



**PRACTICE DIRECTION DATED 17 MARCH 2015:
INTERIM READING OF RULE 19 PENDING REVISION OF COURT'S RULES**

The Chief Justice has issued the following practice direction in terms of Rule 32(2):

Pending comprehensive revision of the Court's Rules, practitioners and litigants must regard Rule 19 as reading as follows:

19 Appeals against orders of the High Court, the Competition Appeal Court, the Labour Appeal Court, the Electoral Court and the Supreme Court of Appeal

1. The procedure in this rule must be followed in an application for leave to appeal to the Court –
 - a. where a decision on a constitutional matter, other than an order of constitutional invalidity under section 172 (2) (a) of the Constitution, has been given by any court including the Supreme Court of Appeal,
 - b. in any other matter, where leave to appeal is sought on the grounds that the matter raises an arguable point of law of general public importance which ought to be considered by the Court,and irrespective of whether any other Court has refused leave or special leave to appeal.
2. A litigant who is aggrieved by the decision of a court and who wishes to appeal against it to the Court must, within 15 days of the order against which the appeal is sought to be brought and after giving notice to the other party or parties concerned, lodge with the Registrar an application for leave to appeal: Provided that where the Supreme Court of Appeal has refused leave to appeal the period prescribed in this rule must run from the date of the order refusing leave.
3. An application referred to in subrule (2) must be signed by the applicant or his or her legal representative and must contain-
 - a. the decision against which the appeal is brought and the grounds on which the decision is disputed;
 - b. a statement setting out clearly and succinctly the constitutional or other matter raised in the decision, and any other issues, including issues alleged to be connected with a decision on the constitutional matter;
 - c. the supplementary information or argument the applicant considers necessary to bring to the attention of the Court; and
 - d. a statement indicating whether the applicant has applied or intends to apply for leave or special leave to appeal to any other court, and if so-

- i. which court;
 - ii. whether the application is conditional on the application to the Court being refused; and
 - iii. the outcome of the application, if known at the time of the application to the Court.
4.
 - a. Within 10 days from the date on which an application for leave to appeal is lodged, the respondent or respondents may respond to it in writing, indicating whether or not the application is opposed, and if so the grounds of opposition.
 - b. The response must be signed by the respondent or respondents or his or her or their legal representative.
5.
 - a. A respondent or respondents wishing to lodge a cross-appeal to the Court must, within 10 days from the date on which an application in subrule (2) is lodged, lodge with the Registrar an application for leave to cross-appeal.
 - b. The provisions of these rules with regard to appeals apply, with necessary modifications, to cross-appeals.
6.
 - a. The Court decides whether or not to grant leave to appeal.
 - b. Applications for leave to appeal may be dealt with summarily, without receiving oral or written argument other than that contained in the application itself.
 - c. The Court may order that the application for leave to appeal be set down for argument and direct that the written argument of the parties deal not only with the question whether leave to appeal should be granted, but also with the merits; and the provisions of rule 20 apply, with necessary modifications, to the procedure to be followed.