

LAWS OF GUYANA

SUMMARY JURISDICTION (APPEALS) ACT

CHAPTER 3:04

Act
6 of 1929
Amended by

31	of	1942	O. 37/1966A
32	of	1942	
29	of	1955	
19	of	1958	
4	of	1972	
17	of	1977	
21	of	1978	
4	of	1980	
2	of	1989	
13	of	2014	
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(O.49/1946)

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on

Repeal

This Act Repealed Ordinances (13 of 1893), (28 of 1916), and (34 of 1924)

CHAPTER 3:04

SUMMARY JURISDICTION (APPEALS) ACT

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CHAPTER 3:04

SUMMARY JURISDICTION (APPEALS) ACT

1929 Ed.
c. 16
1953
c. 17

6 of 1929

An Act to make provision for appeals from the decisions of Magistrates.

[26TH JANUARY, 1929]

Short title.

1. This Act may be cited as the Summary Jurisdiction (Appeals) Act.

Interpretation.

2. (1) In this Act—

"clerk" means the clerk of the court of the magisterial district from which an appeal is brought, and, if there is no clerk, includes a magistrate;

c. 3:02

"the Court" means the Full Court of the High Court and includes any court at any time empowered by Act to hear and determine appeals from decisions of magistrates;

"decision" means any final adjudication of a magistrate in a cause or matter before him and includes any nonsuit, dismissal, judgment, conviction, order, or other determination of the cause or matter;

"keeper" when used in relation to a prison means the chief resident officer in the prison;

"the Registrar" means the Registrar of the Supreme Court;

"the rules" means any rules or orders of court relating to appeals from magistrates' decisions made under the authority of any Act conferring the power to make rules or orders of court.

First Schedule.

(2) References to numbered forms are to the forms given in the First Schedule.

MAKING OF APPEAL

Right of appeal.

3. (1) Unless the contrary is in any case expressly provided by Act, anyone dissatisfied with a decision of a magistrate may appeal therefrom to the Court in the manner and subject to the conditions hereinafter mentioned.

Appeals from decisions of magistrates in indictable matters taken summarily to the Court of Appeal. [4 of 1980] c. 3:04.

(2) Anything in this Act to the contrary notwithstanding, any appeal from any decision given by a magistrate in respect of an indictable offence dealt with summarily shall lie to the Court of Appeal.

(3) Subject to subsection (1), the appeal shall be made and determined in all respects in accordance with this Act, which, together with rules 24 to 28 (inclusive) of Order 46 of the Rules of the High Court, shall apply with such adaptations and modifications as are necessary to enable the appeal and any matter incidental thereto to be dealt with by the Court of Appeal and, in particular—

- (a) references in the said Act and Rules to the Full Court of the High Court or to the Chief Justice shall be read and construed as references to the Court of Appeal and to the Chancellor, respectively;
- (b) section 5 (3) of the said Act shall not apply in relation to an appeal brought by or on behalf of the Director of Public Prosecutions or by the police.

Notice of appeal.

4. (1) An appellant may—

- (a) at the time of the pronouncing of the decision and before the opposite party has left the court room either personally or by his counsel or solicitor, give verbal notice of his appeal in open court, of which notice

the magistrate shall make a minute;
or

- (b) within fourteen days after the pronouncing of the decision, lodge with the clerk a written notice of appeal in Form 1, and serve a copy thereof upon the opposite party.

(2) Where the appellant is in prison, the keeper shall, on being requested so to do, render all reasonable assistance in the preparation of the notice and shall cause it to be lodged and a copy thereof to be served as above, if the appellant supplies him with the necessary fees and expenses.

Security.

[4 of 1972]

5. (1) The appellant shall, when he gives or lodges notice of appeal other than in a criminal cause or matter, deposit with the clerk the sum of one hundred and ninety-five dollars as security for the due prosecution of the appeal in accordance with this Act and the rules, and if the appellant fails to make the deposit the notice of appeal shall be of no effect.

