



Court of Appeal (Civil) Rules 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 21st day of March 2005

Present:

Her Excellency the Governor-General in Council

Pursuant to section 51C of the Judicature Act 1908, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and at least 2 other members of the Rules Committee (of whom at least 1 was a Judge of the High Court), makes the following rules.

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Rules

1 Title

These rules are the Court of Appeal (Civil) Rules 2005.

2 Commencement

These rules come into force on 1 May 2005.

Part 1

Preliminary and general matters

3 Interpretation

(1) In these rules, unless the context otherwise requires,—
appellant includes a person who would, on the giving of leave to appeal, be the appellant in the appeal

court appealed from means the court or tribunal from which the appeal is brought directly to the Court of Appeal, whether as of right or by leave

Court of Appeal or **Court** means the Court of Appeal of New Zealand

Judge means a Judge of the Court

legal aid means legal aid under the Legal Services Act 2000

Registrar—

(a) means the Registrar of the Court; and

(b) includes a Deputy Registrar of the Court

Registry means the registry of the Court

respondent includes a person who would, on the giving of leave to appeal, be the respondent in the appeal

working day means a day that is not—

(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's Birthday, or Waitangi Day; or

(b) a day in the period commencing on 25 December in one year and ending on 15 January in the next year.

(2) In any judgment, order, direction, or other document forming part of any proceeding, unless the context otherwise requires,—

month means a calendar month

working day has the meaning given by subclause (1).

4 Application of rules

(1) These rules apply to all proceedings of the Court, except proceedings to which the Court of Appeal (Criminal) Rules 2001 apply.

- (2) These rules apply subject to any express provision in the enactment under which the appeal is brought or is sought to be brought.

Compare: SR 1997/180 r 3

5 Directions

- (1) The Court may give any directions that seem necessary for the just and expeditious resolution of any matter that arises in a proceeding.
- (2) The Court may extend or shorten the time appointed by these rules, or fixed by any order, for doing any act or taking any proceeding or any step in a proceeding on any terms that the Court thinks just.
- (3) The Court may exercise a power conferred by subclause (2)—
- (a) whether on application by a party or on the Court's own initiative; and
 - (b) whether for reasons of urgency or for any other reason; and
 - (c) in the case of an extension of the time referred to in that subclause, whether before or after that time has expired.
- (4) If any matter arises in a proceeding for which no form of procedure is prescribed by these rules, the Court must dispose of the matter as nearly as practicable in accordance with the provisions of these rules affecting any similar matter, or, if there are no such provisions, in the manner that the Court thinks best calculated to promote the ends of justice.
- (5) The Court may give directions to determine the form of documents to be filed in proceedings.

Compare: SR 1997/180 r 25; SR 2004/199 r 5

6 Effect of non-compliance with rules

- (1) A document that does not comply with these rules may be received for filing only by leave of a Judge or the Registrar.
- (2) Non-compliance with any of these rules does not render void the application or the appeal in which the non-compliance has occurred, but the application or the appeal may be set aside either wholly or in part or amended or otherwise dealt with in any manner and on any terms that the Court decides.
- (3) The Court may, in any manner that it thinks fit,—
- (a) direct a party to remedy the non-compliance; and

- (b) if a party was not present or represented in Court when the direction was given, direct the Registrar to transmit its direction to the party.
- (4) Subclause (2) is subject to subclause (1).
- Compare: SR 1997/180 r 27; SR 2004/199 r 6

7 Judge may exercise certain powers under rules

- (1) A Judge may exercise a power conferred on the Court by these rules to give directions or to decide a matter, except the determination of an application for leave to appeal or an appeal.
- (2) A Judge may, on application, review any decision of the Registrar under these rules.
- (3) An application under subclause (2) must be made within 10 working days after the Registrar's decision.

Compare: SR 2004/199 r 7

8 Correction of accidental slip or omission

- (1) This rule applies if—
 - (a) any judgment or order or the reasons for any judgment or order contain a clerical mistake or an error arising from an accidental slip or omission (whether the mistake, error, slip, or omission was made by an officer of the Court or not); or
 - (b) any judgment or order is drawn up in a way that does not express what was actually decided and intended.
- (2) The Court or the Registrar may correct the judgment or order or the reasons for the judgment or order on—
 - (a) the Court's or Registrar's own initiative; or
 - (b) an interlocutory application made for that purpose.
- (3) The Registrar may correct the judgment or order or the reasons for the judgment or order in accordance with subclause (2) only if the judgment or order in question was made by the Registrar.

9 Heading, point size, and margin

- (1) The first page of each document filed in the Registry must have a heading comprising—
 - (a) the words "In the Court of Appeal of New Zealand"; and

- (b) the name of each appellant, followed by the word “Appellant”; and
 - (c) the name of each respondent, followed by the word “Respondent”.
- (2) Every document must be in legible type of not less than 12 point size.
 - (3) Every page of a document must have a margin that must be—
 - (a) at least one quarter of the width of the paper; and
 - (b) on the left-hand side of the page (unless the page is on the reverse side of the paper, in which case the margin must be on the right-hand side of the page).

Compare: SR 1997/180 r 15; SR 2004/199 r 8

10 Filing and service of documents

- (1) A document may be filed in the Registry—
 - (a) by delivering it to the Registry by hand; or
 - (b) by sending it to the Registry—
 - (i) by mail to a postal address published by the Registrar; or
 - (ii) by fax to a fax number published by the Registrar; or
 - (iii) by email to an email address published by the Registrar.
- (2) A document may be served on a party—
 - (a) at the address for service notified by the party in the proceeding in the court appealed from, or at an address for service notified by the party for the purposes of the appeal; or
 - (b) by sending it by mail to a postal address supplied by the party for the purposes of the appeal; or
 - (c) by fax to a fax number supplied by the party for the purposes of the appeal; or
 - (d) by email to an email address supplied by the party for the purposes of the appeal.
- (3) If a document is, in accordance with this rule, filed by sending it by mail to the Registry, the document is filed on the day on which the Registry receives it.
- (4) If a document is, in accordance with this rule, served by sending it by mail to a postal address, the document is served on the earlier of—

- (a) the fifth working day after the day on which it is sent by mail; or
 - (b) the day on which it is received.
- (5) If a document is, in accordance with this rule, filed or served by sending it to a fax number or to an email address, the document is filed or served at the time it is received by the relevant fax or email system.
- (6) However, if the document is received by the relevant fax or email system on a day that is not a working day or at a time that is not between 9 am and 5 pm, the document is filed or served at 9 am on the first working day after that receipt.
- (7) Despite subclauses (1) and (2),—
- (a) an application for leave to appeal or a notice of appeal must be filed in accordance with rules 16(1)(a), 31(1)(a), or 32(1)(a); and
 - (b) a bundle of authorities must be filed in accordance with rule 24(4) or rule 42(4); and
 - (c) a bundle of authorities must be served in accordance with rule 24(5) or rule 42(5).

