

# 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.

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## CRIMINAL APPEALS

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### Who May Appeal?

In criminal matters, the following persons may appeal:

- A defendant who has been convicted
- A defendant who wishes to appeal the sentence imposed
- In limited cases, the prosecution (as provided by law)

Most criminal appeals are brought by a defendant after conviction or sentence.

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### Time Limit to File a Criminal Appeal

A Notice of Appeal must be filed **within 21 days** of:

- The date of conviction; or
- The date of sentence (if appealing sentence only).

If the 21-day period has passed, the appellant must apply for an **extension of time**, explaining the reason for the delay.

Failure to file within the time limit may result in the appeal being refused.

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## Step 1 – Filing a Notice of Appeal

The appeal begins by filing a **Notice of Appeal** at the Magistrate Court where the decision was made.

The Notice of Appeal must:

- Identify the case (charge number and parties)
- State whether the appeal is against conviction, sentence, or both
- Clearly set out the grounds of appeal (the reasons the decision is being challenged)

Grounds of appeal should explain:

- Whether the Magistrate made an error of law
- Whether the evidence did not support the conviction
- Whether the sentence was excessive or wrong in principle

The Notice must be signed by the appellant.

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## Step 2 – Service of the Notice

After filing, the Notice of Appeal must be served on:

- The Director of Public Prosecutions (DPP)

Proof of service may be required.

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## Step 3 – Preparation of the Record of Appeal

The Magistrate Court will prepare the **Record of Appeal**, which usually includes:

- The charge
- The Magistrate's notes of evidence
- Exhibits (where applicable)
- The decision and reasons
- The sentence imposed

The Record is transmitted to the High Court.

An appellant may be required to pay prescribed fees for preparation of the record.

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## Bail Pending Appeal

Filing an appeal does not automatically suspend the sentence.

If the appellant was sentenced to imprisonment, they must apply for **bail pending appeal**.

The Magistrate Court or the High Court may consider:

- The likelihood of success on appeal
- Risk of absconding
- The seriousness of the offence

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## The Hearing of the Appeal

Criminal appeals are generally heard by a Judge of the High Court.

The Judge reviews:

- The evidence presented at trial
- The Magistrate's findings
- The grounds of appeal

The High Court does not usually hear new evidence unless special permission is granted.

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## Possible Outcomes

The High Court may:

- Dismiss the appeal (uphold the conviction and sentence)
- Quash the conviction
- Order a retrial
- Vary or reduce the sentence
- Make any other order permitted by law