

# THE RULES OF THE CENTRAL COURT REGULATING APPEALS FROM COURTS FOR NATIVE AFFAIRS.<sup>(1)</sup>

The following Rules may be cited as "*The Rules of the Central Court*<sup>(2)</sup> regulating Appeals from Courts for Native Affairs",<sup>(1)</sup> and shall come into force on the 1st day of November, 1927.

1. In the construction of these Rules unless the context or subject-matter otherwise requires:— Interpretation of terms.

The term "Court" means a Court for Native Affairs:

The term "Order" includes any conviction, dismissal or other decision made by a Court for Native Affairs:

The term "Registrar" means the Registrar of the Central Court.<sup>(2)</sup>

2. If any person feels aggrieved by an order of a court, he may lodge with the Registrar a notice of appeal, which notice shall set out the grounds to be relied upon at the hearing. Notice of appeal.

3. Any such notice of appeal must be lodged within the times following, that is to say— Time for lodging notice of appeal.

(i) If the place of residence of the Appellant is distant less than one hundred miles from Rabaul, within twenty days after the order is made; or

(ii) If his place of residence is distant one hundred miles or upwards from Rabaul, within fifty days after the order is made:

Provided that those times may be extended for such further time as the Central Court<sup>(2)</sup> in any case allows.

4. Any notice of appeal lodged under these Rules shall be accompanied by one or more affidavits showing a prima facie case of mistake or error on the part of the court. Affidavit in support.

(1) Particulars of these Rules are as follows:—

Ordinance under which made.	Date on which made by Chief Judge.	Date on which published in <i>N.G. Gaz.</i>	Date on which came into force.
<i>Native Administration Ordinance</i> 1921-1938	13.10.1927	31.10.1927	1.11.1927 ( <i>N.G. Gaz.</i> of 31.10.1927)

(2) See Section 7A of the *Judiciary Ordinance* 1921-1938.

NATIVES—

Service of  
notice of  
appeal.

5. Where a notice of appeal has been lodged under these Rules, the Registrar shall fix a time and place for the hearing, and shall serve the Respondent and the Chairman of the court which made the order with copies of the notice of appeal and of the supporting affidavit or affidavits, and with a notice stating the time and place fixed for the hearing.

Form of  
service.

6. Service under the last preceding Rule may be personal, or may be effected by pre-paid registered letter, or by any other mode which the Central Court<sup>(2)</sup> in any case allows.

Court to  
transmit  
evidence.

7. Upon service on him of the notice of appeal the Chairman of the court shall forthwith transmit to the Registrar three copies of the notes of evidence taken by the court and three copies of the minute of the order made.

Copies of  
proceedings.

8. Any party to the appeal may obtain from the Registrar, at any time after they are in his possession, a copy of the notes of evidence and a copy of the minute referred to in the last preceding Rule.

Powers of  
Central Court.

9. If, on the hearing of the appeal, the Central Court,<sup>(2)</sup> after inquiry into the matter and consideration of the evidence adduced before the court, and if it thinks fit of any further evidence either oral or by affidavit, may dismiss the appeal or may amend rescind set aside or quash the order, or may remit the case for hearing or rehearing to the said court, or may make any other order as to such Central Court<sup>(2)</sup> seems just.

Costs.

10. Costs shall be in the discretion of the Central Court,<sup>(2)</sup> and shall be payable by and to whom such Central Court<sup>(2)</sup> directs.

Court fees.

11. No court fees shall be payable on any document lodged with the Registrar under these Rules.

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(2) See Section 7A of the Judiciary Ordinance 1921-1938.