

- (c). Unlike Appeal from District Court to National Court, a Notice of Appeal is filed specifying the grounds of the Appeal and the relief sought.
- (d). The Appeal Book is compiled and served on the other party known as the Respondent.
- (e). The Appeal Book is certified to be correct.
- (f). It is listed and a hearing date is sought and it is heard.
- (g). The powers of the Supreme Court are that it can;
  - i). dismiss the Appeal; or
  - ii). remit the matter to the National Court to be reheard; or
  - iii). rehear the matter as it is and decide on the whole proceedings.

Note: Procedure on Appeals from National to Supreme Court is regulated by the Supreme Court Act and Rules.

**Office of the Public Solicitor**



**Office of the Public Solicitor**

# The Appeal Process

For further information contact the Office of the Public Solicitor, P.O. BOX 5812, BOROKO, NCD. Ph. 325 8866 and our other provincial offices.

Please note any further legal advice is subject to approval by the Public Solicitor.

*Providing access to justice  
for impecunious persons in  
Papua New Guinea*

## THE APPEAL PROCESS

Appeal is the process where one can get his or her case reviewed by another court usually of a higher jurisdiction (power).

It is available to all persons who do not agree or are not satisfied with the decision of the court.

In an appeal, generally no new evidence is allowed. An appeal must be heard within a reasonable time. If no steps are taken to prosecute the appeal, the Court can dismiss the appeal on its own or on the application of the other party for want of prosecution.

### 1. Appeal from the District Court to the National Court;

- (a). Every person who does not agree with the decision of the District Court has a right to appeal to the National Court.
- (b). An appeal to the National Court must be lodged/filed within 30 days of the date of the Order/Decision.
- (c). Documents required for the appeal;
  - (i). Notice of Appeal.

This is the Notice and it usually contains the grounds of the appeal. Notice is given to the other party and the Clerk of Court.

(ii). Recognizance on Appeal.

This is a promise that the appeal is genuine and that it will be prosecuted.

(iii). Entry of Appeal.

This brings the matter from the District Court up to the National Court.

d). On receipt of a Notice of Appeal;

(i). the Magistrate is required to provide his reasons for the decision, and

(ii). the Clerk of Court is required to provide the District Court depositions.

e). The Depositions are then compiled into an Appeal Book. (Sometimes this requirement may be dispensed with if the parties are not represented).

f). The Appeal Book is then served on the other party who is called a Respondent.

g). A date is fixed and the matter is usually heard.

h). The National Court has the power to either;

(i). dismiss the appeal,

(ii). order a rehearing at the District Court, or

(iii). decide the matter after considering all the evidence.

**Note:** Procedure on Appeals from District to National Court is regulated under Part 'XI' of the *District Court Act*.

### 2. The Appeal from the National Court to the Supreme Court.

(a). Every person who does not agree with the decision of the National Court has a right to appeal to the Supreme Court.

(b). An Appeal to the Supreme Court should be lodged within 40 days of the date of the decision.