

Criminal Appeal

CRIMINAL APPEAL RULES, 1983

Arrangement of Rules

RULE

PART I

1. Citation.
2. Interpretation.
3. Forms.
4. Waiver for non-compliance.
5. Service of documents.
6. Obligation on appellant to fill up forms of appeal, notices etc.
7. Certificate of trial judge.
8. Application for bail, for leave to be present or for further witnesses.
9. Bail.
10. Variation or revocation of bail.
11. Forfeiture of bail.
12. Custody of exhibits.
13. Supply of copies of documents, exhibits.
14. Examination of witness by court.
15. Abandonment of proceedings.
16. Registrar to notify appellant.
17. Determination by full Court.

RULE

18. Dismissal of appeal against person of unsound mind.
19. Notice of determination of Court.
20. Sitting in vacation.
21. Record of proceedings at trial.
22. Transcripts.
23. Verification of record of proceedings.
24. Composition of record by Registrar.
25. Appeal to the Privy Council.
26. Interpretation of Part II.
27. Reference on a point of law.
28. Registrar to serve notice.
29. Director of Public Prosecutions may withdraw or amend the reference.
30. Non-disclosure of identity.
31. Reference to Her Majesty in Council.

PART IIA

- 31A. Interpretation.
- 31B. Application of this Part.
- 31C. Notice to the Director of Public Prosecutions.
- 31D. Requirements in relation to references.
- 31E. Notice to respondent.
- 31F. Registrar's power to require information from court of trial.

RULE

PART III

- 32. Cessation of Federal Supreme Court of Appeal Rules.
- 33. Commencement.

SCHEDULE

FORMS

- Form 1 Notice of appeal or application for leave to appeal against conviction or sentence.
- Form 2 Notice of application for extension of the time within which to appeal.
- Form 3 Judge's certificate.
- Form 4 Notice of application for bail.
- Form 5 Notice of application for leave to be present.
- Form 6 Notice of application for further witness.
- Form 7 Recognizance of appellant.
- Form 8 Recognizance of appellant's surety.
- Form 9 Recognizance of appellant pending retrial.
- Form 10 Recognizance of appellant's surety pending retrial.
- Form 11 Certificate by Registrar of conditions of bail.
- Form 12 Certificate of Registrar that all recognizances taken.
- Form 13 Witness order.
- Form 14 Notice of abandonment of appeal.
- Form 15 Notification to appellant of a single judge's decision.

Form 16 Notice of appeal by appellant from refusal of a Judge of the Court.

Form 17 Notification to appellant of result of application.

Form 18 Notification to appellant of the result of his appeal.

Form 19 Notice to authorities of result of appeal.

Criminal Appeal

Cap. 113A

CRIMINAL APPEAL RULES, 19831983/102.
2002/94.

Authority: These Rules were made on the 15th June, 1983 by the Judicial Advisory Council under section 40 of the *Criminal Appeal Act*.

Commencement: 1st September, 1983.

PART I

1. These Rules may be cited as *the Criminal Appeal Rules, 1983*. Citation.

2. In these Rules,
“interested party” means Interpretation.

- (a) the Director of Public Prosecutions or the person convicted in proceedings in respect of which an appeal lies, with or without leave, to the Court;
- (b) the person named in, or immediately affected by, any order made by the Judge; or
- (c) any other person authorised to act on behalf of such a person;

“Judge of the Court” means a judge of the Court of Appeal;

“Judge” means a Judge of the court of trial;

“shorthand” means any method of recording other than in longhand by means of symbols where the recording is made by a person either by hand or by the use of a machine.

3. Any reference in these Rules to a form means a reference to a form set out in the Schedule. Forms.

Waiver
for non-
compliance.

4. (1) Non-compliance with these Rules or with any rule of practice for the time being in force shall not render any proceeding void, but the same may be amended or may be set aside as irregular or otherwise dealt with as may be just.

(2) The Court may, in such manner as it thinks right, direct the appellant to remedy such non-compliance, and thereupon the appeal shall proceed.

(3) The Registrar shall forthwith notify the appellant of any directive given by the Court under this rule where the appellant was not present at the time when such directive was given.

Service of
documents.

5. (1) For the purposes of these Rules, service of a document on the Registrar may be effected

- (a) by addressing it to the Registrar and leaving it at the Registry, Law Courts, Bridgetown;
- (b) by sending it by post addressed to the Registrar, the Registry, Law Courts, Bridgetown; or
- (c) in the case of an appellant who is in custody, by delivering it to the Superintendent of Prisons for transmission to the Registrar.

(2) The Superintendent of Prisons to whom a document is delivered in pursuance of sub-paragraph (1)(c) shall endorse on it the date of delivery, and shall forthwith forward the document so endorsed to the Registrar.

Obligation
on appellant
to fill up
forms of
appeal,
notices etc.
Form No. 1.
Form No. 2.

6. (1) A person who wishes to appeal to the Court against conviction and/or sentence shall give notice of appeal, or notice of an application for leave to appeal or notice of an application for extension of time within which such notice may be given, by completing Form 1 or Form 2, as the case may be, and serving it on the Registrar.

