

# **COURT OF APPEAL**

## **PRACTICE DIRECTION No.1 OF 2019**

### **CIVIL APPEALS**

#### **General**

1. This practice direction is to be read with Practice Direction No. 1 of 2018 and Rules 18 and 18A of the Court of Appeal Rules.

#### **Filing Submissions**

2. For all civil appeals in which the appeal record was certified prior to 1 July 2018, the provisions of paragraph 4(ii) – (v) of Practice Direction No.1 of 2018 are to apply as if the appeal record had been certified on 1 February 2019.

#### **Filing appeal records**

3. From 1 February 2019, upon the filing of a notice of appeal (either as of right or following the grant of leave or an enlargement of time) the Registrar shall forthwith arrange for the transcription of any sound recording of the evidence and of the judge's notes of evidence.
4. The Registrar shall within 42 days of the filing of a notice of appeal forward to the appellant copies of the transcripts referred to in paragraph 4 for the preparation of the appeal record.
5. For appeals filed after 1 February 2019 appeal records are to be lodged for certification by the Registrar within 42 days of receipt by the appellant of the transcript of the sound recording (if any) and or the transcript of the judges notes of evidence.

6. For all civil appeals that were filed prior to 1 February 2019, the following arrangements are to apply:
- (i) Where the notice of appeal was filed between 2014 and 2016 (inclusive) the appeal record is to be lodged for certification by 30 June 2019.
  - (ii) Where the notice of appeal was filed in 2017 the appeal record is to be lodged for certification no later than 31 December 2019.
  - (iii) Where the notice of appeal was filed between 1 January 2018 and 31 January 2019 the appeal record is to be lodged for certification no later than 31 December 2019.
  - (iv) The Registrar may extend the time for lodging the appeal record for certification by no more than 30 days.

#### **ABANDONMENT**

7. In the event of non-compliance with paragraphs 2, 5 and 6 then paragraphs (2) and (3) of Rule 17 of the Rules apply as if the non-compliance were non-compliance with paragraph (1) of Rule 17.
8. Abandonment is an automatic consequence of non compliance with Practice Directions No 1 of 2018 and No 1 of 2019. Parties will not receive formal notice that the appeal is deemed to be abandoned.

**Dated** at Suva this 15<sup>th</sup> day of February 2019.

**W.D. Calanchini**

**President, Court of Appeal**