

146

TUVALU COURT OF APPEAL

COURT OF APPEAL PRACTICE NOTE NO 1 OF 2009

[1] This practice note is issued by the Court of Appeal on the course to be followed in the preparation and filing of notices of appeal and outlines of submissions for appeals to be heard by the Court of Appeal.

Notice of appeal

[2] The notice of appeal shall contain the grounds of appeal.

[3] These grounds shall state concisely each ground of appeal upon which the appellant intends to rely. If, after the filing and service of the notice of appeal, the appellant wishes to rely on a ground of appeal not in the notice, the appellant may file and serve an amended notice of appeal setting out the additional as well as the original grounds.

[4] Save with the leave of the Court of Appeal, the appellant may not file an amended notice of appeal less than 14 days before the commencement of the sitting of the Court of Appeal at which the appeal is to be heard.

[5] Save with the leave of the Court of Appeal, grounds of appeal may not be relied on that are not contained in the notice or amended notice of appeal.

Filing of outline of submissions.

[6] An outline of submissions in support of an appeal shall be filed and served not less than 14 days before the commencement of the sitting of the Court of Appeal at which the appeal is to be heard.

[7] The outline of submissions in opposition to an appeal shall be filed and served not less than 7 days before the commencement of the sitting of the Court of Appeal at which the appeal is to be heard.

108

[8] Three copies of the outlines of submissions in support of and in opposition to an appeal shall be filed in the registry. It will also be appreciated, but is not a requirement, if the outlines can be supplied in digital format by CD, DVD or e-mail.

Cross appeals

[9] The directions and time requirements set out above shall apply to cross appeals.

Contents of outline of submissions

[10] The outline of submissions shall contain:

- [a] under appropriate headings, the principal submissions to be advanced. Normally those principal submissions will accord with the grounds of appeal in the notice of appeal but may be more detailed.
- [b] under each principal submission, details, in summary form, of the facts, legal principles and statutory or regulatory provisions relied on to establish that principal submission.
- [c] where factual evidence is relied on, the page reference of the transcript or the identity of an exhibit should be stated.
- [d] if authorities are relied on in support of a legal principle, the appropriate reference shall be given and three copies of the authorities shall be supplied to the court.
- [e] Copious citation of authorities should be avoided. The court wishes to have cited only leading authorities that support the legal principle, not authorities that illustrate the application of the principle.

Dated the 9th day of September 2009

144

Tompkins

Tompkins JA

On behalf of the Court of Appeal of
Kiribati