(2) If the appellant has been convicted of more than one offence, the appellant must specify in the notice in Form 1 the convictions or sentences against which he is appealing or is applying for leave to appeal.

(3) The grounds of an appeal or application set out in Form 1 may, with the consent of the Court, be varied or amplified within such time as the Court may allow.

(4) Notice of an application to extend the time within which notice of appeal or of an application for leave to appeal may under Part I of the Act be given shall be given by completing Form 2

and by giving notice of appeal or of an application for leave to appeal in accordance with paragraphs (1) to (3).

(5) Notice of an application to extend the time within which notice of appeal or of an application for leave to appeal may under Part I of the Act be given, must specify the grounds of the application.

(6) An appellant who is appealing or applying for leave to appeal against conviction must specify, in Form 1, any exhibit produced at the trial that he wishes to be kept in custody for the purposes of his appeal.

(7) Every notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which such notice may be given, must be signed by or on behalf of the appellant.

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

(9) If Form 1 or Form 2 is not signed by the appellant and the appellant is in custody, the Registrar shall, as soon as practicable after receiving the form, send a copy of it to the appellant.

(10) In the case of an appellant who does not require leave to appeal or who is given leave to appeal, a notice of application for leave to appeal shall be treated as a notice of appeal; and in the case of an appellant who requires leave to appeal but who serves on the Registrar notice of appeal, the notice of appeal shall be treated also as an application for leave to appeal.

7. (1) The certificate of the Judge under section 3(2) (b), 9(1) (a) (ii), or 12(2) (a) (ii) of the Act that a case is a fit case for appeal must be in Form 3.

Certificate
of trial
Judge.
Form No. 3.

(2) The certificate shall be forwarded forthwith to the Registrar, whether or not the person to whom the certificate relates has applied for a certificate.

(3) A copy of the certificate shall be forwarded forthwith to a person to whom the certificate relates or to his attorney-at-law.

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Application
for bail,
leave to be
present or
for further
witnesses.

8. (1) Notice of an application by the appellant

- (a) that he be admitted to bail pending the determination of his appeal or pending his retrial must be in Form 4 and, unless notice of appeal or of an application for leave to appeal has previously been given, must be accompanied by such a notice;
- (b) that he be given leave by the Court to be present at proceedings for which leave is required must be in Form 5;
- (c) for an order of the Court to order witnesses to attend and be examined before the Court on his behalf when the appellant is in custody and not legally represented must be in Form 6.

(2) An application under paragraph (1) may be made orally to the Court.

Bail.

9. (1) Where the Court directs the admission of an appellant to bail pending the determination of his appeal or pending his retrial, the Court shall determine the number of sureties, if any, the amount in which the appellant and any sureties are to be bound and the conditions to be endorsed on the recognizances if the recognizances are subsequently taken.

(2) The recognizance of an appellant must be in Form 7 and that of a surety in Form 8, except that in relation to an appellant admitted to bail pending his retrial his recognizance must be in Form 9 and that of a surety in Form 10.

(3) A recognizance under this rule may be entered into before the Registrar or a magistrate, or in the case of an appellant who is in custody, before the person having custody of him.

(4) The Registrar, if he does not take the recognizance, shall issue a certificate in Form 11 showing the conditions of the recognizance and the amounts in which the appellant and any sureties are to be bound; and a person authorised to take a recognizance under this rule is not required to take it without production of such a certificate.

(5) A person authorised to take the recognizance of a surety under this rule shall not do so unless he is satisfied that the person who is entering into the recognizance is, in all the circumstances, a suitable person to do so.

(6) Where a recognizance is taken under this rule by a person other than the Registrar, that person must send it to the Registrar.

(7) A person taking a recognizance under this rule must give a copy thereof to the person who is entering into the recognizance.

(8) The person having custody of an appellant must release the appellant

(a) on receipt of a certificate in Form 12 signed by the Registrar stating that the recognizance of any sureties required by the Court have been taken or on being otherwise satisfied that all such recognizances have been taken; and

(b) on being satisfied that the appellant has entered into his recognizance.

(9) Where the Court has granted bail pending retrial, the Registrar on receipt of all the recognizances shall forward them to the clerk of the court before which the appellant is to be retried.

10. (1) Where the Court grants the application of an appellant to be admitted to bail pending the determination of his appeal or pending his retrial, the Court may at any time reduce the amount in which it is proposed that he or any surety should be bound or dispense with any of the sureties or modify any condition specified by the Court.

Variation
or revoca-
tion of
bail.

(2) Where an appellant is released on bail pending the determination of his appeal or pending his retrial, the Court may, at any time order his arrest and recommitment to custody without prejudice to its power to order the forfeiture of his recognizance or that of any of his sureties, or to a constable's power to arrest.

(3) Where an appellant is recommitted to custody, the person having custody of him shall forthwith notify the Registrar of the fact.

(4) An appellant who has been recommitted to custody under this rule may again be admitted to bail under these rules.

(5) In this rule any reference to the Court shall include a reference to a Judge of the Court.

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Forfeiture
of bail.

11. Where an appellant is admitted to bail pending the determination of his appeal or pending his retrial and he does not comply with the conditions endorsed on his recognizance, the Court may order that his recognizance, and that of any of his surety or sureties be forfeited.

