



COURT OF APPEAL
FOR BRITISH COLUMBIA

Court of Appeal for British Columbia

Table of Concordance Practice Directives & Notes

Updated September 12, 2022

Table of Contents

CIVIL AND FAMILY PRACTICE DIRECTIVES AND NOTES..... 6

 Addressing the Court 6

 Adjournment of Appeals 6

 Appearing before the Court 6

 Booking Civil Chambers Applications 6

 Case Compilation Software 6

 Case Management of Family Law Appeals 6

 Chambers Applications by Telephone or Videoconference 7

 Chambers Applications 7

 Citation of Authorities 7

 Commencing an Appeal When Uncertain if Leave to Appeal is Required 7

 Condensed Appeals Pilot Project..... 7

 Condensed Books 8

 Consent Orders..... 8

 Correction of Books Filed with Court (note)..... 8

 Costs 8

 Court of Appeal Practice Directives..... 8

 Court Sittings in Kamloops and Kelowna..... 8

 Declarations in Court Orders (note) 9

 Digital Recording Policy in Court of Appeal..... 9

 Electronic Media in Appeal Books | Appeal Books Checklist 9

 Expedited Appeals 9

 Factum Format 9

Filing Written Argument in Court of Appeal Chambers 9

Five Justice Divisions..... 10

Frequently Cited Authorities 10

Guidelines for Protecting Privacy Interests in Reasons for Judgment 10

Hague Protocol for Appeals Regarding the Inter-Jurisdictional Abduction of Children..... 10

Joint Appeal Books and Transcript Extracts 11

Judicial Settlement Conferences 11

Obtaining Oral Reasons for Judgment..... 11

Oral Reasons for Judgment 11

Order Made When Extension of Time Refused..... 11

Preferred Filing Registry 11

Publication Bans and Sealing Orders 12

Release of Court of Appeal Reserve Reasons for Judgment by email..... 12

Remote Appearances 12

Style of Proceedings 12

Submission of Electronic Factums and Statements..... 12

Supplementary Arguments..... 13

Use of the Facsimile in Court of Appeal 13

CRIMINAL PRACTICE DIRECTIVES AND NOTES 14

 Access to Criminal Appeal Files 14

 Addressing the Court..... 14

 Adjournment of Appeals 14

 Appearing before the Court 14

 Applications for a Court-Appointed Lawyer Under Section 684 of the Criminal 14

 Code..... 14

 Case Compilation Software 14

Chambers Applications by Telephone or Videoconferencing 15

Citation of Authorities 15

Condensed Books 15

Correction of Books Filed with Court 15

Court of Appeal Practice Directives..... 15

Court Sittings in Kamloops and Kelowna..... 16

Criminal Conviction/Acquittal Appeals Timeline [pilot project]..... 16

Criminal Transcripts..... 16

Declarations in Court Orders (note) 16

Digital Recording Policy in Court of Appeal..... 16

Double-Siding of Appeal Materials (note) 16

Electronic Media in Appeal Books 16

Expedited Appeals 17

Extradition Appeals..... 17

Factums in Criminal Appeals 17

Five Justice Divisions..... 17

Forfeiture, Dangerous and Long-Term Offender Appeals..... 17

Frequently Cited Authorities 18

Guidelines for Protecting Privacy Interests 18

in Reasons for Judgment 18

In Custody Appellants and New Trials 18

Ineffective Assistance of Trial Counsel 18

Mental Disorder Appeals..... 18

Obtaining Oral Reasons for Judgment..... 18

Oral Reasons for Judgment 19

Preferred Filing Registry 19

Publication Bans 19

Release of Court of Appeal Reserve Reasons for Judgment by email 19

Remote Appearances 19

Sentence Appeals 19

Style of Proceedings 20

Submission of Electronic Factums and Statements..... 20

Summary Conviction Appeals 20

Supplementary Arguments..... 20

Use of Facsimile in Court of Appeal..... 20

CIVIL AND FAMILY PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Addressing the Court	Rescinded – October 11, 2019 New practice note - October 24, 2014	Renamed Appearing before the Court
Adjournment of Appeals	Rescinded – July 18, 2022 Updated - September 19, 2011 Updated - January 22, 2010 First issued - June 7, 2005	See Rule 45 unchanged unchanged
Appearing before the Court	Updated – July 18, 2022 Updated – November 18, 2021 First issued – October 11, 2019	Replaced Addressing the Court
Booking Civil Chambers Applications	Rescinded – July 18, 2022 New practice note - April 28, 2017	Renamed Chambers Applications
Case Compilation Software	First issued – July 18, 2022	
Case Management of Family Law Appeals	Updated – July 18, 2022 Updated - February 28, 2018 Updated - September 19, 2011 First issued - January 12, 2004	Renamed Case Management of Family Law Appeals Unchanged Issued as Family Law Appeals

