

84. (1.) No such appeal shall be brought except in pursuance of an order of the High Court granting leave to appeal.

Order granting leave to appeal.

(2.) Application to the Court for leave to appeal shall be made at the time when judgment is given or within twenty-one days thereafter.

(3.) Such leave shall be granted only on condition that the appellant within a period to be fixed by the Court, not exceeding two months from the date of the hearing of the application, gives security to the satisfaction of the Court or the Registrar thereof in a sum not exceeding one hundred pounds for the payment of the costs of the appeal.

(4.) The order granting leave to appeal shall not be sealed until such security has been duly given.

85. On the sealing of the order granting leave to appeal, a copy of the record of the proceedings in which the judgment appealed against was given (including the reasons for the judgment, and, where necessary, a statement of the facts or of the evidence) shall be prepared by the appellant and transmitted by the Registrar of the High Court under the seal of that Court to the Registrar of the Supreme Court of New Zealand at Wellington.

Transmission of record.

86. If the appellant does not prosecute his appeal with due diligence, the respondent may apply either to the High Court or to the Supreme Court for an order dismissing the appeal for non-prosecution; and if such order is made by either Court the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as that Court may direct.

Dismissal of appeal for non-prosecution.

87. The procedure on the hearing of any such appeal and in all matters incidental to any such appeal, whether in the High Court or in the Supreme Court, shall be determined by regulations, and in default of such regulations, or so far as they do not extend, shall be determined in such manner as the Court thinks fit.

Procedure on appeal.

88. (1.) Subject to any regulations which may be made in that behalf, the Supreme Court of New Zealand may, in any case in which it thinks fit and at any time, grant special leave to appeal to that Court from any final judgment of the High Court.

Special leave to appeal may be granted by the Supreme Court.

(2.) Such leave may be granted subject to such conditions as to security for costs and otherwise as the Supreme Court thinks fit.

(3.) All the provisions of this Part of this Order shall, so far as applicable, apply to appeals in pursuance of such special leave.

89. On any appeal from the High Court the Supreme Court may affirm, reverse, or vary the judgment appealed from, or may order a new trial, or may make any such order with respect to the appeal as the Court thinks fit, and may award such costs as it thinks fit to or against any party to the appeal.

Powers of Supreme Court on appeal.

90. Every such appeal shall, so far as it relates to any question of fact, be determined by the Supreme Court by reference to the evidence heard at the trial as certified to the Supreme Court under the seal of the High Court, and no further evidence shall, without the leave of the Supreme Court, be heard or admitted.

Evidence on appeal.

91. An appeal to the Supreme Court of New Zealand shall not operate as a stay of execution unless the High Court or the Supreme Court otherwise orders.

Stay of execution.

92. (1.) When leave to appeal to the Supreme Court of New Zealand from any conviction is granted by the High Court the High Court may, if it thinks fit, release the appellant from custody on bail pending the determination of the appeal.

Release of appellant from custody.

(2.) Any person so released on bail may be at any time, and for any reason which the High Court thinks sufficient, arrested by warrant and committed to prison, there to undergo his sentence.

(3.) Any period during which an appellant has been so at large on bail shall not be computed as part of the term of imprisonment to which he has been sentenced.

93. No judgment of the High Court shall, on appeal to the Supreme Court of New Zealand, be set aside on the ground of any error or irregularity in the proceedings of such Court, unless the Supreme

Appeal not to be allowed for irregularities in procedure.