

SRGN No. 452 of 1964

High Court (Criminal Procedure) Rules, 1964

SI 97/1974; RGNs 452/1964, 665/1964, 197/1970, 34/1974, 457/1974, 1141/1975, 645/1977.

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IT is hereby notified that His Excellency the Governor has been pleased, in terms of section 405 of the Criminal Procedure and Evidence Act [Chapter 31], to approve the following rules made by the Chief Justice and a judge of the General Division by virtue of the powers conferred upon them by that section:—

1. Title

These rules may be cited as the High Court (Criminal Procedure) Rules, 1964.

[Rule amended by s.i 97 of 1994]

2. Definitions

In these rules, unless inconsistent with the context— “chief clerk” means the chief clerk to the Attorney-General;

“registrar” means the registrar of the High Court or any deputy or assistant registrar appointed in terms of subsection (1) of section 56 of the High Court Act [Chapter 7:06], and, for the purposes of Part II and Part V shall include any judge’s clerk or court usher acting on behalf of such registrar;

[Definition amended by RGN 645 of 1977]

“sheriff” includes any additional or assistant sheriff appointed in terms of subsection (1) of section 55 of the High Court Act [Chapter 7:06], and any deputy sheriff appointed in terms of subsection (3) of that section;

[Definition amended by RGN 645 of 1977]

“subpoena” means the process sued out of the office of the registrar in terms of rule 8;

“summons” means the writ sued out of the office of the registrar in terms of rule 4;

“swear” includes make a solemn affirmation.

PART I

PROCESS

3. Notice of indictment

(1) Whenever the Attorney-General has decided to indict any person for trial before the High Court he shall— (a) issue a notice informing the magistrate of his decision to indict;

(b) issue a notice informing the accused of his decision to indict and of the nature of the charge which it is intended to bring against him.

(2) The notice issued in terms of paragraph (b) of subrule (1) shall be served on the accused by the magistrate or by some other person on the directions of the magistrate.

(3)

[Subrule repealed by RGN 457 of 1974]

(4) Where the accused is not an African, the magistrate shall investigate or cause to be investigated the accused’s arrangements for his defence in accordance with the provisions appearing on the reverse of the notice issued in terms of paragraph (b) of subrule (1) and once the return of service and the section of the form relating to the accused’s defence have been completed, the magistrate shall return the original of the notice to the Attorney- General.

[Subrule amended by RGN 665 of 1964 and RGN 457 of 1974]

(5) Where the accused is an African, the magistrate, after ensuring that the return of service is completed in terms of subrule (2), shall send the original of the notice to the district commissioner within whose district the accused is detained or, if the accused is on bail, to the district commissioner within whose district is situated the place at which the accused will accept service of process.

[Subrule substituted by RGN 665 of 1964]

(6) On receipt of the notice, such district commissioner shall make inquiries into the arrangements which have been made or need to be made for the accused’s defence, shall complete the section of the notice relating to the accused’s defence and shall then send the notice to the District Commissioner, Bulawayo, if the trial is to take place at Bulawayo or Gweru, and otherwise to the District Commissioner, Harare.

[Subrule substituted by RGN 665 of 1964]

(6A) The District Commissioner, Bulawayo or Harare, shall note in his records the information passed to him in terms of subrule (6) and shall immediately send the notice back to the Attorney-General.

[Subrule inserted by RGN 665 of 1964]

(7)

[Subrule repealed by RGN 645 of 1977]

4. Summons

The process of summoning an accused to answer any indictment preferred against him shall be by writ sued out of the office of the registrar by the chief clerk and directed to the sheriff.

5. Indictment and notice of trial

(1) The chief clerk shall deliver or cause to be delivered to the sheriff, together with the summons, a copy of the indictment preferred against the accused and a notice of trial.

(2) The notice of trial shall specify the date of commencement of the trial and the place at which the trial will be held. [Subrule substituted by RGN 645 of 1977]

(3) If there are more than one accused, the chief clerk shall deliver or cause to be delivered to the sheriff as many copies of the indictment and notice of trial as there are accused.

6. Service of indictment, notice of trial and summons

(1) The sheriff shall serve a copy of the indictment and the notice of trial on the accused in person and shall explain the nature and effect of each of these documents to the accused. The sheriff shall also exhibit the summons to the accused and explain to him the nature and effect thereof.

