



Court of Appeal for British Columbia

Annotated Table of Concordance

New Act and Rules compared with
Former Act and Rules

Effective July 18, 2022

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1.0 COURT OF APPEAL ACT

New Act	Former Act	Notes
s. 1 - interpretation	s. 1 - definitions	Definitions clarified: <ul style="list-style-type: none"> - appellant - respondent Definitions added: <ul style="list-style-type: none"> - court appealed from - leave to appeal - limited appeal order - party - tribunal Definition removed: registry
s. 2 – continuation of court s. 3 – constitution of court	s. 2 – constitution of the Court of Appeal s. 5 – seal	Continuation of the court and constitution of the court were both provided for in former s. 2. They are now separated into ss. 2 and 3 of the New Act. The requirement for the court seal in former s. 5 is no longer a standalone section.
s. 4 – quorum and divisions of court	s. 13 - quorum and divisions of the Court	

New Act	Former Act	Notes
s. 5 – location of court	s. 31(2) - registries	The requirement in former s. 31(2) that a registry be established at any place the court may sit and act has been removed. The court may sit or conduct its business at any place directed by the chief justice.
s. 6 – chief justice	s. 11 – chief justice s. 12 – exercise powers of chief justice	Former ss. 11 and 12 are combined in new s. 6. Section 6(2) clarifies that the chief justice has all of the powers, rights and responsibilities of a justice of the Court of Appeal.
s. 7 – judicial rank	s. 4 – judicial rank	Re-organized.
s. 8 – oath of office	s. 3 – oath of office	The oath now includes the option to “solemnly affirm” and refers to “the Crown” which is defined as “Her Majesty the Queen” in the <i>Interpretation Act</i> .
s. 9 – continuing jurisdiction after leaving office	s. 4.1 – powers after leaving office	Re-organized into three subsections.
s. 10 – registrar s. 11 - administrators of court services	s. 32 – administrators of court services and registrars	Former s. 32 has been divided into two sections. New s. 10(2) permits the chief justice to appoint a person to fill the role of registrar, associate registrar, or deputy registrar during a temporary period of absence. Section 11(2) is re-organized.
s. 12 - registries	s. 31 - registries	New s. 12 retains the power of the Attorney General, after consulting the chief justice, to establish registries at any place in British Columbia. The requirement in former s. 31(2) that a registry be established at any place the court may sit and act has been removed.

New Act	Former Act	Notes
s. 13 – appellate jurisdiction	s. 6 – appellate jurisdiction	Re-organized. Section 13(2)(b) is new – it prohibits appeals directly from an order of a Master.
s. 13(2)(a) – appellate jurisdiction	s. 7 – leave to appeal	Re-organized.
s. 14 – cross appeal	s. 15 – cross appeal	The 15-day timeline for bringing a cross appeal in former s. 15(2) has been moved to new R. 9.
s. 15 – time limit for commencing an appeal or application for leave to appeal	s. 14 – bringing an appeal	The 30-day timeline for bringing an appeal in former s. 14(1)(a) has been moved to new R. 6(2).
s. 16 – appeals from tribunals	s. 8 – appeals from tribunals	Re-organized. Reflects addition of “tribunal” definition in s. 1. Modified to provide for “an official of the tribunal” (rather than “secretary” or “chair”) to exercise the powers and perform the duties that a Registrar of the Supreme Court performs in relation to appeals from that court.
s. 17 – proceedings related to appeal must be in court	s. 17 – proceedings related to appeal must be in court	
s. 18 – appeals must be conducted in accordance with the Act and rules	s. 30 – if no provision in this Act or the rules	
s. 19 – no appeal to be defeated by irregularities	s. 19 – no appeal to be defeated by irregularities	Re-worded for clarification: “irregularity or procedural error” replaces “preliminary procedural objection” and “procedural error” in the former s. 19.
s. 20 – preliminary objections	s. 20 – preliminary objections	The seven-day timeline for raising a preliminary objection is moved to new R. 60. A justice may refer an appeal to the court for summary determination in accordance with new s. 21.