Custody of
exhibits.

12. (1) On a conviction on indictment the clerk of the court of trial shall, subject to any directions of the Judge, make arrangements for any exhibit at the trial that in his opinion may be required for the purposes of an appeal against conviction to be kept until the expiration of 21 days from the date of conviction either in the custody of the court, or to be given into the custody of the person who produced the exhibit at the trial or any other person for retention.

(2) Where an appellant has given notice of appeal, or of an application for leave to appeal, against conviction, the Registrar shall inform the clerk of the court of trial of the notice and give directions concerning the continued retention in custody of any exhibit that appears necessary for the proper determination of the appeal or application.

(3) Where the Court orders an appellant to be retried, it shall make arrangements pending his retrial for the continued retention in custody of exhibits.

(4) Any arrangements under this rule may include arrangements for the inspection of an exhibit by an interested party.

Supply of
copies of
documents,
exhibits.

13. (1) At any time after notice of appeal or notice of application for leave to appeal has been given, an appellant or respondent or the attorney-at-law or other person representing either of them may obtain from the Registrar copies of any documents, other than the transcripts of the proceedings or any part thereof, or exhibits in his possession for the purposes of the appeal.

(2) The Registrar shall supply the copies requested, under paragraph (1) on payment of the fees prescribed.

(3) The Registrar shall, on request, make arrangements for the appellant or respondent to inspect any document or other exhibits required for the appeal.

14. An order of the Court directing a person to attend for examination as a witness must be in Form 13 and shall specify the time and place of attendance.

Examina-
tion of
witness by
Court.

15. (1) An appeal or an application for leave to appeal under Part I of the Act may be abandoned before the hearing of the appeal or application by serving on the Registrar notice thereof in Form 14.

Abandon-
ment of
proceedings.

(2) The notice must be signed by, or on behalf of, the appellant.

(3) The Registrar must, as soon as practicable after receiving a notice under this rule, send a copy of it, endorsed with the date of receipt, to the appellant, to the Superintendent of Prisons and to the respondent.

(4) Where an appeal or an application for leave to appeal is abandoned, the appeal, or application shall be treated as having been dismissed or refused by the Court.

16. Where an application has been dealt with by a single Judge of the Court, the Registrar shall notify the appellant of the decision in Form 15 and if the circumstances so require shall forward Form 16 to the appellant.

Registrar
to notify
appellant.

17. (1) Where a single Judge of the Court has refused all or any of the applications on the part of the appellant, the appellant may have the application determined by the Court by serving a notice in Form 16 on the Registrar within fourteen days, or such longer period as a Judge of the Court may fix, from the date on which notice of the refusal was served on him by the Registrar.

Determina-
tion by full
Court.

(2) A notice in Form 16 must be signed by, or on behalf of, the appellant.

(3) If the notice is not signed by the appellant and the appellant is in custody, the Registrar must, as soon as practicable after receiving the notice, send a copy of it to the appellant.

(4) If the notice under paragraph (1) is not served on the Registrar within the time specified in that paragraph, the application shall be treated as having been refused by the Court.

(5) On the final determination of any appeal or of any application to the Court, the Registrar shall give to the appellant, if he be in custody and has not been present at the final determination, notice of that determination in Form 17 or 18 as the case may be.

Dismissal of
appeal
against per-
son of un-
sound mind.
Cap. 45.

18. If the Court dismisses an appeal or an application for leave to appeal by an appellant who is subject to an order under section 13 of the *Mental Health Act*, or if the Court affirms the order and the appellant has been released on bail pending his appeal, the Court shall give such directions as it thinks fit for his detention, in accordance with section 13 of that Act.

Notice of
determina-
tion of
Court.
Form 17, 18.

Form 19.

Cap. 45.

19. The Registrar shall, as soon as practicable, serve notice on

- (a) the appellant;
- (b) the Director of Public Prosecutions;
- (c) the Superintendent of Prisons; or
- (d) the responsible authority, in the case of an appellant detained under the *Mental Health Act*,

of any determination by the Court or by a Judge of the Court of any appeal or application by an appellant.

Sitting in
vacation.

20. The Chief Justice shall determine the days on which the Court will sit during vacations, if necessary.

Record of
proceedings
at trial.

21. (1) Except as provided by this rule, the whole of any proceedings in respect of which an appeal lies with or without leave to the Court shall be recorded by means of shorthand, or, with the permission of the Chief Justice, by the use of electronic equipment.

(2) Where such proceedings are recorded by means of shorthand or by use of electronic equipment it is not necessary to record

- (a) the opening or closing addresses to the jury on behalf of the prosecution or an accused person unless the Judge otherwise directs; or
- (b) any other part of such proceedings that the Judge directs need not be recorded.

(3) Where it is not practicable for the proceedings to be recorded in the manner prescribed by paragraph (1) the Judge shall direct how and to what extent the proceedings are to be recorded.

(4) The record of the proceedings taken in accordance with this rule shall be accepted by the Court as accurate unless the Court has reason to doubt its accuracy.

22. (1) The Registrar shall have custody of the record of any proceedings or part thereof that are recorded in accordance with the provisions of rule 21. Transcripts.