CIVIL AND FAMILY PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Chambers Applications by Telephone or Videoconference	Rescinded – July 18, 2022 Updated - September 19, 2011 Updated - December 12, 2005 Updated - March 7, 2002 First issued - March 2, 1998	Renamed Chambers Applications current title unchanged unchanged Chambers Applications by Telephone
Chambers Applications	First Issued - July 18, 2022	Combination of Booking Civil Chambers Applications and Chambers Applications by Telephone or Videoconference
Citation of Authorities	Updated – July 18, 2022 Updated - September 19, 2011 Updated - June 18, 2007 First issued - March 7, 2002	Citation standards generally follow the most recent edition of the McGill Guide unchanged unchanged
Commencing an Appeal When Uncertain if Leave to Appeal is Required	Rescinded – July 18, 2022 Updated – May 8, 2017 Updated - April 28, 2017 Updated – September 19, 2011 First issued - May 5, 2008	See FORM 1 Notice of Appeal unchanged unchanged unchanged
Condensed Appeals Pilot Project	Rescinded – July 18, 2022 New practice note – October 11, 2019	

CIVIL AND FAMILY PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Condensed Books	Rescinded – July 18, 2022 Updated - September 19, 2011 First issued - March 26, 2007	See Rule 37 and Completion Instruction unchanged
Consent Orders	Rescinded – July 18, 2022 First issued – February 28, 2018	See Rule 67
Correction of Books Filed with Court (note)	Rescinded – July 18, 2022 First issued - August 2, 2013	See Rule 82
Costs	First issued - May 30, 2013	
Court of Appeal Practice Directives	Rescinded – September 18, 2022 Updated - September 19, 2011 Updated - December 6, 2007 First issued - March 21, 2007	See Rule 89 unchanged unchanged
Court Sittings in Kamloops and Kelowna	Updated - June 27, 2014 Updated - April 17, 2012 Updated - September 19, 2011 First issued - September 8, 2010	current title unchanged unchanged Court Sittings in Kamloops, Kelowna, and Prince George

CIVIL AND FAMILY PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Declarations in Court Orders (note)	Updated – July 18, 2022 Updated – March 5, 2020 First issued – October 11, 2019	Included criminal
Digital Recording Policy in Court of Appeal	Rescinded - March 16, 2015 Updated September 19, 2011 First issued - June 2, 2008	included in Records and Courtroom Access Policy unchanged
Electronic Media in Appeal Books Appeal Books Checklist	Rescinded – July 18, 2022 First issued - May 13, 2016	See the Registrar’s filing directive and Completion Instruction: Appeal Books
Expedited Appeals	Rescinded – July 18, 2022 Updated - December 12, 2011 First issued - September 19, 2011	See Rule 31. unchanged
Factum Format	Rescinded - February 18, 2013 Updated September 19, 2011 First issued - March 21, 2007	unchanged
Filing Written Argument in Court of Appeal Chambers	Rescinded – July 18, 2022 Updated - March 1, 2012 First issued - September 19, 2011	Guidance on written argument is provided in completion instructions for applications. unchanged

CIVIL AND FAMILY PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Five Justice Divisions	Rescinded – July 18, 2022 Updated - February 3, 2012 Updated - September 19, 2011 Updated - September 2, 2010 Updated - December 12, 2005 Updated - March 7, 2002 First issued - March 2, 1998	See new Rule 43. unchanged unchanged unchanged unchanged unchanged
Frequently Cited Authorities	Rescinded – July 18, 2022 Updated - October 12, 2018 Updated - October 21, 2011 Updated - September 19, 2011 Updated - June 11, 2009 First issued - July 6, 2006	unchanged unchanged unchanged unchanged
Guidelines for Protecting Privacy Interests in Reasons for Judgment	Rescinded – July 18, 2022 New practice directive - September 19, 2011	See Section 1.5 of the Court’s Record and Access Policy
Hague Protocol for Appeals Regarding the Inter-Jurisdictional Abduction of Children , including international abductions engaging <i>The 1980 Hague Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”)</i>	Updated – July 18, 2022 Updated - September 19, 2011 New practice directive - July 21, 2009	current title Protocol for Appeals Regarding the Inter-Jurisdictional Abduction of Children, including international abductions engaging <i>The 1980 Hague Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”)</i>