New Act	Former Act	Notes
s. 21 – referral to court for summary determination		New section. Expressly allows for a single justice to refer matters to the Court for summary determination if the appeal is considered “frivolous or vexatious” or otherwise can be dismissed on a summary basis. A single justice cannot dismiss an appeal based on a preliminary objection.
s. 22 – vexatious proceedings	s. 29 – vexatious appeals	Subsections 2, 3, 4 and 5 are new and more clearly state the powers of the court or a justice to make an order under new s. 22(1). Pursuant to s. 22(1), the behaviour of the litigant in lower court proceedings may be a consideration in a vexatious litigant assessment at the Court of Appeal.
s. 23 – appeals or applications for leave to appeal dismissed as abandoned	s. 25 – inactive appeals or applications for leave to appeal	The provisions in former s. 25 dealing with the inactive list have been moved to new Rules 49 and 50. New s. 23(2) provides for an appeal that is dismissed as abandoned to be reinstated in accordance with the rules.
s. 24 – general powers of court	s. 9 – powers of Court of Appeal	Former ss. 9(1) (2) (3) (4) and (7) are now found in new s. 24 (general powers of court).
s. 25 – court has power of court appealed from	s. 9 – powers of Court of Appeal	Former s. 9(8) – found in new s. 25 (court has power of court appealed from)
s. 26 – limiting hearings and requiring preparation of written arguments	s. 26 – limiting argument R. 41 – written argument	The new s. 26 allows any of the powers to limit proceedings to be exercised “before or during a proceeding”. New s. 26(1)(b) clarifies the power of a justice (or the court) to order that a matter be decided without a hearing. Former R. 41 is also found in new s. 26 (limiting hearings and requiring preparation of written arguments)
s. 27 – ordering new trial or hearing	s. 27 – new trial or hearing	
s. 28 – power of justice exercised by court	s. 9 - powers of Court of Appeal	Former s. 9(5) – found in new s. 28 (power of a justice exercised by court)

New Act	Former Act	Notes
s. 29 – varying orders of a justice	s. 9 - powers of Court of Appeal	Former s. 9(6) – found in new s. 29 (varying orders of a justice) New s. 29(2) is a new power and makes it possible for the Court to limit the types of orders of a justice that can be varied. In addition to orders granting leave to appeal, new R. 62(1) prescribes different types of orders that cannot be varied.
s. 30 – general powers of a justice	s. 10 – powers of a justice	Former ss. 10(2)(a)(b)(c) and (f) are found in new s. 30 (general powers of a justice). - Section 30(b) clearly states the case management powers of a justice which were previously limited to former s. 10(d) (extend or shorten time)
s. 31 – leave to appeal	s. 7(2) – leave to appeal	The power of a justice to grant leave to appeal and limit the grounds of appeal are found in new s. 31.
s. 32 – dispensing with rules and varying time limits	s. 10 – powers of a justice	Former ss. 10(1), 10(2)(d) and s. 10(4) – found in new s. 32 (dispensing with rules and varying time limits)
s. 33 – stays of proceedings	s. 18 – stay of proceeding	Former s. 18(4) (power of a justice to “dismiss as abandoned”) has been removed from new s. 33. New s. 36 still allows for the court to dismiss an appeal as abandoned for failure to comply with the Act or Rules.
s. 34 – payment of security	s. 24 – security for Costs	New s. 34 clarifies how orders for payment of security are made and provides for a justice to determine the amount and form of payment.
s. 35 – varying orders of a justice or registrar	s. 10 - powers of a justice	Former s. 10(3) – found in new s. 35 (varying orders of a justice or registrar)

New Act	Former Act	Notes
s. 36 – failure to comply	s. 10(2)(e) – powers of a justice s. 28 – Non-compliance	Former s. 10(2)(e) – found in new s. 36 (failure to comply)
s. 37 – general powers of registrar		New s. 37 allows the registrar to exercise the powers conferred on them in the rules or by the chief justice.
s. 38 – directives in relation to filing	R. 58 – practice directives and practice notes	New s. 38 allows for the registrar to issue directives relating to the form and manner in which documents must be filed. It replaces former R. 58.
s. 39 – Pronouncement of judgments and orders s. 40 – Delivery of judgment s. 41 – Proceedings on a judgment s. 42 – Decision of a justice s. 43 – Amendments to orders	s. 21 – Delivery of judgment s. 22 – Proceedings on judgment ss. 10(5) and (6) –powers of a justice	New s. 39(1) allows for greater flexibility on the manner in which judgments are pronounced Former ss. 10(5) and (6) – found in new s. 42 (decision of a justice)
s. 44 – Costs s. 45 – Powers of court or a justice in relation to costs s. 46 – Powers of registrar in relation to costs	s. 23 – Costs	New s. 44 incorporates former s. 23 and adds new s. 44(2) which provides for costs to be assessed “in accordance with the rules” or “the manner directed by the court or a justice”. New ss. 45 and 46 define the powers of a justice and the registrar in relation to costs.