(2) The sheriff shall enquire of the accused whether he wishes to call any witnesses in his defence and, if he does so wish, the sheriff shall endeavour to discover the names and residential and business addresses of such witnesses and what arrangements, if any, have been made to secure their attendance at court.

(3) The sheriff shall endorse upon the summons the fact that he has complied with the requirements of subrule (1) and the results of his enquiries in terms of subrule (2) and shall return the summons to the registrar forthwith.

(4) The registrar shall inform the court orderly of the names and addresses of any defence witnesses referred to on the summons as endorsed by the sheriff and shall subpoena such witnesses as it is necessary for him to subpoena in terms of subsection (3) of section 229 of the Act.

[Subrule amended by RGN 645 of 1977]

7. Short notice

Notwithstanding the provisions of section 382 of the Act, any accused may consent to the commencement of his trial after the lapse of a period of less than ten days from the date of service upon him of the notice of trial and a copy of the indictment.

[Rule amended by RGN 645 of 1977]

8. Subpoenas

(1) The process for compelling the attendance of any person to give evidence or to produce any books, papers or documents in any criminal case may be taken out of the office of the registrar by the chief clerk.

(2) The chief clerk shall deliver or cause to be delivered to the sheriff a general subpoena listing all or any number of witnesses in any particular case together with copies of the subpoena for each witness:

Provided that the copies of the subpoena need not bear the names and addresses of all the witnesses mentioned on the general subpoena and may bear only the name and address of the witness upon whom each copy is served.

(3) Notwithstanding the provisions of subrules (1) and (2), if the High Court is sitting at any place other than Harare, witnesses may be subpoenaed by process taken out of the court of the magistrate at the place where the High Court is sitting by counsel appearing for the State or by the accused or his counsel. Such process may be in the form used to subpoena witnesses in the magistrates court.

[Subrule amended by RGN 197 of 1970 and RGN 645 of 1977]

(4) Should the accused wish to subpoena any witness, he or his legal practitioner may do so in the manner prescribed in subrules (1), (2) and (3).

9. Who serves subpoenas

(1) Where the witness is resident within the area under the jurisdiction of the local authority within which the court is situate, the sheriff shall serve the subpoena.

(2) Where a witness is not resident as described in subrule (1), or where the sheriff is unable to locate a witness, the sheriff shall—

(a) deliver the relevant subpoena to a police officer of or above the rank of section officer; or

(b) send the relevant subpoena by registered post to the member in charge of a police station in the area of which the address for service is situated or where the witness is believed to be; and the police officer concerned shall serve the subpoena himself or cause some other police officer to serve it.

10. Service and endorsement of subpoenas

(1) The person serving the subpoena shall exhibit the general subpoena to the person upon whom it is served, shall hand to such person a copy of the subpoena and shall explain the nature and effect of the subpoena to that person.

(2) The subpoena shall be served on the witness either personally or by handing a copy thereof to some person whose apparent age is not less than sixteen years and who apparently resides or is employed at the witness's residence or place of business.

(3) If the person to be served with the subpoena keeps his residence or place of business closed, so preventing the service of the subpoena in the manner required by subrules (1) and (2), it shall be sufficient to affix a copy thereof to the outer or principal door of such residence or place of business.

(4) If a witness has given security for his appearance to give evidence at any trial in accordance with the provisions of subsection (1) of section 234 of the Act, the subpoena may be served on him either in person or by being affixed to the principal door of the place specified in his recognizance as that at which the subpoena may be served.

[Subrule amended by RGN 645 of 1977]

(5) The person serving any subpoena shall endorse on or annex to the general subpoena a return of the manner of the service of the subpoena on each witness, and shall return the subpoena to the registrar so endorsed.

(6) If, within four days of the commencement of the case in respect of which a witness is required, the registrar has not received notification of the service of a subpoena on the witness, he shall inform the court orderly accordingly.

[Subrule substituted by RGN 645 of 1977]

11. Period of notice for attendance as witness

No witness shall be bound to attend court before a period of forty-eight hours has elapsed from the time at which he is first served with a subpoena:

Provided that should any person be served with a subpoena requiring his attendance at court at some time before the date of such service or at a time within forty-eight hours of such service, he shall, nevertheless attend court as soon as reasonably possible after receiving the subpoena and in any case within forty-eight hours of such receipt.