CIVIL AND FAMILY PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Joint Appeal Books and Transcript Extracts	Rescinded – April 23, 2019 Updated - September 19, 2011 First issued - December 6, 2007	unchanged
Judicial Settlement Conferences	Updated - June 27, 2014 Updated - September 19, 2011 First issued - December 12, 2005	unchanged unchanged
Obtaining Oral Reasons for Judgment	Rescinded - March 16, 2015 Updated - September 19, 2011 First issued - April 4, 2011	included in Records and Courtroom Access Policy unchanged
Oral Reasons for Judgment	Rescinded - March 16, 2015 Updated - September 19, 2011 First issued - December 12, 2005	included in Records and Courtroom Access Policy unchanged
Order Made When Extension of Time Refused	Rescinded – July 18, 2022 Updated - September 19, 2011 First issued - September 8, 2010	See s. 36 of the Court of Appeal Act unchanged
Preferred Filing Registry	Rescinded – July 18, 2022 Updated - September 19, 2011 First issued - December 3, 2007	current title; minor changes to language Notice to the Profession titled variously <i>Hearings in Victoria</i> and <i>Preferred Filing Registry</i>

CIVIL AND FAMILY PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Publication Bans and Sealing Orders	First issued – June 4, 2018	
Release of Court of Appeal Reserve Reasons for Judgment by email	Rescinded - February 14, 2017 Updated - September 19, 2011 First Issued - August 31, 2010	reserve judgments to be made available on Court of Appeal website at/before 10:00am on day of release unchanged
Remote Appearances	First issued – July 18, 2022	
Style of Proceedings	Updated – September 12, 2022 First Issued – July 18, 2022	
Submission of Electronic Factums and Statements	Rescinded – July 18, 2022 Updated April 23, 2019 Updated June 27, 2014 Updated September 19, 2011 Updated May 5, 2008 First issued - December 12, 2005	See the completion instructions and word templates for factums. current title unchanged unchanged Filing of Electronic Factums and Statements

CIVIL AND FAMILY PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Supplementary Arguments	Updated - September 19, 2011 Updated - December 12, 2005 Updated - March 7, 2002 First issued - March 2, 1998	unchanged unchanged unchanged
Use of the Facsimile in Court of Appeal	Rescinded – July 18, 2022 Updated - December 12, 2005 Updated - March 7, 2002 First issued - March 2, 1998	See Registrar’s filing directive. unchanged unchanged

CRIMINAL PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Access to Criminal Appeal Files	Rescinded - August 24, 2012 Updated - September 19, 2011 First issued - March 2, 1998	included in Records and Courtroom Access Policy unchanged
Addressing the Court	Rescinded – October 11, 2019 New practice note - October 24, 2014	Renamed Appearing before the Court
Adjournment of Appeals	Rescinded – July 18, 2022 Updated - September 19, 2011 First issued - January 22, 2010	See Rule 45. unchanged
Appearing before the Court	Updated – November 18, 2021 First issued – October 11, 2019	Replaced Addressing the Court
Applications for a Court-Appointed Lawyer Under Section 684 of the Criminal Code	Updated September 19, 2011 Updated - November 8, 2010 First issued - December 12, 2005	unchanged unchanged
Case Compilation Software	First issued – July 18, 2022	

CRIMINAL PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Chambers Applications by Telephone or Videoconferencing	Updated – July 18, 2022 Updated - September 19, 2011 Updated - December 12, 2005 Updated - March 7, 2002 First issued - March 2, 1998	Combined with the new “Chambers Applications” practice directive. Describes how to request to appear by videoconference using the “request to appear remotely” form. unchanged unchanged Chambers Applications by Telephone
Citation of Authorities	Updated – July 18, 2022 Updated - September 19, 2011 Updated - June 18, 2007 Updated - March 7, 2002 First issued - March 2, 1998	unchanged unchanged unchanged
Condensed Books	Rescinded – July 18, 2022 Updated - September 19, 2011 First issued - March 26, 2007	See Rule 37 and Completion Instructions unchanged
Correction of Books Filed with Court	Rescinded – July 22, 2022 New practice note - August 2, 2013	See Rule 82
Court of Appeal Practice Directives	Rescinded – July 22, 2022 Updated - September 19, 2011 Updated - December 6, 2007 First issued - March 21, 2007	See Rule 89 unchanged unchanged