New Act	Former Act	Notes
<p>Part 8 – transitional provisions, repeal, and consequential amendments</p> <p>ss. 47 to 57</p>		<p>s. 47 – definitions</p> <p>s. 48 – orders, directions and judgments made before the new <i>Act</i> and <i>Rules</i> are in force are deemed to be made under the new <i>Act</i> and <i>Rules</i> and have the same effect under the new <i>Act</i> and <i>Rules</i> as under the former.</p> <p>s. 49 – s. 25 of the former <i>Act</i> (inactive appeals list) continues to apply to an appeal or application for leave to appeal that was on the inactive list before the new <i>Act</i> comes into force.</p> <p>s. 50 – empowers the court or a justice to make any order or give any direction appropriate to address any matter arising as a result of the transition of an appeal from the former <i>Act</i> and <i>Rules</i> to the new <i>Act</i> and <i>Rules</i>.</p> <p>s. 51 – allows for rules to be made to ensure the orderly transition from the former <i>Act</i> and <i>Rules</i>.</p> <p>s. 52 – repeals the former <i>Act</i>.</p> <p>ss. 53-56 – make consequential amendments to other enactments</p> <p>s. 57 – allows for the new <i>Act</i> to be brought into force by regulation of the Lieutenant Governor in Council.</p>

2.0 COURT OF APPEAL RULES

New Rules	Former Rules	Notes
R. 1 – definitions	R. 1 – definitions and interpretation	<p>Definitions clarified:</p> <ul style="list-style-type: none"> - business day - document - serve <p>Definitions added:</p> <ul style="list-style-type: none"> - completion instructions - hearing date - inactive appeal list - intervener (note new spelling) - obtain a hearing date - ordinary costs tariff - supporting affidavit <p>Definitions moved to Act:</p> <ul style="list-style-type: none"> - appellant - court appealed from - party - respondent <p>The term “application” replaces the term “motion”</p>
R. 2 – interpretation - timing		New rule regarding timing for doing an act under the rules if the time for doing an act falls or expires on a day other than a business day.

New Rules	Former Rules	Notes
R. 3 – general requirements for filing and serving documents		New rule. Clarifies the requirement to “file and serve” documents under the rules.
R. 4 – permitted methods of service	R. 39 - service of documents	See also new R. 80 – parties must have address for service.
R. 5 – Registrar directives – manner of filing documents		New rule. Empowers the registrar to issue directives regarding the manner of filing documents per s. 38 of the new Act.
R. 6 – how to appeal	R. 2 – naming of respondents R. 11 – notice of appeal	Former R. 2 has been separated into two rules. The instruction in former R.2(1) is found in new R. 6. The power of a justice to add respondents in former R. 2(2) is found in new R. 18. The notice of appeal is the initiating document prepared in <u>all</u> appeals (including where leave is required). The general timeline for filing and serving the notice of appeal (not more than 30 days after the order under appeal is pronounced) has not changed, but in cases where leave is required the notice of appeal will be filed first and the application for leave to appeal will follow after (see R.13).
R. 7 – how to respond to a notice of appeal	R. 5 – filing of notice of appearance by respondent R. 6 – if notice of appearance is not filed	The notice of appearance must be filed not more than 10 days <u>after being served with the notice of appeal</u> . If a respondent who is served with a notice of appeal does not file an appearance the appellant is not required to serve any further documents on them, <u>including any application for leave to appeal</u> , unless otherwise ordered.
R. 8 – when to bring a cross appeal		This new rule clarifies the limited circumstances in which a respondent may file a cross appeal.
R. 9 – how to bring a cross appeal	R.15 – notice of cross appeal	

New Rules	Former Rules	Notes
R. 10 – how to respond to a notice of cross appeal	R.17 – filing of notice of appearance by respondent R.18 – if notice of appearance is not filed	
R. 11 – limited appeal orders	R. 2.1 – limited appeal orders	<p>The list of limited appeal orders now includes:</p> <ol style="list-style-type: none"> 1. Supreme Court Civil Rules <ul style="list-style-type: none"> - R. 3-7(22) [order for particulars] - R. 22-1(4) [evidence on an application] 2. Supreme Court Family Rules <ul style="list-style-type: none"> - R. 4-6(3) [order for particulars] 3. Orders granting or refusing interim relief under the <i>Family Law Act</i> and <i>Divorce Act</i> <p>An order <u>in respect of</u> costs or security for costs, if the only matter being appealed is in respect of costs or security for costs. (Formerly limited to orders <u>granting or refusing</u> costs or security for costs).</p>
R. 12 – when an application for leave to appeal is required		New R. 12 clarifies when an application for leave to appeal is necessary (limited appeal orders (former s. 7(2)), if leave is required by a different enactment (former s. 6(2)), if the party bringing the appeal is unsure whether leave is required).

