within ten days from and after the date of the verdict against such person, such orders shall be further suspended until the determination of the appeal against the conviction in relation to which they were made. The Court of Appeal may, by order, annul any order to which this rule refers on the determination of any appeal under the Ordinance, or may vary such order, and such order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

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

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

(b) Where the judge of the court of trial makes any such order on a person convicted before him, as in this rule mentioned, he shall give such directions as he thinks right as to the retention, by any person, of any money or valuable securities belonging to the person so convicted and taken from such person on his apprehension or of any money or valuable securities at the date of his conviction in the possession of the prosecution for the period of ten days, or in the event of an appeal, until the determination thereof by the Court of Appeal. The proper officer of the court of trial shall keep a record of any directions given under this rule.

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

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

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

Suspension of order of destruction or forfeiture of property.

(e) Where, upon conviction of any person of any offence, any claim may be made or any proceedings may be taken under any Ordinance against such person or any other person in consequence of such conviction, such proceedings shall not be taken until after the period of ten days from the date on which the verdict against such person was returned nor in the event of an appeal under the Ordinance to the Court of Appeal until the determination thereof.

Suspension of proceedings or claims consequent on conviction.

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

11. The time during which an order of restitution or the operation of subsection (1) of section 26 of the Sale of Goods Ordinance is suspended under section 8 of the Ordinance shall commence to run from the day on which the verdict of the jury was returned, and, in cases where notice of appeal or notice of application for leave to appeal is duly given within ten days after such day, the period of suspension of such order or of the operation of the subsection shall continue until the determination of the appeal.

Period of suspension of orders under section 8 of Ordinance. Cap. 333.

12. (a) The proper officer of the court of trial or other officer having the custody of the records of such court shall not issue, under any Ordinance authorising him so to do, a certificate of conviction of any person convicted on indictment in such court for the period of ten days after the actual day on which such conviction took place; nor, in the event of such officer receiving information from the Registrar within such ten days that a notice of appeal or of application for leave to appeal has been given under the Ordinance, until the determination thereof.

Certificate of conviction not to issue for ten days after conviction.

After ten days from conviction, officer to be satisfied no appeal pending before issuing certificate of conviction.

(b) Where an application is made to such officer to issue such certificate of conviction as in this rule mentioned after the expiration of the said period of ten days, he shall require, before issuing the same, to be satisfied that there is no appeal then pending in the Court of Appeal against such conviction. A person desirous of obtaining a certificate of conviction from such officer shall be entitled to obtain from the Registrar a certificate in such form as the said Registrar may think right for the purpose of satisfying by the production thereof, such officer that no appeal against such conviction is then pending. After the expiration of two months from the date of the conviction a certificate thereof may be issued by such officer as heretofore, except in cases in which he has had notice of an appeal still undetermined.

For the purposes of this rule the expression "conviction" shall mean the verdict or plea of guilty and any final judgment passed thereon.

NOTES AND REPORT OF JUDGE OF TRIAL.

Judge's note to be furnished to the Registrar on request.

13. (a) The Registrar when he has received a request as mentioned in paragraph (b) of this rule, or a notice of appeal, or a notice of application for leave to appeal under the Ordinance, or a notice of application for extension of the time within which under the Ordinance such notices shall be given, or when the Governor shall exercise his powers under section 22 of the Ordinance, shall request the judge of the court of trial to furnish him with his notes of the trial or with a copy of such notes and such judge of the court of trial shall thereupon furnish the same to the Registrar in accordance with such request.

(b) Where a person convicted on indictment intends to appeal under the Ordinance to the Court of Appeal or to obtain the leave of that Court to appeal, or where any such appeal is pending, the convicted person or his counsel or solicitor shall upon request made by him to the Registrar be furnished as soon as practicable thereafter with a copy of the notes of the trial. Such copy shall be supplied on payment of the charges on such scale as the Registrar, with the concurrence of the Chief Justice, may fix.

Report of judge of court of trial.

14. (a) The Registrar when he has received a notice of appeal or a notice of application for leave to appeal under the Ordinance, or a notice of application for extension of time within which under the Ordinance such notices shall be given, or when the Governor shall exercise his powers under section 22 of the Ordinance, or whenever it appears to be necessary for the proper

determination of any appeal or application, or for the due performance of the duties of the Court of Appeal under the said section may and, whenever in relation to any appeal under the Ordinance the Court of Appeal or any judge thereof directs him so to do, shall request the judge of the court of trial to furnish him with a report in writing, giving his opinion upon the case generally or upon any point arising in the case, and the judge of the court of trial shall furnish the same to the Registrar in accordance with such request.

(b) The report of the judge shall be made to the Court of Appeal, and except by leave of the Court or a judge thereof the Registrar shall not furnish to any person any part thereof.

Judge's report to be furnished to Court of Appeal.

15. When the Registrar shall request the judge of the court of trial to furnish a report under these rules, he shall send to such judge of the court of trial a copy of the notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which under the Ordinance such notice shall be given or any other document or information which he shall consider material, or which the Court of Appeal at any time shall direct him to send, or with which such judge may request to be furnished by the Registrar, to enable such judge to deal in his report with the appellant's case generally or with any point arising thereon.

Registrar to furnish judge of court of trial with materials for report.

NOTICES OF APPEAL AND PERIOD FOR APPEALING; ABANDONMENT OF APPEALS.

16. A person desiring, under the provisions of the Ordinance, to appeal to the Court of Appeal against his conviction or sentence, shall commence his appeal by sending to the Registrar a notice of appeal or notice of application for leave to appeal, or notice of application for extension of time within which such notice shall be given, as the case may be, in the form of such notices respectively set forth in the schedule to these rules, and in the notice or notices so sent, shall answer the questions and comply with the requirements set forth thereon, subject to the provisions of rule 44.

Obligation on appellants to fill up forms of appeal notices and to answer questions thereon. (Forms IV, V, VI, VII & IX.)

17. The time within which a person convicted shall give notice of appeal or notice of his application for leave to appeal to the Court of Appeal against his conviction, shall commence to run from the day on which the verdict of the jury was returned, whether the judge of the court of trial shall have passed sentence or pronounced final judgment upon him on that day or not.

Time for appealing against conviction to run from verdict.

Time for appealing against sentence to run from pronouncement of sentence.

18. The time within which a person convicted and sentenced, shall give notice of appeal or notice of application for leave to appeal against such sentence under the Ordinance to the Court of Appeal, shall commence to run from the day on which such sentence shall have been passed upon him by the judge of the court of trial.

Registrar to require proper officer of court of trial to furnish him with particulars, etc., of trial.

