

FIRST SCHEDULE - FEES

A. FEES IN CIVIL MATTERS

1.	On filing notice of appeal as of right against a final judgment or decision	P60
2.	On respondent's notice of intention to cross-appeal, or to contend that decision of court below be varied	P60
3.	On filing a motion for leave to appeal	P100
4.	On filing motion for extension of time:	
	a) If time has not yet expired	P60
	b) If time has already expired	P100
5.	On filing any motion not otherwise provided for	P60
6.	On filing a notice of opposition with accompanying affidavit	P60
7.	On filing amended or additional grounds of appeal:	
	a) If filed in accordance with Rule 25 (1)	P30
	b) If filed thereafter with the leave of the Court	P50
8.	On filing a notice of withdrawal or abandonment of an appeal	P30
9.	On filing motion to reinstate appeal struck out for the non-appearance of appellant	P120
10.	On filing motion to re-instate appeal dismissed or struck out for failure to provide security for costs	P120
11.	On filing motion to set aside and re-hear appeal determined in the absence of respondent	P120

12.	On filing motion to set aside Taxing Master’s decision or order	P120
13.	On every order of the court made on a final determination of the appeal	P30

B. FEES GENERAL

1. The cost of preparing record of appeal in the court below or of taking copies of minutes, records, documentary exhibits, judgments and any orders of the court shall be at the rate of P5 per folio or part thereof, such part not being less than one-quarter of a folio, provided that the cost of transcribing *viva voce* evidence taken in the Court below shall be at the rate of P10 per folio or part thereof.
2. The fee for certifying such copies as aforesaid shall be at the rate of P1 per folio or part thereof, such part not being less than one-quarter of a folio.
3. Fees for the service of any documents and in connexion therewith and payments for any mileage involved in such service shall be charged and paid under the rules and scale regulating service in the High Court.

SECOND SCHEDULE – PRACTITIONERS’ FEES/COSTS

A. LEGAL PRACTITIONERS’ FEES

1. On taking instructionsTime taken by practitioner
2. Fee on the BriefTime taken by practitioner
3. Attendance at Registrar’s office to settle record
of appeal.....Time taken by practitioner
4. Attendance in Court and arguing appeal:
 - a) one day hearingTime taken by practitioner

- b) for each subsequent day of hearing.....Time taken by practitioner
5. Preparing and arguing motions and other interlocutory applications:
- a) when taken on the same day as argument in the appeal P200
 - b) when taken on different day and not as part of the appealTime taken by practitioner

B. BILL OF COSTS

In connection with a bill of costs for services rendered by a practitioner, such practitioner shall be entitled to charge:

1. For drawing the bill of costs, making the necessary copies and attending settlement, five percent of the first P10 000 or a portion thereof, two and a half percent of the second P10 000 or a portion thereof, and one percent on the amount in excess of P200 000 of the amount of the practitioner’s fees, either as charged in the bill if not taxed, or as allowed on taxation
2. An addition thereto, if recourse is had to taxation, for arranging and attending taxation and obtaining consents to taxation, five percent of the first P10 000 or portion thereof, and two and a half percent on the amount in excess of P200 000 of the fees allowed on taxation.

The fee under each item of this section shall be calculated on the same amount.

C. TRAVELLING AND SUBSISTENCE ALLOWANCES

1. A travelling allowance for a legal practitioner may be allowed at a rate of P1.75 per km, where he travels to Court by car; otherwise he shall be reimbursed to the extent that he has been out of pocket by attending the Court or the Court Registry, provided that the maximum of such reimbursement shall be the maximum he would have been entitled to had he travelled by car.
2. A subsistence allowance for a legal practitioner may be allowed at the rate of P500 for every night it is necessary for him to remain at the place

where the Court is sitting or where he necessarily has to transact the business on behalf of his client.

D. GENERAL CHARGES

Charges for attendances, perusal, drafting and drawing, copies and disbursements shall, *mutatis mutandis*, be as applicable in the High Court tariff.

