



National Court of Papua New Guinea  
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# **ELECTION PETITION WORKSHOP**

**Gateway Hotel, Port Moresby**

**1<sup>st</sup> August, 2012**

## **NATIONAL COURT ELECTION PETITIONS PROCESS GUIDEBOOK**

*'Intended for Court Registry officers' use only'*

**PROCEDURES FOR REGISTRY ADMINISTRATION OF  
ELECTION PETITIONS - *As provided under the National  
Court Election Petition Rules 2002 (as amended) 2007 and  
The Organic Law on National & Local Level Government  
Elections.***

*Compiled by*

*David Gonol  
Assistant Registrar (Equity)*

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*As amended 29<sup>th</sup> July 2012*

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## **Acronyms**

<b>BSP</b>	<b>Bank South Pacific</b>
<b>CBU</b>	<b>Chimbu</b>
<b>CP</b>	<b>Central Province</b>
<b>EHP</b>	<b>Eastern Highlands Province</b>
<b>ENB</b>	<b>East New Britain</b>
<b>ENG</b>	<b>Enga Province</b>
<b>EP</b>	<b>Election Petition</b>
<b>ESP</b>	<b>East Sepik Province</b>
<b>EMS</b>	<b>Express Mail Services</b>
<b>GP</b>	<b>Gulf Province</b>
<b>HP</b>	<b>Hela Province</b>
<b>JP</b>	<b>Jiwaka Province</b>
<b>K</b>	<b>Kina</b>
<b>MAG</b>	<b>Madang</b>
<b>MAN</b>	<b>Manus</b>
<b>MBP</b>	<b>Milne Bay Province</b>
<b>MP</b>	<b>Morobe Province</b>
<b>NCD</b>	<b>National Capital District</b>
<b>NCEPR</b>	<b>National Court Election Petition Rules</b>
<b>NIP</b>	<b>New Ireland Province</b>
<b>NP</b>	<b>Northern Province</b>
<b>NSP</b>	<b>North Solomons Province</b>
<b>OLNLLGE</b>	<b>Organic Law on National &amp; Local Level Government Elections</b>
<b>SHP</b>	<b>Southern Highlands Province</b>
<b>WHP</b>	<b>Western Highlands Province</b>
<b>WNB</b>	<b>West New Britain</b>
<b>WP</b>	<b>Western Province</b>
<b>WSP</b>	<b>West Sepik Province</b>

## **Introductory Note**

This document has been prepared with two things in mind. First, it has been prepared as a training manual for this year's election petition workshop for registry officers. Second, it is intended to be an election petition guidebook for registry officers in addition to the National Court Election Petition Rules when dealing with election petitions.

The basis of this document is the ***National Court Election Petition Rules 2002 (as amended)***, which hereinafter is referred to as NCEPR. Unless otherwise quoted, all materials contained herein have been derived from the said rule. They have been simplified for easy application.

**AIM: To instruct all relevant registry staff on the management and administrative processes of Election Petition.**

**OBJECTIVES/OUTCOMES:** At the end of the session, trainees will be able to:

1. Understand the *National Court Election Petition Rules for Presentation and Conduct of Election Petition 2002 (as amended) 2007*
2. Have a working knowledge of the provisions of the *Organic Law on National and Local level Government Elections* especially Part XVIII (hereinafter referred to as OLNLLGE) relating to election disputes.
3. Manage and administer elections petitions according to the NCEPR & OLNLLGE once when they are filed.

Every participant of the election petition workshop is expected to read this material as well as other documents that will be provided including the NCEPR.

## National Court Election Petition Registry Process

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### 1. DEFINITION

Rule 1 of NCEPR contains some important definitions which court registry officers will regularly come across when dealing with election petitions. It is important that all registry officers make it their business to familiarise themselves with such definitions.

### 2. PLACE OF FILING

Rule 2 of the EP Rules prescribes as to where an Election Petition can be filed.

