



**GOVERNMENT GAZETTE**  
OF THE  
**REPUBLIC OF NAMIBIA**

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No. 757

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**Government Notice**

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**MINISTRY OF JUSTICE**

No. 148

1993

**AMENDMENT OF THE RULES OF THE  
HIGH COURT OF NAMIBIA**

The Judge-President has under section 39 of the High Court Act, 1990 (Act 16 of 1990), with the approval of the President, amended the rules for the conduct of the proceedings of the High Court of Namibia published under Government Notice 59 of 1990 as set out in the Annexure.

## ANNEXURE

1. Rule 1 is hereby amended by the insertion before the definition of "Act" of the following definition:

"accused" includes, for the purposes of rules 51, 52 and 55, a person whose acquittal is appealed against by the Prosecutor-General or other prosecutor as the case may be;"

2. Rule 51 is hereby amended -

- (a) by the substitution for paragraph (a) of subrule (1) of the following paragraph:

"(a) If leave to appeal to the full court has been granted in terms of section 316, or 316 as applied by section 316A(2), up to and including 319 of the Criminal Procedure Act, 1977 (Act 51 of 1977), the accused shall within 10 days of such leave being granted make available to the registrar and the Prosecutor-General in writing, his or her full residential and postal addresses and the address of his or her legal representative if he or she is represented.";

- (b) by the substitution for subrule (3) of the following subrule:

"(3) Not later than 20 days before the appeal is heard the appellant shall deliver one copy of a concise and succinct statement of the main points (without elaboration) which he or she intends to argue on appeal as well as the authorities to be tendered in support of each point to the respondent and 4 copies to the registrar";

- (c) by the substitution for subrule (4) of the following subrule:

"(4) Not later than 10 days before the appeal is heard the respondent shall deliver one copy of his or her heads of argument as well as a list of the authorities to be tendered in support of each point to the appellant and 4 copies to the registrar."; and

- (d) by the substitution for subrule (7) of the following subrule:

"(7) The ultimate responsibility for ensuring that all copies of the record on appeal and all the necessary exhibits are in all respects properly before the court shall rest on the appellant or, where the accused is the appellant, on the accused or his or her attorney."

3. Rule 52 is hereby amended by the insertion in subrule (1) after paragraph (a) of the following paragraph:

- (a) *bis* the Prosecutor-General or other prosecutor has been granted leave to appeal in terms of section 316 as applied by section 316A(2) of the said Act; or"

4. Rule 55 is hereby amended -

(a) by the substitution for subrule (1) of the following subrule:

“(1) An appeal by an accused against a conviction, sentence or order made by a magistrate’s court in a criminal matter in which the prosecution has been at the public instance, or an appeal by the Prosecutor-General or other prosecutor against a decision, sentence or order of a magistrate’s court in such a matter, shall be set down by the registrar on notice to the appellant and the respondent, or, where the appellant or respondent is the accused, to the accused or his or her attorney for hearing on such day in term time or vacation as the Judge-President may appoint for such matters.”;

(b) by the substitution for subrule (2) of the following subrule:

“(2) An appeal against a conviction, decision, sentence or order of a magistrate’s court in any other criminal matter shall be set down for hearing by the registrar on notice to all parties in accordance with such directions as he or she may receive from the Judge-President from time to time.”;

(c) by the substitution for subrule (3) of the following subrule:

“(3) Notwithstanding anything to the contrary in any law contained a notice may be served, in the case where the appellant or respondent is the accused, on the appellant or respondent, as the case may be, or his or her attorney referred to in subrule (1) or (2) by sending it by registered post, addressed to such appellant or respondent or his or her attorney at an address appearing on the notice of appeal or at any address which the appellant or respondent or his or her attorney has subsequently furnished to the registrar in writing.”; and

(d) by the substitution for subrule (4) of the following subrule:

“(4) The ultimate responsibility for ensuring that all copies of the record on appeal are in all respects properly before the court shall rest on the appellant or, where the accused is the appellant, on the accused or his or her attorney.”

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