

**APPEALS FROM MAGISTRATES (PROCEDURE)
RULES**

G.N. 147/1955

(SECTION 96)

[Commencement 22nd September, 1955]

1. These Rules may be cited as the Appeals from Magistrates (Procedure) Rules.

Short title.

2. In all appeals against a decision of a magistrate in the exercise of his summary criminal jurisdiction the notices of appeal required by the provisions of section 56 of the Magistrates Act (hereinafter in these Rules referred to as “the Act”) may be served upon the magistrate concerned by handing the same to the said magistrate, or to his clerk, and upon the other party by handing the same to the magistrate or to his clerk where the case has been heard in any Out Island or by handing the same to the prosecuting police officer where the case has been heard in New Providence.

Appeals from
summary
criminal
jurisdiction.

3. In all appeals against a decision of a magistrate in the exercise of his summary matrimonial or civil jurisdiction the notices of appeal required by the provisions

Appeals from
summary
matrimonial or
civil jurisdiction.

⁶ Sub. Leg., Vol. III, Ch. 220 – 11

⁷ Sub. Leg., Vol. III, Ch. 220 – 105

⁸ Sub. Leg., Vol. III, Ch. 220 – 107

⁹ Sub. Leg., Vol. III, Ch. 231 – 3

¹⁰ Sub. Leg., Vol. IV, Ch. 269 – 3

¹¹ Sub. Leg., Vol. IV, Ch. 269 – 6

of section 56 of the Act may be served upon the magistrate concerned by handing the same to the said magistrate, or to his clerk, and upon the other party by the process-server of the particular magistrate's court to whom the said other party shall be pointed out and identified by the appellant or his representative.

Extension of time when case heard in New Providence.

Schedule.

4. Where a case has been heard in New Providence and a person aggrieved desires to apply for an extension of time under the provisions of the proviso to section 56 of the Act, such application shall be made by notice of motion in the Form A in the Schedule hereto, accompanied by an affidavit setting out briefly the reasons for such application, and if a copy of such notice and affidavit be served upon the other party in accordance with the provisions of rule 3 of these Rules such notice and service shall be sufficient and good.

Extension of time when case heard in Out Islands.

Schedule.

5. (1) Where a case has been heard in an Out Island application to extend the time under the proviso referred to in rule 4 of these Rules may be made by notice in Form B in the Schedule hereto, accompanied by an affidavit setting out briefly the reasons for such application and given in the first place to the magistrate concerned. A copy of such notice may be served upon the other party in accordance with the provisions of rule 3 of these Rules and such notice and service shall be sufficient and good.

(2) The other party may, if he so wishes, file with the said magistrate an affidavit in reply and unless the applicant or the other party indicated either in the said notice or counter affidavit that he wishes to be heard in the matter, the magistrate concerned shall forward the notice and affidavit or affidavits, as the case may be, together with a certificate of service upon the other party, to the Circuit Justice who may grant or refuse the application upon the facts set out in the said affidavit or affidavits.

(3) Where either the applicant or the objector states that he wishes to be heard in the matter then the notice, affidavit or affidavits and certificate shall be sent by the magistrate to the Circuit Justice who shall set a date for such hearing as early as may be convenient.

SCHEDULE

FORM A (Rule 4)

BAHAMA ISLANDS
IN THE SUPREME COURT
APPELLATE SIDE

19.....
No.....

Petitioner
AND
Respondent

NOTICE OF MOTION

TAKE NOTICE that the Court will be moved on the
day of A.D. 19..... at o'clock in
the noon or so soon there-
after as Counsel can be heard
by..... of
Counsel for the intended Petitioner that etc.

Dated the day of A.D. 19.....

Attorney for the intended
Petitioner.

FORM B (Rule 5)

BAHAMA ISLANDS
IN THE COURT OF THE CIRCUIT JUSTICE
at.....

Petitioner
AND
Respondent

NOTICE

TAKE NOTICE that I/We.....the
Petitioner(s) above-named am/are applying to the Circuit
Justice for leave to extend the time within which the notice of
appeal prescribed by section 56 of the Magistrates Act may be served.
My/Our reasons therefore are set out in the affidavit annexed hereto.

I/We do/do not wish to be heard on this application.

(Signed).....

Petitioner

Date

.....