19. (a) When the Registrar 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, under the Ordinance, such notices shall be given, or where the Governor shall exercise his powers under section 22 of the Ordinance, he shall forthwith apply to the proper officer of the court of trial for the particulars of the trial and conviction according to Form II in the schedule hereto, or a copy thereof so far as the same refers to the appellant, and such officer shall forthwith furnish the same to the Registrar.

Registrar to require proper officer of court of trial to furnish him with depositions, indictments, pleas, etc. for use of Court of Appeal.

(b) The Registrar may, if it appears to him to be necessary for the proper determination of any appeal or application or for the due performance of the duties of the Court of Appeal under the said section or whenever in any such cases he is directed by the Court of Appeal so to do, shall require the proper officer of the court of trial to furnish him with the original depositions of witnesses examined before the committing magistrate, or with any exhibit retained by such officer, and with the indictment or indictments or inquisition against the appellant, or with an abstract or copy thereof or any part thereof or with any plea filed in the court of trial, and such officer shall forthwith furnish the same to the Registrar.

Prosecutor at trial to be ascertained.

20. The proper officer of the court of trial shall ascertain and record in every case the name and address of the person, whether a private prosecutor or not, who is responsible for and is carrying on a prosecution in such court, and the name and address of the counsel or solicitor, if any, for the prosecution.

Notice of application for leave to appeal.

21. Where the Court of Appeal has, on a notice of application for leave to appeal duly served, and in the form provided under these rules, given an appellant leave to appeal, it shall not be necessary for such appellant to give any notice of appeal, but the notice of application or leave to appeal shall in such case be deemed to be a notice of appeal.

Abandonment of appeal.

22. 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 under the Ordinance such

notices shall be given, may abandon his appeal by giving notice of abandonment thereof in the Form III in the schedule to these rules to the Registrar, and upon such notice being given the appeal shall be deemed to have been dismissed by the Court of Appeal.

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

Notice of application for extension of time for appealing.

PROCEEDINGS BEFORE JUDGE OF COURT OF APPEAL UNDER SECTION 20.

24. (a) Notice of application for leave to appeal or for extension of time within which notice of appeal or notice of application for leave to appeal shall be given under the Ordinance in the forms in the schedule hereto, and the answers to the questions of Forms IV, V, VI and VII, which an appellant is by these rules required to make, in reference to legal aid being assigned to him, or to leave being granted to him to be present at the hearing of his appeal, shall be deemed to be applications to the Court of Appeal in such matters respectively.

How application for leave to appeal and other preliminary applications are to be dealt with.

(b) The Registrar when any application mentioned in this rule has been dealt with by the judge shall notify to the appellant the decision. In the event of the judge refusing all or any of such applications the Registrar on notifying such refusal to the appellant shall forward to him Form XIV in the schedule hereto, which form the appellant is hereby required to fill up and forthwith return to the Registrar. If the appellant does not desire to have his said application or applications determined by the Court of Appeal as duly constituted for the hearing of appeals under the Ordinance, or does not return within five days to the Registrar Form XIV duly filled up by him, the refusal of his application or applications by such judge shall be final. If the appellant desires that his said application or applications shall be determined by the Court of Appeal as duly constituted for the hearing of appeals under the Ordinance and is not legally represented he may, if the Court of Appeal give him leave, be present at the hearing and determination by the Court of Appeal of his said application:

Procedure where judge of Court of Appeal refuses applications under section 20 of Ordinance.

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

(c) When an appellant duly fills up and returns within the prescribed time to the Registrar Form XIV expressing a desire to be present at the hearing and determination by the Court of Appeal of the applications mentioned in this rule, such form shall be deemed to be an application by the appellant for leave to be so present. The Registrar, on receiving the said form, shall take the necessary steps for placing the said application before the Court of Appeal. If the said application to be present is refused by the Court of Appeal, the Registrar shall notify the appellant; and if the said application is granted, the Registrar shall notify the appellant and the officer in charge of the prison wherein the appellant is in custody, as provided by these rules. For the purpose of constituting a Court of Appeal the judge who has refused any such application may sit as a member of such Court, and take part in determining such application.

(d) A judge of the Court of Appeal sitting under the provisions of section 20 of the Ordinance may sit and act wherever convenient.

Sittings of a judge under section 20.

PROCEDURE UNDER SECTION 23 OF THE ORDINANCE

25. (a) The judge of the court of trial shall forward any case stated by him in pursuance of section 23 of the Ordinance to the Registrar, who shall on receiving the same send a copy of such case to the appellant and respondent respectively.

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

(b) Where under the provisions of section 23 of the Ordinance, the judge of the court of trial states a case for the consideration of the Court of Appeal, the person convicted shall for the purposes of these rules be deemed to be an appellant who has appealed under section 5 (a) of the Ordinance, provided that in such case section 18 (2) thereof shall not apply.

These rules to apply to convicted persons where case stated under section 23 of Ordinance.

DUTIES OF ATTORNEY GENERAL.

26. (a) When the Registrar has received a notice of appeal, or a notice of appeal on grounds of law alone which does not, in his opinion, fall within the provisions of section 18 (2) of the Ordinance, or where leave to appeal is granted to any appellant, he shall forthwith ascertain from the person specified in Form II as the prosecutor, unless such person shall be the Attorney

Registrar's duties as to ascertaining respondent.

General or a Government Department, or from the counsel or solicitor of such person, whether the prosecutor intends to undertake the defence of the appeal. And in the event of the prosecutor declining to undertake the defence of the appeal, notice to that effect shall be sent by the Registrar to the Attorney General.

Where such prosecutor in the Court of Trial was the Attorney General, the Registrar shall notify him of such appeal.

(b) It shall be the duty of a prosecutor who declines to undertake the defence of an appeal, and of his counsel or solicitor, to furnish to the Registrar and the Attorney General, or either of them, any information, documents, matters and things in his possession or under his control connected with the proceedings against the appellant, which the Registrar or Attorney General may require for the purposes of their duties under the Ordinance.

Prosecutor to afford all information, documents, etc., to Registrar and Attorney General.

27. Where the defence of an appeal is undertaken by a private prosecutor the Court of Appeal may, at any stage of the proceedings in such appeal, if it shall think right so to do, order that a Law Officer shall take over the defence of the appeal and be responsible on behalf of the Crown for the further proceedings in the same.

Court may at any stage substitute a law officer for a private prosecutor.

PROCEDURE ON APPLICATION FOR BAIL: RIGHTS OF SURETIES: ESTREAT OF RECOGNISANCES.