(2) The Registrar may, on request, supply to an interested party a transcript of the record of any proceedings or part thereof for the purposes of an appeal or an application for leave to appeal and in that case may make charges in accordance with such scales and rates as may be prescribed; but, the transcript shall be supplied free of charge to an interested party who has been given legal aid under the *Community Legal Services Act*, for the purpose of the appeal or any proceedings preliminary or incidental thereto. Cap. 112A.

23. (1) The shorthand writer who has taken notes of any proceedings or part thereof before the Court of trial in respect of which an appeal lies with or without leave to the Court shall Verifica-
tion of
record of
proceedings.

- (a) sign the shorthand note taken by him of the proceedings;
- (b) state the time the proceedings commenced and finished;
- (c) in the case of shorthand notes of any part of the proceedings state the part concerned, and the time commenced and finished;
- (d) certify the shorthand note to be a complete and correct shorthand note of the proceedings taken by him.

(2) Verification of a transcript of shorthand notes taken in the manner prescribed by rule 21(1) shall be by a certificate by the person making the transcript that he has made a correct and complete transcript of the notes to the best of his skill and ability.

(3) Verification of a transcript of the record of the proceedings or part thereof if recorded by means of electronic equipment shall be by a certificate

- (i) by the person making the transcript that he has made a correct and complete transcript of the recording to the best of his skill and ability; and
 - (ii) by the person responsible for the recording that the recording records so much of the proceedings as is specified in the certificate.
- (4) Verification of a transcript of the record of the proceedings or part thereof if recorded in any other way, shall be by a certificate
- (a) by the person who made the record that he recorded the proceedings or part thereof to the best of his ability; and
 - (b) by the person making the transcript that he has made a correct and complete transcript of the record to the best of his skill and ability.

Composition
of
record of
Registrar.

24. (1) The Registrar may require the court of trial to furnish the Court with any assistance or information that it may require for the purpose of exercising its jurisdiction.

(2) In settling the record of proceedings, the Registrar shall include

- (a) the indictment or charge and the plea;
- (b) the verdict, any evidence given thereafter and the sentence;
- (c) notes of any particular part of the evidence, cross-examination, summing-up or of any directions given by the Judge relied on as a ground of appeal;
- (d) the notes of all the evidence taken in capital cases; and
- (e) such other notes of evidence as the Registrar may direct to be included in the copy of the record of proceedings.

(3) Notwithstanding paragraph (2), where the appeal is against sentence only, the Registrar may, except in capital cases, exclude any part of the record of proceedings that is not relied on by the appellant.

(4) The Registrar shall give notice, as long in advance as reasonably possible to

- (i) the appellant;
- (ii) any person having custody of the appellant; and

(iii) any other interested party whom the Court requires to be represented at the hearing,
of the date on which the Court will hear any appeal or application by an appellant.

25. (1) Notice of application to the Court

(a) for leave to appeal to Her Majesty in Council under Part II of the Act;

(b) to extend the time within which an application may be made by the appellant to Her Majesty in Council; or

(c) by the appellant to be admitted to bail pending the appeal, must be in Form I and shall be served on the Registrar.

(2) Where the Court directs the admission of an appellant to bail pending his appeal, the Court shall determine the number of sureties, if any, the amount in which the appellant and any sureties are to be bound and the conditions to be endorsed on the recognizance when the recognizances are subsequently taken.

(3) The form to be used for the recognizance of an appellant must be Form 7 and that of a surety Form 8.

(4) Paragraphs (3) to (8) of rule 9 and rules 10 and 11 apply in respect of a recognizance taken under this rule as they apply with the necessary modification in respect of a recognizance taken under these rules.

(5) An application to the Court for leave to appeal to Her Majesty in Council under Part II of the Act may be abandoned before the hearing of the application by serving on the Registrar notice to that effect.

(6) Rules 13, 22(2) and 24 apply in relation to an appeal under Part II of the Act as they apply in relation to an appeal under Part I of the Act.

Appeal to
the Privy
Council.

PART II

26. In this Part,

'Court' means the Court of Appeal in its Criminal Jurisdiction;

'reference' means a reference of a point of law to the Court under section 18 of the *Criminal Appeal Act*;

Interpreta-
tion of
Part II.

Cap. 113A.

"respondent", in relation to any reference, means the acquitted person in whose case the point of law referred arose.

Reference
on a
point of
law.

27. (1) Every reference shall be in writing, and must

- (a) specify the point of law referred and, where appropriate, such facts of the case as are necessary for the proper consideration of the point of law;
- (b) summarise the arguments intended to be put to the Court; and
- (c) specify the authorities intended to be cited.

(2) No mention shall be made in the reference of the proper name of any person or place that is likely to lead to the identification of the respondent.

Cap. 113A.

(3) A reference shall be entitled "Reference under section 18 of the *Criminal Appeal Act*" together with the year and number of the reference.

Registrar
to serve
notice.

28. (1) The Registrar shall cause to be served on the respondent notice of the reference that shall also

- (a) inform the respondent that the reference will not affect the trial in relation to which it is made or any acquittal in that trial;
- (b) invite the respondent, within such period as may be specified in the notice, being not less than twenty-eight days from the date of service of the notice, to inform the Registrar if he wishes to present any argument to the Court and, if so, whether he wishes to present such argument in person or by an attorney-at-law on his behalf.