12. Effect of subpoenas

(1) Notwithstanding that any witness has been subpoenaed for a particular day and subject to the provisions of section 231 of the Act, such witness shall not be bound to attend court on that day if he has been excused attendance at court by or on behalf of the court orderly:

Provided that where any witness is so excused he shall inform the court orderly of the address at which, and means by which, he may most conveniently be contacted and thereafter such witness shall not leave such address for more than twenty-four hours at a time without the consent of the court orderly.

[Subrule amended by RGN 645 of 1977]

(2) Any witness who has been excused attendance in accordance with subrule (1) shall nevertheless be bound to attend court at any future time prior to the determination of the case in respect of which he has been subpoenaed on being instructed so to do by or on behalf of the court orderly provided that he is given reasonable notice of the necessity for him to attend court and of the time at which he is required to attend.

13. Postponement of trials

[Rule repealed by RGN 645 of 1977]

14. Process for private prosecution

Wherever the prosecution is at the instance of a private party, the functions of the chief clerk prescribed in rules 4, 5 and 8 shall be performed by the private party or his legal practitioner.

PART II

JURIES

15 - 34

[Part repealed by RGN 457 of 1974]

PART III

RECORDS

35 What is to be recorded

- (1) The judge presiding over any trial shall make or cause to be made minutes of record of—
 - (a) any objection or exception to an indictment, any motion to quash an indictment, any request for particulars and any particulars supplied;
 - (b) the pleas of accused persons and any statements made by them in answer to the charge;
 - (c) any questions by the court concerning the nature of the accused's plea and the accused's replies thereto;
 - (d) the submissions made by the prosecutor and the accused after the accused has pleaded guilty and of any participation by the court in determining the nature of the case to which the accused has pleaded guilty;
 - (e) the evidence orally given and admission made by any party to the proceedings;
 - (f) any objection or request made in relation to the tendering or admission of any evidence or in relation to the general conduct of proceedings.
 - (g) any rulings or judgment of the court;
 - (h) any other matter which the accused or counsel requests to be recorded or which the judge wishes to have recorded. [Subrule amended by RGN457 of 1974]

(2) According to the directions of the judge, such minutes of record may be either verbatim or in narrative form and may be recorded in longhand or shorthand or by such mechanical device as the judge may approve.

36. Shorthand writer's oath

Every shorthand writer and every operator of an approved mechanical device shall be deemed to be an officer of the court and shall, before entering on his duties, take before a judge an oath in the following form—

“I, JM, do swear that I will faithfully, accurately and to the best of my ability take down in shorthand, (compile by machine,) as directed by the judge, a record of the proceedings in any case in which I may be employed as an officer of the court and that I will similarly, when required to do so, transcribe such record or any other record taken down (compiled) by any other officer of the court. So help me God.”

37. Filing of shorthand records

The records made in terms of rule 35 shall be filed in accordance with the instructions of the registrar.

38. Transcribing records and certifying transcripts

- (1) It shall not be necessary to transcribe any shorthand or machine-made record, unless a judge or the registrar, acting under the authority of a judge, so directs.
- (2) If and when the shorthand or machine-made record is transcribed, the transcriber shall annex a certificate to the transcript indicating the extent of the accuracy of the record from which the transcript was made and of the transcript.
- (3) Should the transcriber be a person other than the original recorder, such original recorder, if available, shall annex a certificate to the transcript indicating the extent of the accuracy of the transcript.
- (4) If the original recorder is unavailable that fact shall be mentioned in the transcriber's certificate.

39. Certified transcripts deemed correct record

Any transcript certified in terms of rule 38 shall be deemed to be an accurate record of the proceedings subject to any reservations made in the certificate annexed thereto:

Provided that the court may make any order that it deems fit concerning the accuracy of a transcribed record.

40. Supply of transcripts to other persons

- (1) Any person with an interest in any matter in respect of which there exists a shorthand record may apply to the registrar to have that record transcribed or, if the record has already been transcribed, for a copy of such transcript.
- (2) The registrar shall supply such an applicant with a transcript of the record upon payment of a fee of sixty cents per sheet when it has been necessary to prepare the transcript as a result of the application, and of fifteen cents per sheet when the transcript supplied is a copy of a transcript already prepared.