E. HOURLY RATES FOR PRACTITIONERS (PARTY – PARTY SCALE)

Pupil	00 per hour
0-2 years experience	00-P400 per hour
2-5 years experience	P400-P500 per hour
5-10 years experience	P500-P700 per hour
10-15 years experience	P700-P850 per hour
Over 15 years experience	P1000 per hour

F. ADVOCATES' FEES

1. Except where the judge authorizes fees consequent upon the employment of more than one advocate to be included in a party and party bill of costs, only such fees as are consequent upon the employment of one advocate shall be allowed as between the party and party.
2. Where fees in respect of more than one advocate are allowed in a party and party bill of costs, the fees to be permitted in respect of any additional advocate shall not exceed one half of those allowed in respect of the first advocate.
3. In matters which are not of unusual complexity, fees shall be charged and taxed on the scale applicable to practitioners generally.
4. The taxing master shall be entitled at his discretion at any time to depart from the provisions of this tariff in complex, extraordinary or exceptional cases, where strict adherence to such provisions would be inequitable.

THIRD SCHEDULE – FORMS (CIVIL)

CIVIL FORM 1

(Where alternatives are provided, the necessary deletions of non-applicable alternatives are to be effected)

IN THE HIGH COURT OF BOTSWANA/INDUSTRIAL COURT OF BOTSWANA

NOTICE OF APPEAL

Case No:

Between:

..... Plaintiff/Applicant/Petitioner

And

..... Defendant/Respondent

TAKE NOTICE that the **(insert party)** being dissatisfied with the decision/part of the decision of the High Court/Industrial Court, more particularly stated in paragraph 2 below, contained in the judgment/order of the court dated the of, 20..... does hereby appeal to the Court of Appeal upon the grounds set out in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4;

AND the Appellant further states that the names and addresses of the persons directly affected by the appeal are those set out in paragraph 5.

My address for service is

2. Part of the decision of the Court below complained of:

.....
.....

3. Grounds of appeal:

- 1)
- 2)
- 3)

4. Relief sought from the Court of Appeal:

.....
.....

5. Persons directly affected by the appeal:

Name	Address
1)
2)
3)

DATED thisday of, 20.....

.....
Appellant

To: The Registrar
(High Court/Industrial Court)

And to: The Registrar
Court of Appeal

And to:
(Respondent)

CIVIL FORM 2

IN THE COURT OF APPEAL OF BOTSWANA

NOTICE OF MOTION FOR LEAVE TO APPEAL

Case No

Between:

..... Applicant

And

..... Respondent

TAKE NOTICE that the Court of Appeal will be moved on theday of, 20....., at o'clock in the afternoon or as soon thereafter can be heard on the hearing of an application for leave to appeal against the decision of thecourt given on theday of, 20.....

AND FURTHER TAKE NOTICE that the grounds of this appeal are:

(1)

(2)

(3)

DATED this day of....., 20.....

Applicant, or the legal practitioner representing him whose address for service is

.....

.....

TO: Registrar, Court of Appeal

And to:

Respondent

CIVIL FORM 3

IN THE COURT OF APPEAL OF BOTSWANA

SUMMONS TO PARTIES BY REGISTRAR TO SETTLE RECORD

Case No:

Between:

..... Appellant

And

..... Respondent

TAKE NOTICE that all parties concerned are required to attend before me in my Chambers at on the..... day of, 20....., at the hour of in thenoon to proceed with settling of the record of appeal herein, determining the cost of record preparation, and setting security to be lodged for the costs of the appeal.

DATED thisday of, 20.....

.....
Registrar of the Court of Appeal

To:
(Appellant)

And to:
(Respondent)

CIVIL FORM 4

IN THE COURT OF APPEAL OF BOTSWANA

BOND FOR COSTS ON APPEAL

Case No:

In the matter between:

..... Appellant

And

..... Respondent

KNOW ALL MEN, that by these presents
(here insert name and address of guarantor)

Do hereby irrevocably and unconditionally bind myself jointly and severally with the appellant as surety and co-principal debtor in the sum of P..... for the due payment of all legal costs as taxed or agreed or ordered by the Court to be payable to the Respondent should the appeal be dismissed, struck off or withdrawn.

