

Appealed Cases from the High Court and Industrial Court

Overview

The Court of Appeal's Jurisdiction is general and territorially defined. It also enjoys all power and authority vested in the High Court by the Constitution and any other law.

The Court of Appeal is a Supreme Court of record, with plenary review, appellate and, where appropriate first instance jurisdiction. It hears all appeals from the High Court and Industrial Court.

Who is eligible?

Litigants from any final decisions in any proceedings in which the High Court/ Industrial Court sat at first instance.

How do I get this service?

An appeal to the Court of Appeal may take two forms, namely;

- As of right-
- By special leave
- In order to lodge an appeal, a party must serve a notice of appeal and file an application for leave to appeal to the court of appeal with the court below (The high court or The industrial court) within six weeks (Criminal Form 2).
- When leave is refused by the High Court , you file an application for leave to appeal to the Court of Appeal (Criminal Form 3)
- The Appellant should file a date stamped Notice of Appeal to the Court of Appeal.
- A case is then registered and given a case number at the Court of Appeal.
- If the six weeks has elapsed before lodging an appeal, the appellant should file an application with the Court of Appeal seeking leave to file out of time(Criminal Form 5).
- Only evidence used during the proceedings at court below can be used at the court of appeal.

What supporting documents are required?

Appellants from the High Court and the Industrial Court must submit the following form to the Court of Appeal:

- Schedule 3- Civil Form 1

How long will this service take?

- Civil Appeal is 14 months
- Criminal appeal is 10 months

How much does it cost?

- Filing a Notice of Appeal at the High Court bears a cost of

BWP160.00.

- If an appeal is submitted beyond the six week deadline, submission of Form 2 will cost an additional BWP100.00.

Where can I get more information on this Service

The Deputy Registrar of the Court of Appeal

Court of Appeal

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Botswana

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Opening Hours: 07:30 to 12:45 and 13:45 to 16:30, Monday to Friday, except public holidays.