

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No. 6 OF 1984

The High Court Act
(Laws, Volume II, Cap. 50)

The High Court (Appeals) (General) Rules, 1984

IN EXERCISE of the powers contained in sections *forty-four* and *forty-five* of the High Court Act, the High Court Rules Committee has made the following Rules:

1. These Rules may be cited as the High Court (Appeals) (General) Rules, 1984. Title
2. In these Rules, unless the context otherwise requires—
“Registrar” means the Registrar of the High Court;
“tribunal” means any board, authority (whether consisting of one person or more), tribunal or other body (including a Minister) which is empowered by any written law to determine matters of judicial or quasi-judicial nature and from the decision of which an appeal lies to the High Court. Interpre-
tation
3. (1) Any person desiring to appeal to the High Court from a decision of a tribunal shall, within thirty days of the date of the issue of the order containing such decision, give notice of appeal as hereinafter provided. Notice of
appeal
 - (2) The notice of appeal shall—
 - (a) be in form H.C. (A) (G) 1 set out in the Schedule hereto;
 - (b) be intituled in the proceedings from which it is intended to appeal;
 - (c) set out the name and address for service of the tribunal and of the respondent, if any, or of the legal representative of such respondent; and
 - (d) set forth concisely and under distinct heads, without argument or narrative, the grounds of appeal, which shall be numbered consecutively.
 - (3) Four copies of the duly completed notice of appeal shall be filed with the Registrar who shall, after sealing each copy, forward one such copy to the tribunal and return two such copies to the appellant or his legal representative.

(4) If there is a respondent to the appeal, the appellant shall serve one sealed copy of the notice of appeal on such respondent, or his legal representative, within twenty-one days of the filing thereof.

Fees

4. At the time of filing the notice of appeal, the appellant shall pay to the Registrar such fees in respect thereof as the Chief Justice may from time to time determine.

Record of appeal

5. (1) The appellant shall prepare the record of appeal which shall be bound in book form with an outer cover of stout paper and may, if extensive, be in more than one volume.

(2) The tribunal shall make available to the appellant copies of all relevant documents which are necessary for the purpose of preparing the record of appeal and which are in the exclusive possession of the tribunal.

(3) The record of appeal shall bear the title of the appeal on the outer cover, each page shall be consecutively numbered throughout and every fifth line of each page shall be numbered in the unbound portion of the margin.

(4) The record of appeal shall contain—

- (a) a list of its contents;
- (b) the notice of appeal;
- (c) the notice of cross-appeal (if any);
- (d) any affidavits filed before the tribunal;
- (e) the record of proceedings before the tribunal;
- (f) all documents tendered in evidence before the tribunal, whether admitted in evidence or not;
- (g) the order setting forth the decision of the tribunal; and
- (h) any other affidavits, exhibits, documents or other relevant material.

(5) The appellant shall forward to the tribunal the record of appeal, and such number of copies thereof as the Registrar may determine, and the tribunal shall, if satisfied in that behalf, certify as correct the record of appeal and each copy thereof forwarded to it.

(6) The appellant shall, within thirty days of receiving the certified copies referred to in sub-rule (5), forward—

- (a) to the Registrar the record of appeal and such number of copies thereof as the Registrar may determine; and
- (b) one copy thereof to the respondent, if any.

Grounds of appeal

6. (1) The appellant may, in the notice of appeal, appeal from the whole or any part of the decision of the tribunal.

(2) Without the leave of the High Court, the appellant shall not, during the hearing of the appeal, advance any ground of appeal other than those set out in the notice of appeal.

(3) In deciding the appeal, the High Court shall not be confined to the grounds advanced by the appellant:

Provided that the High Court shall not allow an appeal on any ground not set out in the notice of appeal unless the tribunal and the respondent, if any, had had an opportunity of contesting the appeal on that ground.

7. (1) The appellant may withdraw the appeal at any time by filing with the Registrar a notice of withdrawal in form H.C. (A) (G) 2 set out in the Schedule.

Withdrawal
of appeal

(2) The appellant shall serve a sealed copy of the notice of withdrawal on the tribunal and on the respondent, if any, within fourteen days of such sealing.

(3) Where a notice of withdrawal is filed in accordance with sub-rule (1), the appeal shall be deemed to have been dismissed without further order by the High Court but, failing agreement between the parties, the appeal shall remain on the list for the purpose of hearing any issue as to costs or other matters outstanding between the parties.

