

## **Amendments to *Supreme Court (Court of Appeal) Amendment Rules 2005***

The amendments are the result of a detailed review of the *Supreme Court (Court of Appeal) Rules 2005 (CAR)*. Key changes to the **CAR** include:

- to provide that a delegation by the rules of jurisdiction to a single judge or a registrar does not limit the jurisdiction of the Court of Appeal or prevent the Court of Appeal from exercising the jurisdiction (Rule 5A).
- to require service on a party of the order giving leave to a lawyer to cease to act and to file a Form 5A service certificate that certifies that the party has been served and states the party's last known geographical address (Rule 24);
- to clarify who is a proper party to an appeal (Rule 26A);
- to provide for an originating process for cross appeals whereby a respondent must file a Form 4A notice of respondent's cross appeal (in addition to a Form 4 notice of respondent's intention to take part in the appeal) (Rule 31A);
- to require an appellant to identify in the grounds of appeal, by reference to the paragraph number or page number of the reasons for the primary court's decision, each passage where each error is alleged to occur (Rule 32(4));
- to require leave of a single judge for the addition or removal of a party, the amendment of a document that has been filed and the issue of a subpoena (Rule 42A);
- to make specific provision for a single judge to strike out a ground of appeal or an appeal notice, alternatively to bar respondents from taking part in an appeal or to refer any application for an interim order to the hearing of the appeal ( Rule 43);
- to provide for the extraction of final orders in civil appeals (Rule 63); and
- to clarify that a party is entitled to the costs of preparing and filing a document if the document is filed and served within a period of time extended by an order (and not only if filed and served within the time specified in the rules), unless the Court of Appeal orders otherwise (Rule 66).

The amended Rules can be accessed via this link:

[https://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_2087\\_homepage.html](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_2087_homepage.html)