AND THE CONDITION OF THIS BOND is that –

(delete as necessary)

The said sum of P..... shall be and is hereby lodged in cash with the Registrar to be paid out in whole or in part upon presentation of a taxed or agreed bill of costs, or court order by the respondent with any balance remaining, or the whole said sum if the appeal is successful to be refunded to me

OR

The said sum of P..... or such part thereof as may be required to settle the said costs, shall be paid by me on demand to the Respondent upon presentation of a taxed or agreed bill of costs or a court order requiring such payment.

In witness whereof I have hereunto set my hand on this day of 20..... at Gaborone in the presence of the subscribing witnesses.

.....
Surety

As Witnesses

(1) (signatures, names and addresses)

(2)

CIVIL FORM 5

IN THE COURT OF APPEAL OF BOTSWANA

CERTIFICATE OF REGISTRAR THAT SECURITY FOR COSTS HAS BEEN PROVIDED, THAT COSTS OF RECORD HAVE BEN PAID, AND THAT THE RECORD AS SETTLED IS COMPLETE

Case No:

Between:

.....

Appellant

And

.....

Respondent

I,, Registrar of the Court, DO HEREBY CERTIFY that the above-mentioned appellant has duly and timeously complied with the obligations imposed upon him in the above-named case to provide security for costs of the appeal and to pay the cost of preparation of the appeal record; and that the record as settled is complete.

DATED this day of, 20.....

.....
Registrar of the Court of Appeal

CIVIL FORM 6

IN THE COURT OF APPEAL OF BOTSWANA

NOTICE BY RESPONDENT IN RESPONSE TO APPEAL

Case No:

Between:

..... Appellant

And

..... Respondent

TAKE notice that the Respondent intends

(delete as applicable)

- (1) To oppose the above appeal
- (2) To abandon the judgment appealed
- (3) To abide the decision of the Court on appeal

Dated thisday of 20.....

.....
Respondent

To: Registrar
Court of Appeal

And to:
Appellant

CIVIL FORM 7

IN THE COURT OF APPEAL OF BOTSWANA

**NOTICE BY RESPONDENT OF CROSS-APPEAL/INTENTION TO CONTEND
THAT DECISION OF COURT BELOW BE VARIED**

Case No:

Between:

..... Appellant

And

..... Respondent

TAKE NOTICE that upon the hearing of the above appeal the respondent herein intends to contend that the decision of the Court below dated the day of, 20....., be varied as follows-

.....
.....
.
.....

AND TAKE NOTICE FURTHER that the grounds on which the respondent intends to rely are as follows:

- (1)
- (2)
- (3)

DATED THIS day of, 20

.....
Respondent

To: Registrar
Court of Appeal

And to:
Appellant

CIVIL FORM 8

IN THE COURT OF APPEAL OF BOTSWANA

**NOTICE OF INTENTION TO CONTEND THAT JUDGMENT SHOULD BE
AFFIRMED ON GROUNDS OTHER THAN THOSE RELIED ON BY THE
COURT**

Case No:

Between:

..... Appellant

And

..... Respondent

TAKE NOTICE that upon the hearing of the above appeal the respondent herein intends contend that the decision of the Court below, dated day of, 20..... be affirmed on grounds other than those relied on by the court below.

AND TAKE NOTICE FURTHER that the grounds in which the respondent intends to rely are as follows-

- (1)
- (2)
- (3) etc

DATED this day of, 20.....

.....
Respondent

To: Registrar
Court of Appeal

And to:
Appellant

CIVIL FORM 9

IN THE COURT OF APPEAL OF BOTSWANA

**NOTICE BY RESPONDENT OF INTENTION TO RELY UPON PRELIMINARY
OBJECTION**

Case No:

Between:

..... Appellant

And

..... Respondent

TAKE notice that the Respondent intends at the hearing of this appeal, to rely upon the following preliminary objection(s), namely,

(1)

(2)

(3)

AND that the relief sought is that:

.....
.....

