

COURT OF APPEAL
Practice Direction No. 1 of 2018
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 July 2018.
 - (i) In order to comply with Rule 18(8) the Appellant is required to collect the certified appeal record from the Registry within 14 days of certification of the record.
 - (ii) Within 28 days thereafter (i.e. no later than 6 weeks after certification of the record by the Registrar) the Appellant is required to file and serve written submissions.
 - (iii) The respondent is required to file and serve answering written submissions within 28 days thereafter.
 - (iv) In the event of non-compliance with either paragraph (i) above or paragraph (ii) above, then paragraphs (2) and (3) of Rule 17 of the Rules apply as if the non-compliance were non-compliance with sub-rule(1) of that Rule.

- (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 usually be more than the number of appeals that can be listed in the next session. This is to ensure that there is a full list of civil appeals to be heard in the 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. This practice direction is to take effect on 1 July 2018.
10. Practice Direction No.1 of 2015 is hereby revoked.

Dated at Suva this 20th day of June, 2018.



W. D. Calanchini
PRESIDENT, COURT OF APPEAL