[Subrule amended by RGN 457 of 1974]

PART IV

SHERIFF

41.

[Rule repealed by RGN 645 of 1977]

42. Fees for execution of process

For the service of any process on behalf of the State or any other party, the sheriff shall be paid fees and allowances in accordance with the High Court (Fees and Allowances) Rules, 1994.

[Rule substituted by s.i 97 of 1994]

43.

[Rule repealed by s.i 97 of 1994]

PART V

GENERAL

44. Commencement of sittings

[Rule repealed by RGN 645 of 1977]

45. Change of venue

(1) An application in terms of section 161 of the Act may be made to a judge of the High Court in chambers without notice. [Subrule amended by RGN 645 of 1977]

(2) Whenever a change of venue is ordered, the applicant shall notify the other party to the proceedings of such change of venue, and the registrar shall ensure that all documents, exhibits and process, other than subpoenas, are transferred to the new venue.

46. Prisoner In dock

When placed in the dock for trial the accused may wear his own clothing and shall not be fettered unless the court orders otherwise.

47. Oaths of Interpreter and assessor

(1) The oath to be taken by an interpreter shall be in the following form—

“I do solemnly and sincerely swear that I will truly and faithfully interpret all matters requiring interpretation in (the) any case before this court to the best of my skill and ability. So help me God.”

(2) The oath to be taken by an assessor shall be in the following form—

“I do solemnly and sincerely swear that honestly and faithfully and without fear, favour or prejudice I will try whether all accused brought before me for trial are guilty or not of the crimes laid to their charge, and that by my verdict I will the truth say thereon according to the evidence. So help me God.”

48. Numbering of exhibits

Whenever any exhibit is produced, the registrar shall call out the number of such exhibit and shall immediately mark or label the exhibit “H. Ct. Ex”.

49. Passing of death sentence

(1) Where the sentence of death is about to be passed the registrar shall address the prisoner in the following manner—

“..... you have been convicted of the crime of Do you know of any reason or have you anything to say as to why the sentence of death should not be passed upon you?”

(2) If no good reason is given for not passing the sentence of death, the court orderly shall call out—

“Hear ye, hear ye, hear ye. All persons are strictly charged to keep silence in court while sentence of death is passed upon the prisoner at the bar.”

(3) The judge shall then pass the sentence of death.

50. Criminal record books

(1) The registrar at Harare shall keep an indexed book, to be called the “Criminal Record Book”, in which he shall enter—

- (a) the number of the case;
- (b) the name and nationality of the accused;
- (c) the crime charged;
- (d) the date and place of trial;
- (e) the name of the presiding judge;
- (f) the verdict;
- (g) the sentence;
- (h) any subsequent proceedings and remarks; in respect of all cases indicted for trial at Harare, Masvingo and Mutare.

(2) The registrar at Bulawayo shall keep a similar book in which he shall make similar entries in respect of all cases indicted for trial at Bulawayo and Gweru.

51. Deviation from rules not fatal

(1) Notwithstanding the provisions of any of these rules, a judge may, for good cause shown, authorize a departure from the rules in any matter before the court provided that such departure is not likely to prejudice the accused or the State. [Subrule amended by RGN 197 of 1970]

(2) No departure from any of these rules, whether authorized in terms of subrule (1) or not, shall invalidate any proceedings unless such departure actually results in the accused suffering prejudice of such a nature that but for such departure the accused would not have been convicted.

PART VI

FORMS

52. Forms prescribed for rules and Act

The documents, notices and process to be issued in terms of these rules and sections 6, 86, 280, 326 and 345 of the Act shall be in the forms prescribed in the Schedule and in particular—

- (a) the notice to be issued in terms of paragraph (a) of subrule (1) of rule 3 shall be in the form CP & E 1;
- (b) the notice to be issued in terms of paragraph (b) of subrule (1) of rule 3 shall be in the form CP & E 2A or CP & E 2B;
- (c) the summons shall be in the form CP & E 3;
- (d) the notice of trial to be issued in terms of rule 4 shall be in the form CP & E 4; (e) (i) the general subpoena shall be in the form CP & E 5A;
 - (ii) the copies of the subpoena shall be in the form CP & E 5B;
- (f) the notice to be given in terms of subrule (2) of rule 45 shall be in the form CP & E 6;
- (g) the prosecutor's authority to prosecute in terms of section 6 of the Act shall be in the form CP & E 7;
- (h) the proceedings of a preparatory examination re-opened in terms of section 86 of the Act shall be recorded in the form CP & E 8;
- (i)

