



# **INSIGHT ON THE SHERRY PARTY**

*By the Organising Committee*

## **BRIEF BACKGROUND**

- This write-up explains the historical background of the Sherry Party.

## **ORIGINS**

- A legacy or relic from our colonial era when we were colonised by the British.
- In England, the ceremony dates back to 1897 when judges prayed for guidance at the start of the legal term.
- The service would take place in Westminster Abbey. Judges, whose courts were held in Westminster Hall, left the city and walked to the Abbey to take part in the service.
- In the present day, the ceremonies are more or less as they have always been. Around 700 people are invited to attend the service and breakfast. These include judges, senior judicial officers, the Law Officers, King's Counsel (KC), government ministers, lawyers, members of the European Court and other overseas judges and lawyers.
- Judges and KCs wear ceremonial dress.

## **MALAWI**

- The term dates/sittings/sessions for the legal year apply to sittings in the High Court and Supreme Court of Appeal only.

- Currently, they are fixed in accordance with the Courts (High Court) (Civil Procedure) Rules, 2017 hereinafter referred to as CPR, 2017 under Order 4 which provides for court sittings, vacations and business hours.
- CPR, 2017 came into effect on 3<sup>rd</sup> October 2017 replacing the Rules of the Supreme Court of England, 1965 and as amended from time to time which sometimes embroiled us in unnecessary and protracted controversy.
  - ✓ Simpler and largely vest case progression in the court seized of the matter.
  - ✓ User friendliness of the procedures have helped in surmounting chronic delays and technical hurdles in civil litigation.
  - ✓ Still room to continue refining the rules as some gaps have already been observed.

#### **ORDER 4 OF THE COURTS (HIGH COURT) (CIVIL PROCEDURE) RULES, 2017**

- The “**Lewis Chatsika sitting**” which shall begin from the first Tuesday of October of one year and end on the last Thursday before the Christmas Day of the same year;
  - ✓ *Formerly* **Michaelmas term/session/sitting**
- The “**Friday Makuta sitting**” which shall begin from the second Tuesday of January of one year and end on the Wednesday before Easter Sunday of the same year;
  - ✓ *Formerly* **Hilary term term/session/sitting**
- The “Richard Banda sitting” which shall begin on the second Tuesday after Easter Sunday of one year and end on the last Friday of May of the same year; and
  - ✓ *Formerly* **Easter term/session/sitting**
- The “Leonard Unyolo sitting” which shall begin on the second Tuesday of June of one year and end on the last Thursday of July of the same year.

- ✓ Formerly **Trinity term /session/sitting**

### **RATIONALE FOR RENAMING THE TERMS/SESSIONS/SITTINGS**

- Renaming the terms/sessions/sittings was to honour or pay special tribute to distinguished and accomplished legal minds, highly decorated and patriotic sons of this country.
- Unfortunately, we are honouring two of them posthumously, and fortunately, two of them are alive.

### **WHY HAVE A LEGAL YEAR, TERM OR CALENDAR?**

- Looking at the reckoning of the periods, Supreme Court of Appeal Justices and High Court Judges are expected to devote themselves to judicial business throughout the legal year which usually amounts to somewhere in the region of 185-190 days.
- Judges cannot hear cases every single day of the week as they also have out of court duties to perform such as:
  - ✓ Reading case papers in preparation for trial/motions.
  - ✓ Writing judgments.
  - ✓ Keeping up to date with new developments in the law through attending local and international workshops/training.