(2) If the appellant duly prosecutes his appeal, including appearance at the hearing thereof in person or by counsel, he shall be entitled to a refund of the sum of one hundred and ninety-five dollars aforesaid whatever may be the result of the appeal; otherwise it shall be forfeited as a court fee.

(3) The appellant shall further within fourteen days after the decision appealed against is pronounced give security to the extent of three thousand two hundred and fifty dollars for the payment of any costs awarded against him by the Court and for the due and faithful performance of the judgment or order of the Court.

(4) The security shall be by deposit of money with the clerk, or by a recognizance in Form 2 entered into by the appellant, with or without a surety as the magistrate may direct:

Provided that an appellant who is in custody shall, if he elects to continue to undergo his sentence pending an appeal, be

required to give security by deposit to the extent of six hundred and fifty dollars.

(5) Nothing in subsections (3) and (4) shall affect the jurisdiction of the Court with respect to the amount of costs which may be ordered or the right of a party as to the recovery of any amount so ordered.

(6) If the appellant fails to prosecute his appeal, the sum of one thousand six hundred and twenty-five dollars from the aforesaid sum of three thousand two hundred and fifty dollars shall be forfeited as a court fee.

Extension of time for certain appeals.

6. (1) If in the opinion of the Chief Justice the period of time prescribed in this Act for the doing of any act in relation to an appeal from a decision of a magistrate in any magisterial district is insufficient to enable a person to appeal therefrom, he may, by order, direct what further time shall be added to the period prescribed.

(2) The Chief Justice may, from time to time by order, vary the provisions of any such order or may substitute a new order therefor.

Records of appeals.

7. Immediately on receiving a notice of appeal or notice of the grounds of appeal, or on any security being given, the clerk shall make an entry of the fact and the time of the receipt in a record book to be kept for that purpose, and shall inform the magistrate of the fact.

Copy of proceedings and notice of grounds of appeal.

8. (1) On compliance by the appellant with the requirements of sections 4 and 5, the magistrate shall draw up a formal conviction or order and a statement of his reasons for the decision appealed against.

(2) The statement shall be lodged with the clerk, who shall forthwith, and at latest within twenty-one days of the receipt thereof, prepare a copy of the proceedings including the reasons for the decision, and when the copy is ready he shall notify the appellant in writing and, on payment of the proper fees, deliver the copy to him.

(3) The appellant shall, within fourteen days after receipt of the notice, draw up a notice of the grounds of appeal in Form 3, and lodge it with the clerk and serve a copy thereof on the opposite party. Section 4(2) shall apply to a notice of the grounds of appeal.

Available
grounds of
appeal.
[2 of 1989]

9. The following grounds of appeal and no other may be taken—

- (a) the magistrate's court had no jurisdiction in the matter; but it shall not be competent for the Court to entertain that ground of appeal unless objection to the jurisdiction of the magistrate's court was formally taken at some time during the progress of the case and before the decision was pronounced; or
- (b) the magistrate's court exceeded its jurisdiction in the matter; or
- (c) the magistrate was personally interested in the matter;
- (d) the magistrate acted corruptly or maliciously in the matter, or took extraneous matter into consideration; or
- (e) the decision was obtained by fraud; or
- (f) the cause had been already heard or tried and decided by, or forms the subject of a hearing or trial pending before, some competent tribunal; or
- (g) evidence was wrongly rejected, or inadmissible evidence was wrongly admitted, by the magistrate, and that in the latter case there was not

sufficient evidence to sustain the decision; or

- (h) the decision was unreasonable or could not be supported having regard to the evidence; or
- (i) the decision was erroneous in point of law; or
- (j) the judgment or sentence passed was based on a wrong principle or was such that a magistrate viewing the circumstances reasonably could not properly have so decided; or
- (k) some specific illegality, other than hereinbefore mentioned, substantially affecting the merits of the case was committed in the course of the proceedings therein or in the decision; or
- (l) the sentence was unduly severe or unduly lenient.

Manner of setting forth grounds of appeal.