- An Election Petition can be filed at
  - ✓ The Waigani National Court registry, or;
  - ✓ At a District or National Court registry in any provincial head quarters. **(see attachment 1);**
  - ✓ Petitions filed at Waigani must be filed with the Registrar or an election petition officer, and those filed in the provinces must be filed with the Assistant Registrars or the District Court Clerk, whichever is applicable. *(Note in practice this simply means filing can be done through any officer under the supervision of the Registrar Assistant Registrar or Clerk of Court)*
- A Local Level Government Election Petition filed in a District Court should not be confused or merged with a National Court Election Petition.
- Where a petition for an electorate outside of a province is filed in another Provincial Registry, it should be treated in the usual way as outlined below.

### **Basic necessities required at all filing locations**

Clerks of District Court and Assistant Registrars should ensure that all basic necessities are in place at their registries for the purposes of administration of election petitions. These include, but not limited to:

- ✓ National Court Election Petition file covers & file straps. (For Election Petitions the file cover is Pink in colour)
- ✓ File straps (all documents must be immediately strapped onto the file as soon as they are processed)
- ✓ National Court Election Petition admin file as per practice direction 1 of 2012
- ✓ Election Petition Register Book.
- ✓ Secured Election Petition Filing Cabinet.

- ✓ There is a Court Officer(s) in charge of election petitions. His or her job is to accept lodgement of petition and related documents, create files and manage the files until the court delivers its final decision on the petitions.
- ✓ Copies of Notice to Appear (*form 1*).
- ✓ Copies of Notice of Date, Time and Place of Directions Hearing (*form 2*).
- ✓ Copies of *Election Petition Rule and Practice Directions* are available for reference purposes.
- ✓ Copies of *Organic Law on National & Local Level Government Elections* are also available for reference and guidance purposes.

### **Note**

- Use of District Court Seal for sealing of election related documents filed in the District Courts listed above are valid.
- All election petition files should be treated as highly sensitive, and as such they should be kept in separate filing cabinets under tight security and lock.
- No election petition file is to be removed from the registry except by order of the court or is transmitted according to the NCEPR.

### **3. DATE OF FILING**

- An Election Petition must be filed within 40 days after the declaration of a result. This period includes all days of a week.
- Any election petition filed after the 40 days period must be rejected outright. If the parties are not happy, then they should make an application to the court for an extension of time to file their election petition outside of time.
- Note that 40 days ends at 12 midnight of the 40<sup>th</sup> day and not at 4.06 pm.

## **The filing process**

The following procedures must be followed when filing an Election Petition and related documents.

### **(1) Election Petition Codes**

- All documents lodged relating to any particular petition must bear that petition number and be placed only in the file bearing that number.
- When creating an Election Petition file an admin file must also be created. This file stores correspondences and non court related documents.
- Where a file is transferred to another location the same file number goes along with the file and will be used in the new location. The admin file must also be sent with the EP file.

Date of filing must be recorded in the Register book on the file cover and on all documents on the day that they are lodged with the Registry.

**(2). Election Petition Register Books**

- Each Provincial or District Centre must have an Election Petition Register book to register all Election Petition filed in these registries.
- All details required to be registered must be recorded as they occur as is done normally.

**(3) Initial Documents to be filed (*see rule 6*)**

The documents to be filed upon lodgement of an election Petition are:

- Election Petition comprising of an original plus five copies
  - ✓ These should be served within 14 days of filing along with -
  - ✓ Adequate copies of Notice to Appear and
  - ✓ Adequate copies of Notice of Date, Time and Place of hearing.
  - ✓ In some instances parties may file affidavits or other supporting documents, all of such documents must be screened by the Registrar, Deputy Registrar, or Assistant Registrars, and if accepted, they must be sealed and issued accordingly.
  - ✓ If not accepted, then a rejection form must be filled to that effect and document rejected under cover of such rejection form.