[Paragraph repealed by RGN 457 of 1974]

- (j) if a notice in terms of section 280 of the Act is to be issued, it shall be in the form CP & E 10; (k) if a notice in terms of section 326 of the Act is to be issued, it shall be in the form CP & E 11; (l) if a notice in terms of section 345 of the Act is to be issued, it shall be in the form CP & E 11A.

[Rule amended by RGN 34 of 1974 and RGN 645 of 1977]

SCHEDULE (RULE 52)

CP & E 1

NOTICE IN TERMS OF PARAGRAPH (a) OF SUBRULE (1) OF RULE 3 OF THE HIGH COURT (CRIMINAL PROCEDURE) RULES, 1964, PUBLISHED IN RHODESIA GOVERNMENT NOTICE NO 452 OF 1964

Date

IN THE HIGH COURT OF ZIMBABWE

THE STATE

Versus

Charged with the crime of

Sir,

I have the honour to inform you that I have decided to indict in the above case.

I have the honour to be,

Sir,

Your obedient servant,

for *Attorney-General*

The Magistrate

[Form substituted by RGN 197 of 1970]

CP & E 2A

NOTICE IN TERMS OF PARAGRAPH (b) OF SUBRULE (1) OF RULE 3 OF THE HIGH COURT (CRIMINAL PROCEDURE) RULES, 1964, PUBLISHED IN SOUTHERN RHODESIA GOVERNMENT NOTICE NO 452 OF 1964

Case No

IN THE HIGH COURT OF ZIMBABWE

TO

You are hereby notified that I have decided to prosecute you before the High Court on a charge of

for Attorney-General

(in terms of section 6 [Chapter 9:07])

Date:

RETURN OF SERVICE

I hereby certify that I have this day of , 19..., at (state address)

served this notice on the accused by showing him the original, handing him a copy and explaining to him the nature and effect of the notice.

I have informed the accused that, should he require any assistance in arranging his defence, he should approach the District Commissioner.

.....
Signature and Designation

Date:

NOTES TO MAGISTRATES AND DISTRICT COMMISSIONERS

- 1.(a) The copy of this notice shall be handed to the accused.
- (b) When the accused is given the copy, the effect of the notice shall be explained to him and the section entitled "Return of Service" shall be completed on the top copy.
- (c) After (a) and (b) have been complied with, the magistrate shall send the top copy to the district commissioner within whose district the accused is detained or, accused is on bail, within whose district is situated the place at which the accused will accept service of process in terms of his bail bond.
- 2.(a) Such district commissioner or his assistant shall interview the accused concerning arrangements for his defence and shall complete the appropriate section overleaf. If arrangements are not finalized at the initial interview a note should be made in the remarks section as to what steps are being taken to arrange the accused's defence.
- (b) The notice shall then be sent to the District Commissioner, Harare, if the trial is to be held at Harare, Mutare or Masvingo, or to the District Commissioner, Bulawayo, if the trial is to be held at Bulawayo or Gweru.
3. The District Commissioner, Harare or Bulawayo, shall note the information so passed to him and shall immediately send the notice back to the Attorney-General.

ACCUSED'S DEFENCE

The accused has been interviewed concerning the arrangements to be made for his defence and he has stated:

1. He does not wish to be defended at all.
2. He wishes to be defended but cannot raise \$14,70 and therefore he applies for legal aid.
3. He wishes to be defended and can raise between \$14.70 and \$52,50.
4. He is arranging his own defence through his legal practitioners who are—

(Delete whichever of the paragraphs are inapplicable)

Remarks

.....
Signature and Designation

Date:

NOTE

If the accused can raise between \$14,70 and \$52.50 in terms of paragraph 3 above the District Commissioner can arrange for his defence.

