

## ORDERS

OF HER MAJESTY IN COUNCIL, ESTABLISHING CERTAIN RULES  
AND REGULATIONS IN APPEALS.

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AT THE COURT AT WINDSOR,

*The 6th day of March, 1896.*

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a Representation from the Lords of the Judicial Committee of the Privy Council, in the words following, viz. :—

“The Lords of the Judicial Committee of the Privy Council have the honour, with their humble duty to Your Majesty, to represent that it would be advisable that the Rules, established by Your Majesty's Order in Council of the 31st March, 1870, should be amended; and their Lordships beg leave to recommend that Your Majesty will be graciously pleased to approve the Rules set forth in the Schedule hereunto annexed, and to declare that the said Rules shall be observed by all Proctors, Solicitors, Attorneys, Agents, or other persons employed in the conduct of Appeals, Petitions, or other matters pending before Her Majesty in Council.”

HER MAJESTY, having taken the said Representation and the Schedule of Rules annexed into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, as it is hereby ordered, that the said Rules (copy of which is hereunto annexed) be punctually observed, obeyed, and carried into execution, in lieu of the Rules established by the Order of Her Majesty in Council of the 31st March, 1870.

C. L. PEEL.

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*Schedule annexed to the foregoing Order.*


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 RULES.

I.—Every Proctor, Solicitor, or Agent admitted to practise before Her Majesty's Most Honourable Privy Council, or any of the Committees thereof, shall subscribe a Declaration to be enrolled in the Privy Council Office, engaging to observe and obey the Rules, Regulations, Orders, and Practice of the Privy Council; and also to pay and discharge, from time to time, when the same shall be demanded, all fees or charges due and payable upon any matter pending before Her Majesty in Council; and no person shall be admitted to practise, or allowed to continue to practise, before the Privy Council, without having subscribed such Declaration in the following terms:—

## FORM OF DECLARATION.

We, the undersigned, do hereby declare, that we desire and intend to practise as Solicitors or Agents in Appeals and other matters pending before Her Majesty in Council; and we severally and respectively do hereby engage to observe, submit to, perform, and abide by all and every the Orders, Rules, Regulations, and Practice of Her Majesty's Most Honourable Privy Council and the Committees thereof now in force, or hereafter from time to time to be made; and also to pay and discharge, from time to time, when the same shall be demanded, all fees, charges, and sums of money due and payable in respect of any Appeal, Petition, or other matter in and upon which we shall severally and respectively appear as such Solicitors or Agents.

II.—Every Proctor or Solicitor practising in London shall be allowed to subscribe the foregoing Declaration, and to practise in the Privy Council, upon the production of his Certificate for the current year; and no fee shall be payable by him on the enrolment of his signature to the foregoing Declaration.

III.—Persons not being certificated London Solicitors, but having been duly admitted to practise as Solicitors by the High Courts of Judicature in England and Ireland, or by the Court of Session in Scotland, or by the High Courts in any of Her Majesty's Dominions respectively, may apply, by petition, to the Lords of the Committee of the Privy Council, for leave to be admitted to practise before such

Committee; and such persons may, if the Lords of the Committee please, be admitted to practise by an Order of their Lordships, for such periods and under such conditions as their Lordships are pleased to direct.

IV.—Any proctor, solicitor, agent or other person practising before the Privy Council, who shall wilfully act in violation of the rules and practice of the Privy Council, or of any rules prescribed by the authority of Her Majesty or of the Lords of the Council, or who shall misconduct himself in prosecuting proceedings before the Privy Council, or who shall refuse or omit to pay the Council Office fees or charges payable from him when demanded, shall be liable to an absolute or temporary prohibition to practise before the Privy Council, by the authority of the Lords of the Judicial Committee of the Privy Council, upon cause shown at their Lordships' Bar.

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I.—All Cases, Records and other Proceedings in Appeals, or other matters pending before Committees of the Privy Council, are henceforth to be printed in the form known as DEMY QUARTO.

II.—The size of the paper used is to be such that the sheet, when folded, will be eleven inches in height and eight inches and a half in width.

III.—The type to be used in the text is to be Pica type, but Long Primer is to be used in printing accounts, tabular matter and notes.

IV.—The number of lines in each page of Pica type is to be forty-seven, each line being five inches and three quarters, or 146 millimetres in length.

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## AT THE COURT AT BUCKINGHAM PALACE,

*The 13th day of June, 1853.*

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY.

HIS ROYAL HIGHNESS PRINCE ALBERT.

LORD PRESIDENT,  
LORD STEWARD,  
DUKE OF NEWCASTLE,  
DUKE OF WELLINGTON,  
LORD CHAMBERLAIN,

EARL OF ABERDEEN,  
EARL OF CLARENDON,  
VISCOUNT PALMERSTON,  
MR. HERBERT,  
SIR JAMES GRAHAM, BART.

WHEREAS there was this day read at the Board a report from the Right Honourable the Lords of the Judicial Committee of the Privy Council, dated the 30th May last past, humbly setting forth that the Lords of the Judicial Committee have taken into consideration the practice of the Committee with a view to greater economy, despatch and efficiency in the appellate jurisdiction of Her Majesty in Council, and that their Lordships have agreed humbly to report to Her Majesty that it is expedient that certain changes should be made in the existing practice in Appeals, and recommending that certain Rules and Regulations therein set forth should henceforth be observed, obeyed and carried into execution, provided Her Majesty is pleased to approve the same :

HER MAJESTY, having taken the said report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and of the Rules and Regulations set forth therein, in the words following, videlicet :—

Appellant, when  
successful, may  
recover costs of  
appeal.