After sealing, the document to be issued to the petitioner by the Registry officers includes the following:

- The Notice to Appear bearing the full title of the proceedings (***see Form 1 attached***)
  - ✓ The title is to be entered by the Clerk of Court or the Assistant Registrar before the document is issued along with copies.
  - ✓ A copy has to be kept on file in the registry of filing.

**Note:**

- The Notice of Date, Time and Place of directions hearing will be issued from Waigani (*See process below*).

**(4) Notice of Date, Time and Place of Hearing**

- A Notice of Date, Time and Place of hearing is returnable within 28 days after the date of filing. (**see Form 2 attached**)
  - ✓ Before this notice is issued the District Court Clerk and/or Assistant Registrar in a provincial court must check with the Judge Manager through the Registrar or Deputy Registrar National Court as to the return date, time and place of hearing;
  - ✓ This must be done immediately through fax and telephone;
  - ✓ Such information given will then be placed in the notice and then issued to the Petitioner.
- This document will be issued after consultation with the Registrar National Court Waigani, and will only be signed by the Registrar or his nominated delegates. (The Registrars delegates for EP purposes are DRNC and AL ARS)

**Copies of each petition to be kept in filing registry**

- All District Court Clerks and Assistant Registrars must open a file and keep a copy of all documents filed up to the time the file is transferred out for directions hearing.
- After the file is transferred to another court all filing of documents for the particular file will be done in the new court location.
- However, it may be that documents may be filed in at original place of filing. If that occurs the following must be done.
  - ✓ Seal and issue documents from your court.
  - ✓ Keep a copy of the document filed in your court file.
  - ✓ Send the original by Express Mail to Registrar National Court Waigani. All originals to be kept in Waigani.
- All original petitions and other documents sent to Waigani will be used as the Master EP file.
- The original files will be used for official court purposes. However, the file copies in provincial centres might be used for official court purposes if, for some reasons, the original files go missing therefore file copies in the provinces must be securely maintained



### Amendment of Petition (see rule 11)

- A petition may be amended within 40 days after the date of declaration. An amended petition must be rejected if it is filed outside of the 40 day period.

#### 4 **FEES**

- Filing fees for all Election Petitions in the National Court is **K500.00**

#### Procedures for filing fees

- All filing fees are to be paid to Finance offices located in each Provincial Centre.
- Where there is difficulty in paying to the provincial Finance office, filing fees can be paid to a branch of the BSP bank in the town of filing.
- Election Petition filing fees must be paid into the Registrar National Court Trust Account. (**Account No. 1000 583618 BSP Waigani banking Centre**).
- The details of payment and receipt must be recorded on file in the form of **Attachment 3** with a copy faxed to the Registrar National Court Waigani on the same day.
- Where the filing fee is not paid the petition must be rejected outright.

#### 5. **SECURITY FOR COSTS**

- Security Deposit for Cost in an Election Petition in the National Court is **K5000.00**

#### Procedure for Security Deposit

- The security deposits must be paid into the Registrar National Court Trust Account (**Account No. 1000 583618 BSP Waigani Banking Centre**)

#### **Note:**

- Security Deposits are **not** to be paid to Finance Department Cash Office.
- A security deposit paid to a bank outside of the province of filing and the receipt of it produced is a valid transaction.
- The petitioner must produce the receipt of payment of security deposit when filing the petition.

- Upon production of such receipt details of payment and such details must be entered in the relevant file in the form of **Attachment 4**.
- A copy of this form must be faxed to the Registrar National Court on the same day that it is filed.
- If no security deposit is paid and no receipt is produced, then the election petition must also be rejected.

#### 6. **SERVICE OF PETITION ON RESPONDENTS**

- A petition must be served within 14 days of filing of the petition
- The petition when served on the respondent must be served with :-
  - ✓ Three copies of a Notice to Appear (**Form 1**)
  - ✓ Notice of Date, Time and Place of Directions Hearings (**Form 2**)  
(Note the process for this document as described above)

#### **Note**

- The Court Registry must provide the required number of **Forms 1 & 2** to the petitioner when registering the petition.