Compare: SR 2004/199 r 10

11 Affidavits

- (1) Affidavits made in matters heard or pending in the court or tribunal of first instance or in the court appealed from may be used in the Court of Appeal.
- (2) The provisions of the High Court Rules concerning affidavits apply, with any necessary modifications, to affidavits in the Court of Appeal.
- (3) Affidavits in the Court of Appeal may be sworn before—
- (a) the Registrar; or
 - (b) any of the persons authorised to take affidavits under rule 521 of the High Court Rules.

Compare: SR 1997/180 r 16

12 Stay of proceedings and execution

- (1) None of the matters referred to in subclause (2) operate as—
- (a) a stay of a proceeding in which a decision was given; or
 - (b) a stay of execution of that decision.
- (2) The matters are—
- (a) an application for leave to appeal; or

- (b) the giving of that leave; or
 - (c) an appeal.
- (3) Pending the determination of an application for leave to appeal or an appeal, the court appealed from or the Court may, on application,—
- (a) order a stay of the proceeding in which the decision was given or a stay of the execution of the decision; or
 - (b) grant any interim relief.
- (4) An order or a grant under subclause (3) may—
- (a) relate to execution of the whole or part of the decision or to a particular form of execution;
 - (b) be subject to any conditions that the court appealed from or the Court thinks fit, including conditions relating to security for costs.
- (5) If the court appealed from refuses to make an order under subclause (3), the Court may, on application, make an order under that subclause.
- (6) If the court appealed from makes an order under subclause (3), the Court may, on application, vary or rescind that order.
- (7) The Court may, at any time, vary or rescind an order made by it under this rule.

Compare: SR 1997/180 r 9; SR 2004/199 r 30

Part 2

Applications for leave to appeal

Application of Part

13 Application of this Part

- (1) This Part applies if leave of the Court is required before a person may bring an appeal.
- (2) If an enactment provides for an appeal to the Court only by leave and provides that, at least in the first instance, application for that leave must be made to the court appealed from, rule 14 also applies to that application for leave to the court appealed from.
- (3) In this Part, **leave** includes special leave.

Making applications for leave to appeal

14 Time for making application for leave

- (1) If an enactment provides that an appeal against a decision may not be brought to the Court without leave, an application for that leave must, within 20 working days after the decision is given, be made to—
 - (a) the court appealed from; or
 - (b) as the case requires, the Court.
- (2) If an enactment provides that the Court may grant leave to appeal to the Court against a decision after the court appealed from refuses leave, an application for the Court's leave must be made within 20 working days after that refusal.
- (3) For the purposes of subclauses (1) and (2), the date of the decision appealed against or the date of the decision refusing leave, as the case may be, is the date on which that decision is given,—
 - (a) whether reasons for the decision are then given or are given later; or
 - (b) whether or not formal steps, such as entering or sealing the decision, are necessary or are taken after the decision is given.
- (4) A respondent who wishes to cross-appeal must apply for leave to cross-appeal within 10 working days after the date on which a copy of the appellant's application for leave is served on the respondent.
- (5) An application for leave that is made to the High Court must be made by interlocutory application.
- (6) This rule does not apply to an application for special leave to appeal out of time under rule 29(4).

Compare: SR 1997/180 r 5; SR 2004/199 r 11

15 Form of application for leave

An application for leave to appeal or cross-appeal must be in form 1 of the Schedule or in a form to similar effect.

16 When application for leave is brought

- (1) An application for leave to appeal is brought only when—
 - (a) the applicant files the application in the Registry—
 - (i) by delivering it by hand to the Registry; or

- (ii) by sending it by mail to a postal address published by the Registrar; and
 - (b) a copy of the application is served on every person who was a party to the proceeding in the court appealed from.
- (2) The applicant is responsible for serving the application.
- (3) The Registrar must promptly transmit a copy of the application to the Registrar of the court appealed from.

Compare: SR 2004/199 r 13

17 Matters to be stated in application for leave

- (1) An application for leave to appeal must state—
 - (a) the specific grounds of the appeal; and
 - (b) why the Court should give leave; and
 - (c) the judgment that the applicant seeks for the appeal, if leave is granted.
- (2) If the appeal relates only to a part of the decision concerned, that part must be identified in the application.

Compare: SR 2004/199 r 15

18 Documents required to accompany application for leave

- (1) An application for leave to appeal must be accompanied by—
 - (a) a copy of the decision to which the appeal relates; and
 - (b) a copy of any separate reasons for the decision (if available); and
 - (c) if that decision was given on appeal, a copy of every decision previously given in the proceeding on matters of relevance to the appeal; and
 - (d) a copy of any separate reasons for every decision referred to in paragraph (c); and
 - (e) any affidavit relevant to the application.
- (2) The documents referred to in subclause (1)(a) to (d) need not be served.
- (3) The applicant must serve an affidavit filed under subclause (1)(e).

Compare: SR 2004/199 r 16

19 Leave required for amendments to application for leave

- (1) A party may amend an application for leave only with the leave of the Court.

- (2) In seeking leave to amend the application for leave under subclause (1), the party must, unless the Court otherwise directs, submit a draft of the application that sets out all the proposed grounds and incorporates the amendments sought.
- (3) At any time before giving leave to appeal, the Court may grant the party leave to amend the application for leave.

Compare: SR 2004/199 r 21

Applications for leave opposed by respondent

20 Respondent opposes application for leave

- (1) If the respondent opposes the application for leave to appeal, the respondent must, within the time specified in subclause (2), file and serve—
 - (a) a memorandum setting out why the Court should not give leave; and
 - (b) any affidavit relevant to the respondent's opposition to the application.
- (2) The time is 10 working days after the date on which a copy of the application for leave is served on the respondent.