10. The appellant shall in his notice of grounds of appeal so set forth the particular matter on which he relies or of which he complains as to inform the magistrate, the opposite party, and the Court thereof, as for example, if he relies upon the ground of appeal stated in paragraph (f) of the last preceding section, the name of the tribunal shall be stated and, if a decision is alleged, the approximate date or effect of the decision shall be stated; if he relies upon the ground of appeal stated in paragraph (i) of that section the nature of the error shall be stated; and, if he relies upon the ground of appeal stated in paragraph (k) of that section, the illegality complained of shall be clearly specified.

Signing notices.

11. (1) Every notice of appeal in writing and every notice of the grounds of appeal shall be signed by the appellant or by his counsel or solicitor.

(2) If the appellant signs as a marksman, the appellant's signature shall be verified by at least one person, not a minor, signing as witness, who shall add to his signature the address of his usual place of abode.

Decision under
appeal.
[17 of 1977
4 of 1980
13 of 2014]

12. (1) Subject to this section, on compliance by the appellant with the provisions of sections 4 and 5, an appeal shall not operate as stay of the execution of the decision under appeal:

Provided that a magistrate whose decision is likely to be appealed, may grant a stay of execution of that decision for a period not exceeding four weeks from the date of the decision upon an application made at the time of the delivery of the said decision.

[13 of 2014]

(2) [Deleted by Act 13 of 2014]

[21 of 2022]

(3) An appellant who has complied with sections 4 and 5 and who has been sentenced to imprisonment may elect to undergo his imprisonment; if he does not elect to do so, he shall, unless granted bail, be kept in prison and treated in like manner as a prisoner awaiting trial.

[21 of 2022]

(4) [Deleted by Act 21 of 2022]

Transmission of
record to
Registrar.

13. (1) Within seven days of the notice of the grounds of appeal being lodged the clerk shall transmit to the Registrar a copy of the record, duly certified under his hand, consisting of the complaint or information and plea, or the plaint and defence, as the case may be, the notes of evidence taken in the cause and the adjudication, the formal conviction or order, the notice of appeal if it is in writing, and the notice of the grounds of appeal, the recognizance, if any, all documentary exhibits and all other documents connected with the cause, including the magistrate's statement of his reasons for the decision.

(2) On receipt of the copy of the record as above, the Registrar shall notify the appellant in writing of the fact, and the appellant shall, within ten days of the notice, prepare and lodge with the Registrar three additional copies of the record for the use

of the Court at the hearing of the appeal, and thereupon the Registrar shall enter the appeal in the list for hearing.

Applications for extension of time within which and for leave to comply with certain provisions.
[17 of 1977]

14. (1) Notwithstanding the provisions of section 16, any person who has failed to comply with any of the provisions of this Act limiting the period of time within which, or prescribing the manner in which, any act shall be performed, may apply to the Court for an extension of the period of time within which such act shall be performed or for leave to perform such act in the prescribed manner and in his application shall state fully the reason for his failure to comply with such provision or provisions and the grounds on which he considers he should be given such extension of the period of time or leave.

(2) If satisfied that in all the circumstances it would be just and proper so to do, the Court may grant such extension of the period of time or leave on any terms and conditions it may think just, including terms and conditions as to the payment of costs:

Provided that no such extension of the period of time or leave shall be granted unless the opposite party has had an opportunity of being heard on the application and, if the Court thinks fit, of adducing evidence against the granting of the application.

(3) In exercising its discretion whether to grant or to refuse an application under this section, the Court shall have regard to the following matters and circumstances—

- (a) whether *prima facie* the appeal sought to be brought has merit;
- (b) whether the exhibits, documentary or otherwise, admitted in evidence in the cause by the magistrate which in the opinion of the Court are necessary for the determination of the appeal sought to be brought, if already returned by the magistrate to the parties entitled to the possession

thereof, can be returned to the magistrate for the purposes of the appeal;

- (c) such other matters or circumstances as the Court thinks just and proper to take into consideration in the exercise of such discretion.