DATED this day of, 20.....

.....
Respondent

To: Registrar
Court of Appeal

And to:
Appellant

CIVIL FORM 10

IN THE COURT OF APPEAL OF BOTSWANA

NOTICE OF ABANDONMENT OF APPEAL

Case No:

Between:

..... Appellant

And

..... Respondent

TAKE NOTICE that the appellant herein intends to withdraw, and hereby withdraws, his appeal against the respondent in the above-mentioned appeal, and tenders to pay any wasted costs occasioned by the appeal.

DATED at thisday of, 20.....

.....
Appellant

To: The Registrar
The Court of Appeal of Botswana

And to:
Respondent

CIVIL FORM 11

IN THE COURT OF APPEAL OF BOTSWANA

NOTICE OF WITHDRAWAL OF APPEAL BY AGREEMENT

Case No:

Between:

..... Appellant

And

..... Respondent

TAKE NOTICE that the above appeal is withdrawn with the consent of all parties thereto.

DATED this day of, 20.....

.....
Appellant

.....
Respondent

To: The Registrar
The Court of Appeal of Botswana

CIVIL FORM 12

IN THE COURT OF APPEAL OF BOTSWANA

REQUEST FOR COURT ANNEXED MEDIATION

Case No:

Between:

..... Appellant

And

..... Respondent

TAKE notice that the parties hereto, being of the opinion that the issues in this appeal are capable of amicable settlement, hereby request that their appeal be referred to a Court Annexed Mediation, before being listed for hearing by the Court.

DATED at this.....day of..... 20.....

.....
Appellant

.....
Respondent

TO: Registrar
Court of Appeal

FOURTH SCHEDULE – FORMS (CRIMINAL)

CRIMINAL FORM 1

IN THE COURT OF APPEAL OF BOTSWANA

**NOTICE OF APPEAL FROM DECISION OF COURT SITTING AS COURT OF
FIRST INSTANCE**

Case No:

THE STATE v

To: The Registrar of the High Court
And to: The Registrar of the Court of Appeal
And to: The Director of Public Prosecutions

I,, having been convicted of the offence
of
and being now a prisoner in prison at
or whose address for service is

do hereby give notice of appeal against my conviction/sentence (particulars of
which hereinafter appear) to the Court on the following grounds-

.....
.....
.....

.....
Signature or mark of Appellant

Witness to mark:

Name:

Signature:

Address:

DATED this day of, 20.....

Particulars of Trial and Conviction

1. Date of trial
2. In what court tried
3. Sentence

CRIMINAL FORM 2

IN THE HIGH COURT OF BOTSWANA

**NOTICE OF APPLICATION FOR LEAVE TO APPEAL FROM
DECISION OF THE HIGH COURT GIVEN IN ITS APPELLATE
JURISDICTION**

Case No:

THE STATE v.

To: The Registrar of the High Court
And to: Director of Public Prosecutions

I,, having been convicted of the
offence of
and being now a prisoner in prison at
or whose address for service is

.....
DO HEREBY GIVE NOTICE of my application for leave to appeal to the Court of
Appeal against the decision of the High Court of Botswana given on appeal at
..... on 20.....
on the following grounds:

.....
.....
.....

.....
Signature or mark of Appellant

Witness to mark:

Name:

Signature:

Address:

DATED this day of, 20.....

Particulars of Trial and Conviction

1. Date of trial and sentence
2. In what court tried
3. Sentence
4. In what court appeal heard
5. Date of dismissal

CRIMINAL FORM 3

IN THE COURT OF APPEAL OF BOTSWANA

**NOTICE OF APPLICATION FOR LEAVE TO APPEAL FROM DECISION OF
THE HIGH COURT ON ITS APPELLATE JURISDICTION, WHEN LEAVE
REFUSED BY HIGH COURT**

Case No:

THE STATE v.

