

POLITICAL PARTIES (REGISTRATION AND REGULATION) (APPEAL)
RULES – SECTION 22

ARRANGEMENT OF RULES

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CAP. 173-2 *Political Parties (Registration and Regulation)*
(Appeal) Rules

LAWS OF
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POLITICAL PARTIES (REGISTRATION AND REGULATION) (APPEAL)
RULES - SECTION 22

(S.I. 44 of 1992)

Commencement

[17 February 1992]

Citation

1. These Regulations may be cited as the Political Parties (Registration and Regulation) Rules.

Interpretation

2. In these Rules -

“advocate” means a barrister or attorney;

“appellant” includes a party intending to appeal;

“court” means the Supreme Court;

“Registry” means the Registry of the Supreme Court;

“Registrar” means the Registrar of the Supreme Court and includes an Assistant Registrar.

Service and proof of service of process

3. Service and proof of service of process in an appeal shall be in accordance with the Seychelles Code of Civil Procedure for service of summons.

Extension of time

4. A party desiring an extension of the time prescribed for taking any step in an appeal may apply to the court by motion and the court may grant such extension as it thinks reasonable in the circumstances.

Notice of appeal

5. (1) An appeal shall be commenced by a notice of appeal.

(2) The notice of appeal shall be filed in the Registry within the period expressly provided by section 8(1), 10 and 12(4) of the Act, as the case may be.

(3) The notice of appeal shall be accompanied by as many copies of the notices as there are respondents.

(4) The Electoral Commission shall be made a respondent to a notice of appeal.

(5) On filing a notice of appeal the appellant shall pay a sum of R500 as fee of court and a sum of R15 for service of notice of appeal on each respondent.

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(6) The Registrar shall cause the notice of appeal to be served on each respondent as soon as is practicable.

(7) If there are two or more appellants they may sign a joint notice of appeal with one address for service or each may sign a separate notice of appeal.

Memorandum of appeal

6. If the appellant wishes to proceed with the appeal he shall, within fourteen days from the date of filing of the notice of appeal, deliver to the Registrar a memorandum of appeal.

Contents of memorandum

7. The memorandum of appeal shall contain a concise statement in numbered paragraphs of the point or points on which the decision is alleged to be erroneous, without any argument or narrative and a concise prayer of such relief claimed and a list of exhibits sought to be adduced at the hearing of the appeal.

Procedures for counting

8. (1) The appellant shall deliver with the memorandum of appeal as many copies of the memorandum as there are respondents and shall at the same time give security, in such sum as may be determined by the Registrar, for the costs of such appeal by bond with one surety to the satisfaction of the Registrar.

(2) The appellant shall pay a fee of R15 for service of the memorandum of appeal on each respondent.

When appeal deemed withdrawn

9. If the appellant has not complied with rules 6, 7, or 8 within the time prescribed, the appeal shall deemed to have been withdrawn.

Service of memorandum

10. The Registrar shall forthwith cause the memorandum to be served on each of the respondents.

Preparation of the record

11. The Registrar shall prepare the record of appeal as soon as is practicable after the delivery of the memorandum of appeal.

List of exhibits

12. The record shall contain a list of exhibits.

Delivery of exhibits to court

13. (1) The appellant shall deliver to the court the exhibits in his possession and the Registrar of Political Parties shall, subject to sub rule (2), deliver to the court the exhibits in his possession.

(2) Where documentary exhibits are lengthy the Electoral Commission may deliver such portions only of the exhibits as are necessary for the hearing of the appeal.

(3) The exhibits when delivered to the Registrar, shall form a part of the record.

Copy of record to be served on appellant

14. (1) The Registrar shall cause to be served on the appellant or his advocate a copy of the record other than the exhibits.

(2) Each respondent may, on application to the Registrar, receive a copy of the record other than the exhibits, on the payment of such fees as may be determined by the Registrar.

(3) Any party to the appeal may, on application to the Registrar, inspect the exhibits delivered to court and take copies of extracts therefrom on payment of such fee as the Registrar may determine.

Memorandum to be filed of record

15. As soon as the memorandum has been served, the Registrar shall add it to the record.

Notice of hearing

16. The Registrar shall after the preparation of the record set the appeal down for hearing and notify the parties of their advocates of the date fixed.

Hearing

17. (1) When the appeal is called for hearing the appellant or his advocate, if present, shall be heard in support of the appeal.

(2) Where the court feels after hearing the appellant that it is necessary to hear the respondent, the court shall hear the respondent or his advocate, if present, and in that event the appellant or his advocate may reply.

(3) If the appellant does not appear but the respondent appear, the court shall consider the record and if necessary hear the respondent and may allow the appeal, in whole or in part, or vary the decision and may make any order as to the merits or as to cost which the justice of the case requires.

(4) if neither party appears the appeal shall be dismissed unless for special reasons the court orders an adjournment.

Judgment on appeal

18. The judgment, decision or order of the court shall be transmitted by the Registrar to the Registrar of Electoral Commission by serving on the latter a certified copy of the said judgment, decision or order and the judgment, decision or order shall be enforced in the same manner as if it were a decision of the Electoral Commission.

Costs and execution

19. The costs awarded by the court shall be paid through the Registry which shall have power to enforce payment of such costs and the Registrar shall be the Taxing Master and shall exercise such powers in respect of costs and execution as he normally exercises in civil matters.