21 Allocation of hearing date

The Registrar must, after consultation with the parties, promptly allocate a hearing date for the application for leave to appeal.

Compare: SR 2004/199 r 22

22 Case for application for leave

- (1) The applicant must prepare the case for the application for leave to appeal.
- (2) The case must comprise all documents filed under rules 16, 18, and 20.
- (3) The applicant may not include in the case any document that is not relevant to the grounds to be argued on the application for leave.
- (4) Rule 40(3) to (8) applies, with all necessary modifications, to the case.
- (5) The applicant must file in the Registry 4 copies of the case at the same time as the applicant files the applicant's written submissions under rule 23.

- (6) The applicant must serve a copy of the case at the same time as the applicant serves the applicant's written submissions.

23 Written submissions on application for leave

- (1) The applicant must, within 20 working days after filing the application for leave to appeal,—
- (a) file in the Registry 4 copies of the applicant's written submissions in support of the application; and
 - (b) serve a copy of those written submissions on the other party.
- (2) The applicant's written submissions under subclause (1)—
- (a) must not exceed 10 pages; and
 - (b) must set out clearly and succinctly—
 - (i) a narrative of the facts of the case relevant to the appeal;
 - (ii) the points of law or fact involved;
 - (iii) the decision to be appealed against;
 - (iv) the reason why the Court should give leave to appeal.
- (3) A party who wishes to make written submissions in response to the applicant's written submissions must, within 15 working days after the date of service under subclause (1)(b),—
- (a) file in the Registry 4 copies of that party's written submissions; and
 - (b) serve a copy of those written submissions on the applicant.
- (4) The written submissions referred to in subclause (3)—
- (a) must not exceed 10 pages; and
 - (b) must set out clearly and succinctly the reasons that support the arguments advanced in response.
- (5) This rule is subject to any contrary direction given by the Court in a particular case.

Compare: SR 2004/199 r 20

24 Bundle of authorities

- (1) The applicant must, not later than 5 working days before the hearing date allocated under rule 21,—
- (a) file in the Registry 4 copies of a bundle of authorities that consists only of the authorities that the applicant considers essential to the applicant's argument in support of the application for leave; and

- (b) serve a copy of the bundle on the other party.
- (2) If any authorities that the respondent considers essential to the respondent's argument in relation to any application for leave are not included in the bundle filed under subclause (1), the respondent must, not later than 3 working days before the date allocated for the hearing of the application,—
 - (a) file in the Registry 4 copies of a bundle of those authorities; and
 - (b) serve a copy of the bundle on the other party.
- (3) If an official report (for example, NZLR, CLR, AC, SCR) of a case is available, that report is to be used for the bundle of authorities.
- (4) A bundle of authorities under subclause (1) or subclause (2) must be filed in the Registry—
 - (a) by delivering it to the Registry by hand; or
 - (b) by sending it to the Registry by mail to a postal address published by the Registrar.
- (5) A bundle of authorities under subclause (1) or subclause (2) must be served—
 - (a) by delivering it by hand to the other party's address for service; or
 - (b) by sending it by mail to the postal address supplied by the other party for the purposes of the appeal.

Compare: SR 2004/199 r 23

25 Oral submissions on application for leave

- (1) Oral submissions made at the hearing of an application for leave to appeal may not exceed—
 - (a) 15 minutes, in the case of the applicant's opening submission;
 - (b) 15 minutes, in the case of the respondent's submission;
 - (c) 5 minutes, in the case of the applicant's submission in reply.
- (2) In determining the application for leave, the Court must consider—
 - (a) the written submissions before it; and
 - (b) the matters raised at the hearing.
- (3) Subclause (1) is subject to any contrary direction given in a particular case by a Judge.

Compare: SR 2004/199 r 24

*Applications for leave where respondent consents***26 Respondent consents to application for leave**

- (1) If the respondent consents to the application for leave to appeal, the respondent must, within the time specified in subclause (2), file and serve a memorandum notifying that consent.
- (2) The time is 10 working days after the date on which the copy of the application for leave is served on the respondent.
- (3) The Registrar must promptly submit the application for leave and the memorandum referred to in subclause (1) to a Judge for directions on how the application is to be dealt with.
- (4) The Judge may give a direction that—
 - (a) modifies, or dispenses with, any of the steps for an application for leave that are set out in rules 22 to 25; and
 - (b) the application for leave is—
 - (i) to be heard orally; or
 - (ii) to be determined by the Court on the papers.
- (5) If the Judge gives a direction under subclause (4)(b)(i) that the application for leave is to be heard orally,—
 - (a) rule 21 applies; and
 - (b) rules 22 to 25 apply subject to any directions given by the Judge under subclause (4)(a).
- (6) If the Judge gives a direction under subclause (4)(b)(ii) that the application for leave is to be determined by the Court on the papers,—
 - (a) the Court may consider and determine the application for leave in any manner it thinks fit; and
 - (b) rules 22 and 23 apply subject to any directions given by the Judge under subclause (4)(a).

*Determination of applications for leave***27 Determination of application for leave**

- (1) The Court may—
 - (a) give leave to appeal; or
 - (b) refuse to give leave to appeal.
- (2) If the Court gives leave to appeal,—
 - (a) the Court may make the leave subject to any conditions that it considers appropriate, including conditions relating to security for costs; and

- (b) the Court need not give its reasons for giving leave.
- (3) If the Court refuses to give leave to appeal, it must state its reasons for refusing to give leave to appeal, but those reasons may be stated briefly and in general terms only.
- (4) The Court may refuse to give the appellant leave to appeal but may give the respondent leave to cross-appeal, in which case the party who, before the giving of that leave, was the respondent must then be treated as the appellant.
- (5) The Registrar must promptly advise the parties and the Registrar of the court appealed from whether or not leave has been given.

Part 3 Appeals

Application of Part

28 Application of this Part

This Part applies to—

- (a) appeals to the Court as of right; and
- (b) appeals to the Court where leave to appeal has been given, except where these rules provide otherwise.

Commencement of appeals

29 Time for appeal

- (1) A party must bring an appeal,—
 - (a) in the case of an appeal to the Court as of right, within 20 working days after the date of the decision against which the party wishes to appeal; or
 - (b) in the case of an appeal where leave to appeal or, as the case may be, cross-appeal has been given by the court appealed from or by the Court,—
 - (i) within the time specified by that court or by the Court when giving leave; or
 - (ii) if no time was specified by that court or by the Court, within 20 working days after the date of the decision giving leave.
- (2) A party who is entitled to bring a cross-appeal to the Court as of right and who wishes to bring the cross-appeal must bring the cross-appeal within 10 working days after the date on which a copy of the notice of appeal is served on the party.