(4) It shall be lawful for the Court in granting an application under this section to give such directions as the Court may deem necessary for the preparation and transmission of the record referred to in section 13.

(5) The Court may direct the Registrar to summon any person, having any exhibit, documentary or otherwise, admitted in the cause by the magistrate, in his possession, which, in the opinion of the Court, is necessary for the determination of the appeal, to attend and to produce such exhibit at the hearing of an application under this section or of an appeal and section 27(a) shall *mutatis mutandis* apply to such person so summoned.

(6) On the granting of an application under this section and on the applicant giving the security mentioned in section 5 within such time as the Court may fix, if he has not already done so, the provisions of section 12 shall *mutatis mutandis* apply.

Review on application of Attorney General.

15. (1) In any case where the Attorney-General or the Director of Public Prosecutions as the case may be is of opinion that justice requires that a decision of a magistrate which is subject to appeal should be brought by way of review before the Court, he may, on a motion *ex parte* made at any time within three months after the pronouncement of the decision, apply to the Court for an order that the decision shall be brought before the Court by way of review.

(2) Where the Court grants an order for review there shall be served on each party to the cause within fourteen days a certified copy of the order and of the grounds for review.

(3) On a review the Court shall have the same powers as on an appeal.

(4) If on a review the decision is modified or reversed, no action shall be brought against anyone in respect thereof except with the express permission of the Court.

Default in prosecution of appeal.

16. (1) If the applicant makes default in the due prosecution of his appeal or at any stage notifies the clerk or the Registrar that he does not intend to proceed therewith, he shall be deemed to have abandoned the appeal, and the clerk or the Registrar, according as the appeal is abandoned prior to or after the transmission of the copy of the record to the Registrar, shall at once notify the magistrate of the fact in Form 4 in the First Schedule.

First Schedule.

[21 of 2022]

(2) [Deleted by Act 21 of 2022]

Forms.
First Schedule.

17. Forms may be prescribed by the rules in place of or in addition to those contained in the First Schedule.

HEARING AND JUDGMENT

Time, place and order of hearing.

18. (1) Appeals shall come on for hearing at the time and place and after notice to the parties prescribed by the rules.

(2) Appeals shall be heard according to their order in the list of appeals, unless the Court or a judge thereof otherwise directs.

Appearance of parties.

19. At the hearing of an appeal any party may appear in person or by counsel.

Procedure where appellant fails to appear.

20. (1) If, on the day of hearing or at any adjournment thereof, the appellant does not appear, the cause shall be struck out and the decision affirmed, unless the Court thinks fit for sufficient cause to order otherwise.

(2) If in that case the respondent appears, the judgment shall be with costs of the appeal against the appellant, unless the Court expressly orders otherwise; but if the respondent does not appear, the costs of the appeal shall be in the discretion of the Court.

Procedure where appellant appears.

21. If on the day of hearing and at every adjournment of the cause the appellant appears, the Court shall proceed to the hearing or further hearing and the determination of the cause:

Provided that where any respondent is in default of appearance at the time fixed for the hearing of an appeal, the Court shall not proceed to hear the appeal as against him unless and until it is satisfied by affidavit or otherwise that the provisions of sections 4, 5 and 8 have been observed.

Limitation of hearing by grounds of appeal.

22. On the hearing, it shall not be competent for the appellant to go into, or to give evidence of, any other grounds of appeal than those set forth in his notice of grounds of appeal, unless the Court otherwise orders and on the terms it deems just.

Objections to form of grounds of appeal.

23. On the hearing, no objection to any defect in the form of stating any ground of appeal shall be allowed, and no objection to the reception of evidence offered in support of any ground of appeal shall prevail, unless the Court is of opinion that the ground of appeal is so imperfectly or incorrectly set forth as to be insufficient to enable the respondent to inquire into the subject of the statement and to prepare for the hearing, but the Court may, if it thinks fit, cause the ground of appeal to be forthwith amended upon the terms and conditions, if any, the Court thinks just.

Objection to form of information or conviction.

