



# The Court of Appeal for Bermuda

Ref. A/50

Monday, 18<sup>th</sup> April, 2016

**CIRCULAR NO: 6 of 2016**

**TO ALL COUNSEL**

## **COURT OF APPEAL ACT 1964, PART III: CRIMINAL JURISDICTION**

The President of the Court of Appeal would like to remind the Criminal Bar that section 17(1) states:

“A person convicted on indictment, or a person convicted by a court of summary jurisdiction and whose appeal to the Supreme Court under the Criminal Appeal Act 1952, has not been allowed, may appeal to the Court of Appeal –

- (a) Against his conviction in the Supreme Court, or in any other case, against the decision of the Supreme Court, upon any ground of appeal involving a question of law alone; and
- (b) With the leave of the Court of Appeal or upon the certificate of the Supreme Court that it is a fit case for appeal against conviction, upon any ground of appeal which involves a question of fact alone, or a question of mixed law and fact or on any ground which appears to the Court to be a sufficient ground of appeal; and
- (c) With the leave of the Court of Appeal, against sentence passed on his conviction, unless the sentence is on fixed by law; and.....”

In summary:

- If your client wishes to appeal against **conviction** on any ground that is a **question of law alone**, you must file a Notice of Appeal.
- If your client wishes to appeal against **conviction** on any ground that is a **question of fact alone or mixed law and fact**, you must file a Notice of Leave to Appeal.
- If your client wishes to appeal against **sentence** that is **not fixed by law**, you must file a Notice of Leave to Appeal.

Order 3 Rule 3(3) of the *Rules of the Court of Appeal* states that; –

“Every notice of appeal or notice of application for leave to appeal from any judgment, sentence or order of the Supreme Court shall be filed in the Registry of the Supreme Court not later than twenty-one days after the date of such judgment, sentence or order.”

Any appeal filed after twenty-one days will require an extension of time application (Criminal Form 7) in accordance to Order 3 Rule 5.

Please refer to the *Court of Appeal Act 1964* and the *Rules of the Court of Appeal 1965* when drafting your documents and submitting your fees.

Any incorrect documents will not be accepted by the Registry.

Copy: Attorney General's Chambers  
Department of Corrections  
Director of Public Prosecutions  
Legal Aid  
Bermuda Bar Association  
Senior Magistrate



  
Acting Registrar of the Court