#### 7. **MODE OF SERVICE**

- Mode of service is as prescribed in rule 7. Rule 7 also requires the Registrar to send a copy of each individual Petition to the Clerk of the Parliament.

#### 8. **PROOF OF SERVICE**

- A Proof of Service can be filed in the form of
  - ✓ Affidavit; or
  - ✓ Statutory Declaration; or
  - ✓ Any other acceptable format that proves that the petition was served.
- The proof of service must be filed within 14 days after service of the Petition and can be filed at Waigani or the place of original filing.

**9. NOTICE TO APPEAR**

- A respondent is required to file a Notice to Appear within 14 days of being served a petition or at any time thereafter, and a copy of the Notice must be served on the Petitioner.
- The Notice to Appear can be filed at Waigani or at the original place of filing.
- Even if a Notice to Appear is not filed the petition must still be listed as Scheduled.

**10 PLACE OF TRIAL**

A petition can be heard at Waigani National Court or at any other place determined by the Court

**11. AMENDMENT TO PETITION**

- A Petition can be amended at any time within 40 days from the date of declaration. Amendments after 40 days must be rejected.

**12 DIRECTIONS HEARING**

- A directions hearing will be held with 28 days of the filing of a Petition. This will be scheduled in consultation with the Judge Manager as noted above.
- If a lawyer is representing a party, that lawyer must appear with the party
- A direction hearing is conducted by a Judge as per rule 12
- The date of directions hearing, etc. must be recorded and forwarded to the Registrar for database purposes.

**13 PRE TRIAL CONFERENCE**

- A pre-trial conference will be held within 28 days after the directions hearing. This date will be set during the Pre Trial Hearing.
- If a lawyer is representing a party, that lawyer must appear with the party.
- The pre-trial conference can be conducted by a Judge as per rule 13.
- The date of pre-trial conference must be recorded and forwarded to the Registrar for database purposes.

**14    STATUS CONFERENCE**

- A status conference will be conducted 5 days before the date of hearing to confirm that the matter is ready for hearing.
- If a lawyer is representing a party, that lawyer must appear with the party.
- The date of status conference must be recorded and forwarded to the Registrar for database purposes.

**15    HEARING/ TRIAL DATES**

- The court will set a date for hearing during pre-trial hearing.
- The trial or hearing date must be recorded and forwarded to the Registrar for database purposes.

**16.    CONSOLIDATION OF PETITIONS**

- Where two or more petitions are consolidated they will from then on be bound together for all processes thereafter.
- Of all the files consolidated the one that has its file reference number the highest in numerological order will be the file in which all subsequent documents lodged will be filed and the EP number of that file along with the words “consolidated with EP.....” will be used.
- Any document lodged for any of the consolidated files must bear this changes and go into the relevant file.

**17    RELIEF FROM RULES**

- Only the Court and not the Registry can dispense with the requirements of NCEPR rules except where they are related to filing of documents.

## **Other Matters to Note**

### **REGISTRY OPENING HOURS**

- The registry both in the National Court and in the District Court will be open as follows:
  - ✓ Between 10 am and 12noon every Saturday and Sunday to receive any documents related to Election Petitions; and
  - ✓ On public holidays during the period for filing of petitions.
  - ✓ This period runs for 40 days after the declaration of the last seat.
- All Clerks of Court and Assistant Registrars must put a public notice to that effect and open the registries during those times.

### **TRANSMISSION OF DOCUMENTS AND DATA**

- All documents to be transmitted must be transmitted by registered mail or EMS;
- All officers, when transmitting documents, must forewarn the receiving registry by fax and phone of the transmittal of documents;
- All officers, when receiving documents, must acknowledge receipt of such documents. They must also write down the receipt date on the documents lodged.
- All information regarding transfer of documents must be relayed to the Registrar National Court for entry into the central database.

