

52 Criminal appeals to the Supreme Court of Appeal

RS 22, 2023, D1 Rule 52-1

(1) Whenever —

- (a) an appellant has been granted leave to appeal in terms of [section 316](#) of the Criminal Procedure [Act 51 of 1977](#);
- (b) an appellant has noted an appeal in terms of section 318 of the said Act; or
- (c) a court has reserved a question of law arising on the trial of an appellant in terms of section 319 of the said Act —

- (i) the registrar of the court which tried the appellant shall lodge with the registrar of the Supreme Court of Appeal six copies of the record (one of which shall be certified by the first-named registrar) of the proceedings in the trial court and deliver such number of copies to the State as may be considered necessary: Provided that instead of the whole record, with the consent of the appellant and the State, copies (one of which shall be certified by the first-named registrar) may be transmitted of such parts of the record as may be agreed upon by the appellant and the State to be sufficient, in which event the Supreme Court of Appeal may nevertheless call for copies of the whole record;
- (ii) the appellant may, on payment of the prescribed fees, obtain from the registrar of the court which tried the appellant such number of copies of the record or parts of the record (as the case may be) as may be necessary for his or her purpose: Provided that if the appellant is unable by reason of poverty to pay the prescribed fees the appellant shall be entitled to obtain the same without payment of any fees.

(2) Any question arising as to the appellant's inability to pay the prescribed fees shall be decided by the registrar of the court which tried the appellant, in which case the registrar's decision shall be final.

(3) The words 'the registrar of the court which tried the appellant' shall mean, where the trial court was a Circuit Local Division, the registrar of the division of the High Court in whose custody the records of the Circuit Court Division concerned are lodged.