

Appeal for Eastern Africa properly appertains to a Full Court or to one or more Judges;

“Record” means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence, and judgments) proper to be laid before His Majesty in Council on the hearing of the Appeal;

“Registrar” means the Registrar or other proper officer having the custody of the Records in the Court appealed from;

“Month” means calendar month;

Words in the singular include the plural, and words in the plural include the singular.

3. Subject to the provisions of this Order, an Appeal shall lie:—

(a) as of right, from any final judgment of the Court, where the matter in dispute on the Appeal amounts to or is of the value of six hundred and fifty pounds sterling or upwards, or where the Appeal involves, directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of ten thousand rupees or upwards; and

(b) at the discretion of the Court, from any other judgment of the Court, whether final or interlocutory, if, in the opinion of the Court, the question involved in the Appeal is one which, by reason of its great general or public importance, or otherwise, ought to be submitted to His Majesty in Council for decision.

4. Where in any action or other proceeding no final judgment can be duly given in consequence of a difference of opinion between the judges, the final judgment may be entered pro forma on the application of any party to such action or other proceeding according to the opinion of the Senior Member of the Court, or, in his absence, of the Member of the Court next in seniority, but such judgment shall only be deemed final for purposes of an Appeal therefrom, and not for any other purpose.

5. Applications to the Court for leave to appeal shall be made by motion or petition within twenty-one days in the case of applications from East Africa or Uganda and within three months in the case of applications from Nyasaland from the date of the judgment to be appealed from, and the Applicant shall give the opposite party notice of his intended application.

6. Leave to appeal under Article 3 shall only be granted by the Court in the first instance:—

(a) upon condition of the Appellant, within a period to be fixed by the Court, but not exceeding three months from the date of the hearing of the application for leave to appeal, entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding five thousand rupees, for the due prosecution of the Appeal, and the payment of all such costs as may become payable to the Respondent in the event of the Appellant not obtaining an order granting him final leave to appeal, or of the Appeal being dismissed for non-prosecution, or of His Majesty in Council ordering the Appellant to pay the Respondent's costs of the Appeal (as the case may be); and

(b) upon such other conditions (if any) as to the time or times within which the Appellant shall take the necessary steps for the purpose of procuring the preparation of the Record and the dispatch thereof to England as the Court,

having regard to all the circumstances of the case, may think it reasonable to impose.

7. Where the judgment appealed from requires the Appellant to pay money or perform a duty, the Court shall have power, when granting leave to appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the Appeal, as to the Court shall seem just, and in case the Court shall direct the said judgment to be carried into execution, the person in whose favour it was given shall, before the execution thereof, enter into good and sufficient security, to the satisfaction of the Court, for the due performance of such Order as His Majesty in Council shall think fit to make thereon.

8. The preparation of the Record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

9. The Registrar, as well as the parties and their legal Agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the Appeal, and generally, to reduce the bulk of the Record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the Record.

10. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, the Record, as finally printed (whether in any of the said Protectorates, or in England), shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

11. The Record shall be printed in accordance with the Rules set forth in the schedule hereto. It may be so printed either in any of the said Protectorates or in England.

12. Where the Record is printed in any of the said Protectorates, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council forty copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal of the Court.

13. Where the Record is to be printed in England, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.

14. Where part of the Record is printed in any of the said Protectorates and part is to be printed in England, Articles 12 and 13 shall, as far as practicable, apply to such parts as are printed in the said Protectorate and such as are to be printed in England respectively.