24. If, on the hearing, any objection is made on account of any defect in a complaint or information, or on account of any omission or mistake in the drawing up of a conviction or order, and if it is shown, to the satisfaction of the Court, that sufficient grounds were in proof before the magistrate who made the conviction or order to have authorised the drawing up thereof free from that omission or mistake, the Court shall amend the complaint or information, or the conviction or order, and proceed thereafter as if the defect, omission, or mistake had not existed. Nothing in this section shall affect the provisions of section 22.

Defects in proceedings under appeal.

25. On an appeal no objection shall be taken or allowed to any proceeding in a magistrate's court for any defect or error which might have been amended by that court, or to any

complaint, summons, warrant, or other process to or of that court, for any alleged defect therein in substance or in form, or for any variance between any complaint or summons and the evidence adduced in support thereof in that court:

Provided that if any error, defect, or variance mentioned in this section appears to the Court at the hearing of an appeal to be such that the appellant has been thereby deceived or misled, the Court may either refer the cause back to the magistrate with directions to re-hear and determine it, or reverse the decision under appeal, or may make any other order for disposal of the cause which justice requires.

Error or defect in notice of appeal or recognizance.

26. No objection shall be taken or allowed, on an appeal, to any notice of appeal which is in writing, or to any recognizance entered into under this Act for the due prosecution of the appeal, for any alleged error or defect therein; but if the error or defect appears to the Court to be such that the respondent on the appeal has been thereby deceived or misled, the Court may amend it and, if it is expedient to do so, may also adjourn the further hearing of the appeal, the amendment and the adjournment (if any) being made on any terms the Court deems just.

Power of the Court with regard to fresh evidence.

27. The Court may, in any case where it considers it necessary that evidence should be adduced, either—

- (a) order that evidence to be adduced before the Court on some day to be fixed in that behalf, whereupon any witness required under this section shall be summoned or produced in the same manner and remunerated at the same rate, and be subject to the same pains and penalties and liabilities for non-attendance, as are provided in respect of witnesses summoned to attend at the hearing or trial of a civil cause before the Court; or

- (b) refer the cause to the magistrate to take that evidence, and in that case either direct the magistrate to adjudicate afresh after taking the evidence subject to such directions in law, if any, as the Court thinks fit to give, or may direct him, after taking the evidence, to report specific findings of fact for the information of the Court; the cause on any such reference, so far as may be practicable and necessary, being so dealt with as if it were being heard in the first instance.

Powers of the Court.
[31 of 1942]

28. The Court may—

- (a) affirm, modify, amend, or reverse, either in whole or in part, the decision, sentence, or any order made by the magistrate with reference to the cause, or may enter any judgment or make any order which the magistrate ought to have made; or
- (b) refer the cause to the magistrate with directions to re-hear and determine it or otherwise to deal with it as the Court thinks just; or
- (c) make any other order for disposal of the case which justice requires:

Provided that the Court may, if of opinion that a different sentence should have been passed, quash the sentence passed by the magistrate and pass such other sentence warranted by law (whether more or less severe) in substitution therefor as the Court thinks should have been passed.

Judgment to be reduced to writing and to be final.
[19 of 1958]
Transmission and publication of judgment.

29. The judgment of the Court shall be reduced into writing and shall set forth the reasons therefor.

30. (1) Within three days after the pronouncement of the judgment the Registrar shall transmit a certified copy thereof to the clerk.

(2) Anyone may, on paying the fee for office copy documents, obtain from the Registrar a copy of the judgment.

(3) The Registrar shall without delay cause the reasons for the judgment to be published in the *Gazette*.

Enforcing judgment.
[17 of 1977]

31. (1) After the pronouncement of the judgment of the Court and subject to the provisions hereafter in this section contained, the magistrate of the court from which the appeal came shall have the same jurisdiction, and power to enforce, and shall enforce, any decision which has been affirmed, modified or amended by the Court, or any judgment pronounced by the Court in the same manner in all respects as if that decision or judgment had been pronounced by himself:

Provided that in any case where an order for the imprisonment of a person is affirmed on appeal, whether with or without modification or amendment, the Court may, if that person is at large pending the determination of the appeal and it considers it expedient to do so, forthwith commit the person to prison in pursuance and in execution of the order.

