

**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

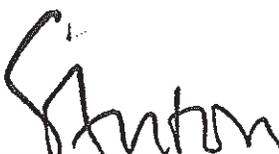
*Order in Council No.*      402                      , *Approved and Ordered* July 14, 2015

  
Lieutenant Governor

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, made after consultation with the Chief Justice of British Columbia, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective July 24, 2015, the Court of Appeal Rules, B.C. Reg. 297/2001, are amended as set out in the attached Schedule.

**DEPOSITED**  
  
July 15, 2015  
  
B.C. REG. **134/2015**

  
\_\_\_\_\_  
*Attorney General and Minister of Justice*

  
\_\_\_\_\_  
*Presiding Member of the Executive Council*

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*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Court Rules Act, R.S.B.C. 1996, c. 80, s. 1*

Other: *OIC 1075/2001*

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June 8, 2015

Resub 2 R/388/2015/27

## SCHEDULE

**1** *Rule 38 of the Court of Appeal Rules, B.C. Reg. 297/2001, is amended by striking out “indigent status” and substituting “an order that no fees are payable”.*

**2** *Rule 47 (3) is amended*

*(a) in paragraph (a) by adding “or oral” after “a reserve”, and*

*(b) by repealing paragraph (b).*

**3** *Rule 56 is repealed and the following substituted:*

### **Justice may order that no fees are payable**

**56** (1) Subject to subsection (2), if a justice, on application made in accordance with Rule 38 before or after the commencement of an appeal or application, finds that a person cannot afford to pay the fees under Schedule 1 of Appendix C without undue hardship, the justice may order that no fees are payable under that Schedule.

(2) A justice may not make an order under subsection (1) respecting a person if the justice considers that the position being argued by that person

(a) lacks merit,

(b) is scandalous, frivolous or vexatious, or

(c) is otherwise an abuse of the process of the court.

**4** *Form 9 is amended*

*(a) by repealing Part 1 and substituting the following:*

- Part 1 – DOCUMENTS

The most current versions of the document(s) that initiated the proceeding under appeal and the responding document(s). ,

*(b) in Part 2 by adding “with an envelope attached” after “blank page”,*

*(c) by repealing Part 3 and substituting the following:*

- Part 3 – JUDGMENT or DECISION

A copy of the reasons for judgment or decision in the format released to the parties. , *and*

*(d) in Part 4 by adding “with an envelope attached” after “blank page”.*

**5** *Form 19 is amended*

*(a) by repealing the title and substituting the following:*

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR ORDER THAT NO FEES ARE PAYABLE ,**

*(b) in item 2 by striking out “I be declared indigent with respect to the payment of fees set out in the” and substituting “no fees are payable under”,*

(c) *in item 7 by striking out “monthly income, expenses and assets” and substituting “assets, debts, monthly income and monthly expenses”,*

(d) *in Exhibit “A” by adding “and attach copies of relevant documents, i.e. most recent tax assessment” after “Specify assets and set out their estimated value”, and*

(e) *in Exhibit “A” immediately after*

TOTAL (Estimated asset values) \$ .....

*by adding the following:*

DEBTS

[Specify debts and set out the amounts owed and attach copies of relevant documents, i.e. most recent mortgage statement]

.....  
.....  
.....  
.....

TOTAL (Amount owed) \$ .....

6 *Forms 23 and 25 are amended by striking out “ON JUDGMENT BEING RELEASED ON THIS DATE” in both places and substituting “ON JUDGMENT BEING PRONOUNCED ON THIS DATE”.*