

SUPREME COURT (MISCELLANEOUS AMENDMENTS) RULES 2021

I, Chief Sir Gibuma Gibbs Salika GCL KBE CSM, Chief Justice of Papua New Guinea, certify that, pursuant to Section 184 (*rules of court*) of the *Constitution* and Section 41 (*rules of court*) of the *Supreme Court Act*, and all other powers enabling, the following Rules, described as “*Supreme Court (Miscellaneous Amendments) Rules 2020*”, amending the *Supreme Court Rules 2012*, have been made by the Judges at a meeting of the Judges on 17 December 2020 and shall come into force on a date to be determined by the Chief Justice by notice published in the *National Gazette*.

Dated this 8th day of February 2021

Chief Sir Gibuma Gibbs Salika GCL KBE CSM, Chief Justice of Papua New Guinea

* Editorial note: The date on which the *Supreme Court (Miscellaneous) Amendments Rules 2021* shall come into force is 1 November 2021 (as determined by the Chief Justice and published in *National Gazette* No G380 of 10 June 2021).

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(MISCELLANEOUS AMENDMENTS) RULES 2021**

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(MISCELLANEOUS AMENDMENTS) RULES 2021**

1. New Divisions 2.2 and 2.3

Order 2 of the *Supreme Court Rules* 2012 is amended by inserting the following Division 2 and Division 3 after Division 1:

“Division 2. – Court dress

2. Court dress

Counsel shall appear in court wearing a long-sleeved clean ironed opaque white shirt or blouse with collar (a collarless blouse or shirt is not acceptable) closed at the throat and dark blue or black trousers or skirt and black business shoes or dark blue or black sulu and black sandals with counsel’s gown and white bib (tabs). A wig is optional.

3. Interpretation

In Rule 2 “counsel’s gown” means a black gown reaching to the knees with the material gathered/pleated across the shoulder blades, open at the front and generously loose long sleeves with the sleeve material gathered at the inner bend of the forearm, generally in a design worn in similar jurisdictions or approved by the Council of the Law Society.

Division 3. — Practice directions

4. Practice directions

The Registrar may, in consultation with and approval of the Chief Justice, issue a practice direction in relation to any matter concerning these Rules to clarify the procedure and application or otherwise explain or regulate any matter concerning the Rules.”

2. Amendment of Order 5, Rule 2

Order 5, Rule 2 of the *Supreme Court Rules* 2012 is amended by inserting at the end thereof the following new sentence:

“The provisions of Order 7, Rule 62 shall apply to an application for leave and an application for review from sentence of death.”

3. Amendment of Order 6, Rule 3(e)

Order 6, Rule 3(e) of the *Supreme Court Rules* 2012 is amended by inserting after the words “be signed by the person” the words “or his lawyer”.

4. Amendment of Order 7

Order 7 of the *Supreme Court Rules* 2012 is amended by inserting the following new Division after Division 22:

Division 23. – Appellant unrepresented in criminal appeals or reviews

62.

(1) Where a person appeals or applies for leave to seek review in any criminal proceedings, the Duty Judge shall in each case inquire as to whether the appellant or applicant has a lawyer.

(2) If there is no lawyer, the Duty Judge shall direct the Registrar to notify the Office of the Public Solicitor that at the next mention of the matter a senior lawyer from the Office of the Public Solicitor is required to appear and notify the Court whether the Public Solicitor will provide legal aid, advice and assistance to the appellant or applicant.

(3) The Duty Judge shall also make a preliminary assessment of the case and give consideration to whether it would be appropriate to give a direction to the Public Solicitor under Section 177(2)(b) of the *Constitution*.

5. Repeal and replacement of Order 11, Rule 26

The words appearing in Order 11, Rule 26 of the *Supreme Court Rules* 2012 are repealed and replaced with the following:

“Proceedings under Rule 25 shall be instituted by notice of motion filed in the substantive proceedings seeking the same orders as were sought before the single Judge.”