

REPUBLIC OF VANUATU



CHIEF JUSTICE'S CHAMBERS

PRACTICE DIRECTION FOR APPEALS TO THE COURT OF APPEAL OF THE REPUBLIC OF VANUATU

No. 1 of 2026

INTRODUCTION

1. The Chief Justice has previously issued a Practice Direction for Appeals to the Court of Appeal, dated 17 September 2020.
2. In the interests of dealing with all appeals to the Court of Appeal justly, and consistently with the overriding objective explained in Rule 1.2 of the Civil Procedure Rules of the Supreme Court, this Practice Direction is in substitution for the earlier Practice Direction. It covers both Civil Appeals and Criminal Appeals.
3. For the purposes of this Practice Direction, a Civil Appeal is any appeal from a judgment, decision or order of the Supreme Court that is not a Criminal Appeal. A Criminal Appeal is any appeal from a judgment, decision or order of the Supreme Court in a matter where an accused person has been charged with a criminal offence or that was otherwise made under the provisions of the Criminal Procedure Code.

ALL APPEALS

4. As soon as a Notice of Appeal is filed:
 - a) The managing judge will list the appeal for a conference; the date for the conference will be as soon as practicable, having regard to the next session of the Court of Appeal; and will in any event be not more than 21 days from the date of the filing of the Notice of Appeal. The conference may be adjourned from time to time by the judge;
 - b) The appellant shall serve the notice of appeal as soon as practicable on the parties to the appeal and in any event not less than 4 clear working days before the date of the conference;

- c) The appellant shall prepare, file and serve the Part A of the Appeal Book no later than 4 clear working days before the date of the conference.
- 5 At the conference, or at any adjourned date for the conference, the judge may give directions to the parties to ensure that the appeal will be ready for hearing at the next session of the Court of Appeal, unless the appeal is to be stood over to a subsequent session of the Court of Appeal. At the conference, the judge may give directions regarding:
- a) The preparation and content of the Part A Appeal Book (if not already filed) and the Part B Appeal Book;
 - b) Access to records necessary for the proper preparation of the appeal, including access to the notes of the judge of the Supreme Court and documentary exhibits. The Registrar of the trial Court shall comply with any such directions without further order or request;
 - c) Any cross appeal or any application to join any other person to the appeal;
 - d) The filing of written submissions on the appeal;
 - e) The date and time for the hearing of the appeal;
 - f) Any other matter necessary or convenient for the hearing of the appeal;
- 6 In the event of non-compliance with directions made by the managing judge to ensure the appeal is ready for hearing, the appeal will be at risk of being dismissed for want of prosecution.
- 7 All Appeal Books shall:
- a) include a title page containing the title of the proceeding, the parties to the appeal and the names of the lawyers for each party (where appropriate) and their addresses for service;
 - b) include an index of the documents in the Part A Appeal Book and the Part B Appeal Book, showing the page number of each document;
 - c) number every page sequentially;
 - d) be tabulated;
 - e) be suitably bound having regard to the quantity of material contained therein; and
 - f) be filed with 7 copies (a total of 8 books).
- 8 In relation to written submissions filed by any party to an appeal:
- a) A list of authorities relied upon is to be appended to all submissions, together with copies of the authorities.
 - b) If Generative Artificial Intelligence ("GenAI") is used in the preparation of submissions, the following applies:
 - i. The use of GenAI is to be disclosed in the submissions.

- ii. Lawyers have an absolute duty of honesty to the court and must not mislead the court. Therefore, lawyers are responsible for ensuring all information provided to the court is accurate. Lawyers must check the accuracy of information provided by GenAI, including cases and citations before using that information in submissions.

CIVIL APPEALS

- 9 Part A of the Appeal Book shall contain:
 - a) The Notice of Appeal;
 - b) The Grounds of Appeal;
 - c) The judgment of the Supreme Court, including any interlocutory judgment, if it is directly relevant to any ground of appeal;
 - d) Any orders made to give effect to the judgment under appeal; and
 - e) The final version of the pleadings in the proceeding in the Supreme Court.

- 10 Part B of the Appeal Book shall be **agreed between the parties** and **shall contain only** such further materials as are necessary for the proper hearing of the appeal, and shall be in the following sequence:
 - a) Any earlier versions of the pleadings;
 - b) Any interlocutory orders;
 - c) The agreed evidence (if any);
 - d) The sworn written statements, including with each sworn statement the documents exhibited or annexed;
 - e) The judge's notes;
 - f) The other documentary material separately tendered, in the sequence in which each was received and marked as exhibits, and bearing the mark (letter or number or a combination of letter and number) given by the trial judge;
 - g) The opening written submissions of the parties at the trial;
 - h) The closing written submissions of the parties at the trial;
 - i) If so directed, the written submissions of the appellant on the appeal; and
 - j) Such other documents as may be necessary or desirable for the hearing of the appeal.

CRIMINAL APPEALS

- 11 Part A of the Appeal Book shall contain:
 - a) The Notice of Appeal;
 - b) The Grounds of Appeal;
 - c) The final version of the Information filed in the Supreme Court;
 - d) In the case of an appeal against conviction, the judge's reasons for verdict or judgment; and

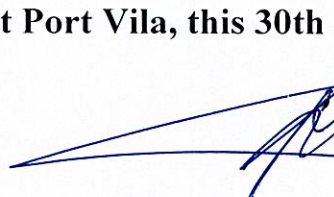
- e) In the case of an appeal against sentence, the judge's reasons for verdict (if any), the final version of the Summary of Facts or Agreed Facts and the judge's sentencing notes or judgment.

12 Part B of the Appeal Book shall contain only such further materials as are necessary for the proper hearing of the appeal, and shall be in the following sequence:

- a) In the case of an appeal against conviction:
- i. Any agreed facts;
 - ii. All relevant documentary exhibits;
 - iii. The prosecution opening, if in writing;
 - iv. Submissions filed by the defence and the prosecution in respect of a no case to answer submission, if such application is made, and if those submissions are in writing;
 - v. The prosecution and defence closing submissions, if in writing; and
 - vi. The trial judge's notes of evidence
- b) In the case of an appeal against sentence:
- i. The prosecution submissions;
 - ii. The defence submissions; and
 - iii. The pre-sentence report.

13 This Practice Direction is effective on the date of its signature.

DATED at Port Vila, this 30th day of March 2026


Vincent LUNABEK
Chief Justice

