

# APPEALS FROM THE MAGISTRATE COURT TO THE HIGH COURT

## A Guide for Self-Represented Persons

This guide explains how to appeal a decision of the Magistrate Court to the High Court. The procedure is different for **criminal** and **civil** matters. It is important to follow the correct process.

An appeal is not a new trial. The High Court reviews the decision made by the Magistrate to determine whether there was an error of law, fact, or procedure.

## CIVIL APPEALS

---

### Who May Appeal?

In civil matters, any party dissatisfied with the decision of the Magistrate may appeal to the High Court.

---

### Time Limit to File a Civil Appeal

A Notice of Appeal must be filed **within 21 days** of the date of the Magistrate's decision.

If filed outside this period, the appellant must apply to the High Court for an extension of time and provide reasons for the delay.

---

### Step 1 – Filing a Notice of Appeal

The Notice of Appeal must be filed at the Magistrate Court where the decision was made.

The Notice must:

- Identify the parties
- Identify the case number
- State the order being appealed
- Set out the grounds of appeal clearly and concisely

Grounds of appeal should state whether:

- The Magistrate made an error of law
- The Magistrate misunderstood or misapplied the evidence
- The decision was against the weight of the evidence

The Notice must be signed by the appellant.

---

## **Step 2 – Service on the Other Party**

The appellant must serve the Notice of Appeal on:

- The other party (or their attorney, if represented)

Proof of service may be required.

---

## **Step 3 – Security for Costs (If Required)**

In some civil appeals, the appellant may be required to provide **security for costs**. This is a sum of money deposited with the Court to cover potential costs if the appeal fails.

Failure to comply with an order for security for costs may result in dismissal of the appeal.

---

## **Step 4 – Preparation of the Record of Appeal**

The Magistrate Court prepares and transmits the Record of Appeal to the High Court. This typically includes:

- The claim and defence
- All relevant applications
- Evidence presented
- The Magistrate's decision and reasons
- The final order

Fees may be payable for preparation of the record.

---

## Stay of Execution

Filing an appeal does not automatically stop enforcement of the Magistrate's order.

If the appellant wishes to prevent enforcement (for example, payment of money or enforcement of an order), they must apply for a **stay of execution**.

A stay may be granted subject to conditions.

---

## Hearing of the Appeal

Civil appeals are heard by a Judge of the High Court.

The Judge reviews:

- The evidence presented
- The Magistrate's findings
- The legal arguments

New evidence is generally not permitted unless the Court grants special permission.

---

## Possible Outcomes

The High Court may:

- Dismiss the appeal
  - Allow the appeal
  - Set aside the Magistrate's order
  - Vary the order
  - Order a new hearing
  - Make any order the Magistrate could have made
- 

## Important Notes for Self-Represented Persons

- Strict time limits apply.
- Appeals must clearly state the legal or factual errors being alleged.

- Filing an appeal does not automatically suspend a sentence or civil order.
- Failure to comply with procedural requirements may result in dismissal.

Persons uncertain about the appeal process are encouraged to seek legal advice where possible.