(2) The imprisonment of the person (if it has not previously commenced) shall be reckoned to begin from the day on which he is arrested to be taken to the prison wherein he has been ordered to be imprisoned; and, if the person has been discharged from imprisonment on obtaining bail, he shall be imprisoned for such further period as, with the time during which he has already been imprisoned, is equal to the period for which he was ordered to be imprisoned as aforesaid.

(3) Where default has been made in rendering any person aforesaid to prison in execution of any order aforesaid and a warrant has been issued against him to enforce the render to prison, he shall be liable to pay the cost and charges of the render; and if the opposite party, before the expiration of the imprisonment causes the amount of the costs and charges to be ascertained by the Registrar and leaves with the person, and with the keeper of the prison, a certificate, under the hand of the Registrar, of the amount of those costs and charges, then the person shall not be discharged from imprisonment until those costs and charges have been paid; but the additional imprisonment shall not be for a longer period than that prescribed by section 38 of the Summary Jurisdiction (Procedure) Act.

c. 10:02

(4) When an appellant is admitted to bail pending his appeal the time during which he is at large after being so admitted shall be disregarded in computing the term of any sentence to which he is for the time being subject.

(5) Subject as hereinafter provided, six weeks of the time during which any appellant when in custody is treated pending the determination of his appeal as a prisoner awaiting trial, or the whole of that time if less than six weeks, shall be disregarded in computing the term of any sentence to which he is for the time being subject:

Provided that the Court may direct that no part of the said time or such part thereof as the Court thinks fit (whether shorter or longer than six weeks) shall be disregarded as aforesaid.

(6) Notwithstanding the foregoing provisions of this section where leave to appeal from the judgment of the Court has been given by the Court or where an application to the Court of Appeal for leave to appeal against such judgment has been filed in the manner provided for by law the execution of such judgment shall be suspended until the appeal is determined or is abandoned and no action shall be taken under subsection (1) during the period of suspension aforesaid to enforce any decision which has been affirmed, modified or amended by the Court or any judgment of the Court:

Provided that the foregoing provisions of this subsection shall not operate to suspend the execution of any judgment or order of the Court for the imprisonment of the appellant or affirming, modifying or amending any decision providing for the imprisonment of the appellant.

COSTS

Award of costs.

32. (1) Where an appeal is abandoned before the hearing, the Registrar may, on application made in that behalf, order any costs occasioned by the appeal to be paid to anyone by whom they have been reasonably incurred.

(2) In any other case the Court may make any order as to costs, both in the magistrate's court and the Court as it thinks just; if no order is made costs shall follow the event.

(3) The cost occasioned by any application to the Court shall be in the discretion of the Court.

Taxation of costs.

33. (1) The Court may at any time of making an order as to costs fix the amount thereof, but if no amount is fixed costs shall be taxed by the Registrar.

(2) The Registrar, when transmitting a certified copy of the judgment as required by section 30(1), shall also send to the clerk a certificate of the amount of costs fixed or taxed in Form 5 in the First Schedule.

First Schedule.

Payment of costs.

34. On receipt of the certificate in the last preceding section mentioned, the clerk shall add to the amount therein specified the costs of any copy of proceedings obtained from him by the successful party for the purposes of the appeal and, at the request of that party, proceed to pay or enforce payment of the total costs as follows—

- (a) if money was deposited as security for the payment of costs, he shall pay the costs of the successful respondent out of the money if it is sufficient;

- (b) if money was not deposited, or if the money deposited is insufficient to pay all the costs, he shall enforce the payment of the costs, or of any balance due, by enforcing any recognizance entered into by the appellant, or otherwise in accordance with the provisions of any Act for the enforcement of costs in magistrates' courts, according as the decision appealed against was given in the exercise of summary criminal or civil jurisdiction.