New Rules	Former Rules	Notes
R. 13 – how to apply for leave to appeal	R. 3 – application for leave to appeal R. 7 – notice of motion and motion book by appellant	The procedure for filing an application for leave to appeal has changed. <ul style="list-style-type: none"> - A notice of appeal is now filed in all cases (including those where leave is required), per R. 6. - If leave is required, the notice of application for leave to appeal and the application book must be filed not more than 30 days after filing the related notice of appeal (or cross appeal).
R.14 – how to respond to an application for leave to appeal	R. 8 – reply book by respondent	
R. 15 – applications for leave that must be heard concurrently		This new rule requires that if the appellant and one or more respondents apply for leave in relation to the same order, those applications are heard together.
R. 16 – use of application book for leave to appeal in remainder of appeal		This new rule allows the application book for leave to appeal to stand as a substitute for one more documents filed in an appeal.
R.17 – how to appeal a subsequent related order		This new rule allows for an order made after the order under appeal, and involving the same cause or matter, to be appealed together without initiating a new appeal. Note that per R. 17(11) the right to appeal a subsequent related order as a new appeal under Divisions 1 to 3 of Part 3 is not affected.
R.18 – justice may add respondents to an appeal	R. 2 - naming of respondents	Former R. 2 has been separated into two rules. The instruction in former R. 2(1) is found in new R. 6. The power of a justice to add respondents in former R. 2(2) is found in new rule 18.

New Rules	Former Rules	Notes
R. 19 – definition – stay application R. 20 – applying for a stay of proceedings or execution R. 21 – responding to stay applications	R. 9 – application for stay of proceedings or stay of execution	The steps for applying and responding to applications for stay or execution have been separated. The required materials have not changed. An application for stay or execution may still be joined with an application for leave.
R. 22 – when an appeal is brought	s. 14 former Court of Appeal Act – bringing an appeal	
R. 23 – appeal record	R. 19 – appeal records	
R. 24 – transcripts of proceedings in court appealed from	R. 20 – transcripts of evidence	R. 24(3) is intended to clarify that transcripts of oral testimony are generally required, but transcripts of the proceeding other than testimony (if any) should only be included if necessary to resolve the issues under appeal. A justice or the registrar may settle the contents of a transcript.
R. 25 - factums	R. 21 – factums R. 22 – form and content of factums	New R. 25(4) requires that factums be prepared in accordance with completion instructions. The completion instructions contain detailed instructions regarding format, content, signing, and filing of factums.
R. 26 – appeal book	R. 26 – appeal book	Requirements for joint appeal books are now included in this rule.
R. 27 – book of authorities	R. 40 – books of authorities	New R. 27 still contemplates a joint book of authorities where feasible. Details regarding the size and layout of the books have been moved from the rules to the completion instruction for books of authorities.
R. 28 – settling the contents of a document	R. 26.1 – settlement of appeal record, transcript or appeal book	R. 28 clarifies what the Registrar can do when making an order to settle the contents of an appeal record, transcript or appeal book.