- (3) For the purposes of subclause (1), the date of the decision is the date on which the decision is given,—
 - (a) whether reasons for the decision are then given or are given later; or
 - (b) whether or not formal steps, such as entering or sealing the decision, are necessary or are taken after the decision is given.
- (4) A party may, after the appeal period prescribed in an enactment or the period prescribed by subclause (1) or subclause (2) has expired, apply for special leave to appeal out of time in accordance with Part 2 if it wishes to have the period extended.

30 Form of appeal

A notice of appeal or cross-appeal must be in form 2 of the Schedule or in a form to similar effect.

31 Mode of bringing appeal

- (1) An appeal is brought only when—
 - (a) the appellant files the notice of appeal in the Registry—
 - (i) by delivering it by hand to the Registry; or
 - (ii) by sending it by mail to a postal address published by the Registrar; and
 - (b) a copy of the notice of appeal is served on every person who is a party to the proceeding in the court appealed from.
- (2) The appellant is responsible for serving the notice of appeal.
- (3) The Registrar must promptly—
 - (a) transmit a copy of the notice of appeal to the Registrar of the court appealed from; and
 - (b) advise the Registrar of that court of the date on which the notice of appeal was filed in the Registry.
- (4) If the appeal relates only to a part of the decision concerned, that part must be identified in the notice of appeal.
- (5) A notice of appeal is not required if the proceeding is a case stated under the authority of an enactment or is a proceeding removed from the High Court under section 64 of the Judicature Act 1908.

Compare: SR 1997/180 r 7

32 Mode of bringing cross-appeal

- (1) A cross-appeal is brought only when—
 - (a) the respondent files the notice of cross-appeal in the Registry—
 - (i) by delivering it by hand to the Registry; or
 - (ii) by sending it by mail to a postal address published by the Registrar; and
 - (b) a copy of the notice of cross-appeal is served on every person who is a party to the proceeding in the court appealed from.
- (2) The respondent is responsible for serving the notice of cross-appeal.
- (3) The Registrar must promptly—
 - (a) transmit a copy of the notice of cross-appeal to the Registrar of the court appealed from; and
 - (b) advise the Registrar of that court of the date on which the notice of cross-appeal was filed in the Registry.
- (4) If the cross-appeal relates only to a part of the decision concerned, that part must be identified in the notice of cross-appeal.

Compare: SR 1997/180 r 8

33 Respondent who intends to support decision appealed against on other ground

- (1) If the respondent intends to support the decision appealed against on a ground other than the one upon which it was based, the respondent must, within the time specified in subclause (2), file and serve a memorandum setting out the ground upon which the respondent intends to support the decision appealed against.
- (2) The time is 10 working days after the date on which the appellant's notice of appeal is served on the respondent.
- (3) If the respondent brings a cross-appeal, the memorandum referred to in subclause (1) may be included in the notice of cross-appeal.

34 Amendment of grounds of appeal

- (1) An appellant may amend the grounds of appeal by filing and serving a memorandum amending those grounds.

- (2) However, the grounds of appeal may be amended only by leave of the Court if—
 - (a) the Registrar has allocated a hearing date under rule 38; or
 - (b) the appeal to the Court has been brought by leave.
- (3) The leave of the Court to amend the grounds of appeal is not required under subclause (2) if the other party consents to the amendment of those grounds.

Steps to be taken before hearing

35 Security for costs: general

- (1) This rule applies to every appeal except—
 - (a) an appeal to which rule 36 applies; and
 - (b) an appeal where the Court has fixed security for costs under rule 27(2)(a).
- (2) The appellant in an appeal to which this rule applies must, within the time specified in subclause (3), pay to the Registrar security for the respondent's costs in the Court.
- (3) The time is 20 working days after the notice of appeal has been filed in the Registry.
- (4) If there is more than 1 respondent, each of them is entitled to security for their costs in the Court (unless they have the same solicitor, in which case they must be treated, for the purposes of calculating the amount of security, as a single respondent).
- (5) The amount of security payable under subclause (2) is—
$$2 \times a$$
where—
 - a is the daily recovery rate for category 3 proceedings that is specified in Schedule 2 of the High Court Rules.
- (6) However, the Registrar may, on application, if satisfied that the circumstances warrant it, make an order—
 - (a) increasing the amount of security;
 - (b) reducing the amount of security;
 - (c) dispensing with security;
 - (d) deferring the date by which security must be paid.
- (7) An application under subclause (6)—
 - (a) must be made and served within 20 working days after the notice of appeal has been filed in the Registry; and
 - (b) may be made on an informal basis.

- (8) The Registrar must notify the respondent as soon as—
- (a) the appellant pays security;
 - (b) an order is made under subclause (6).
- (9) If a respondent has brought a cross-appeal, this rule and rules 36 and 37 must be read as if references to—
- (a) an appellant were references to that respondent; and
 - (b) the appeal were references to the cross-appeal; and
 - (c) the respondent were references to the respondent on the cross-appeal.

Compare: SR 1997/180 r 11

36 Security for costs: legal aid

- (1) This rule applies to every appeal in which the appellant has applied for, or been granted, legal aid at the time the appeal is brought.
- (2) An appellant who has been granted legal aid at the time the appeal is brought does not need to pay security for the respondent's costs in the Court.
- (3) An appellant whose application for legal aid has not been determined at the time the appeal is brought does not need to pay security for the respondent's costs in the Court while that application is pending.
- (4) As soon as the application is determined, the appellant must promptly give the Registrar and the respondent written advice of the outcome.
- (5) If the application is granted, the appellant does not need to pay security for the respondent's costs in the Court.
- (6) If the application is declined, rule 35 applies to the appeal with the following (and any other necessary) modifications:
- (a) the time specified in rule 35(3) within which the appellant must pay to the Registrar security for the respondent's costs in the Court is 20 working days after the date on which the appellant's application for legal aid is declined; and
 - (b) the time specified in rule 35(7)(a) within which an application to the Registrar may be made for the making of an order under rule 35(6) is 20 working days after the date on which the appellant's application for legal aid is declined.