I.—That, any former usage or practice of Her Majesty's Privy Council notwithstanding, an Appellant who shall succeed in obtaining a reversal or material alteration of any judgment, decree or order appealed from, shall be entitled to recover the costs of the Appeal from the Respondent, except in cases in which the Lords of the Judicial Committee may think fit otherwise to direct.

Transcripts to be  
sent to Registrar  
of Privy Council.

II.—That the Registrar or other proper officer having the custody of records in any Court or special jurisdiction from which an Appeal is brought to Her Majesty in Council be directed to send by post, with all possible despatch :

One certified copy of the transcript record in each cause to the Registrar of Her Majesty's Privy Council, Whitehall ;

And that all such transcripts be registered in the Privy Council Office, with the date of their arrival, the names of the parties, and the date of the sentence appealed from ;

And that such transcript be accompanied by a correct and complete index of all the papers, documents and exhibits in the cause ;

And that the Registrar of the Court appealed from, or other proper officer of such Court, be directed to omit from such transcript all merely formal documents, provided such omission be stated and certified in the said index of papers ;

And that especial care be taken not to allow any document to be set forth more than once in such transcript ;

And that no other certified copies of the record be transmitted to agents in England by or on behalf of the parties in the suit ;

And that the fees and expenses incurred and paid for the preparation of such transcript be stated and certified upon it by the Registrar or other officer preparing the same.

III.—That when the record of proceedings or evidence in the cause appealed has been printed or partly printed abroad, the Registrar or other proper officer of the Court from which the Appeal is brought—

Transcripts may be printed abroad.

Shall be bound to send home the same in a printed form, either wholly or so far as the same may have been printed ;

And that he do certify the same to be correct, on two copies, by signing his name on every printed sheet ;

And by affixing the seal, if any, of the Court appealed from to these copies, with the sanction of the Court.

And that in all cases in which the parties in Appeals shall think fit to have the proceedings printed abroad, they shall be at liberty to do so, provided they cause fifty copies of the same to be printed in folio ; \*

\* Now demy quarto.

And transmitted, at their expense, to the Registrar of the Privy Council ;

See order 6, March, 1896.

Two of which printed copies shall be certified as above by the officers of the Court appealed from ;

And in this case no further expense for copying or printing the record will be incurred or allowed in England.

Written transcripts to be printed by Her Majesty's printer.

IV.—That on the arrival of a written transcript of appeal at the Privy Council office, Whitehall, the Appellant, or the agent of the Appellant, prosecuting the same shall be at liberty—

To call on the Registrar of the Privy Council to cause it, or such part thereof as may be necessary for the hearing of the case;

And likewise all such parts thereof as the Respondent or his agent may require to be printed by Her Majesty's Printer;

Or by any other printer on the same terms;

The Appellant or his agent engaging to pay the cost of preparing a copy for the printer at a rate not exceeding one shilling per brief sheet (now three half-pence per folio);

And likewise the cost of printing such record or appendix;

And that one hundred copies (now seventy-five) of the same be struck off, whereof thirty (now twenty) copies are to be delivered to the agents on each side, and forty (now thirty-five) kept for the use of the Judicial Committee;

And that no other fees for solicitors' copies of the transcript, or for drawing the joint appendix, be henceforth allowed;

The solicitors on both sides being allowed to have access to the original papers at the Council Office;

And to extract or cause to be extracted and copied such parts thereof as are necessary for the preparation of the petition of appeal, at the stationer's charge not exceeding one shilling per brief sheet (now three half-pence per folio).

Transcripts to be printed within a certain time.

V.—That a certain time be fixed within which it shall be the duty of the Appellant or his agent to make such application for the printing of the transcript, and that such time be within the space of six calendar months from the arrival of the transcript and the registration thereof in all matters brought by appeal from Her Majesty's colonies and plantations east of the Cape of Good Hope, or from the territories of the East India Company;

And within the space of three months in all matters brought by appeal from any other part of Her Majesty's dominions abroad;

And that in default of the Appellant or his agent taking effectual steps for the prosecution of the Appeal within such time or times respectively, the Appeal shall stand dismissed without further order;

And that a report of the same be made to the Judicial Committee by the Registrar of the Privy Council at their Lordships' next sitting.

VI.—That whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a question of law, the agents of the parties, with the sanction of the Registrar of the Privy Council, may submit such question of law to the Lords of the Judicial Committee in the form of a special case, and print such parts only of the transcript as may be necessary for the discussion of the same; provided that nothing herein contained shall in any way bar or prevent the Lords of the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit; and that in order to promote such arrangements and simplification of the matter in dispute, the Registrar of the Privy Council may call the agents of the parties before him, and having heard them, and examined the transcript, may report to the committee as to the nature of the proceedings.

Appeals may be heard in the form of a special case.

And Her Majesty is further pleased to order, and it is hereby ordered, that the foregoing Rules and Regulations be punctually observed, obeyed and carried into execution in all Appeals or petitions and complaints in the nature of Appeals brought to Her Majesty, or to Her heirs and successors, in Council, from Her Majesty's colonies and plantations abroad, and from the Channel Islands or the Isle of Man, and from the territories of the East India Company, whether the same be from courts of justice or from special jurisdictions, other than Appeals from Her Majesty's Courts of Vice-Admiralty, to which the said Rules are not to be applied.

Whereof the judges and officers of Her Majesty's Courts of Justice abroad, and the Judges and Officers of the Superior Courts of the East India Company, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. L. BATHURST.