(2) The Court shall not hear argument by or on behalf of the Director of Public Prosecutions until the period specified in the notice has expired unless the respondent agrees or has indicated that he does not wish to present any argument to the Court.

Director
of Public
Prosecu-
tions may
withdraw
or amend
the reference.

29. The Director of Public Prosecutions may withdraw or amend the reference at any time before the Court have begun the hearing, or, after that, and until the Court have given their opinion, may withdraw or amend the reference by leave of the Court, and notice of such withdrawal or amendment shall be served on the respondent on behalf of the Director of Public Prosecutions.

30. The Court shall ensure that the identity of the respondent is not disclosed during the proceedings on a reference except where the respondent has given his consent to the use of his name in the proceedings.

Non-disclosure of identity.

31. An application under section 37 of the *Criminal Appeal Act* (reference to Her Majesty in Council) may be made by notice served on the Registrar within fourteen days after the Court give their opinion.

Reference to Her Majesty in Council. Cap. 113A.

PART IIA

31A. In this Part,

Interpretation. 2002/94.

"Court" means the Court in its criminal jurisdiction;

"reference" means a reference to the Court under section 36B of the Act;

"respondent" means the convicted person whose sentencing is the subject of a reference.

31B. This Part prescribes the procedure to be followed in references.

Application of this Part. 2002/94.

31C. (1) Where in any case to which Part IA of the Act applies the prosecutor, not being the Director of Public Prosecutions, is of opinion that the sentencing of the convicted person has been unduly lenient, the prosecutor shall so inform the Director by notice in writing.

Notice to the Director of Public Prosecutions. 2002/94.

(2) A notice under paragraph (1) shall

(a) be given within 28 days of the date on which the sentence in question was passed; and

(b) specify the grounds on which the prosecutor is of the opinion mentioned in paragraph (1), as well as any other information that the prosecutor considers pertinent.

(3) Where the Director considers that the grounds or other information stated in a notice under paragraph (1) do not justify him in making a reference, he may ask the prosecutor to supply such further information as he may indicate; and he may decline to make the reference unless that further information is supplied to him.

(4) Nothing in paragraphs (1) to (3) prevents the Director from declining to make a reference if it appears to him that the sentencing of a convicted person has not been unduly lenient.

Require-
ments in
relation to
references.
2002-94.

31D. Every reference shall

Cap. 113A.

- (a) be lodged with the Registrar within 36 days of the date on which the sentence in question was passed;
- (b) be entitled "Reference under section 36B of the *Criminal Appeal Act*", and bear the year and number of the reference;
- (c) state the grounds on which it appears to the Director that the sentencing of the respondent was unduly lenient;
- (d) include a summary of the arguments that the Director intends to put to the Court; and
- (e) give the authorities, if any, that the Director intends to cite.

Notice to
respondent.
2002-94.

31E. (1) The Registrar shall cause notice of every reference to be served on the respondent.

(2) The Registrar shall include in, or attach to, every notice under paragraph (1) a copy of Part IA of the Act.

(3) Every such notice shall invite the respondent, within such period as is specified in the notice (not being less than 28 days after service of the notice), to inform the Registrar in writing

- (a) whether he intends to make any objection to the reference; and, if so,
- (b) whether he intends to present any such objection in person or by an attorney-at-law acting on his behalf.

(4) The Court shall not hear argument by or on behalf of the Director before the period specified in the notice pursuant to paragraph (3) has expired, unless the respondent has indicated in writing that he does not intend to make any objection to the reference.

31F. The Registrar may require the court of trial to furnish the Court with any assistance or information that the Court may require for the purpose of exercising its jurisdiction.

Registrar's
power to
require
information
from court
of trial.
2002-94.

PART III

32. (1) The *Federal Supreme Court of Appeal Rules, 1958* shall cease to apply on the coming into operation of these Rules.

Cessation
of Federal
Supreme
Court of
Appeal
Rules.

(2) Paragraph (1) does not affect the operation of the rules in relation to a person who before the coming into operation of these Rules had given notice of appeal or of an application for leave to appeal or an application for extension of time within which to give notice of appeal, and these Rules do not apply to such an appeal or application or proceedings preliminary or incidental to such an appeal.

33. These Rules shall come into operation on the first day of September, 1983.

Commence-
ment.

SCHEDULE

(Rule 6)

FORMS

Form I

CRIMINAL APPEAL ACT

IN THE COURT OF APPEAL

**Notice of appeal or application for leave to appeal against
conviction or sentence**

Criminal Appeal No.....of 20.....

To the Registrar of the Supreme Court of Judicature:

Name of Appellant

Convicted at theheld at.....

Offence of which convicted

Sentence

Date when convicted

Date when sentence passed

Name of Prison

I the above-named appellant hereby give you notice that I desire to appeal to the Court of Appeal against my conviction and/or sentence on the grounds set forth on page 2 of this notice.

(Signed).....

Appellant

Signature and address of
witness attesting marks:

Dated this.....day of.....20.....