### **Database**

- A database on election petitions will be kept and operated by Database officers in Waigani.
- The Officers in charge of Database at the moment are Election Database is Kini Raimo.
- Information of all petitions must be sent to the Registrar National Court Waigani.
- It is important that each time an information on a petition changes, that information must be relayed to Registrar, Deputy Registrar and Kini Raimo by email or fax immediately.

**Attachment 1**

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**ELECTION PETITION OFFICERS**

<b>NO.</b>	<b>Court House</b>	<b>Officer In Charge</b>	<b>Contact</b>
1	Alotau District Court	Assistant Registrar, Eric Kiso  Clerk of Court	Ph: 641 1477 Fax: 641 1277 Box: Eml:
2	Buka (Hutzena) National Court	Clerk of Court	Ph: 973 9736/973 9743 Fax: 973 9745/9739755 Box: Eml:
3	Daru District Court	Clerk of Court	Ph: 645 9366 Fax: 6459088/6459257 Box: Eml:
4	Goroka National Court	Assistant Registrar, Poning Makap  Gevame Namane	Ph: 7322086/7321755 Fax: 7322360 Box: Eml:
5	Tari District Court	Civil Clerk	Ph: Fax: Box: Eml:
6	Minj National Court	Civil Clerk	Ph: Fax: Box: Eml:
7	Kavieng National Court	Principal Clerk	Ph: 984 221 Fax: 984 2481 Box: Eml:
8	Kerema District Court	Clerk of Court	Ph: 6481267 Fax: 6481361 Box: Eml:
9	Kimbe National Court	a/Assistant Registrar, Senas Wohwiembe  Civil Clerk	Ph: 9835344 Fax:9835100 Box: Eml:
10	Kokopo National court	Assistant Registrar, June Mickia,  Bonnie Paul	Ph: 9828750/9828233 Fax: 9828467 Box: Eml:
11	Kundiawa District Court (National Court Clerk)	Assistant Registrar Philip Kaumba & Civil	Ph: 7351210/7351577 Fax:

		Clerk	Box: Eml:
12	Lae National Court	a/ Assistant Registrar Raphael Bongnabul & Wapuri Langap	Ph: 4722177 Fax: 47222936/4723567 Box: Eml:
13	Lorengau National Court	Civil Clerk	Ph: 4709087 Fax: 4709315 Box: Eml:
14	Madang National Court	Assistant registrar, Anzack Korua & Linus Lai	Ph: 852 2544 Fax: 8523645 Box: Eml:
15	Mendi National Court	Assistant Registrar, Vincent Bailey & Civil Clerk	Ph:549 1170/5491141 Fax: 5491151 Box: Eml:
16	Mt Hagen National court	a/Assistant Registrar Maria Kunjil & Peter Biu	Ph: 5422422 Fax:542202 Box: Eml:
17	Popondetta District Court	Clerk of Court	Ph:3297115 Fax:3297164 Box: Eml:
18	Port Moresby District Court	Clerk of Court	Ph: 3214069 Fax:3212655 Box: Eml:
19	Port Moresby Waigani National Court	Registrar Deputy Registrar Mathew Bae Kini Raimo	Ph: 3245778/3245756 Fax: 3231092 Box: Eml:
20	Vanimu District Court	Clerk of Court	Ph:857 1132 Fax:8571051 Box: Eml:
21	Wabag National court	Assistant Registrar, Peter Nend & Civil Clerk	Ph:5471076 Fax:5471296 Box: Eml:
22	Wewak National court	Principal Clerk	Ph:8562251/8562639 Fax:856 2328 Box:

**Attachment 2**

In the National / District Court  
Of Justice  
At \_\_\_\_\_

EP \_\_\_\_\_ / 2012 \_\_\_\_\_

Between

\_\_\_\_\_  
*Petitioner*

And

\_\_\_\_\_  
*1<sup>st</sup> Respondent*

And

\_\_\_\_\_  
*2<sup>nd</sup> Respondent*

**NOTICE OF PAYMENT OF FILING FEE**

I, \_\_\_\_\_ (Assistant Registrar) of \_\_\_\_\_ Court

Certify that:

**A.** Filing fee of K \_\_\_\_\_ was paid at \_\_\_\_\_ (Institution) and the copy of a receipt bearing the Number \_\_\_\_\_ was presented to me on the \_\_\_\_\_ being the date time petition was filed.