37 Consequences of failure to comply with requirement to pay security for costs

- (1) The Court may, on application, make an order striking out an appeal if security for costs is not paid by the time payment is due.
- (2) The appellant may not apply for the allocation of a hearing date under rule 38(1) if the appellant is in default of any obligation to pay security for costs.

38 Allocation of hearing date

- (1) A party may, at any time, apply to the Registrar for the allocation of a hearing date.
- (2) Subclause (1) is subject to rule 37(2).
- (3) The party applying to the Registrar for the allocation of a hearing date (**the applicant**) must, at the same time, supply to the Registrar—
 - (a) a copy of the decision appealed against, unless the case on appeal has already been filed or is being simultaneously filed; and
 - (b) written advice of the estimated time of hearing, which must be expressed as follows:
 - (i) 1 hour or less;
 - (ii) 2 hours or less;
 - (iii) one day (4.5 hours);
 - (iv) more than 1 day (specifying number of days); and
 - (c) if applicable, a request for the appeal to be heard by a Court of 5 Judges, giving reasons for that request.
- (4) The applicant must promptly serve the other party with a copy of—
 - (a) the application under subclause (1); and
 - (b) any advice or request under subclause (3)(b) or (c).
- (5) The Registrar must—
 - (a) after consultation with the parties, allocate a hearing date; and
 - (b) give the parties written notification of that hearing date; and
 - (c) if a request was made under subclause (3)(c), advise whether the request was granted.

- (6) If an appeal is to be heard by a Court of 5 Judges, rules 40(1), 41(1), and 42(1) and (2) must be read as if the references to 4 copies were references to 6 copies.
- (7) This rule is subject to rule 43.
Compare: SR 1997/180 r 12; SR 2004/199 r 32

39 Obligations of parties in preparing case on appeal

- (1) The appellant must prepare the case on appeal in consultation with the respondent.
- (2) The parties may not include in the case on appeal any document that is not relevant to the grounds to be argued on the appeal.
- (3) The parties must endeavour to avoid the unnecessary duplication of documents.
- (4) If the parties do not agree on whether a document should be excluded, the document must be included but the fact of the disagreement must be noted and may be taken into account for the purpose of fixing costs.

Compare: SR 2004/199 r 34

40 Filing and form of case on appeal

- (1) The appellant must—
 - (a) file in the Registry 4 copies of the case on appeal; and
 - (b) as soon as practicable after complying with paragraph (a), serve a copy of the case on appeal on the other party.
- (2) The case on appeal must be filed on the earlier of—
 - (a) a date not later than 30 working days before the date allocated for the hearing of the appeal; or
 - (b) a date that is within 6 months after the appeal is brought.
- (3) The pages contained in a case on appeal must be A4 in size and every page must be numbered consecutively from volume to volume.
- (4) Each volume must—
 - (a) be bound by cloth binding or by a flexibinding or spiral binding process; and
 - (b) be limited to a maximum of 250 pages; and
 - (c) have a title page as the cover showing
 - (i) a heading; and

- (ii) the names of the solicitors; and
 - (iii) the address for service of each party; and
 - (d) have a table of contents that—
 - (i) appears immediately after the title page; and
 - (ii) consists of a complete list of all documents contained in the case on appeal.
- (5) If the appeal involves a question of fact, the evidence bearing on the question that was taken in the court or tribunal of first instance, or the court appealed from, must be shown by including in the case on appeal—
 - (a) copies of affidavits and other documents; and
 - (b) if oral evidence is involved, a copy of the notes of evidence or, if those are not available, any other material as the court or tribunal of first instance or the court appealed from or the Court of Appeal directs.
- (6) The list of documents described in subclause (4)(d)(ii) must include references to each page—
 - (a) at which the evidence in chief, cross-examination, and re-examination of a witness commences; and
 - (b) at which any exhibit appears.
- (7) If there is more than 1 volume, there is to be a separate volume containing only—
 - (a) the notice of appeal or the order or orders of the court giving leave;
 - (b) the notice of cross-appeal (if any);
 - (c) the pleadings;
 - (d) all relevant decisions that have been made in the proceeding;
 - (e) any separate reasons for the decisions described in paragraph (d);
 - (f) all relevant orders made in the proceeding.
- (8) So far as possible and subject to subclause (7), all documents must be arranged in chronological order.
- (9) If a case on appeal was prepared for the hearing of an application for leave, that case may be reused for the hearing of the appeal—
 - (a) if the Registrar so approves; and
 - (b) subject to any directions and conditions that the Registrar or a Judge may impose.
- (10) If subclause (9)(a) applies, a supplementary case on appeal may be prepared containing additional documents relevant to

the appeal but which were not relevant to the application for leave.

Compare: SR 2004/199 r 35

41 Written submissions on appeals

- (1) Each party to an appeal must file in the Registry 4 copies of the party's written submissions, which must be contained in a document of not more than 30 pages that sets out—
 - (a) at the beginning of the document, a summary of the argument; and
 - (b) a narrative of facts relevant to the issues on appeal; and
 - (c) the party's submissions; and
 - (d) at the end of the document, a list of authorities to be cited by the party.
- (2) The appellant's written submissions must, whenever appropriate, be accompanied by a chronology; but if counsel are unable to agree on the chronology, the respondent must include, with the respondent's written submissions, a memorandum detailing areas of disagreement.
- (3) The appellant's written submissions must be filed and served on the other party not later than 20 working days before the date allocated for the hearing of the appeal.
- (4) The respondent's written submissions must be filed and served on the other party not later than 10 working days before the date allocated for the hearing of the appeal.
- (5) In any case where a respondent has brought a cross-appeal—
 - (a) the respondent is to be treated as the appellant for the purposes of subclause (3); and
 - (b) the appellant is to be treated as the respondent for the purposes of subclause (4).
- (6) This rule is subject to any contrary direction given by the Court in a particular case.