QUESTIONS

ANSWERS

1. Did the Judge before whom you were tried grant you a certificate that it was a fit case for appeal?

.....

2. Do you desire the Court of Appeal to assign you legal aid?

.....

If your answer to this question is "Yes" then answer the following questions:-

- (a) What was your occupation and what wages, salary or income were you receiving before your conviction?

.....

.....

- (b) Have you any means to enable you to obtain legal aid for yourself?

.....

3. Is any attorney-at-law now acting for you? If so, give his name and address.

.....

4. Do you desire to be present when the Court considers your appeal?

.....

5. Do you desire to apply for leave to call any witnesses on your appeal?

.....

If your answer to this question is "Yes", you must also fill in Form 6 and send it with this notice.

THE LAWS OF BARBADOS

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GROUNDS OF APPEAL OR APPLICATION:

(Signed).....
Appellant

Date.....

This notice was handed in by the appellant today.

(Signed).....
Superintendent of Prisons

Date.....

Notes:

1. This form should be sent to the Registrar within 21 days from the date of conviction or of an order made or treated as made on conviction, sentence (other than death), verdict or finding appealed against and within 14 days where the sentence is death.
2. The form must be signed by the appellant or on his behalf.
3. The notice will be treated as a notice of appeal in the case of an appellant who does not require leave to appeal, e.g., where a certificate has been granted by the trial judge, or in the case of an appellant who is given leave to appeal by the Court of Appeal.
4. An application for leave to be present, bail, or leave to call a witness must be supported by the appropriate form. Such an application can be made subsequently.
5. An appellant in custody is not entitled to be present
 - (a) when the appeal is on some ground involving a question of law;
 - (b) on an application for leave to appeal; or
 - (c) on any proceedings preliminary or incidental to an appeal; (section 27 (2) of the Act).
6. Except as provided in section 27(2) of the Act (see Note 5) an appellant is, if he so wishes, entitled to be present on the hearing of his appeal, whether or not he is then in custody. (section 27(1) of the Act).

Form 2

R. 6

CRIMINAL APPEAL ACT

Cap. 113A.

IN THE COURT OF APPEAL

Notice of application for extension of the time
within which to appeal

Criminal Appeal No.....of 19.....

To the Registrar of the Supreme Court of Judicature:

I,.....having
been convicted of the offence of.....
in the.....Court held
at.....on the.....
day of.....19....., and being now a
prisoner in Her Majesty's Prison at.....
*(or now living at.....),
give you notice that I hereby apply to the Court for an extension of time within
which I may give Notice of Appeal (or Notice of Application for leave to
Appeal):

Here state
the offence
e.g., lar-
ceny, mur-
der, forgery,
etc.

*When
applicant
for any
reason not
in custody.

The grounds are as follows:

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 ex-
tend the
time.

(Signed)

(or mark)

Applicant

Signature and address of
witness attesting mark

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

You are required to send to the Registrar of the Court, duly filled up Form
1, together with this Notice.

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Form 3

R. 7

Cap. 113A.

CRIMINAL APPEAL ACT

Judge's certificate

R.v.

Particulars of trial

Full name of person tried

Name of court

Offences for which person tried

Decision of court –

*Delete if
inapplicable.

*convicted of

*unfit to plead

*verdict of not guilty by reason of insanity

Date of decision of court

I certify that the case is a fit case for appeal on the ground that:-

Signed

Judge

Date

Form 4

R. 8

CRIMINAL APPEAL ACT

Cap. 113A.

IN THE COURT OF APPEAL

Notice of application for bail

Criminal Appeal No.....of 19.....

To the Registrar of the Supreme Court of Judicature:

Name of Appellant:

Address:

Name of Prison:

Give the appellant's address if bail were granted, and the amount of the recognizance in which he would agree to be bound.

Address if granted bail

Give the names, addresses and occupations of two persons who might act as sureties if bail were granted.

Name, address, occupation

Name, address, occupation

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If bail was granted before trial or sentence state:-

Amount of recognizances:

Appellant	Sureties
\$.....	\$.....and \$.....

Were the sureties the persons named above?

What, if any, special conditions were imposed?

The appellant applies for bail pending appeal/retrial on the following grounds:-

Signed.....for use in the Registry
(Appellant)

Date.....Received

Notes:

1. This form must accompany or follow Form 2. If this form follows Form 2 the Criminal Appeal reference number must be given. An application for bail may be made whether or not Form 2 contained an application for bail.

2. Do not repeat the grounds of appeal or application for leave to appeal as the grounds for bail.

3. Time spent on bail does not count towards sentence.

4. This form must be signed by, or on behalf of, the appellant.

Form 5

R. 8(1)(b)

CRIMINAL APPEAL ACT

Cap. 113A.

IN THE COURT OF APPEAL

Notice of application for leave to be present

Criminal Appeal No.....of 19.....

To the Registrar of the Supreme Court of Judicature:

Name of Appellant:

Address:

The appellant applies to be given leave by the Court of Appeal to be present at proceedings for which such leave is required. The special reasons for the application are as follows:-

Signed.....for use in the Registry
(Appellant)

Date.....Received

Notes:

1. Form 5 is required for an application for leave to be present at the hearing of an application for leave to appeal or an appeal on grounds involving a question of law alone. This form must accompany or follow Form 2. If it follows Form 2 the Criminal Appeal number must be given.