**B.** Filing fee of K \_\_\_\_\_ was paid at \_\_\_\_\_ (Institution) and the copy of a receipt bearing the Number \_\_\_\_\_ was presented to me on the \_\_\_\_\_ not being the date petition was filed.

*(Use the applicable statement)*

Dated \_\_\_\_\_ 2012

\_\_\_\_\_  
*Assistant Registrar*



### Attachment 3

In the National / District Court  
Of Justice  
At \_\_\_\_\_

EP \_\_\_\_\_ / 2012 \_\_\_\_\_

Between

\_\_\_\_\_  
*Petitioner*

And

\_\_\_\_\_  
*1<sup>st</sup> Respondent*

And

\_\_\_\_\_  
*2<sup>nd</sup> Respondent*

#### **NOTICE OF PAYMENT OF SECURITY DEPOSIT**

I, \_\_\_\_\_ (Assistant Registrar) of \_\_\_\_\_ Court

Certify that:

**A.** Security Deposit of K \_\_\_\_\_ was paid at \_\_\_\_\_ (Bank) and the copy of a BSP deposit slip \_\_\_\_\_ was presented to me on the \_\_\_\_\_ being the date the petition was filed.

**B.** Security Deposit of K \_\_\_\_\_ was paid at \_\_\_\_\_ (Institution) and the copy of a receipt bearing the Number \_\_\_\_\_ was presented to me on the \_\_\_\_\_ not being the date petition was filed.

*(Use the applicable statement)*

Dated \_\_\_\_\_ 2012

\_\_\_\_\_  
*Assistant Registrar*

### Attachment 4

To: Registrar National Court Waigani

Fax: 323 1092 or 325 7732

Phone: 324 5756 or 324 5828 or 324 5778

From: Clerk Of Court / Assistant Registrar  
 Court House \_\_\_\_\_

Your phone \_\_\_\_\_

Your Fax \_\_\_\_\_

#### **DETAILS FOR NOTICE FOR DIRECTIONS HEARING**

EP No.---- of 2012 ----	<u>EP</u>	<u>EP</u>	<u>EP</u>	<u>EP</u>	<u>EP</u>
Petitioner					
1 <sup>st</sup> Respondent					
2 <sup>nd</sup> Respondent					
Date of petition filed					
Tentative date given*					
Time given					
Preferred venue*					

- \*Date and venue for return of notice for directions hearing will be issued by the Registrar National Court Waigani.
- Notice of Date Time and Venue of Directions Hearing will be issued by the Registrar National Court Waigani after consultation with the Chief Justice of Judge Manager of petitions.
- This form is to be sent to Waigani immediately upon sealing of a petition and must be confirmed by phone.
- A response will be immediately issued by fax from Waigani and Confirmed by phone.

## **Attachment 5**

### **IMPORTANT PHONE NUMBERS FOR WAIGANI**

1. Registrar National Court	3245 868
2. Deputy Registrar	3245 756
3. Deputy Registrar Supreme Court	3245 801
4. Deputy Registrar Lower Court	3245 761
5. Assistant Registrar Miria	3245 720
6. Assistant Registrar	3245 795
7. Database officer	3245 778 / 3245 802
8. National Court Registry Waigani	3245 714
9. Facsimile	323 1092
10. Facsimile	325 7732

**FORM 1**

(Rules 6 (1) (a) and 9 (1))

In the National / District Court  
Of Justice  
At

EP \_\_\_\_\_ / 2012 \_\_\_\_\_

BETWEEN

\_\_\_\_\_  
*Petitioner*

And

\_\_\_\_\_  
*1<sup>st</sup> Respondent*

And

\_\_\_\_\_  
*2<sup>nd</sup> Respondent*

**NOTICE TO APPEAR**

I, The Electoral Commissioner\* \_\_\_\_\_ (Name of respondent) give  
(s)\* notice that I/it\* intend(s) to appear in this petition.