28. (a) When the Court of Appeal under the Ordinance admits an appellant to bail pending the determination of his appeal on application by him duly made in compliance with these rules, the Court shall specify the amounts in which the appellant and his surety or sureties (if any be required) shall be bound by recognisance, and shall direct, if they think right so to do, before whom the recognisances of the appellant and his surety or sureties (if any) may be taken.

Bail: Court of Appeal to specify amount and before whom recognisances to be taken.

(b) In the event of the Court of Appeal not making any special order or giving special directions under this rule, the recognisances of the appellant may be taken before a justice of the peace at the prison in which he shall then be confined or the officer in charge thereof, and the recognisances of his surety or sureties (if any) may be taken before any magistrate.

Appellant's recognisances.

Surety's recognisances.

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

Appellant and prison officer to receive notice of terms of bail.

Police of district to assist magistrate in inquiring as to surety's sufficiency.

(d) The said magistrate shall be entitled to require the assistance of any police constable acting within his district for the purpose of making inquiry as to the sufficiency or otherwise, of any person offering himself as a surety on behalf of any appellant who has, under the Ordinance, been granted bail, and it shall be the duty of such police constable to give such assistance to and as and when required by a magistrate under this rule.

Appellant's and surety's recognisances to be forwarded to Registrar. Clerk to give surety certificate of recognisances.

(e) After the recognisance of a surety has been duly taken under these rules by such magistrate, the clerk of the court of such magistrate shall forward such recognisance to the Registrar, and the officer in charge of the prison in which the appellant is then confined shall, after the appellant's recognisance has been duly taken in pursuance of this rule, forward the same to the Registrar. The clerk of the court of such magistrate shall after the recognisances of a surety are taken give to him a certificate in the Form XV in the schedule hereto, which such surety shall sign and retain.

Registrar on receiving recognisances in due form to notify officer of prison to release appellant.

(f) The Registrar, on being satisfied that the recognisances of the appellant and his surety or sureties (if any) are in due form and in compliance with the order of the Court admitting the appellant to bail, shall send in the Form XII in the schedule to these rules a notice to the officer of the prison in which the appellant shall then be confined. This notice, when received by the said officer, shall be a sufficient authority to him to release the appellant from custody.

Form of recognisance.

(g) The recognisances provided for in this rule, shall be in the Forms X and XI in the schedule hereto.

Presence of appellant on bail at hearing of his appeal.

(h) An appellant who has been admitted to bail under the Ordinance, shall, by the order of the Court of Appeal or a judge thereof under which he was so admitted to bail, be ordered to be and shall be personally present at each and every hearing of his appeal, and at the final determination thereof. The Court of Appeal may, in the event of such appellant not being present at any hearing of his appeal, if they think right so to do, decline to consider the appeal, and may proceed summarily to dismiss the same, and may issue a warrant for the apprehension of the appellant in the Form XIX in the schedule hereto:

Provided that the Court of Appeal may consider the appeal in his absence, or make such other order as they think right.

Varying order for bail by Court of Appeal.

(i) When an appellant is present before the Court of Appeal, such Court may on an application made by any person or, if they think right so to do, without any application, make any order admitting the appellant to bail, or revoke or vary any

such order previously made, or enlarge from time to time the recognisance of the appellant or of his sureties or substitute any other surety for a surety previously bound as they think right.

(j) Where the surety or sureties for an appellant under the Ordinance, upon whose recognisances such appellant has been released on bail by the Court of Appeal, suspects or suspect that the said appellant is about to depart out of the Colony, or in any manner to fail to observe the conditions of his recognisances on which he was so released, such surety or sureties may lay an information before a magistrate acting in and for the judicial district in which the said appellant is, or is by such surety or sureties believed to be, or in which such surety or sureties may then be, in the Form XVI in the schedule hereto, and such magistrate shall thereupon issue a warrant in the Form XVII in the schedule hereto, for the apprehension of the said appellant.

Provisions for sureties discharging their obligations.

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

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

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

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

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

(m) At any time after an appellant has been released on bail under the Ordinance, the Court of Appeal may, if satisfied that it is in the interest of justice so to do, revoke the order admitting

Power of Court of Appeal to revoke order for bail.

him to bail, and issue a warrant in the Form XIX in the schedule hereto for his apprehension, and order him to be committed to prison.

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

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

Sureties' rights at common law preserved.

(o) Nothing in these rules shall affect the lawful right of a surety to apprehend and surrender into custody the person for whose appearance he has become bound, and thereby to discharge himself of his suretyship.

Estreat of recognisances.

(p) The Court of Appeal may on any breach of the recognisances of the appellant, if it thinks right so to do, order such recognisances and those of his surety or sureties to be estreated and the manner of such estreat shall be similar to that provided for estreating recognisances under section 208 of the Criminal Law (Procedure) Ordinance.

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Duty of police to inquire and report as to appellant's means on request of Registrar.

29. It shall be the duty of the chief officer of police of the district in which the appellant shall have resided before his conviction or of the district from which he was committed, to inquire as to and to report to the Registrar when applied to by him, upon the means and circumstances of any appellant where a question as to his means and circumstances arises under the Ordinance or these rules.

Warders, etc., to attend sittings of Court of Appeal.

30. (a) The Superintendent of Prisons shall on notice from the Registrar cause from time to time such sufficient number of male and female warders to attend the sittings of the Court of Appeal, as having regard to the list of appeals thereat he shall consider necessary.

Appellant to surrender on appeal, be searched, and remain in custody until further dealt with.

(b) An appellant who is not in custody, shall, whenever his case is called on before the Court of Appeal, surrender himself to such persons as the Court shall from time to time direct, and thereupon shall be searched by them, and shall be deemed to be in their lawful custody until further release on bail or otherwise dealt with as the Court shall direct.

31. (a) The Registrar may, on an application made to him by the appellant or respondent in any appeal, or where he considers the same to be necessary for the proper determination of any appeal or application, or shall, where directed by the Court of Appeal so to do, obtain and keep available for use by the Court of Appeal any documents, exhibits, or other things relating to the proceedings before the Court; and pending the determination of the appeal, such documents, exhibits or other things shall be open, as and when the Registrar may arrange, for the inspection of any party interested.

Registrar on application of appellant or respondent or where he thinks it necessary to obtain documents, exhibits, etc., for purposes of appeal, and same to be open for inspection.

(b) The Court of Appeal may, at any stage of an appeal, whenever they think it necessary or expedient in the interest of justice so to do, on the application of an appellant or respondent, order any document, exhibit, or other thing connected with the proceedings, to be produced to the Registrar or before them, by any person having the custody or control thereof. Any order of the Court of Appeal under this rule may be served as in this rule provided.

Court of Appeal may order production of any document or exhibits, etc.