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2. An appellant who is not in custody may attend a hearing before the full court and need not apply for leave. Proceedings before a single judge are in private.

Form 6

R. 8(1)(c)

Cap. 113A.

CRIMINAL APPEAL ACT

IN THE COURT OF APPEAL

Notice of application for further witness

To the Registrar of the Supreme Court of Judicature:

Full names of appellant.....

Criminal appeal number (except where this form accompanies Form 2).....

Where detained,.....

Name of Prison

Name and address of witness.....

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

Do you want a witness order? Yes/No

Was the witness called at the trial? Yes/No

The witness can now give the following evidence (which he did not give at the trial):

The evidence was not given at the trial for the following reason:-

Signed.....

Date

Notes:

1. Notice of the application may be given whether or not it was given on Form 2.

2. A separate form must be used for each witness.

3. A witness cannot be called without the leave of the Court of Appeal. Before giving leave to call a witness, the court will consider, with other matters,

whether the evidence if received would afford any ground for allowing the appeal, whether the evidence is likely to be credible, and whether there is a reasonable explanation for failure to adduce the evidence at the trial. Do not set out in the form the evidence which the witness gave at the trial.

4. Do not apply in respect of a witness in mitigation of sentence only.

Form 7

R. 9(2)

CRIMINAL APPEAL ACT

Cap. 113A.

IN THE COURT OF APPEAL

Recognizance of appellant

I,.....(hereinafter called the appellant) acknowledge that I owe to our Sovereign Lady The Queen the sum ofpayment thereof to be enforced against me by due process of law if I fail to comply with the condition(s) endorsed hereon.

Signed

Address

.....

.....

Taken before me the day of 19.....
at.....

Signed

Office (1)

(Endorsement)

Condition(s)

The condition(s) of this recognizance is (are) that if the appellant appears before the Court of Appeal, unless the court otherwise orders, at each and every hearing of his appeal and at the final determination thereof, then this recognizance shall be void, but otherwise shall remain in full force ⁽²⁾.

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(1) The recognizance may be taken by the Registrar, the clerk of a magistrates' court or the Superintendent of Prisons.

(2) Conditions appearing to the court to be likely to result in the appellant's appearance at the time and place required, or to be necessary in the interests of justice or for the prevention of crime may be added.

Form 8

R. 9(2)

Cap. 113A

CRIMINAL APPEAL ACT

IN THE COURT OF APPEAL

Recognizance of appellant's surety

I,.....acknowledge that
I owe to our Sovereign Lady The Queen the sum of
payment thereof to be enforced against me by due process of law if.....
.....detained in.....
fails to comply with the condition endorsed hereon.

Signed.....

Address.....

.....

.....

.....

Taken before me theday of.....19.....,
at.....

Signed.....

Office⁽¹⁾.....

(Endorsement)

Condition

The condition of this recognizance is that if the said.....
.....appears before the Court of
Appeal, unless the court otherwise orders, at each and every hearing of his
appeal and at the final determination thereof, then this recognizance shall be
void, but otherwise shall remain in full force.

(1) The recognizance may be taken by the Registrar, the clerk of a
magistrates' court or the Superintendent of Prisons.

Form 9

R. 9(2)

CRIMINAL APPEAL ACT

Cap. 113A.

IN THE COURT OF APPEAL

Recognizance of appellant pending retrial

I,(hereinafter called the appellant) acknowledge that I owe to our Sovereign Lady The Queen the sum of.....payment thereof to be enforced against me by due process of law if I fail to comply with the conditions endorsed hereon.

Signed.....

Address.....

.....

.....

.....

Taken before me theday of.....19.....,
at.....

Signed.....

Office⁽¹⁾.....*(Endorsement)*

Condition(s)

The condition(s) of this recognizance is/are that if the appellant appears in person at and before the court of trial on such date and at such time and place as may be notified to him by the Registrar and there surrenders himself into custody and takes his trial upon any indictment preferred against him, then this recognizance shall be void, but otherwise shall remain in full force⁽²⁾.

(1) The recognizance can be taken by the Registrar, the clerk of a magistrates' court or the Superintendent of Prisons.

(2) Conditions appearing to the court to be likely to result in the appellant's appearance at the time and place required, or to be necessary in the interests of justice or for the prevention of crime may be added.

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Form 10

R. 9(2)

Cap. 113A.

CRIMINAL APPEAL ACT

IN THE COURT OF APPEAL

Recognizance of appellant's surety pending retrial

I, acknowledge
that I owe to our Sovereign Lady The Queen the sum of
....., payment thereof to be enforced against me by
due process of law if
(insert name of principal) fails to comply with the condition endorsed hereon.

Signed.....

Address.....
.....
.....
.....

Taken before me theday of.....19.....,
at.....

Signed.....

Office⁽¹⁾.....

(Endorsement)

Condition

The condition of this recognizance is that if the said.....
appears in person at and before the court of trial on such date and at such time
and place as may be notified to him by the Registrar and there surrenders
himself into custody and takes his trial upon any indictment preferred against
him then this recognizance shall be void, but otherwise shall remain in full
force.