Compare: SR 2004/199 r 36

42 Bundle of authorities

- (1) The appellant must, at the time of filing the appellant's written submissions under rule 41(1),—
 - (a) file in the Registry 4 copies of a bundle of authorities that consists only of the authorities that the appellant considers essential to the appellant's case; and

- (b) serve a copy of the bundle on the other party.
- (2) If any authorities that the respondent considers essential to the respondent's case are not included in the bundle filed under subclause (1), the respondent must, at the time of filing the respondent's written submissions under rule 41(4),—
 - (a) file in the Registry 4 copies of a bundle of those authorities; and
 - (b) serve a copy of the bundle on the other party.
- (3) If an official report (for example, NZLR, CLR, AC, SCR) of a case is available, that report is to be used for the bundle of authorities.
- (4) A bundle of authorities under subclause (1) or subclause (2) must be filed in the Registry—
 - (a) by delivering it to the Registry by hand; or
 - (b) by sending it to the Registry by mail to a postal address published by the Registrar.
- (5) A bundle of authorities under subclause (1) or subclause (2) must be served—
 - (a) by delivering it by hand to the other party's address for service; or
 - (b) by sending it by mail to the postal address supplied by the other party for the purposes of the appeal.

Compare: SR 2004/199 r 37

Termination before hearing

43 Appeal abandoned if not pursued

- (1) An appeal is to be treated as having been abandoned if the appellant does not apply for the allocation of a hearing date and file the case on appeal within 6 months after the appeal is brought.
- (2) The Court, on application, may—
 - (a) grant an extension of the period referred to in subclause (1); and
 - (b) grant 1 or more further extensions of any extended period.
- (3) An application for the grant of an extension may be made before the expiry of the period to which the application relates or within 3 months after that expiry; but no extension may be granted on an application that is made later than 3 months after that expiry.

- (4) This rule overrides rules 5(2) and 6.

Compare: SR 1997/180 r 10; SR 2004/199 r 38

44 Abandonment of appeal by party

- (1) A party may, at any time, abandon an appeal brought by the party by filing in the Registry a notice advising that the party—

- (a) does not intend to prosecute the appeal further; and
- (b) abandons all further proceedings concerning that appeal.

- (2) The notice must be signed by—

- (a) the party personally; or
- (b) the party's solicitor or counsel.

- (3) The abandonment of an appeal does not affect the power of the Court to make any order as to costs in respect of the appeal.

Compare: SR 2004/199 r 39

Matters of evidence and information

45 Application for leave to adduce further evidence

- (1) The Court may, on the application of a party, grant leave for the admission of further evidence on questions of fact by—

- (a) oral examination in Court; or
- (b) affidavit; or
- (c) depositions taken before an examiner or examiners in accordance with rules 369 to 376 of the High Court Rules.

- (2) The parties and their counsel are entitled to be present at, and take part in, the examination of a witness.

Compare: SR 1997/180 r 24; SR 2004/199 r 40

46 Court may call for exhibits, etc, and request report from court or tribunal of first instance

- (1) The Court may require the court or tribunal of first instance or the court appealed from to provide the Court with any document, exhibit, or thing produced in or connected with the proceeding.

- (2) The Registrar must, if the Court so directs, request the Judge of the court of first instance or the presiding officer of the

tribunal to provide the Court with any report in writing requested by the Court.

- (3) The Registrar must disclose the report—
 - (a) to the parties unless the Court otherwise directs; and
 - (b) to any other person on the direction of the Court.
- (4) To enable the Judge or presiding officer to prepare the report, the Registrar must provide the Judge or presiding officer with any document concerning the proceeding and in the Registrar's possession if—
 - (a) the Judge or presiding officer requests the document; or
 - (b) the Court directs the Registrar to provide the document.

Compare: SR 2004/199 r 41

Part 4

Determination of appeals

47 Appeals to be by way of rehearing

All appeals are to be by way of rehearing.

Compare: SR 1997/180 r 18

48 Powers of Court in hearing appeals

- (1) The Court may—
 - (a) direct the service of a notice of appeal or cross-appeal on—
 - (i) a party to the proceeding appealed from who has not been served; or
 - (ii) a person who is not a party; and
 - (b) in the meantime, postpone or adjourn the hearing of the appeal on any terms that may seem just, and give any judgment and make any orders that might have been given or made if the persons served in this manner had originally been parties.
- (2) The Court has all the powers and duties of the court of first instance concerning procedure, including the amendment of pleadings.
- (3) The Court may draw inferences of fact.
- (4) The Court may give any judgment and make any order which ought to have been given or made, and make any further or other orders that the case may require.
- (5) The powers of the Court may be exercised—

- (a) even though the notice of appeal or cross-appeal may state that only part of a decision is appealed from; and
 - (b) in favour of all or any respondents or parties although they may not have appealed from the decision or contended that it should be varied; and
 - (c) despite any interlocutory ruling or order that has not been appealed.
- (6) Nothing in this rule limits any other powers of the Court.
- Compare: SR 1997/180 r 19

49 Delivery of judgment

Any 2 Judges may deliver a judgment of the Court.

50 Notification of result of appeal to other courts

The Registrar must, promptly after the result of an appeal is known, notify that result to the Registrar of the court appealed from and to the Registrar of any other court or tribunal that determined a matter in the proceeding.

Compare: SR 1997/180 r 23; SR 2004/199 r 43

51 Judgments to be sealed, dated, and served

- (1) Every judgment must be drawn up in a form approved by the Registrar, who must seal it with the seal of the Court.
- (2) Form 3 of the Schedule may be used.
- (3) A judgment may be sealed—
 - (a) in accordance with a direction given by the Court relating to the sealing of the judgment; or
 - (b) if no direction is given, at any time after the judgment has been given.
- (4) Despite subclause (3)(b), a judgment may not be sealed, except with the leave of the Court, if there is an existing application for the recall or reopening of the judgment that has not been determined.
- (5) A sealed judgment must state—
 - (a) the date on which, in accordance with rule 49, the judgment is given; and
 - (b) the date on which it is sealed.
- (6) Neither the parties nor their representatives have a right to appear before the Court on an application for the recall or

reopening of a judgment, but the Court may, if it thinks fit, authorise the parties, their representatives, or both, to appear.

52 When judgment takes effect

- (1) A judgment takes effect when it is given.
- (2) Unless a Judge otherwise directs, no step may be taken on a judgment before it has been sealed.
- (3) A party may apply for leave to appeal to the Supreme Court even though the judgment sought to be appealed against has not been sealed, as long as the party takes steps to ensure that the judgment is sealed promptly after the application for leave is filed.
- (4) In this rule—
 - (a) subclause (2) overrides subclause (1):
 - (b) subclause (3) overrides subclause (2).