(c) Service of any order made under this rule shall be personal service, unless the Court otherwise order, and for the purpose of effecting due service thereof the Registrar may require the assistance of any police constable, and it shall be the duty of such constable to carry out any directions of the Registrar under this rule.

Service of orders.

EXHIBITS IN COURT OF TRIAL, HOW DEALT WITH.

32. Exhibits, other than such documents as are usually kept by the proper officer of the court of trial shall, subject to any order which the Court of Appeal may make, be returned to the person who originally produced the same:

Exhibits to which rule 8 (a) relates to be returned to persons producing the same subject to order of court.

Provided that any such exhibit to which the provisions of section 8 of the Ordinance relate shall not be so returned except under the direction of the Court of Appeal.

NOTIFYING RESULT OF APPEALS.

33. (a) On the final determination of any appeal under the Ordinance or of any matter under section 20 of the Ordinance, the Registrar shall give to the appellant, if he is in custody and has not been present at such final determination, and to the Governor, and to the Superintendent of Prisons, notice of such determination in the Forms XXVIII, XXIX, XXX and XXXI respectively provided for such cases in the schedule hereto.

On final determination of appeals, etc., Registrar to notify appellant, Governor and Superintendent of Prisons.

In cases of death sentence, notice of appeal and of final determination to be sent to Governor.

(b) In any case of an appeal in relation to a conviction involving sentence of death, the Registrar shall on receiving the notice of appeal or of application for leave to appeal, send a copy thereof to the Governor, and on the final determination of any such appeal by the Court of Appeal shall forthwith notify the appellant, the Governor and the Superintendent of Prisons.

Registrar to notify officer of court of trial results of appeal.

34. (a) The Registrar at the final determination of an appeal shall notify in such manner as he thinks most convenient to the proper officer of the court of trial the decision of the Court of Appeal in relation thereto and also any orders or directions made or given by the Court under the Ordinance or these rules, in relation to such appeal or any matter connected therewith.

Officer of court of trial to enter decision of court on records.

(b) The proper officer of the court of trial shall on receiving the notification referred to in this rule, enter the particulars thereof on the records of the court of which he is such officer.

Registrar after appeal to return original depositions, exhibits, indictment, etc., to officer of court of trial when received from him.

35. Upon the final determination of an appeal for the purposes of which the Registrar has obtained from the proper officer of the court of trial any original depositions, exhibits, indictment, inquisition, plea, or other documents usually kept by the said officer, or forming part of the record of the court of trial, the Registrar shall cause the same to be returned to such officer.

LEGAL AID TO APPELLANTS.

Reports as to legal aid under section 18 (5) to be made to judge of Court of Appeal.

36. A report made by the Registrar under section 18 (5) of the Ordinance shall be made to a judge of the Court of Appeal and any directions given thereupon by such judge shall be final.

List of counsel and solicitors for purposes of Ordinance.

37. (a) The Registrar shall cause to be prepared in such form as he thinks most convenient, a list of counsel who are willing to act as counsel for appellants if and when nominated under the Ordinance.

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

Legal aid to be provided from such lists.

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

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

COPIES OF DOCUMENTS FOR USE OF APPELLANTS.

38. (a) At any time after notice of appeal or notice of application for leave to appeal has been given under the Ordinance or these rules, an appellant or respondent, or the solicitor or other person representing either of them, may obtain from the Registrar copies of any documents or exhibits in his possession under the Ordinance or these rules for the purposes of such appeals. Such copies shall be supplied by the Registrar on payment of the charges on such scale as the Registrar, with the concurrence of the Chief Justice, may fix.

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

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

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

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

Transcript of shorthand notes or judge's notes not to be supplied free except on order of Court.

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

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

PROCEDURE AS TO WITNESSES BEFORE COURT OF APPEAL, AND THEIR EXAMINATION BEFORE EXAMINER.

39. (a) Where the Court of Appeal has ordered any witness to attend and be examined before the Court under section 12 (b) of the Ordinance, an order in the Form XXV in the schedule hereto shall be served upon such witness specifying the time and place at which to attend for such purpose.

Attendance of witnesses before Court of Appeal.

Application
to Court to
hear
witnesses.

(b) Such order may be made on the application at any time of the appellant or respondent, but if the appellant is in custody and not legally represented the application shall be made by him in Form XXVI in the schedule hereto.

Order
appointing
examiner.

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

Registrar
to furnish
examiner
with exhibits,
etc.,
necessary for
examination.

(d) The Registrar shall furnish to the person appointed to take such examination any documents or exhibits and any other material relating to the said appeal as and when requested so to do. 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.

(e) When the examiner has appointed the day and time for the examination he shall request the Registrar to notify the appellant or respondent and their legal representatives, if any, and when the appellant is in prison, the Superintendent of Prisons. The Registrar shall cause to be served on every witness to be so examined a notice in the Form XXVII in the schedule hereto.

Evidence to
be given on
oath.

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

Deposition
of witness:
How to be
taken.
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(g) The examination of every such witness shall be taken in the form of a deposition in the same manner as prescribed by section 64 of the Criminal Law (Procedure) Ordinance, and unless otherwise ordered shall be taken in private. The caption in the Form XXIV in the schedule hereto shall be attached to any such deposition.

Travelling
expenses of
witnesses
before
examiner.

(h) Where any witness shall receive an order or notice to attend before the Court of Appeal or an examiner, the officer serving the same may, if it appears to him necessary so to do, pay to him a reasonable sum not exceeding the amount of the scale sanctioned by the Governor in Council for the travelling expenses of such witness from his place of residence to the place named in such notice or order, and the sum so paid shall be certified by such officer to the Registrar. Any expenses certified by the Registrar under this rule shall be paid as part of the expenses of a prosecution.

(i) Any order or notice required by this rule to be given to any witness may be served as an order may be served under rule 31 (c) hereof, and any such notice shall be deemed to be an order of the Court of Appeal on such witness to attend at the time and place specified therein.

Service of notices and orders under rule 31.

(j) The appellant and respondent, or counsel or solicitor on their behalf, 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.

40. When an order of reference is made by the Court of Appeal under section 12 (d) of the Ordinance, the question to be referred and the person to whom as special commissioner the same shall be referred, shall be specified in such order. The Court of Appeal may in such order or by giving directions as and when they from time to time shall think right, specify whether the appellant or respondent or any person on their behalf may be present at any examination or investigation or at any stage thereof as may be ordered under section 12 (d) of the Ordinance, and specify any and what powers of the Court of Appeal under the Ordinance or these rules may be delegated to such special commissioner, and may require him from time to time to make interim reports to the Court of Appeal upon the question referred to him under section 12 (d) of the Ordinance, and may, if the appellant is in custody, give leave to him to be present at any stage of such examination or investigation and give the necessary directions to the officer in charge of the prison in which such appellant is, accordingly, and may give directions to the Registrar that copies of any report made by such special commissioner shall be furnished to the appellant and respondent or to counsel or solicitor on their behalf.