Table of fees and costs.
Second Schedule.

35. (1) The table of fees and costs set forth in the Second Schedule hereto shall govern the fixing or taxation of costs payable for and in respect of the several matters therein mentioned.

(2) The table may at any time be varied or replaced by the rules.

MISCELLANEOUS PROVISIONS

Application to the Court to compel magistrate to entertain complaint.

36. Wherever a magistrate refuses to entertain a complaint or information relating to a summary conviction offence, the person aggrieved by the refusal may obtain from the magistrate a copy of the entry in the record book relating to the refusal, and, on giving to the magistrate not less than three days' previous notice in writing thereof, may make application to the Court for an order on the magistrate to entertain, hear, and determine the complaint or information; and, if the Court sees fit to make the order the magistrate shall entertain, and thereafter hear and determine, the complaint or information in due course of law.

Application to the Court to compel magistrate or justice to do act.

37. (1) Wherever a magistrate or a justice of the peace refuses to do any act relating to the duties of his office, the person requiring the act to be done may apply to the Court on motion supported by affidavit of the facts for an order calling upon the

magistrate or justice, and also upon the person to be affected by the act, to show cause why the act should not be done.

(2) If, after proof of due service of the order, good cause is not shown against it, the Court may make it absolute and the magistrate or justice, upon being served with the order absolute, shall obey it, and do the act required, and the costs of the proceedings shall be in the discretion of the Court.

(3) No action or proceeding whatever shall be commenced or prosecuted against the magistrate or justice for having obeyed the order and done the act thereby required.

(4) Nothing in this section shall be construed to be in derogation of the powers conferred by the last preceding section.

Service of
documents.

38. Any notice or other document required to be served or transmitted under this Act may be served or transmitted by registered post or may be served by delivering or leaving it at the last known place of abode of the party to be served.

Rules.
c. 3:02

39. The power conferred by the High Court Act to make rules of court shall be deemed to include the power to make rules of court for any of the purposes of this Act.

FIRST SCHEDULE

FORM 1

s. 4(1)(b)

Summary Jurisdiction(Appeals) Act.

NOTICE OF APPEAL

In the Full Court of the High Court of Guyana.

On appeal from the Magistrate's Court for the
.....Magisterial District.

Between { Plaintiff,
A.B. Complainant,
Informant,
or
Defendant } Appellant

and

C.D. { Defendant,
Informant,
Complainants,
or
Plaintiff } Respondent

Take notice that this Court will be moved on a day and at an hour of which you shall be informed by the Registrar byCounsel on behalf of the (plaintiff, or as may be) that
(here state concisely the object of the appeal).

Dated thisday of20...

A.B., Appellant,

or

E.F., Solicitor or

Counsel for

Appellant.

To

A.B.

of

and

To

C.H., Esquire

The Magistrate of the above-named

magistrate's court.

FORM 2

s. 5(4)

RECOGNISANCE TO PROSECUTE APPEAL

In the Magistrates Court*

We the undersigned, A.B., of..... E.F., of and G.H., of.....severally acknowledge ourselves to owe to the State, the several sums following, namely, the said A.B., as principal, the sum of..... and the said E.F. and G.H., as sureties, the sum of..... each, to be levied on our several movable and immovable property respectively, if the said A.B. fails in the condition hereon endorsed.

(Signed, where not taken orally.)

A.B.

E.F.

G.H.

Taken [orally] before me this day of.....20

(Signed)

Magistrate,

District.

(Condition endorsed)

The condition of the within written recognisance is such that if the within bounded A.B. duly prosecutes an appeal which he has made to the Full Court from the decision of the said magistrate's court, pronounced on the.....day of.....20....., in a cause in which he, the said A.B., was complainant [or informant, or plaintiff], and C.D., of.....was defendant, and satisfies any judgement which may be pronounced against him by the said Full Court in respect of the said appeal, including

the payments of all costs of the said appeal and otherwise, and in all other respects abides by the result of the said appeal, the said recognisance shall be void, but otherwise shall remain in full force.