8. A Judge of the High Court may at any time upon application order security or further security for costs to be given and may order security to be given for the payment of past costs relating to the matters in question in the appeal and may make compliance with any such order a condition precedent to the continuation of any appeal.

Security
for costs

9. Where a respondent to an appeal intends, upon the hearing of the appeal, to contend that the decision of the tribunal should be varied, he shall within twenty-one days of the service upon him of the notice of appeal give notice of cross-appeal and the provisions of rule 3 shall apply, *mutatis mutandis*, to the notice of cross-appeal.

Cross-
appeal

10. A Judge of the High Court may, for sufficient reason shown in form H.C. (A) (G) 3, extend the time for doing anything under these Rules.

Extension
of time

11. The Registrar shall cause notice of the date, time and place of the hearing of an appeal to be served upon the tribunal, the appellant and the respondent, if any, or on their legal representatives.

Notice of
hearing

12. If at the time set down for the hearing of an appeal—

Non-
appearance

(a) there is no appearance for the appellant, the High Court may strike out the appeal or may proceed to determine it after hearing the respondent or his legal representative present at the hearing, or may adjourn the hearing on such terms as it thinks fit;

(b) there is no appearance for the respondent, the High Court may either hear the appeal or adjourn it upon such terms as it thinks fit.

Attendance
of witnesses

13. The High Court may, at the request of any party, summon any person to attend, produce documents or be examined or cross-examined, in the matter to which the appeal relates.

Frivolous or
vexatious
appeals

14. (1) If in the opinion of the High Court a notice of appeal discloses only grounds of appeal which are frivolous or vexatious, the High Court may dismiss the appeal summarily without calling on any person to attend the hearing of such appeal.

(2) The Registrar shall send a copy of an order made under subsection (1) to the tribunal, the appellant and the respondent, if any, or to their legal representatives.

Application
of High
Court Rules

15. Except as specifically provided in these Rules, the High Court Rules shall apply, *mutatis mutandis*, to an appeal under these Rules.

Made by the High Court Rules Committee at Lusaka, this 16th day of January, 1984.

[CJ.6/1]

ANNEL M. SILUNGWE,
Chief Justice

SCHEDULE
(Rules 3 (2), 7 (1) and 10)

FORMS

Form H.C. (A) (G) 1

REPUBLIC OF ZAMBIA

IN THE HIGH COURT FOR ZAMBIA

BETWEEN :

Appellant

and

Respondent

IN THE MATTER OF :

Appeal from the judgment or decision of
delivered on.....

NOTICE OF APPEAL

Take notice that.....(name of Appellant).....
.....being dissatisfied with the judgment or decision of
.....given at.....
on the.....day of....., 19...
appeals to the High Court against the whole judgment or decision or against
such part or parts thereof as decides that..... (set out)
.....upon the following grounds:

- (1)
- (2)
- etc.

The Respondent's address for service is.....
The name of the tribunal is..... and its address
for service is.....
Dated at.....this.....day of.....,19...

.....
Appellant (or his legal representative)
Address for service.....
.....

To the Registrar of the High Court

Filed at.....this.....day of.....,19...

.....
Registrar of the High Court

Form H.C. (A) (G) 2

REPUBLIC OF ZAMBIA

IN THE HIGH COURT FOR ZAMBIA

BETWEEN:

and

Appellant

Respondent

IN THE MATTER OF:

Appeal from the judgment or decision of.....

delivered on.....

NOTICE OF WITHDRAWAL

Take notice that.....(name of Appellant) hereby withdraws his appeal in the matter hereinbefore set out.

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

Appellant (or his legal representative)

Address for service.....

To the Registrar of the High Court

Filed at.....this.....day of....., 19....

Registrar of the High Court

Form H.C. (A) (G) 3

REPUBLIC OF ZAMBIA

IN THE HIGH COURT FOR ZAMBIA

BETWEEN:

Appellant

and

Respondent

IN THE MATTER OF:

Appeal from the judgment or decision of.....
delivered on.....

NOTICE OF APPLICATION FOR EXTENSION OF TIME

Take notice that.....(name of applicant/
respondent) in the appeal hereinbefore set out hereby applies for an extension
of time within which to.....
for the reasons and upon the grounds next following:

(1) Reasons for being out of time:

.....
.....

(2) Grounds for an extension:

.....
.....

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

.....
Appellant (or his legal representative)

Address for service.....
.....

To the Registrar of the High Court

Filed at.....this.....day of....., 19....

.....
Registrar of the High Court