[Form amended by RGN 665 of 1964 and RGN 457 of 1974]

CP & E 2B

NOTICE IN TERMS OF PARAGRAPH (b) OF SUBRULE (1) OF RULE 3 OF THE HIGH COURT (CRIMINAL PROCEDURE) RULES, 1964, PUBLISHED IN SOUTHERN RHODESIA GOVERNMENT NOTICE NO 452 OF 1964

Case No:

In the High Court of Zimbabwe

TO

You are hereby notified that I have decided to prosecute you before the High Court on a charge of

for *Attorney-General* (in terms of section 6 [*Chapter 9:07*]) Date:

RETURN OF SERVICE

I hereby certify that I have this day of,19,at (state address) served this notice on the accused by showing him the original, handing him a copy and explaining to him the nature and effect of the notice.

I have brought to the accused's attention the provisions of the first section on the back of this notice.

.....
Signature and Designation

Date:

The top copy of this notice shall be returned to the Attorney-General after the "Return of Service" above and the section overleaf have been completed.

The second copy shall be handed to the accused and the nature and effect of the notice shall be explained to him.

ACCUSED'S DEFENCE

I have interviewed the accused concerning the arrangements to be made for his defence and he has stated:

1. He does not wish to be defended at all.
2. He wishes to be defended but has no funds and therefore applies for legal aid.
3. He is arranging his own defence through his legal practitioners who are —

(Delete whichever of the above paragraphs are inapplicable)

Remarks

.....
Signature and Designation

[Form amended by RGN 457 of 1974]

CP & E 3

To the Sheriff of Zimbabwe or his lawful Deputy:

You are hereby required and directed in the name and on behalf of the State that you summon

.....

thatappear before the High Court of Zimbabwe at
..... on the day of next,

there to answer to a certain indictment to be preferred against by the Attorney-General, on behalf of the State, and not to depart until be discharged in due course of law; and serve upon a copy of the said indictment, and the notice of trial annexed hereto, and return you on that day, to the registrar, this writ, with whatsoever you have done thereupon.

WITNESS: The Honourable

Chief Justice of Zimbabwe, the day of, in the year of Our Lord
One Thousand Nine Hundred and

Registrar of the High Court

Clerk to the Attorney-General

[Form substituted by RGN 197 of 1970 and amended by RGN 645 of 1977]

CP & E 4

NOTICE IN TERMS OF RULE 5 OF THE HIGH COURT (CRIMINAL PROCEDURE) RULES, 1964, PUBLISHED IN SOUTHERN RHODESIA GOVERNMENT NOTICE NO 452 OF 1964

In the High Court of Zimbabwe

TO

You are hereby notified that you will be tried on the indictment, a copy of which is annexed hereto, before the High Court of Zimbabwe at

on the day of in the year of Our Lord One Thousand
Nine Hundred and

Dated this day of,19

Attorney-General

[Form amended by RGN 645 of 1977]

CP & E 5A

To

You are hereby commanded that you, and each of you, appear personally before the High Court at on the dayofat ten o'clock in the morning to testify all those things which you, or any of you, know concerning a certain indictment then and there to be preferred against charged with the crime of failing which you shall be liable to a fine of fifty dollars or to imprisonment for a period not exceeding one month.

WITNESS: The Honourable

Chief Justice of Zimbabwe, this day of, in the year of Our Lord One Thousand Nine Hundred and

Registrar of the High Court

Clerk to the Attorney-General

[Form substituted by RGN 645 of 1977]

CP & E 5B

To

You are hereby commanded that you appear personally before the High Court of Zimbabwe at on theday ofat ten o'clock in the morning to testify all those things which you know concerning an indictment then and there to be preferred againstcharged with the crime offailing which you shall be liable to a fine of fifty dollars or to imprisonment for a period not exceeding one month.

WITNESS: The Honourable

Chief Justice of Zimbabwe, this day of, in the year of Our Lord One Thousand Nine Hundred and

Registrar of the High Court

Clerk to the Attorney-General

[Form substituted by RGN 645 of 1977]

CP & E 6

NOTICE IN TERMS OF RULE 45 OF THE HIGH COURT (CRIMINAL PROCEDURE) RULES, 1964, PUBLISHED IN RHODESIA GOVERNMENT NOTICE NO 452 OF 1964

In the High Court of Zimbabwe

In the matter of

THE STATE

versus

charged with the crime of and indicted for trial before the High Court on At

and upon being called upon to admit or deny the above convictions, declares:

The above declaration was made and subscribed to by the said accused

in my presence.

