

THE JUDICIAL DEPARTMENT, FEDERATION OF MALAYA.

REGISTRAR'S CIRCULAR NO.3 OF 1957.

CRIMINAL APPEALS.

The Chief Justice is seriously perturbed by delays which are taking place in the disposal of criminal appeals to the Court of Appeal, and the following instructions are issued by His Lordship's direction.

2. The preparation of the records in criminal appeals must take priority over all other work and the preparation of appeal records in capital cases must take priority over the preparation of appeal records in non-capital cases.

3. In every capital case the preparation of the record must be commenced immediately after conviction and must be completed within seven days of the filing of Notice of Appeal. In non-capital cases preparation of the record must commence immediately after the filing of the Notice of Appeal and must be completed within fourteen days.

4. Notice under section <sup>21</sup> 22(2) of the Courts Ordinance that the record is available must be served on the Appellant, or his Solicitor as the case may be, not later than the next working day but one after the completion of the record.

5. In capital cases:

(a) where a prisoner has not retained counsel the record will be forwarded immediately on completion to the Registrar, Court of Appeal, so that counsel may be assigned. In the majority of such cases the Petition of Appeal will have been filed at the same time as the Notice of Appeal, but if this has not been done it will be forwarded to the Registrar of the Court of Appeal immediately it is filed;

(b) where the prisoner has retained counsel the record will be forwarded immediately after filing of the Petition of Appeal.

6. In non-capital cases the record will be forwarded immediately after the filing of the Petition of Appeal. If the Petition of Appeal has been filed at the same time as the Notice of Appeal the record will be forwarded immediately on its completion.

7. To ensure compliance with these instructions you will notify me immediately of the filing of Notice of Appeal in any criminal case.

8. If in any individual case you have reason to believe that it will not be possible to comply with these instructions you should notify me immediately and I will consider to what extent they may be modified. I should say, however, that any communication made to me in this connection will be most vigorously scrutinised.

*Phill*