

51 Criminal appeals from Magistrates' Courts

RS 22, 2023, D1 Rule 51-1

(1) An appeal by a convicted person against a conviction, sentence or order made by a magistrate's court in a criminal matter, or an appeal by the director of public prosecutions or other prosecutor against a dismissal of a summons or charge or other decision of a magistrate's court in such a matter, shall be set down by the director of public prosecutions or registrar on notice to the appellant or his or her legal representative for hearing on such day as the judge president may appoint for such matters.

(2) Notwithstanding anything to the contrary in any rule contained, a notice may be served on an appellant or his or her legal representative by sending it by registered post, addressed to the appellant or his or her legal representative at an address appearing on the notice of appeal or at an address which the appellant or his or her legal representative has subsequently furnished to the registrar in writing.

(3) 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 his or her legal representative: Provided that where the appellant is not represented by a legal representative, such responsibility shall rest on the director of public prosecutions.

(4)(a) Written argument shall be delivered on behalf of the appellant and the director of public prosecutions within the time periods prescribed by the registrar.

(b) The provisions of rule 49A(2)(b) and (c) shall apply *mutatis mutandis* to the written argument.

(5)(a) Notice in terms of [section 309C\(9\)](#) of the Criminal Procedure [Act 51 of 1977](#) shall be given by the registrar at least 10 days before the date fixed for the hearing of any of the applications referred to in section 309C, unless the appellant or his, or her legal representative and the director of public prosecutions concerned or a person designated by him or her have agreed to a shorter period, and shall correspond substantially to Form 25.

(b) The notice referred to in paragraph (a) shall—

- (i) be handed to the appellant or his or her legal representative and the director of public prosecutions concerned or a person designated by him or her and proof of receipt of such notice shall be indicated on a copy of the notice, which shall be kept by the registrar; or
- (ii) be sent by registered post.

[Rule 51 substituted by GN R518 of 8 May 2009.]