Certify that:

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2012

\_\_\_\_\_  
To: The Petitioner  
And to: The Court

Respondent

\*Strike out as inappropriate

**FORM 2**  
(Rules 6 (1) (b))

In the National / District Court  
Of Justice  
At

EP \_\_\_\_\_ / 2012 \_\_\_\_\_

BETWEEN

\_\_\_\_\_  
*Petitioner*

And

\_\_\_\_\_  
*1<sup>st</sup> Respondent*

And

\_\_\_\_\_  
*2<sup>nd</sup> Respondent*

**NOTICE OF DATE, TIME & VENUE OF DIRECTIONS HEARING**

To the:

Petitioner \_\_\_\_\_

Respondent \_\_\_\_\_

Electoral Commission \_\_\_\_\_

I, \_\_\_\_\_ appoint the following date, time and venue for the holding of the directions hearing in the above matter

Date \_\_\_\_\_

Time \_\_\_\_\_

Venue \_\_\_\_\_

At the Directions Haring, the trail judge shall consider amongst other things, the following:

- (a) Whether a party shall be represented by a Lawyer
- (b) Identification of legal issues
- (c) Filing and serving of witness statements and affidavits
- (d) Number of witnesses
- (e) Filing, serving and or producing of any other relevant documents amongst other things.

Associates and Assistant Registrars should take note of these documents as the following documents will be used by the court i.e. judges and associate when orders are issued. These are related to Rules 12, 13, 14

<b>In the National Court of Justice at</b>	EP _____ of 2012 _____
--	------------------------

<b>PETITIONER</b>
<b>AND</b>
<b>1<sup>st</sup> RESPONDENT</b>
<b>2<sup>nd</sup> RESPONDENT</b>
<b>3<sup>rd</sup> RESPONDENT (if applicable)</b>

ORDER AT STATUS CONFERENCE

ELECTORATE: .....

THE COURT ORDERS that—

1. ....
2. ....
- 3.
4. Costs shall be costs in cause
5. (Where the Order is to be entered by the Registrar the following clause shall be on the Order).....

Entry of this order shall be on settlement by the Registrar which shall take place forthwith

Ordered. ....day of ....., 2012, and entered ....day of....., 2012

JUDGE

(or)

BY THE COURT

.....  
**REGISTRAR**

<b>In the National Court of Justice at</b>	EP_____ of 2012_____
--	----------------------

<b>PETITIONER</b>
<b>AND</b>
<b>1<sup>st</sup> RESPONDENT</b>
<b>2<sup>nd</sup> RESPONDENT</b>
<b>3<sup>rd</sup> RESPONDENT (if applicable)</b>

**PRE-TRIAL ORDER FOR AN ELECTION PETITION**

ELECTORATE: .....

THE COURT ORDERS that—

- 1) This matter shall be heard together with EP...of 2012 & EP..... of 2012.
- 2) The number of witnesses to be called is.....for the Petitioner  
.....for the 1<sup>st</sup> Respondent.....for the 2<sup>nd</sup> Respondent..... for  
the 3<sup>rd</sup> Respondent, as per the attached list.
- 3) Affidavits have been filed and will be used at the hearing as are set out in the  
attached list;
- 4) Agreed and disputed statement of facts:
  - The following are the agreed facts  
.....
  - The following are the disputed statement of facts  
.....
- 5) The number of trial days is as follows.....;



6) The legal issues are:

- .....
- .....
- ;

7) The following exhibits are to be produced by the :

Petitioner:.....

