

**COURT OF APPEAL (AMENDMENT) RULES, 1998**  
**(C. I. 21)**

IN exercise of the powers conferred on the Rules of Court Committee by article 157(2) of the Constitution these Rules are made this 9th day of March, 1998.

The Court of Appeal Rules, 1997 (C.I. 19) is amended as follows-

(a) in rule 2(1) by the insertion after "Gazette" of "and within the precincts of the Court"

(b) by the renumbering of subrule (4) of rule 2 as subrule (5) and the insertion of the following subrule (4)-

"(4) Notice of hearing by the Court of any cause or matter shall be by publication within the precincts of the Court and by service of notice on the parties or their counsel."

(c) in rule 8 subrule (2)(d) by the insertion after "addresses" of "for service within the jurisdiction";

(d) in rule 9 by the deletion of sub rule (6) and the insertion of the following- "(6) Where the extension of time is granted, the notice of appeal shall indicate the date of the grant and the judge or the court by which the grant is made.";

(e) in rule 10(1)-

(i) by renumbering subrule 10(1) as rule 10 and by the insertion immediately after "appeal" at the end of "and shall thereafter issue a certificate of service of notice of the appeal as in Form 4 in Part I of the Schedule";

(ii) by the deletion of sub rule (2);

(f) in rule 14-

(i) by the substitution for "five" in subrule (1)(c) of "four"; and

(ii) by the substitution for "Form 4" in subrule (2) of "Form 6":

(g) in rule 16(1) by the deletion of all words after "Schedule":

(h) in rule 17 by the renumbering of subrule (4) as subrule (5) and the insertion of the following-

"(4) Notwithstanding the dismissal of an appeal consequent upon a notice of withdrawal under subrule (1) a respondent who has filed a notice of intention to contend that the decision of the court below be varied shall be entitled to pursue his contention as if it were an appeal";

(i) in rule 20-

(i) by the substitution for subrule (1) of the following-

20. (1) An appellant shall within 21 days of being notified in Form 6 set out in Part I of the Schedule that the record is ready, or within such time as the Court may upon terms direct, file with the Registrar a written submission of his case based on the grounds of appeal as set out in the notice of appeal."

(ii) by the substitution for "three weeks" in subrule (4) of "21 days";

(iii) by the insertion of subrules (10) and (11) as follows-

"(10) This rule shall apply to criminal appeals with such modifications as may be necessary.

(11) Notwithstanding any provision of this rule to the contrary, the Chief Justice or the Court may on an application by any of the parties waive the requirement for the filing of written submission under this rule.";

(j) in rule 21 by the deletion of "After an appeal has been entered and until it has finally been disposed of" and the insertion of "After the record of appeal has been transmitted from the court below to the Court";

(k) in rule 25(2) by the deletion of "and re-hear" and the insertion after "judgment" in line one of "and re-hear";

(l) by the insertion of rule 27 A as follows- "27 A. Interlocutory appeals-

The Court may in any interlocutory appeal, civil or criminal before it grant stay of proceedings pending the determination of the interlocutory appeal subject to such terms as the Court considers fit."

(m) in rule 31 by the relettering of paragraphs (c), (d) and (e) as paragraphs (d), (e) and (f) and the insertion of the following paragraph-

"(c) The Court may also direct a notice of appeal to be served on all or any of the parties to the action or other proceedings or on any person not a party, and may adjourn the hearing of the appeal upon such terms as may be just, and also make any order as if the person served with the notice had originally been a party to the appeal.";

(n) in Part f of the Schedule-

(i) in Civil Form I by the insertion after "addresses" of "for service within the jurisdiction";

(ii) in Civil Form 4 by the deletion of "14(2)" and the insertion of "10";

and

(iii) in Civil Form 6 by the deletion of "20(1)" and the insertion of "14(2)".