Magistrate

Witnesses:

(1)

(2)

Date:

[Form substituted by RGN 197 of 1970]

CP & E 9

[Form repealed by RGN 451 of 1974]

CP & E 10

NOTICE IN TERMS OF SECTION 280 OF THE CRIMINAL PROCEDURE AND EVIDENCE ACT [*Chapter 9:07*]

In the High Court of Zimbabwe

TO

Charged with the crime of — and indicted for trial before the High Court on at

You are hereby notified that the prosecutor at your trial intends to produce, in terms of section 280 of the Criminal Procedure and Evidence Act [*Chapter 9:07*], the report(s) read and put in at the preparatory examination and the evidence given at the preparatory examination by the medical practitioner(s) who prepared such report(s).

You are advised that if you wish the medical practitioner(s) who gave evidence at the preparatory examination to give oral evidence at your trial, your request must be made to the prosecutor at least three days before your trial. for
Attorney-General

(in terms of section 6 [*Chapter 9:07*])

I certify that this notice was served on the above-named person this day of 19
.....

Signature of serving officer

*Please return this notice, duly completed, to
The Attorney-General, P Bag 7714, Causeway.*

[Form amended by RGN 645 of 1977]

CP & E 11

NOTICE IN TERMS OF SECTION 326 OF THE CRIMINAL PROCEDURE AND EVIDENCE ACT [*CHAPTER 9:07*]

In the High Court of Zimbabwe

TO

Charged with the crime of— and indicted for trial before the High Court on..... at

.....
 You are hereby notified that in the event of your being found guilty of the above offence(s) the prosecutor will offer proof, in terms of section 326 of the Criminal Procedure and Evidence Act [*Chapter 9:07*], that you were previously convicted of the crimes hereunder set out, namely:—

Court before which convicted	Crime	Date of conviction	Sentence

Dated this day of.....,19

for *Attorney-General*
 (in terms of section 6 [*Chapter 9:07*])

I certify that this notice was served on the above-named person this day of19

Signature of serving officer

*Please return this notice, duly completed, to
 The Attorney-General, P Bag 7714, Causeway.*

[Form amended by RGN 645 of 1977]

CP & E 11A

NOTICE IN TERMS OF PARAGRAPH (b) OF SUBSECTION (3) OF SECTION 345 OF THE CRIMINAL PROCEDURE AND EVIDENCE ACT [*CHAPTER 9:07*]

Thumb-print

Photograph

TO :full names)
 of.....(residential address)
(business address)

WHEREAS you were duly convicted of the offence(s) of

and were for the said offence(s) sentenced on the to undergo periodical imprisonment for a period of hours:

NOW, THEREFORE, this is to direct you, in terms of subsection (3) of section 345 of the Criminal procedure and Evidence Act [*Chapter 9:07*]—

- (a) to report toat,on theday of, 19,for the purpose of having your finger-prints recorded and photograph taken for identification; and

(b) to surrender yourself on the day of, 19..... at 1800 hours, to a prison officer at Prison, for the purposes of undergoing the said imprisonment in terms of the law relating to prisons.

Given under my hand atthis day of19

Judge

Registrar

Notes

1. One copy of this notice is to be handed to the prisoner.
2. Two copies are to be forwarded to the officer in charge of the appropriate prison.
3. The thumb-print and a photograph of the prisoner is to be placed on one of the copies of this notice which is forwarded to the appropriate prison.
4. One copy is to be date-stamped and returned to the Registrar by the officer in charge of the appropriate prison.

REVERSE SIDE

FOR YOUR INFORMATION

1. This notice is to be presented to the prison officer admitting you to prison.
2. You will be allowed to bring any drugs into prison with you which have been prescribed for you by your doctor if you produce a certificate from your doctor to that effect.
3. In terms of subsection (3) of section 61 of the Prisons Act [*Chapter 7:11*] the officer in charge of a prison may refuse to take into the precincts of the prison any property of a prisoner which, by reason of its bulk, nature or excessive quantity, cannot be conveniently stored therein. You are accordingly advised to contact the officer in charge of the prison before taking any such property, including a car, into the precincts of the prison named in this notice with the intention of leaving it there while you serve your sentence.

[Form inserted by RGN 34 of 1974 and amended by RGN 645 of 1977]