1<sup>st</sup> Respondent.....

2<sup>nd</sup> Respondent.....

3<sup>rd</sup> Respondent.....

8) The statement of the petitioner’s case and the respondents’ defence (s) are detailed below;

Statement of the petitioner’s case.....

Defence of the:

1<sup>st</sup> Respondent.....

2<sup>nd</sup> Respondent.....

3<sup>rd</sup> Respondent.....

9) Summonses to compel witnesses to attend and or produce documents are to be issued to the following:

- .....
- .....
- .....

10) An interpreter for the following languages shall be at the haring of this matter: .....;

11) The trial shall take place on the following dates.  
.....at the .....Court House.  
Commencing at 9.30 AM on the .....day of.....2012

12) The court makes other orders as are set out below:  
.....  
.....

13 Costs shall be costs in cause.

14 (where the Order is to be entered by the Registrar the following clause shall be on the Order).....Entry of this order shall be on settlement by the Registrar which shall take place forthwith.

Ordered. ....day of .....,2012, and entered ....day of....., 2012

JUDGE  
(or)

BY THE COURT

.....  
REGISTRAR

<b>In the National Court of Justice at</b>	EP..... of 2012
--	-----------------

<b>PETITIONER</b>
<b>AND</b>
<b>1<sup>st</sup> RESPONDENT</b>
<b>2<sup>nd</sup> RESPONDENT</b>
<b>3<sup>rd</sup> RESPONDENT (if applicable)</b>

**ORDER FOR DIRECTIONS FOR AN ELECTIONPETITION**

ELECTORATE: .....

THE COURT ORDERS that—

- 1) The Petitioner shall be represented by.....of.....Lawyers;  
(or) The Petitioner is not represented by a Lawyer and may be served by delivery of all documents at the following address.....
- 2) The 1<sup>st</sup> Respondent shall be represented by.....of .....Lawyers; (or) The 1<sup>st</sup> Respondent is not represented by a Lawyer and may be served by delivery of all documents at the following address.....
- 3) The 2<sup>nd</sup> Respondent (Electoral Commission) shall be represented by.....of.....Lawyers;
- 4) The 3<sup>rd</sup> Respondent shall be represented by.....; (or) The 3<sup>rd</sup> Respondent is not represented by a Lawyer and may be served by delivery of all documents at the following address.....of.....Lawyers;
- 5) This matter shall be heard together with EP.....of 2012 & EP.....of 2012.
- 6) The following are the legal issues:

- .....
- .....
- .....

7) On filing Affidavits and witnesses statements shall be immediately served on each of the other parties (or where they are represented by Lawyers service shall be on their Lawyers).

8) The number of witnesses is expected to be,,, (number), (and where applicable) their names are set out on the attachment to this order.

9) The following directions are made in respect of the filing, serving and or producing of any other relevant documents amongst others;

- electoral records.....
- summonses and notices to produce.....and
- agreed statement of facts.....;

10) The following is the number of the days for trial.....

11) The pre-trial conference shall be held on.....day of.....at....o'clock in the .....noon.....at the .....Court House;

12) The manner for the presentation of argument at the hearing shall be as follows:

13) The Petition shall be heard at the .....Court House;

14) The following interlocutory matter are to be dealt with as follows.....

(or)

There are no interlocutory matters that are seen as at present, but in the event that any interlocutory mattes arise these may be dealt with within 3 days of service of the date for any such matter to be dealt with;

(15) The court makes other orders as are set out below:

.....  
 .....

(16) Costs shall be costs in cause

(17) (where the Order is to be entered by the Registrar the following clause shall be on the Order).....Entry of this order shall be on settlement by the Registrar which shall take place forthwith.

Ordered. ....day of .....,2012, and entered ....day of....., 2012

JUDGE  
(or)

BY THE COURT

.....  
REGISTRAR