Proceedings under section 12 (d) on reference.

CAUSE LIST.

41. (a) The Registrar shall keep a register, in such form as he may think right, of all cases in which he shall receive a notice of appeal or notice of application for leave to appeal under the Ordinance, which register shall be open for public inspection in such place and at such hours as the Registrar, subject to the approval of the Court of Appeal, shall consider convenient.

Register of appeals to be kept by the Registrar.

(b) The Registrar shall also take the necessary steps for preparing from time to time, a general list of cases to be dealt with by the Court of Appeal when fully constituted for hearing appeals under the Ordinance or for considering applications which a judge of the Court has, when sitting under section 20 of the Ordinance, refused to grant, and shall cause such list to be published at such times in such a manner and at such places

Registrar to keep general list of appeals.

as, subject to the approval of the Court of Appeal, he shall think convenient for giving due notice to any parties interested of the hearing of such cases by the Court of Appeal.

List of cases for daily sittings of Court. Notices to appellants in custody.

(c) The Registrar shall also prepare from such general list a list of appeals and applications which have been refused by a judge of the Court of Appeal when sitting under section 20 of the Ordinance, which the Court of Appeal may consider on the days on which the Court of Appeal as fully constituted shall sit, and shall cause such list to be published at such times, in such places, and in such a manner as he, subject to the approval of the Court of Appeal, shall think convenient for giving due notice to any parties interested therein of the hearing of the cases in such list by the Court of Appeal. Provided that, where an appellant is in custody and has obtained leave or is entitled to be present at the hearing and determination of his application or appeal, the Registrar shall notify the appellant, the officer in charge of the prison in which the appellant then is, and the Superintendent of Prisons, of the probable day on which his appeal or application will be heard. The Superintendent of Prisons shall take steps to transfer the appellant to a prison convenient for his appearance before the Court of Appeal, at such a reasonable time before the hearing as shall enable him to consult his legal adviser, if any.

MISCELLANEOUS PROVISIONS.

Application not specially provided for, how made.

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

Solicitor's right of audience.

(b) In all proceedings before a judge under section 20 of the Ordinance, and in all preliminary and interlocutory proceedings and applications except such as are heard before the Court of Appeal, the parties thereto may be represented and appear by a solicitor alone.

Notice by Registrar to appellant of results of all applications.

43. When the Court of Appeal has heard and dealt with any application under the Ordinance or these rules, the Registrar shall (unless it appears to him unnecessary so to do) give to the appellant (if he is in custody and has not been present at the

hearing of such application), notice of the decision of the Court of Appeal in relation to the said application.

44. Non-compliance on the part of an appellant with these rules or with any rule of practice for the time being in force under the Ordinance, shall not prevent the further prosecution of his appeal if the Court of Appeal or a judge thereof consider that such non-compliance was not wilful, and that the same may be waived or remedied by amendment or otherwise. The Court of Appeal or a judge thereof may in such manner as they or he think right, direct the appellant to remedy such non-compliance, and thereupon the appeal shall proceed. The Registrar shall forthwith notify to the appellant any directions given by the Court or a judge thereof under this rule, where the appellant was not present at the time when such directions were given.

Non-compliance of rules not wilful may be waived by Court.

45. The performance of any duty imposed upon any person under the Ordinance or these rules may be enforced by order of the Court of Appeal.

Enforcing duties under rules.

46. Any warrant for the apprehension of an appellant issued by the Court of Appeal shall be deemed to be, for all purposes, a warrant issued by a magistrate for the apprehension of a person charged with any indictable offence under the provisions of the Criminal Law (Procedure) Ordinance.

Warrants for arrest of appellants to be deemed to be warrants issued under Cap. 11.

47. When the Governor exercises his powers under section 22 (a) of the Ordinance and refers the whole case to the Court of Appeal, the petitioner whose case is so dealt with shall be deemed to be for all the purposes of the Ordinance or these rules a person who has obtained from the Court of Appeal leave to appeal, and the Court of Appeal may proceed to deal with his case accordingly.

A petitioner under section 22 (a) to be deemed an appellant for all purposes.

48. Where the Governor refers a point to the Court of Appeal under section 22 (b) of the Ordinance, such Court shall, unless they otherwise determine, consider such point in private.

Reference to Court under section 22 (b).

SCHEDULE.

FORMS.

FORM I.

CRIMINAL APPEAL ORDINANCE.

JUDGE'S CERTIFICATE.

In the Supreme Court of British Guiana (Criminal Jurisdiction) holden at

R. v.

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

WHEREAS the said..... was tried and convicted before me, the undersigned, in the said Court on the..... day of..... on an indictment charging him with..... and was thereupon sentenced by me to.....

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

I DO HEREBY CERTIFY that the case is a fit case for an appeal by the said..... to the Court of Criminal Appeal under Section 5 (c) of the Criminal Appeal Ordinance, upon the following grounds—

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

(Signed).....

Judge.

FORM II.

CRIMINAL APPEAL ORDINANCE.

R. v.

PARTICULARS OF TRIAL.

1. Where tried?
2. When tried?
3. Name of judge who tried?
4. Verdict of jury?
5. Sentence, and any orders made consequent thereon?
 - (a) Restitution of property.
 - (b) Orders referred to in section 8 of the Ordinance or in rule 8.
6. Copy of the list of exhibits directed by these rules to be kept by the proper officer of the court of trial.
7. Whether a certificate under section 5 (c) was given.
8. Name, and address of the prosecutor? State names and addresses of counsel and/or solicitor for prosecution.
9. Whether appellant was defended by counsel and solicitor privately or by counsel at request of Court? Give names and addresses of counsel and/or solicitor for appellant.
10. Name and address of shorthand writer?
11. Whether appellant bailed before trial, if so in what amount, and whether with sureties, if so in what amount?

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

(Signed).....

Officer of the Court of Trial.

FORM III.

CRIMINAL APPEAL ORDINANCE.

R. v.

NOTICE OF ABANDONMENT.

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

Dated this day of 19.....

(Signed)

(Witness)

To the Registrar of the Court of Criminal Appeal.

FORM IV.

CRIMINAL APPEAL ORDINANCE.

NOTICE OF APPEAL.

QUESTION OF LAW ONLY.

To the Registrar of the Court of Criminal Appeal.

I,, having been convicted of the offence of

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

and being now a prisoner in (or now living at*) do hereby give you notice of appeal against my conviction (particulars of which hereinafter appear) to the Court of Criminal Appeal on questions of law, that is to say—

*Where appellant not in custody.

