

COURT OF APPEAL
Practice Direction No. 1 of 2015
CIVIL APPEAL PROCEDURES

General

1. Rules 16 – 18 of the Court of Appeal Rules (the Rules) regulate the procedure to be followed in civil appeals up to and including the certification of the appeal record by the Registrar.

2. Rule 18(8) of the Rules requires the appellant within 28 days of certification of the record to:
 - (i) Notify all parties to the appeal that the record is ready for collection from the appellant, and
 - (ii) Lodge 4 copies of the record with the Registrar.

3. The purpose of this practice direction is to regulate the further procedure to be followed by the parties to a civil appeal following certification of the appeal record by the Registrar.

Written submissions

4. The following procedure is to apply in any civil appeal where the appeal record has been certified after 1 May 2015.
 - (i) Within 28 days of lodging the 4 copies of the appeal record with the Registrar, the appellant is required to file and serve written submissions.
 - (ii) The respondent is required to file and serve answering written submissions within 28 days thereafter.
 - (iii) If written submissions have not been filed by the call-over date, the Court shall give further directions and/or make such orders as it deems fit.
 - (iv) Written submissions should set out clearly the issues giving rise to the appeal or the response and the arguments relating to them with supporting authorities.

- (v) Written submissions should refer to both the authorised report/unreported citation and the neutral (internet) citation. Copies of the reported or unreported signed version of authorities should be provided in preference to the internet version.

Call-over

5. When the appeal record has been certified by the Registrar the appeal will be placed in the list of appeals to be called over.
6. Appeals will be called over in order generally determined by the date on which the notice of appeal (or leave application) was filed and served. The number of appeals to be called over will be approximately the same as the number of appeals that can be listed in the next session.
7. A call-over is usually held approximately six(6) weeks before the next session and parties are usually given notice of the call-over approximately 10 – 14 days beforehand.
8. When an appeal is listed for call-over parties are expected to take a date for the hearing of the appeal in the next session. The call-over notice will inform the parties of the period when appeals will be heard in the next session. Only in exceptional circumstances and with supporting material will a party's application to be relisted in the following call-over be entertained.
9. The procedure outlined above is to apply from and including the call-over for the September 2015 session of the Court.
10. Practice Direction No.1 of 2004 is hereby revoked.

Dated at Suva this 21st day of April, 2015.

W. D. Calanchini
PRESIDENT, COURT OF APPEAL