(1) The recognizance may be taken by the Registrar, the clerk of a
magistrates' court or the Superintendent of Prisons.

Form 11

R. 9(4)

CRIMINAL APPEAL ACT

Cap. 113A

IN THE COURT OF APPEAL

Certificate by Registrar of conditions of bail

I hereby certify that the court has granted bail and has fixed the amount of the recognizance to be entered into by
 detained in.....at the
 sum of.....and.....surety in.....
 [each] conditioned for the appearance of the said
before the Court of Appeal,
 unless the court otherwise orders, at each and every hearing of his appeal and at
 the final determination thereof.*

Signed.....
Registrar of the Supreme Court

* Add, in the case of the appellant, any other conditions specified by the court.

Form 12

R. 9(8)

CRIMINAL APPEAL ACT

Cap. 113A.

IN THE COURT OF APPEAL

Certificate of Registrar that all recognizances taken

I hereby certify that the recognizances of the sureties of
detained
 in.....have been taken.

Signed.....
Registrar of the Supreme Court

Date

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Form 13

R. 14

Cap. 113A.

CRIMINAL APPEAL ACT

IN THE COURT OF APPEAL

Witness Order

R.v. (Appellant)
To.....of.....

On the application of the appellant/prosecutor the Court of Appeal has ordered you to attend for examination as a witness upon the appeal of the appellant:

You are therefore hereby ordered to attend before [the said court] on the.....day of.....
19....., at the hour of in the.....noon to give evidence [and to produce the following document [s] or exhibit [s]]:

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

Signed.....
Registrar of the Supreme Court

Form 14

R. 15

Cap. 113A.

CRIMINAL APPEAL ACT

IN THE COURT OF APPEAL

Notice of abandonment of appeal

To the Registrar of the Supreme Court of Judicature:

Criminal Appeal No.....of 19.....

Name of Appellant:

The appellant hereby abandons

*all proceedings in the Court of Appeal (Criminal number)

*Delete
one or other
alternative.

*the following proceedings in the Court of Appeal, namely, –

(Criminal Number)

Signed

Date

Notes:

1. Where an appeal or application for leave to appeal is abandoned, the appeal or application is treated as having been dismissed or refused by the Court of Appeal.
2. If the appellant wishes to abandon several proceedings in the Court of Appeal for which there are more than one criminal appeal number, a separate notice of abandonment should be given in respect of each number.
3. The notice may be signed by, or on behalf of, the appellant.

Form 15

R. 16

CRIMINAL APPEAL ACT

Cap. 113A.

IN THE COURT OF APPEAL

Notification to appellant of a single judge's decision

Criminal Appeal No.....of 19.....

REG. v.

I hereby give you notice that a judge of the Court having considered your application(s) for –

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

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

(d) Admission to bail;

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

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

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

Signed.....
Registrar,
Supreme Court.

To the above-named.

Form 16

R. 17(1)

Cap. 113A.

CRIMINAL APPEAL ACT

IN THE COURT OF APPEAL

Notice of appeal by appellant from refusal of a Judge of the Court

Criminal Appeal No.....of 19.....

REG. v.

To the Registrar of the Supreme Court of Judicature:

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

(a) Leave to appeal;

- (b) Extension of the time within which notice of appeal or application for leave to appeal may be given;
- (c) Permission to me to be present during the hearing of any proceedings in my appeal;
- (d) Admission to bail;
has/have been refused;

DO HEREBY GIVE YOU NOTICE that I desire that the said application(s) shall be considered and determined by the Court (and that as I am not legally represented I desire to be present at the determination of my said application(s))*

(Signed)
(or mark)

For signature
see.

.....
Appellant.

Signature and address of
witness attesting mark.

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

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 should grant your said application(s) you may do so in the space below.

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

Form 17

R. 19

Cap. 113A.

CRIMINAL APPEAL ACT

IN THE COURT OF APPEAL

Notification to appellant of result of application

Criminal Appeal No.....of 19.....

REG. v.

To the above-named Appellant.

This is to give you notice that the Court have considered the matter of your application for –

- (a) leave to appeal to the said Court;
- (b) leave to extend the time within which you may give notice of appeal or of application for leave to appeal;
- (c) permission to be present during the proceedings in your appeal;
- (d) admission to bail;
- (e) insert here nature of any other application that may have been made;

and have finally determined the same and have this day given judgment to the effect following:-

.....
Registrar of the Supreme Court

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

Form 18

R. 19

CRIMINAL APPEAL ACT

Cap. 113A

IN THE COURT OF APPEAL

Notification to appellant of the result of his appeal

Criminal Appeal No.....of 19.....

REG. v.

To the above-named Appellant.

This is to give you notice that the Court, having considered the matter of your appeal, have finally determined the same and have this day given judgment to the effect following:-

.....
Registrar of the Supreme Court

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

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Form 19

R. 19

Cap. 113A.

CRIMINAL APPEAL ACT

IN THE COURT OF APPEAL

Notice to authorities of result of appeal

Criminal Appeal No.....of 19.....

REG. v.

To

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

Here set
out the
decision of
the Court.

.....
Registrar of the Supreme Court

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