

**S.I. 94 of 2025**

**THE COURT OF APPEAL OF SEYCHELLES (AMENDMENT)  
RULES 2025**

In exercise of the powers conferred on me by Article 136(1) of the Constitution, I,

**ANTHONY FRANCIS TISSA FERNANDO**

President of the Court of Appeal do hereby amend the Court of Appeal of Seychelles Rules 2023 (S.I. 93 of 2023).

**Citation and Commencement**

1. These Rules may be cited as the Court of Appeal of Seychelles (Amendment) Rules 2025 (hereinafter referred to as the Principal Rules) and shall come into operation one month after their publication in the Gazette.

**Amendment of Rule 18 of the Principal Rules**

2. Rule 18 is amended as follows —

(a) by inserting the following, immediately after sub-rule (1) —

“In the event of failure to comply with this sub-rule, the appeal shall be deemed not to have been filed and rejected by the Court;”;

(b) by repealing sub-rule (10) and substituting therefor, the following —

“(10) A notice of appeal shall be substantially in the form B specified in the First Schedule in criminal appeals and in the form C in civil appeals. In the event of failure to comply with sub-rules (2), (3) and (4) and the failure to make an application under sub-rule (4) of Rule 9 where it is deemed necessary, the appeal shall be deemed not to have been filed:

Provided that, notwithstanding the provisions contained in this sub-rule or sub-rules (2), (3), (4) or (7) have not been strictly complied with, the Court may, in the interest of justice and for good and sufficient cause shown, entertain an appeal, if satisfied that the intending appellant has exhibited a clear intention to appeal to the Court against the decision of the Court below.”.

**Amendment of Rule 19 of the Principal Rules**

3. Rule 19 is amended as follows —

(a) by inserting the following, immediately after sub-rule (1) —

“In the event of failure to comply with this sub-rule, the cross-appeal shall be deemed not to have been filed and rejected by the Court.”;

(b) by repealing sub-rule (2) and substitute therefor, the following —

“(2) The notice of cross- appeal shall be substantially in the form D specified in the First Schedule and the provisions of sub-rules (2), (3), (4), (7), (8) and (9) of Rule 18 and the proviso to sub-rule (10) shall *mutatis mutandis* apply in respect of such cross-appeal.”.

#### **Replacement of Rule 24 of the Principal Rules**

4. Rule 24 of the Principal Rules is repealed and the following substituted —

“24.(1) Unless the President otherwise directs —

- (a) the appellant shall lodge with the Registrar five copies of the appellant's main heads of argument within one month from the date of service of the record. A copy of such heads of arguments shall be served on each of the respondents at the same time; and
- (b) the respondent shall lodge with the Registrar five copies of the respondent's main heads of argument within two weeks from the receipt of the appellant's heads of argument. A copy of such main heads of argument shall be served on each of the appellants at the same time.

(2) Where the appellant has not complied with the provisions of sub-rule (1) (a), the appeal shall be deemed to be abandoned and shall accordingly be struck out unless the Court otherwise directs on good cause shown.

(3) Where the respondent has not complied with the provisions of sub-rule (1) (b), the respondent shall not be entitled to be heard unless the Court otherwise directs on good cause shown.

(4) The heads of argument —

- (a) shall be set out in separate paragraphs for each head, stating when evidence is to be referred to, the page and lines where such evidence appears in the record;
- (b) shall be clear, succinct and shall not contain unnecessary elaboration;
- (c) shall not contain lengthy quotations from the record or authorities; and
- (d) shall define the form of order sought from the Court.

(5) (a) The appellant's heads of argument shall be accompanied by a written chronology of events relevant to the appeal and duly cross referenced but without argument.

(b) If the respondent disputes the correctness of the chronology of events in a material respect, the respondent's heads of argument shall be accompanied by the respondent's version of the chronology of events.

(6) (a) The heads of argument shall be accompanied by a list and copies of authorities to be cited in support of the argument, and clearly highlighted. Any additional authorities not attached to the heads of arguments sought to be presented at the hearing of the appeal shall require leave of the Court. Such leave shall be granted when the Court deems it just and expedient and in the interest of justice, with or without accompanying conditions.

(b) Reference to authorities and the record shall not be general but to specific pages and paragraphs.

(7) All heads of argument shall be accompanied by five copies of the front page and relevant portions of all statutory provisions, regulations, rules and unreported decisions to which reference is made.

(8) Where the appellant or respondent fails to comply with any one of the sub-rules in 24 (4) to (7), the heads of argument shall be deemed not to have been properly filed, and rejected, but the Court may, in the interest of justice and for good and sufficient cause shown, permit the appellant or respondent to proceed with the appeal, if satisfied that they have exhibited a clear intention to do so.”.

### **Insertion of Rule 24A in the Principal Rules**

5. The Principal Rules are amended by inserting the following new Rule 24A —

#### **“Electronic Filing of Written Submissions**

24A. (1) This Rule shall regulate the practice and procedure for the electronic filing of written submissions in appeal cases including interlocutory applications before the Court:

Provided that, the filing of physical copies of written submissions may continue, at the discretion of the Court, notwithstanding the provisions in this Rule.

(2) An Attorney-At-Law or any party required to file written submissions may file the submissions electronically via the designated online platform or the official Court email address, as notified by the Registrar.

(3) Written submissions filed electronically shall be in —

- (a) PDF format;
- (b) Font style Times New Roman, size 12; and
- (c) Legibly typed and paginated.

(4) All submissions filed electronically shall be accompanied by a cover page stating the —

- (a) Case number and title of the proceedings;
- (b) Name of the party filing the submissions;
- (c) Date of filing; and
- (d) The contact details of the filing party or their legal representative.

(5) (a) The filing fee for written submissions tendered electronically shall be the same as that applicable to the filing of physical copies of written submissions.

(b) Payment of the required fee shall be made electronically, into an account designated by the Registrar, at the time of filing.

(c) Written submissions filed electronically shall not be registered until payment of the relevant fee has been effected.

(6) An Attorney-At-Law or any party required to file written submissions shall adhere to timelines set by the Court.

(7) An Attorney-At-Law or party shall serve a copy of the submissions filed electronically on all other parties to the proceedings and shall provide proof of service to the Court.

(8) All written submissions filed electronically shall bear a digital or scanned signature of the Attorney-At-Law or the party who has filed the submissions as a means of authentication.

(9) The Court reserves the right to request a physical copy of any written submissions where deemed expedient, notwithstanding that the parties have expressed their intention to file electronic written submissions.

(10) Submissions filed electronically shall be part of Court record and shall have the same probative value as written submissions tendered physically.

(11) Written submissions filed electronically shall be stored in an electronic format by the Registrar, who shall cause a physical copy of the submissions to be printed and placed in the Court file.

(12) Where an Attorney-At-Law or party fails to comply with the provisions of these Rules the Court may, on the application of any of the parties or *ex mero motu*, make any suitable order.”.

**Dated this 28<sup>th</sup> day of November, 2025.**

Anthony Francis Tissa Fernando

**President of the Court of Appeal of Seychelles**