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

Dated this day of 19.....

(Signed)

(or mark) Appellant.

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

PARTICULARS OF TRIAL AND CONVICTION.

- 1. Date of trial.
2. In what Court tried.
3. Sentence.
4. Whether above questions of law were raised at the trial?

Fill in all these particulars.

You are required to answer the following questions—

1. If you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal, state your position in life, and amount of wages, or salary, etc., and any other facts which you submit show reasons for legal aid being assigned to you.
2. Do you desire to be present on the hearing of your appeal by the Court of Criminal Appeal? If you do so desire, state the reasons upon which you submit the said Court should give you leave to be present.
3. The Court of Criminal Appeal 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. If you desire to present your case and argument in writing set out here as fully as you think right your case and argument in support of your appeal.

FORM V.

CRIMINAL APPEAL ORDINANCE.

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

To the Registrar of the Court of Criminal Appeal.

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

I, _____, having been convicted of the offence of

*Where appellant not in custody.

and being now a prisoner in _____ (or now living at _____*) 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 hereinafter appear) to the Court of Criminal Appeal.

Dated this _____ day of _____ 19_____.

(Signed) _____
(or mark) Appellant.

Signature and address of witness attesting mark _____

PARTICULARS OF TRIAL AND CONVICTION.

Fill in all these particulars.

1. Date of trial.
2. In what Court tried.
3. Sentence.

You are required to answer the following questions—

1. If you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal, state your position in life, amount of wages, or salary, etc., and any other facts which you submit show reasons for legal aid being assigned to you.
2. Do you desire to be present on the hearing of your appeal by the Court of Criminal Appeal?

3. The Court of Criminal Appeal 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. If you desire to present your case and argument in writing, set out here as fully as you think right your case and argument in support of your appeal.

You must send with this notice to the Registrar the certificate of the judge who tried you.

FORM VI.

CRIMINAL APPEAL ORDINANCE.

NOTICE OF APPLICATION FOR LEAVE TO APPEAL, AGAINST A CONVICTION, UNDER SECTION 5 (c).

To the Registrar of the Court of Criminal Appeal.

I, _____, having been convicted of the offence of

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

and being now a prisoner in Her Majesty's Prison at.....

(or now living at.....*) and being desirous of appealing against my said conviction do hereby give you notice that I hereby apply to the Court of Criminal Appeal for leave to appeal against my said conviction on the grounds hereinafter set forth.

*Where appellant not in custody.

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

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

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

PARTICULARS OF TRIAL AND CONVICTION.

- 1. Date of trial.
2. In what Court tried.
3. Sentence.

Fill in all these particulars.

GROUND FOR APPLICATION.

You are required to answer the following questions—

1. If you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal, state your position in life, amount of wages or salary, etc., and any other facts which you submit show reasons for legal aid being assigned to you.

2. If you desire to be present when the Court of Criminal Appeal considers your present application for leave to appeal, state the grounds on which you submit that the Court of Criminal Appeal should give you leave to be present thereat.

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

3. The Court of Criminal Appeal 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. If you desire to present your case and argument in writing set out here as fully as you think right your case and argument in support of your appeal.

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

FORM VII.

CRIMINAL APPEAL ORDINANCE.

NOTICE OF APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE.

To the Registrar of the Court of Criminal Appeal.

I, _____, having been convicted of the offence of

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

and being now a prisoner in Her Majesty's Prison at.....

*Where appellant not in custody.

(or now living at.....*) do hereby give you notice that I desire to apply to the Court of Criminal Appeal for leave to appeal to the said Court 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.....

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

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

PARTICULARS OF TRIAL AND CONVICTION.

Fill in all these particulars.

- 1. Date when sentence passed.
2. In what court tried.

You are required to answer the following questions—

1. If you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal, state your position in life, wages, salary, etc., and any other facts which you submit show reason for legal aid being assigned to you.

2. If you desire to be present when the Court of Criminal Appeal considers your present application for leave to appeal, state the grounds on which you submit that the Court of Criminal Appeal should give you leave to be present thereat.

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

3. The Court of Criminal Appeal 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. If you desire to present your case and argument in writing, set out here as fully as you think right your case and argument in support of your appeal.

FORM VIII.

CRIMINAL APPEAL ORDINANCE.

DECLARATION VERIFYING TRANSCRIPT OF SHORTHAND NOTES.

I, _____, of _____ do solemnly and sincerely declare that, having been required by the Registrar of the Court of Criminal Appeal to furnish to him a transcript of the shorthand note relating to the trial (or other proceeding) in relation to _____ which shorthand note is now produced and shown to me marked _____, and purporting to have been signed and certified by _____ (or signed and certified by me), I have made a correct and complete transcript thereof to the best of my skill and ability in pursuance of the said requirement, which said transcript is now shown to me marked "B." And I make this declaration conscientiously believing the same to be true, and according to the Statutory Declarations Ordinance, and I am aware that if there is any statement in this declaration which is false in fact, which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Dated this _____ day of _____ 19_____

(Signed) _____

FORM IX.

CRIMINAL APPEAL ORDINANCE.

NOTICE OF APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO APPEAL.

To the Registrar of the Court of Criminal Appeal.

I, _____, having been convicted of the offence of _____ on the _____ day of _____ 19_____, at the Criminal Sessions for the County of _____ held at _____ and being now a prisoner in _____ (or now living at _____) * give you notice that I hereby apply to the Court of Criminal Appeal for an extension of time within which I may give notice of appeal (or notice of application for leave to appeal), on the grounds following—

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

*Where appellant not in custody.

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.

Dated this _____ day of _____ 19_____

(Signed) _____
(or mark) Appellant.

Signature and address of witness attesting mark _____

You are required to send to the Registrar of the Court of Criminal Appeal, duly filled up, and with the questions appearing thereon properly answered, Form IV, if your proposed appeal involves a question of law alone; or Form V if you have obtained the Certificate of the Judge of the Court of Trial; or Form VI if you have not obtained such Certificate; or Form VII if you desire to appeal against your sentence only, together with this Notice.

FORM X.

CRIMINAL APPEAL ORDINANCE.
RECOGNISANCE OF BAIL OF APPELLANT.

