

Order 4

Case Stated

1. The parties to a proceeding commenced by statement of claim, originating summons or originating motion may at any stage concur in stating the question of law arising in the proceeding in the form of a case stated for the opinion of the Court.
2. The case stated shall be divided into paragraphs numbered consecutively and shall concisely state such facts and documents as are necessary to enable the Court to decide the questions raised by the case stated.
3. Upon the arguments of the case the Court and the parties may refer to the whole contents of the documents stated.
4. The Court may draw from the facts and documents stated any inference, whether of fact or law, which might have been drawn from them if proved at a trial.
5. No facts or documents other than those stated in the case shall be referred to upon the arguments save with the consent of all parties.
6. A case state concurred in by the parties to a proceeding shall be signed by the several parties or their legal practitioners and filed with the Registrar.
7. The parties to a case stated may, if they think fit, enter into an agreement in writing that upon the determination by the court of the question or questions of law raised in the case, stated judgment shall be entered by the Court to any effect within its jurisdiction and with or without costs, and such agreement shall be filed with the Registrar.
8. Likewise the parties may, in the presence of the Court, either themselves or by legal practitioners representing them verbally make an agreement, as to the judgment to be entered, upon the determination by the Court of the question of law raised in the case stated.
9. Where no such agreement is made, the proceedings in the cause shall be resumed, but the questions of law decided in the case stated shall not be re-opened in the

Court and the application shall proceed to its final determination upon the decision upon the law recorded after the hearing of the case stated.

References as to the Constitution and Reserved Points of Law

(a) in the case of an appeal in civil proceedings –

(i) The Writ of Summons or other documents, by which the proceedings were commenced in the court of trial,

(ii) The pleadings or amended pleadings as the case may be (if any),

(iii) any other document or proceedings relevant to the question on which the decision of the Court is sought,

(iv) The judgment or decision or order of the court or tribunal from which the appeal came to the Court of Appeal, and

(v) The opinion of the Court of Appeal delivered in accordance with Rule 3 of this Order; and

(b) In the case of an appeal in criminal proceedings –

(i) The charge in the Court of trial in so far as the same is relevant to the subject matter of the proceedings on appeal;

(ii) The documents containing the matters mentioned under sub-paragraphs (iii), (iv) and (v) of sub-rule (a) of this Rule.