



In The Supreme Court of Bermuda

Ref. A/50

Wednesday 22 November 2006

CIRCULAR NO: 15 of 2006

TO ALL ATTORNEYS

COURT OF APPEAL TRANSCRIPTS

This is further to my earlier Circular No. 13 of 2006. Kindly note that the amendments for the Court of Appeal for criminal appeals was gazetted in the Bermuda Sun on Friday, 17 November 2006.

The Learned President Zacca signed the amendments on 10 November 2006 and the said amendments take effect as at 1 December 2006.

I now attach a copy of the Rules as made – there are two minor changes from the consultation draft: (i) murder is excluded; and (ii) although the Rules come into effect on 1 December 2006, they then apply to all outstanding appeals.

A handwritten signature in black ink, appearing to read 'Zacca', written over a horizontal line.

REGISTRAR FOR THE COURT

**cc: The Attorney-General's Chambers
Director of Public Prosecutions**

Enc (1)

/ab

BR /2006

COURT OF APPEAL ACT 1964

1964 : 221

**RULES OF THE COURT OF APPEAL FOR BERMUDA
AMENDMENT RULES 2006**

The President of the Court of Appeal, in exercise of the powers conferred by section 9(1) of the Court of Appeal Act 1964, makes the following Rules:

Citation

1 These Rules may be cited as the Rules of the Court of Appeal for Bermuda Amendment Rules 2006.

Interpretation

2 In these Rules the "principal Rules" means the Rules of the Court of Appeal for Bermuda.

Amends Order 3/10

3 Rule 10 of Order 3 of the principal Rules is amended—

(a) by revoking, in paragraph (1), subparagraphs (c), (d), (e) and (f) and substituting the following subparagraphs next after subparagraph (b)—

“(c) a transcript of the arraignment and the plea entered to the indictment;

(d) a transcript of the Judge’s summing-up to the jury, however recorded;

-
- (e) a transcript of the proceedings on and after verdict, including the proceedings on sentence; and
- (f) all rulings of the court below.”.
- (b) by inserting at the end of subparagraph (g) the words “and, on a guilty plea, the prosecution’s summary of the facts”.
- (c) by inserting into subparagraph (h) after the word “notice” where it first appears, the words “and grounds”.
- (d) by inserting the following paragraph next after paragraph (2) —
- “(3) No part of the evidence or proceedings other than those identified in subparagraphs (c) to (h) of paragraph (1) shall be transcribed without an order of the Court or a single judge; save in the case of a murder appeal, a full transcript of the proceedings shall be provided .”.

Amends Order 3/11

4 Rule 11 of Order 3 of the principal Rules is amended by revoking paragraph (1)(d), and substituting the following sub paragraph—

“(d) a transcript of the proceedings in the Supreme Court;”.

Commencement

5 These Rules shall come into operation on 1st December 2006 and are applicable to all outstanding criminal appeals.

Made this 10 day of November 2006



President
Court of Appeal