CRIMINAL PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Court Sittings in Kamloops and Kelowna	Updated - June 27, 2014 Updated - April 17, 2012 Updated - September 19, 2011 First issued - September 8, 2010	current title unchanged unchanged Court Sittings in Kamloops, Kelowna, and Prince George
Criminal Conviction/Acquittal Appeals Timeline [pilot project]	Updated - January 13, 2014 Updated March 28, 2012 First issued - May 14, 2010	unchanged unchanged
Criminal Transcripts	First issued - May 30, 2013	
Declarations in Court Orders (note)	Updated – July 18, 2022 Updated – March 5, 2020 First issued – October 11, 2019	Included criminal
Digital Recording Policy in Court of Appeal	Rescinded - March 16, 2015 Updated - September 19, 2011 First issued - June 2, 2008	included in Records and Courtroom Access Policy unchanged
Double-Siding of Appeal Materials (note)	First issued - February 9, 2016	
Electronic Media in Appeal Books	Rescinded – July 18, 2022 First issued - May 13, 2016	See the Registrar’s filing directive and Completion Instruction: Appeal Books

CRIMINAL PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Expedited Appeals	Updated - December 12, 2011 First issued - September 19, 2011	unchanged
Extradition Appeals	Updated - May 13, 2016 First issued - March 21, 2014	
Factums in Criminal Appeals	Updated - September 19, 2011 First issued - March 21, 2007	
Five Justice Divisions	Rescinded – July 18, 2022 Updated - February 3, 2012 Updated - September 19, 2011 Updated - September 2, 2010 Updated - December 12, 2005 Updated - March 7, 2002 First issued - March 2, 1998	See Rule 43. unchanged unchanged unchanged unchanged unchanged
Forfeiture, Dangerous and Long-Term Offender Appeals	First issued - September 6, 2013	

CRIMINAL PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Frequently Cited Authorities	Rescinded – July 18, 2022 Updated - October 21, 2011 Updated - September 19, 2011 Updated - June 11, 2009 First issued - July 6, 2006	unchanged unchanged unchanged
Guidelines for Protecting Privacy Interests in Reasons for Judgment	Rescinded – July 18, 2022 New practice directive - September 19, 2011	See Section 1.5 of the Court’s Record and Access Policy
In Custody Appellants and New Trials	First issued - May 8, 2012	
Ineffective Assistance of Trial Counsel	Updated - November 12, 2013 Updated - September 19, 2011 First issued - February 1, 2005	unchanged unchanged
Mental Disorder Appeals	Updated - September 4, 2012 Updated - September 19, 2011 First issued - March 2, 1998	unchanged unchanged
Obtaining Oral Reasons for Judgment	Rescinded - March 16, 2015 Updated - September 19, 2011 First issued - April 4, 2011	included in Records and Courtroom Access Policy unchanged

CRIMINAL PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Oral Reasons for Judgment	Rescinded - March 16, 2015 Updated - September 19, 2011 First issued - December 12, 2005	included in Records and Courtroom Access Policy unchanged
Preferred Filing Registry	Rescinded – July 18, 2022 Updated - September 19, 2011 First issued - December 3, 2007	current title; minor changes to language Notice to the Profession titled variously <i>Hearings in Victoria</i> and <i>Preferred Filing Registry</i>
Publication Bans	First issued - July 24, 2012	
Release of Court of Appeal Reserve Reasons for Judgment by email	Rescinded - February 14, 2017 Updated - September 19, 2011 First Issued - August 31, 2010	reserve judgments to be made available on Court of Appeal website at/before 10:00am on day of release unchanged
Remote Appearances	First issued – July 18, 2022	
Sentence Appeals	Updated - March 11, 2016 Updated - September 6, 2013 Updated - September 19, 2011 First issued - May 14, 1999	unchanged unchanged unchanged

CRIMINAL PRACTICE DIRECTIVES AND NOTES

CURRENT TITLE	UPDATE HISTORY	PREVIOUS TITLE
Style of Proceedings	First issued - September 12, 2022	
Submission of Electronic Factums and Statements	<p>Rescinded – July 18, 2022</p> <p>Updated – April 23, 2019</p> <p>Updated June 27, 2014</p> <p>Updated September 19, 2011</p> <p>Updated May 5, 2008</p> <p>First issued - December 12, 2005</p>	<p>See the completion instructions and word templates for factums.</p> <p>current title</p> <p>unchanged</p> <p>unchanged</p> <p>unchanged</p> <p>Filing of Electronic Factums and Statements</p>
Summary Conviction Appeals	First issued - September 6, 2013	
Supplementary Arguments	<p>Updated - September 19, 2011</p> <p>Updated - December 12, 2005</p> <p>Updated - March 7, 2002</p> <p>First issued - March 2, 1998</p>	<p>unchanged</p> <p>unchanged</p> <p>unchanged</p>
Use of Facsimile in Court of Appeal	<p>Rescinded – July 18, 2022</p> <p>Updated - September 19, 2011</p> <p>First issued - December 12, 2005</p>	<p>See Registrar’s filing directive.</p> <p>unchanged</p>