Be it remembered that whereas.....was convicted of.....on the.....day of.....19...., (and was thereupon sentenced to.....), and now is in lawful custody in Her Majesty's prison at.....and has duly appealed against his conviction (and sentence) to the Court of Criminal Appeal, and has applied to the said Court for bail pending the determination of his appeal, and the said Court has granted him bail on entering into his own recognisances in the sum of \$..... (and with.....sureties each in the sum of \$.....), the said.....personally cometh before me the undersigned and acknowledges himself to owe to our Sovereign Lady the Queen the said sum of \$....., of good and lawful money of the Colony to be made and levied of his goods and chattels, lands and tenements to the use of our said Sovereign Lady the Queen, her heirs and successors if he the said.....fail in the condition endorsed.

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

Before me,

(Signed).....

Justice of the Peace.

(or officer in charge of prison).

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 of Criminal Appeal at each and every hearing of his appeal to such Court and at the final determination thereof and then and there abide by the judgment of the said Court and not to depart or be absent from such Court at any such hearing without the leave of the said Court, and in the meantime not to depart out of the Colony, then this recognisance to be void or else to stand in full force and effect.

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

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

(Signed).....

Appellant.

FORM XI.

CRIMINAL APPEAL ORDINANCE.

RECOGNISANCE OF APPELLANT'S SURETIES.

Be it remembered that on this day of
 19....., of (occupation) and
 of (occupation) per-
 sonally came before me the undersigned magistrate at
 in the of and severally acknow-
 ledged themselves to owe to our Sovereign Lady the Queen the several sums
 following, that is to say, the said the sum of \$.....,
 and the said the sum of \$....., of good and
 lawful money of the Colony, to be made and levied of their goods and chattels,
 lands and tenements, respectively to the use of our said Sovereign Lady the
 Queen, her heirs and successors, if now in lawful
 custody in fail in the condition hereon endorsed.

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

(Signed).....

Magistrate,

..... Judicial District.

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 of Criminal Appeal 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 recognisance in
 the sum of \$....., with sureties each in the sum of
 \$....., if the said shall personally appear
 and surrender himself at and before the said Court at each and every hearing
 of his said appeal to such Court and at the final determination thereof, and
 to there and then 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 to depart out of the Colony, then this
 recognisance to be void or else to stand in full force and effect.

FORM XII.

CRIMINAL APPEAL ORDINANCE.

NOTICE TO SUPERINTENDENT OF PRISONS TO RELEASE
 APPELLANT ON BAIL.

R. v.

To the Superintendent of Prisons.

WHEREAS has duly appealed to the Court of
 Criminal Appeal against his conviction for

(and sentence of.....), and having duly applied to the said Court has been granted bail by the said Court pending the determination of his said appeal on entering into recognisances himself in the sum of \$....., (and with.....sureties each in the sum of \$.....), in the forms provided under the said Ordinance. And Whereas I, the Registrar of the said Court, have been given to understand that the said.....is now in your lawful custody in the said prison under the said conviction and sentence. And Whereas I have received a recognisance of the said.....from you (and recognisances from.....sureties for the said.....) and the said recognisances are in due form and in compliance with the order of the said Court of Criminal Appeal, admitting the said.....to bail.

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

Dated the.....day of.....19.....

(Signed).....
 Registrar of the Court
 of Criminal Appeal.

FORM XIII.
 CRIMINAL APPEAL ORDINANCE.

NOTIFICATION TO APPELLANT OF JUDGE'S DECISION
 UNDER SECTION 20.

R. v.

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

Strike out
 any of them
 which have
 not been
 made or
 which have
 been
 granted.

- (a) leave to appeal;
- (b) extension of time within which notice of appeal or of application for leave to appeal may be given;
- (c) legal aid to be assigned to you;
- (d) permission to you to be present at the hearing of any proceedings in relation to your appeal;

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

If you desire to have the above mentioned applications which have been refused determined by the Court of Criminal Appeal, you are required to fill up the enclosed form and return it to me forthwith.

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

(Signed).....
 Registrar.

To the above-named.....

FORM XIV.

CRIMINAL APPEAL ORDINANCE.

NOTICE OF APPEAL BY APPELLANT FROM JUDGE UNDER SECTION 20.

R. v.

I,, having received your notification that my applications 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) legal aid to be assigned to me;
 - (d) permission to me to be present at the hearing of any proceedings in relation to my appeal;
- have been refused;

Strike out any of those which have not been made or which have been granted.

do hereby give you notice that I desire that the said applications shall be considered and determined by the Court of Criminal Appeal (*and that as I am not legally represented I desire to be present at the determination of my said applications).

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

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

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

Witness attesting mark.....

To the Registrar of the Court of Criminal Appeal.

If you desire to state any reasons in addition to those set out by you in your original notice upon which you submit that the Court of Criminal Appeal should grant your said applications, you may do so in the space below.

FORM XV.

CRIMINAL APPEAL ORDINANCE.

CERTIFICATE OF SURETY.

R. v.

This is to certify that you.....of.....whose signature is below, have been accepted by the magistrate for the.....Judicial District, on this.....day of.....19...., as surety for the above-named.....in the sum of \$.....for the due appearance of the said.....before the Court of Criminal Appeal at each and every hearing of his appeal and at the final determination thereof, and that the said.....shall then and there abide by the judgment of the said Court and not depart or be absent from such Court at any such hearing without the leave of the said Court, and in the meantime not to depart out of the Colony. And that your said recognisance will be duly forwarded by me to the Registrar of the Court of Criminal Appeal.

Here fill in surety's name and address.

(Signed).....
Clerk of the Court.

.....Judicial District

I acknowledge that the above certificate is correct.

(Signed).....
Surety.

FORM XVI.
CRIMINAL APPEAL ORDINANCE.

INFORMATION OF SURETY FOR ARREST OF APPELLANT.

R. v.

(Appellant)

The information of.....* of.....
laid before me the undersigned upon an application for a warrant for the
apprehension of..... † and the deposition of the said
..... in support thereof on the..... day
of..... 19.....

† Here state
appellant's
name, and
address if
known.

* Here fill in
the name,
address and
description
of surety.

The said.....* saith as follows—
I,, * do say that the above-named.....
..... † having been granted bail by the Court of Criminal
Appeal, himself in the sum of \$....., and with.....surety
in the sum of \$..... was released on such bail on condition that he
should personally appear and be present at and before the Court of Criminal
Appeal at each and every hearing of his appeal and at the final determination
thereof and to then and there abide by the judgment of the said Court and not
to depart or be absent from such Court on any such hearing without the leave
of the said Court and in the meantime not to depart out of the Colony.

And that I became surety for the performance of the said conditions by
the said..... in the sum of \$....., a Certificate
whereof signed by the Clerk of the Court of the.....
Judicial District and by me is now shown to me marked (A).

And that I suspect that the said..... is about to
depart out of the Colony (or state in what manner the appellant is believed
to be about to fail in the observance of his recognisances) and I therefore
desire to surrender the said..... into custody and
thereby discharge myself from my said recognisances. I verily believe that
the said..... is now in.....