53 Costs and disbursements

- (1) The Court may, in its discretion, make any orders that seem just concerning the whole or any part of the costs and disbursements of—
 - (a) an appeal; or
 - (b) an application for leave to bring an appeal.
- (2) The Court may order that the costs and disbursements awarded to any party be taxed as between party and party or as between solicitor and client.
- (3) The Court may order that the costs and disbursements be charged upon or paid out of any fund, estate, or assets before the Court.
- (4) If the Court orders a party to pay another party (**party B**) usual disbursements, the order—
 - (a) encompasses—
 - (i) party B's disbursements as defined in rule 48H(1) of the High Court Rules; and
 - (ii) party B's counsel's reasonable travelling and accommodation expenses; and
 - (b) of itself empowers the Registrar to fix the types and amounts of disbursements if the parties are unable to agree on them.

Compare: SR 1997/180 r 21; SR 2004/199 r 44

54 Repayment of judgment sum and interest

- (1) If an appellant has, in accordance with a judgment of a court appealed from, paid a judgment debt and any interest payable on that debt, and the appellant successfully appeals from that judgment, the Court may make the orders described in subclause (2).
- (2) The Court may, in its discretion, make any orders that seem just concerning—
 - (a) the repayment of the amount paid by the appellant; and
 - (b) the payment of interest to the appellant on the amount paid by the appellant under the judgment during the period commencing on the date of the payment and ending with the date of the repayment.

Compare: SR 1997/180 r 22; SR 2004/199 r 45

Part 5 Revocation and transitional provision

55 Revocation

The Court of Appeal (Civil) Rules 1997 are revoked.

56 Transitional provision

- (1) These rules apply to—
 - (a) all existing proceedings; and
 - (b) all proceedings brought on or after the date of commencement of these rules.
- (2) Despite subclause (1)(a), these rules do not apply to an existing proceeding if the Registrar or a Judge, on an application made in accordance with subclause (4), considers that the application of these rules to the proceeding, or to any particular matter or step in the proceeding, would lead to an unjust result.
- (3) If these rules do not apply to an existing proceeding, the Court of Appeal (Civil) Rules 1997 (as in force immediately before the commencement of these rules) apply—
 - (a) despite their revocation by rule 55; and
 - (b) as if these rules had not been made.
- (4) An application under subclause (2) may be made on an informal basis.
- (5) In this rule, **existing proceeding** means a proceeding brought before the date of commencement of these rules.

r 15, 30, 51

Schedule Forms

r 15

Form 1

Application for leave to bring civil appeal

(Standard heading—see rule 9)

I, *[full name]*, the applicant, give notice that I am applying for *[special]* leave to appeal to the Court against *[state particulars of the decision against which you wish to appeal, including the date on which, and the court where, it was given]*.

I am seeking to appeal against *[state whether you wish to appeal against all or part of the decision; if just part, identify that part]*.

I am making my application for *[special]* leave under section *[number]* of the *[name]* Act *[year]*.

*I applied for leave to appeal to the Court of Appeal in the *[name]* Court, but that application was declined on *[date]*.

The specific grounds of my appeal are *[state grounds]*.

The Court of Appeal should grant me leave to appeal because *[state reasons]*.

The judgment I seek from the Court of Appeal, if leave is granted, is *[specify the form of judgment you seek]*.

I rely on the following affidavit(s) in support of my application for leave:

[list deponents, and the date on which each swore his or her affidavit].

*I am legally aided.

*I am not legally aided.

*I have applied for legal aid.

*Insert whichever is applicable.

Dated this *[date]* day of *[month]* *[year]*.

.....
Signature of appellant or
appellant’s solicitor or
counsel

My address for service is *[insert address]*:

.....

Form 1—*continued***Notes**

- 1 In the case of an application for leave to cross-appeal, modify this form as appropriate.
- 2 An application for leave must be accompanied by—
 - (a) a copy of the decision to which the appeal relates; and
 - (b) a copy of any separate reasons for the decision (if available); and
 - (c) if that decision was given on appeal, a copy of every decision previously given in the proceeding on matters of relevance to the appeal; and
 - (d) a copy of any separate reasons for every decision referred to in paragraph (c); and
 - (e) any affidavit relevant to the application.

r 30

Form 2
Notice of appeal

(Standard heading—see rule 9)

I, [full name], the appellant in the proceeding identified above, give notice that I am appealing to the Court against [state particulars of the decision against which you wish to appeal, including the date on which, and the court where, it was given; if that decision was given on appeal, also state particulars of every decision previously given in the proceeding on matters relevant to that appeal, and the date on which, and the court where, the decision (or each decision) was given].

1 What are the specific grounds of your appeal?

[If your appeal is brought by leave and the court giving leave has set out the grounds of, or questions on, appeal, those grounds or questions must be specified.]

2 What judgment do you seek from the Court of Appeal?

* I am bringing this appeal pursuant to leave to appeal given by the [name of court] on [date].

* I am legally aided.

* I am not legally aided.

* I have applied for legal aid.

*Insert as applicable.

Dated this [date] day of [month] [year].

.....
Signature of appellant or
appellant’s solicitor or
counsel

My address for service is [insert address]:

.....

Notes

- 1 In the case of a cross-appeal, modify this form as appropriate.
- 2 If the appeal or cross-appeal relates only to a part of the decision appealed against, that part must be identified in this notice: see rules 31(4) and 32(4).
- 3 If you have applied for legal aid for this appeal, you must promptly give the Registrar written notice of the outcome of the application for legal aid.

Form 3

r 51

Judgment for sealing

(Standard heading—see rule 9)

At [time] on [date], the Court of Appeal of New Zealand, comprising the Honourable Justice [name], the Honourable Justice [name], and the Honourable Justice [name], delivered a judgment on an appeal from a decision of [court appealed from] given on [date of decision appealed against].

The Court of Appeal determined:

[state the terms of the judgment]

.....
(Deputy) Registrar

Sealed on [date]:

Rebecca Kitteridge,
Acting for Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 1 May 2005, set out the rules of procedure of the Court of Appeal in civil proceedings and replace the Court of Appeal (Civil) Rules 1997.

Most of the provisions of these rules are in substantially the same terms as the Supreme Court Rules 2004, except that those rules govern both civil and criminal proceedings in the Supreme Court. These rules do not apply to proceedings to which the Court of Appeal (Criminal) Rules 2001 apply.