To: The Registrar of the High Court
And to: The Registrar of the Court of Appeal
And to: The Director of Public Prosecutions

I, having been
convicted of the offence of
and now being a prisoner in prison at
or whose address for service is

.....
DO HEREBY GIVE NOTICE that I apply for leave to appeal against the decision
of the High Court given on appeal on the following grounds:

.....
.....

.....
Signature or mark of the Appellant

Witness to mark:

Name:

Signature:

Address:

DATED this day of, 20.....

Particulars of Trial and Conviction

1. Date of trial
2. In what court tried
3. Sentence
4. In what court appeal heard
5. Date when leave refused by High Court

CRIMINAL FORM 4

IN THE COURT OF APPEAL OF BOTSWANA

NOTICE OF APPEAL BY PROSECUTOR

Case No:

Between:

..... Appellant

And

..... Respondent

To: The Registrar of the High Court
And to: The Registrar of the Court of Appeal
And to: The Respondent

I, of

.....
being the prosecutor in the above case and being desirous of appealing against the

decision of the High Court in terms of of

.....

Do hereby give notice of appeal on the following grounds of law:

.....

.....

.....

.....

Prosecutor

DATED this day of, 20.....

Particulars of Trial and Conviction

1. Date of trial
2. In what court tried
3. Nature of conviction
4. Sentence

CRIMINAL FORM 5

IN THE COURT OF APPEAL OF BOTSWANA

NOTICE OF APPLICATION FOR LEAVE TO APPEAL OUT OF TIME

Case No:

THE STATE vs

To: The Registrar of the High Court
And to: The Registrar of the Court of Appeal
And to: The Director of Public Prosecutions

I, having been
convicted of the offence of
and being now a prisoner at
(or whose address for service is)

Do hereby apply for leave to appeal out of time against my conviction/sentence (particulars of which appear hereafter) on the following grounds:

.....
.....
.....

I attach hereto my affidavit giving reasons why I am late and showing that I have prospects of success on appeal.

.....
Signature or mark of Appellant

Witness:

DATED this day of 20.....

Particulars of trial and conviction

- (1) Date of trial
- (2) In what court tried
- (3) Sentence
- (4) Date High Court appeal heard (if applicable)

CRIMINAL FORM 6

IN THE COURT OF APPEAL OF BOTSWANA

RECOGNIZANCE OF BAIL OF APPELLANT

Case No:

THE STATE v

BE IT REMEMBERED THAT WHEREAS

was convicted of the offence of

on the day of, 20....., and was

thereupon sentenced to

and is now in lawful custody in prison at
and has duly appealed against his conviction/and sentence to the Court and
has applied for bail pending the determination of his appeal, and has been
granted bail on entering into his own recognizance in the sum of
with surety/sureties each in the sum of
....., the said
personally has come before the undersigned, being the Registrar of the
Court/High Court, and acknowledged himself to owe to the Republic of
Botswana, the said sum of of good and lawful money to be
and levied of his goods and chattels, lands and tenements, fail in the condition
endorsed.

.....
Signature or mark of Appellant

Witness to mark:

Name:

Signature:

Address:

TAKEN AND ACKNOWLEDGED at this
day of, 20....., before me.

.....
Registrar of the Court of Appeal
/Registrar of the High Court

CONDITION

The condition of the within written Recognizance is such that if the said

.....

shall personally appear and surrender himself at and before the Court at each and every hearing of his appeal to the Court and at the final determination thereof and then and there abide by the judgment of the said Court and not depart or absent himself from such Court at any such hearing without the leave of the said Court, and in the meantime not depart from his usual place of abode, without the leave of the Court, then this Recognizance shall be void, otherwise it shall be of full force and effect.

When released on bail my address for service to which any notices, etc, are to be addressed, will be as follows:

.....

.....

.....
Signature or mark of Appellant

Witness to mark:

Name

Signature

Address

CRIMINAL FORM 7

IN THE COURT OF APPEAL OF BOTSWANA

RECOGNIZANCE OF APPELLANT'S SURETIES

Case No:

THE STATE v.