(Signed).....
Surety.

Laid before me the day and year first above written.

(Signed).....
Magistrate.

FORM XVII.

CRIMINAL APPEAL ORDINANCE.

WARRANT ON INFORMATION OF SURETY.

To all police constables.

WHEREAS information hath been duly laid before me the under-
 signed by of for that
*having been released on bail by the Court of
 Criminal Appeal on recognisances conditioned to appear and to be present
 at and before the Court of Criminal Appeal at each and every hearing of
 his appeal and at the final determination thereof and to then and there
 abide by the judgment of the said Court and not to depart or be absent
 from such Court on any such hearing without the leave of the said Court
 and in the meantime not to depart out of the Colony. And that the said
doth suspect that the said
 is about to depart out of the Colony (or as the case may be) and that the
 said is believed to be within the
 these are therefore to authorise you the said constables forthwith to apprehend
 the said and to bring him before the Magistrate's
 Court of to the intent that he be committed
 to the Prison and there to be detained according
 to law.

*Here fill in the appellants name.

†Here fill in surety's name.

Given under my hand this day of 19....

(Signed)
Magistrate.

FORM XVIII.

CRIMINAL APPEAL ORDINANCE.

COMMITMENT OF APPELLANT ON SURETY'S INFORMATION.

To all police constables and to the Superintendent of Prisons.

WHEREAS on the day of 19....
 Information was laid before the Magistrate of the
 Judicial District upon an application for a warrant for the apprehension of
 for that he being a prisoner released on bail by
 the Court of Criminal Appeal was believed and suspected of being about
 to fail to observe the conditions of his recognisance by the said
 his surety.

And that the said was then desirous of surrendering
 the said

AND WHEREAS the said*being now before the (*Appellant).
 Magistrate of the Judicial District and surrendered
 by the said in discharge of his recognisances you
 are therefore hereby commanded forthwith to deliver him the said
 to the Superintendent of Prisons at
 together with this warrant of commitment and you the said Superintendent
 of Prisons are required to receive the said in
 your custody in the Prison and there safely to
 keep him according to law.

Given under my hand this day of 19....

(Signed)
Magistrate.

FORM XIX.

CRIMINAL APPEAL ORDINANCE.

WARRANT FOR ARREST OF APPELLANT ON BAIL.

In the Court of Criminal Appeal.

R. v.

To all police constables and to the Superintendent of Prisons.

WHEREAS.....an appellant in the Court of Criminal Appeal has been released by the said Court 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 Superintendent of Prisons, and there deliver him with this warrant into the custody of the said Superintendent and you the said Superintendent are hereby required to receive the said.....into your custody in the.....Prison and there safely to keep him until further order of the said Court.

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

(Signed).....
President of the Court of Criminal Appeal.

FORM XX.

CRIMINAL APPEAL ORDINANCE.

RECOGNISANCE OF APPELLANT SENTENCED TO PAYMENT OF A FINE.

Here fill in Court of trial.

Be it remembered that whereas.....of..... was on the.....day of....., 19....., convicted of.....and was thereupon sentenced to pay the sum of \$.....as a fine for his said offence by the..... and has intimated to the said Court that he desires to appeal against his said conviction on a question of law alone (or upon a certificate of the Judge of the said Court that his is a fit case for appeal). And whereas the said Court considers that the said Appellant may in lieu of payment at and upon his said conviction of the said sum, be ordered to enter into recognisance of bail himself in the sum of \$.....and with.....sureties, each in the sum of \$.....to prosecute his said appeal before the Court of Criminal Appeal:

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

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

(Signed).....

CONDITION.

The Condition of the within written recognisance is such that if the said.....of.....shall personally appear and be present at and before the Court of Criminal Appeal at

each and every hearing of his appeal to such Court, and at the final determination thereof and then and there to prosecute his said appeal and abide by the judgment of the said Court, and not to depart or be absent from such Court at any such hearing without leave of the said Court, and to pay the said sum of \$....., 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.

FORM XXI.

CRIMINAL APPEAL ORDINANCE.

RECOGNISANCE OF SURETIES FOR APPELLANT SENTENCED TO A FINE.

Be it remembered that on the day of 19...., of.....(occupation) and..... of.....(occupation) personally came before the Court of.....and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say, the said.....the sum of \$ and the said.....sum of \$.....of good and lawful money of the Colony, to be made and levied of their goods and chattels, lands and tenements respectively to the use of our said Sovereign Lady the Queen her heirs and successors if.....now before the said Court fail in the condition hereon endorsed.

Here fill in name of court of trial

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

(Signed).....

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

FORM XXII.

CRIMINAL APPEAL ORDINANCE.

NOTICE TO APPELLANT SENTENCED TO FINE OF BREACH OF HIS RECOGNISANCES.

R. v.

To the abovenamed.....Appellant.

WHEREAS you were convicted on the.....day of19...., of the offence of.....and were sentenced to the payment of \$....., and in default of such payment to imprisonment, and that under the Criminal Appeal Rules, you entered into recognisances in the sum of \$.....with sureties in the sum of \$.....each to prosecute your Appeal, and whereas ten 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 of Criminal Appeal to be holden on.....day theday of.....19...., and then show good cause to the contrary, the Court may order an estreat of your recognisances and those of your sureties, or may otherwise deal with you according to law.

Dated this day of 19....

(Signed)..... Registrar of the Court of Criminal Appeal.

FORM XXIII.

CRIMINAL APPEAL ORDINANCE.

NOTICE TO SURETY FOR APPELLANT OF ESTREAT OF RECOGNISANCE.

R. v.

To*.....of.....

*Fill in here surety's name and address.

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

Dated this day of 19....

(Signed)..... Registrar of the Court of Criminal Appeal.

FORM XXIV.

CRIMINAL APPEAL ORDINANCE.

CAPTION FOR DEPOSITION OF WITNESS EXAMINED BEFORE EXAMINER.

R. v.

The depositions (on oath) taken before me the undersigned, being an Examiner duly appointed by the Court of Criminal Appeal in that behalf, of of and of witnesses examined before me under an order of the said Court dated the day of 19...., in the presence of the said appellant (or of his counsel and solicitor) and the respondent (or his counsel and solicitor) at on the day of 19...., which said appellant and respondent (personally, or by their counsel and solicitors respectively) had full opportunity of asking questions of the said witnesses to whom the depositions following were read by me before being signed by them the said witnesses respectively.

The deposition of of who (upon oath duly administered by me) saith as follows—

(Here follows deposition).

(Signed).....

Witness.

Taken before me this day of 19.... Examiner.