*If the cause is in the civil jurisdiction of the court, add below this line the words (Civil Jurisdiction).

Note. - Where the recognisance is taken orally, omit the words "the undersigned," and insert the word "orally" after "taken."

FORM 3

s. 8(3)

NOTICE OF GROUND OF APPEAL

In the Full Court of the High Court of Guyana.

On appeal from the Magistrate's Court for the.....
Magisterial District.

Between	{	Plaintiff,	}	Appellant
		Complainant,		
		Informant,		
		<i>or</i>		
		Defendant		

A.B.

and

C.D.	{	Defendant,	}	Respondent
		Informant,		
		Complainants,		
		<i>or</i>		
		Plaintiff		

Take notice that the following are the grounds of the
appeal herein notice whereof was given in the magistrate's court
on the.....day of.....20....., (or, notice where is
dated the.....day of.....20....., and was served on
the.....day of.....20.....):

(Here follow the grounds of appeal.)

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

A.B., Appellant,

or

E.F., Counsel for Appellant.

To

A.B.

of

and

To

C.H., Esquire,

The magistrate of the above-named magistrate's court.

FORM 4

s. 16(1)

CERTIFICATE OF ABANDONMENT OF APPEAL

In the Full Court of the High Court of Guyana.

On appeal from the Magistrate's Court for the.....
Magisterial District.

Between	{	Plaintiff,	}	Appellant
		Complainant,		
A.B.		Informant,		
		<i>or</i>		
		Defendant		
and				
	{	Defendant,	}	Respondent
		Informant,		
C.D.		Complainants,		
		<i>or</i>		
		Plaintiff		

This is to certify the A.B., the appellant herein, has abandoned his appeal in that he *(state nature of abandonment)*.

(Signed)

Registrar

or

Clerk of the Magistrate's Court for the Magisterial
District.

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

To Esquire, the magistrate of the above
named magistrate's court.

FORM 5

s.33(2)

Summary Jurisdiction(Appeals) Act.

CERTIFICATE OF COSTS

In the Full Court of the High Court of Guyana.

On the appeal from the Magistrate's Court for.....
Magisterial District.

Between	A.B.	{	Plaintiff, Complainant, Informant, <i>or</i> Defendant	}	Appellant
and					
	C.D.	{	Defendant, Informant, Complainants, <i>or</i> Plaintiff	}	Respondent

This is to certify that the amount of.....is payable
to....., the appellant (or respondent), the successful
party in this appeal in respect of costs.

(Signed)

LAWS OF GUYANA

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Cap. 3:04

Summary Jurisdiction (Appeals)

Registrar

Dated this.....day of.....20.... to the clerk of the
magistrate's court for the.....Magisterial District.

SECOND SCHEDULE

*(As substituted by the Summary Jurisdiction (Appeals) Fees
Amendment Rules, 1939)*

**TABLE OF FEES AND COSTS PAYABLE
IN THE MAGISTRATE'S COURT**

	\$ c.
1. Recognisance to abide results of appeal	0.25
2. Copy and record, per folio of 120 words	0.15
PAYABLE TO THE REGISTRAR	
3. Entering appeal for hearing, filing affidavit for service, attendance at hearing, judgement or order on appeal and certificate of costs to be paid by the appellant when lodging the additional copies of the record as required by section 13(2)	4.00
4. Filing affidavit (other than affidavit of service) or other document	0.50
5. Drawing affidavit of service, where required	1.00
6. Drawing any other affidavit required by the rules or certified by the Registrar to have been necessary	2.00
7. Drawing notice of appeal	0.50
8. Drawing notice of grounds of appeal	from \$1 to \$3

9. Drawing any necessary application	from \$1 to \$3
10. Appearance at hearing—	
(a) of any application	\$5
(b) of an appeal	from \$10 to \$25
11. First copy of any document required for the use of the Court, per folio of 120 words	0.15
Every additional copy, including copy for counsel per folio, 120 words	0.10