BE IT REMEMBERED THAT on this day of,

20.....,

of

and.....

of

came before me the undersigned and severally acknowledged themselves to owe the Republic of Botswana the several sums following, that is to say, the

said.....

the sum of and the said

the sum of of good and lawful money, to be made and levied of their goods and chattels, lands and tenements respectively to the use of the Republic of Botswana of if.....
.....
now in lawful custody in prison at
fail in the condition hereon endorsed.

TAKEN AND ACKNOWLEDGED before me, the undersigned, the day and year first abovementioned.

.....
Registrar of the Court of Appeal/
Registrar of the High Court

.....
Signature or mark of surety

.....
Signature or mark of surety

Witness to mark:

Name

Signature

Address

CONDITION

The condition of the within written Recognizance is such that whereas the said

having been convicted of
and now in such lawful custody as before mentioned (under a sentence of

.....
for such offence) has duly appealed to the Court against his said conviction and sentence and having applied to the said court for bail pending the

determination of his said appeal, has been granted bail on his entering into recognizance in the sum of and with surety/sureties each in the sum of, if the said shall personally appear and surrender himself at and before the Court at each and every hearing of his appeal to the Court and the final determination thereof and then and there abide by the judgment of said Court and not depart or absent himself from such Court at any such hearing without the leave of the said Court, and in the meantime not depart from his usual place of abode without the leave of the Court, then this recognizance shall be void, otherwise it shall be of full force and effect.

.....
Signature or mark of surety

.....
Signature or mark of surety

Witness to marks:

Name

Signature

Address

CRIMINAL FORM 8

IN THE COURT OF APPEAL OF BOTSWANA

WARRANT FOR ARREST OF APPELLANT ON BAIL

Case No:.....

THE STATE v.

To: All Members of the Botswana Police Service, and to
All Members of the Botswana Prison Service

WHEREAS
an appellant in the Court, has been released on bail and it has now been
ordered by the said Court that a warrant be issued for the apprehension of
the said

THIS is therefore to command you, the said members of the Botswana Police
Service and members of the Botswana Prison Service, forthwith to
apprehend the said
..... and
bring him to Prison and there deliver him with this
warrant into the custody of the Officer-in-Charge of the
Prison and you, the said Officer-in-Charge of the said Prison, are hereby
required to receive the said
into your custody in the said Prison and there safely to keep him until
further order of the Court.

DATED this day of, 20

.....
Presiding Judge

CRIMINAL FORM 9

IN THE COURT OF APPEAL OF BOTSWANA

NOTICE OF ABANDONMENT OF APPEAL

Case No:

THE STATE v

- To: The Registrar of the High Court
- And to: The Registrar of the Court of Appeal
- And to: The Director of Public Prosecutions

I,

having been convicted of the offence of

in the

sitting at

having been desirous of appealing to the Court against my said

conviction/and sentence of

.....
passed upon me on my said conviction, do hereby give you notice that I do not intend further to prosecute my appeal but that I hereby abandon all further proceedings in regard thereto as from the date hereof.

DATED this day of, 20.....

.....
Signature of mark of Appellant

Witness to mark:

Name

Signature

Address

FIFTH SCHEDULE – FORMS (MISCELLANEOUS)

MISCELLANEOUS FORM 1

IN THE COURT OF APPEAL OF BOTSWANA

ORDER TO WITNESS TO ATTEND COURT FOR EXAMINATION

Case No:

Between:

..... Appellant

And

..... Respondent

To:
(Name of witness)

Of
(address)

WHEREAS on good cause shown to the Court you have been ordered to attend and be examined as a witness before each Court upon the appeal of the above-named:

THIS IS TO GIVE YOU NOTICE to attend before the said Court at

..... on the..... day of, 20.....,

at o'clock in the noon. You are also required to have with you at the same time and place any books, papers or other things relating to the said appeal which you may have had notice so to produce.

DATED this day of,20.....

.....
Registrar of the Court