The key features of these rules are—

Preliminary and general matters:

- the Court of Appeal may, in relation to any matter that arises in a proceeding, give any directions that seem necessary for the just and expeditious resolution of the matter. Any matters not covered by these rules are to be disposed of as nearly as practicable in accordance with the provisions of these rules affecting any similar matter or, in the absence of any such

provisions, in the manner that the Court thinks best able to promote the ends of justice. The Court may also extend or shorten the time appointed by these rules, or fixed by any order, for doing any act or taking any proceeding or any step in a proceeding on any terms that the Court thinks just (*rule 5*):

- a Judge of the Court may exercise a power conferred on the Court by these rules to give a direction or to decide a matter (except the determination of an application for leave to appeal or an appeal) and may, on application, review any decision of the Registrar of the Court under these rules (*rule 7*):
- documents may be served on a party at the address for service notified in the proceeding in the court appealed from or for the purposes of the appeal or, if the party has supplied the appropriate information for the purpose, by post, fax, or email (*rule 10*):

Applications for leave to appeal:

- an application for leave to appeal to the Court must be made within 20 working days after the decision to be appealed is given and applications for leave to cross-appeal to the Court must be made within 10 working days after a copy of the application for leave is served on the respondent (*rule 14*):
- an application for leave to appeal must state the specific grounds of the appeal, why the Court should give leave, and the judgment that the applicant seeks for the appeal (*rule 17*):
- if the respondent opposes the application for leave to appeal, the Registrar must allocate a hearing date for the application in consultation with the parties (*rule 21*):
- the case for the application for leave to appeal must be prepared by the applicant and filed in the Registry of the Court and served on the respondent within 20 working days after filing the application for leave (*rule 22*):
- any written submissions by the applicant for leave to appeal must be filed in the Registry of the Court within 20 working days after filing the application for leave. Any written submissions in response must be filed by a party in the Registry of the Court within 15 working days after service of the applicant's submissions on the party (*rule 23*):
- the applicant must, not later than 5 working days before the hearing date, file a bundle of authorities that consists of the

authorities that the applicant considers essential. If that bundle omits any authorities that the respondent considers essential, the respondent must, not later than 3 working days before the hearing date, file the respondent's bundle of authorities (*rule 24*):

- if the respondent consents to the application for leave, the Registrar must promptly submit the application to a Judge for directions on how the application is to be dealt with. The Judge may give a direction that modifies, or dispenses with, any of the steps described above for an application for leave. The Judge may also give a direction that the application is to be heard orally or is to be determined by the Court on the papers (*rule 26*):
- the Court may give or refuse to give leave to appeal. If the Court gives leave to appeal, it may make the leave subject to any conditions that it considers appropriate, including conditions relating to security for costs (*rule 27*):

Appeals:

- any appeals to the Court as of right must be brought within 20 working days after the date of the decision appealed against and any appeals where leave to appeal or cross-appeal has been given by the court appealed from or by the Court must be brought within the time specified by that court or by the Court or, if no time was specified, within 20 working days after the date of the decision giving leave. Any cross-appeals to the Court as of right must be brought within 10 working days after a copy of the notice of appeal is served on the party (*rule 29*):
- a respondent who intends to support the decision appealed against on a ground other than the one on which the decision was based must file and serve a memorandum setting out the ground. The memorandum must be filed and served within 10 working days after the date on which the appellant's notice of appeal is served on the respondent (*rule 33*):
- within 20 working days after the notice of appeal is filed, the appellant must pay to the Registrar security for the respondent's costs in the Court. The amount of the security is fixed in accordance with a formula based on the daily recovery rate for category 3 proceedings that is specified in Schedule 2 of the High Court Rules. However, the Registrar may, on application, make an order that increases or reduces the amount of

security or that dispenses with security or defers the date by which security must be paid (*rule 35*):

- an appellant who has applied for, or been granted, legal aid at the time the appeal is brought does not need to pay security for the respondent's costs in the Court if, at that time, the application for legal aid is still pending or the application has been granted. If the appellant's application for legal aid is declined, the appellant must pay security for the respondent's costs in the Court, except that security must be paid within 20 working days after the date on which the application is declined (*rule 36*):
- if security for costs is not paid by the time payment is due, the Court may make an order striking out an appeal and the appellant may not apply for a hearing date to be allocated (*rule 37*):
- the appellant must prepare the case on appeal in consultation with the respondent and must file the case in the Registry of the Court not later than 30 working days before the hearing date or within 6 months after the appeal is brought, whichever is the earlier. If a case on appeal was prepared for the hearing of an application for leave, that case may be reused for the hearing of the appeal if the Registrar so approves, subject to any directions and conditions that the Registrar or a Judge may impose (*rules 39 and 40*):
- before the appeal is heard, each party must file written submissions not exceeding 30 pages. The appellant must, when filing the appellant's written submissions, also file a bundle of the authorities that the appellant considers essential. If that bundle omits any authorities that the respondent considers essential, the respondent must, when filing the respondent's written submissions, also file a bundle of those authorities (*rules 41 and 42*):
- an appeal is treated as abandoned if the appellant does not apply for a hearing date and file the case on appeal within 6 months after the appeal is brought. The Court may, on application, extend the period or any previously extended period. However, no extension may be granted on an application that is made later than 3 months after the expiry of the relevant period (*rule 43*):

Determination of appeals:

- appeals are to be by way of rehearing (*rule 47*):

- the Court may give any judgment and make any order which ought to have been given or made, and make any further or other orders that the case may require (*rule 48*):
- the Court may, in its discretion, make any orders that seem just concerning the whole or any part of the costs and disbursements of an appeal or an application for leave to appeal (*rule 53*):

Revocation and transitional provision:

- the Court of Appeal (Civil) Rules 1997 are revoked (*rule 55*):
- the new rules apply to proceedings brought before or after the date of commencement of these rules unless, in the case of proceedings brought before that date, the Registrar or a Judge, on application, considers that the application of these rules to the proceeding, or to any particular matter or step in the proceeding, would lead to an unjust result. If these rules do not apply to any proceedings brought before the date of commencement of these rules, the Court of Appeal (Civil) Rules 1997 (as in force immediately before that date) apply despite their revocation and as if these rules had not been made (*rule 56*).

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 24 March 2005.

These rules are administered in the Ministry of Justice.