New Rules	Former Rules	Notes
R. 29 – factums on cross appeal	R. 23 – factums and replies on cross appeal	<p>The completion instructions for factums include a template for cross-appeal factums and reply factums on cross appeal with detailed instructions regarding format, content, signing, and filing.</p> <p>The allowed page length of factums on cross appeal has been adjusted. Transitional R. 91(2) provides that R. 29(5) (requiring that cross appeal factums comply with prescribed completion instructions) does not apply to an appeal that existed when the new rules come into force.</p>
R. 30 – appeal books on cross appeal		This new rule provides for the respondent to file an appeal book on cross appeal if their cross appeal factum refers to evidence that is not included in the appellant’s appeal book. Alternatively, a joint appeal book may be filed not more than 30 days after the respondent’s cross appeal factum is filed.
R. 31 – expediting appeals		This new rule incorporates the process for expediting appeals under a former practice directive. A request to expedite is made in writing.
R.32 – when an appeal is ready for hearing R. 33 – appellant must obtain hearing date R. 34 – respondent must obtain appeal hearing date R. 35 – registrar may set appeal hearing date	R. 28 – appeal ready for hearing and certificate of readiness	<p>The formal certificate of readiness has been eliminated and replaced with the notice of hearing.</p> <p>New R. 32 clarifies that an appeal is ready for hearing when (a) (i) the appellant’s factum is filed and (ii) a copy of each order under appeal is filed, or (b) on a date specified by a justice or the registrar.</p> <p>The process for obtaining a hearing date by filing the notice of hearing is set out in rules 33 – 35.</p>
R. 36 – points of law and authorities not cited in factum	R. 30 – points of law and authorities note cited in factum	

New Rules	Former Rules	Notes
R. 37 – condensed book of evidence and condensed book of authorities		This new rule replaces the former condensed book practice directive. Condensed books are optional, but if provided they must be completed in accordance with the completion instructions. Transcript extract books have been eliminated in favour of condensed books of evidence and condensed books of authorities. The condensed book of evidence may include transcript extracts, but it is meant to be limited to the material necessary to understand the key portions of the extract.
R. 38 – drawing up and entering the order of the court	R. 47 – drawing and approving orders	
R. 39 – applying to registrar for assessment of costs	R. 68 – appointment to assess costs	The process for appointments to assess costs is replaced by the process for general applications under R. 53. The timelines have not changed, five business days notice is required.
R. 40 – applying to court for directions on costs		New rule. Empowers a party to apply to the court for directions under s. 45 of the Act if the parties disagree in relation to costs.
R. 41 – dispensing with a rule or extending a time limit	R. 52 – time limits may be extended or abridged	New s. 32(2) of the Act provides that a justice may extend or shorten a time limit provided in the Act or the rules. New R. 41 provides the process for applying to a justice for that type of relief.
R. 42 – attendance through telecommunications	R. 44 – hearings by telephone or video conference	Rules 42 and 64(4) provides for the court, a justice or the registrar to permit a person to attend a hearing or case management by telephone, video conference or other means of telecommunication.
R. 43 – having an appeal heard by more than 3 justices		This new rule replaces the former five judge division request practice directive.
R. 44 – cross examination on affidavits	Rule 37 – applications to cross-examine on affidavits	Rule 44(1) clarifies when a party to an appeal may apply to cross examine on affidavits filed in relation to the appeal.

New Rules	Former Rules	Notes
R. 45 – adjourning an appeal	R. 43 – notification to registrar	The process for adjourning an appeal or application that is set for hearing is formalized in R. 45 by requiring that a requisition be filed requesting the adjournment.
R. 46 – abandoning an appeal or application leave to appeal	R. 46 – settlements or abandonments	
R. 47 – case management R. 48 – powers of a justice on case management	R. 29 – pre-hearing conference	Rule 48 sets out the powers of a justice in case management, including those applications or issues that might be commonly raised. The Chief Justice may confer some case management powers on the Registrar per s. 37(2) of the Act.
R. 49 – inactive appeal list R. 50 – managing inactive appeal list R.51 – appeals that are dismissed as abandoned	Former s. 25 – Court of Appeal Act	The provisions in former s. 25 dealing with the inactive list have been moved to R. 49 and R. 50. Section 23(2) of the new Act provides for an appeal that is dismissed as abandoned to be reinstated in accordance with the rules.
R.52 – applications made to the court, a justice or the registrar	R.32 - application	Rule 52(2) clarifies which specific types of applications are not subject to the general rules for applications.
R. 53 – application hearing date must be obtained R. 54 – notice of application R. 55 – responding to applications R. 56 – registrar may set dates	R. 33 – general requirements for applications to a justice	New R. 53 requires the party bringing an application to obtain a hearing date before filing a notice of application.

New Rules	Former Rules	Notes
R. 57 – urgent applications		This new rule allows for parties to apply for permission to bring a different application on short notice. Urgent applications may be heard by a justice or the registrar.
R. 58 – payment of security		This new rule sets out the procedure for a party who wishes to apply for an order for payment of security under s. 34 of the Act.
R. 59 – adducing fresh or new evidence	R.31 – further evidence	These applications will still typically be heard at the time of the appeal hearing (unless otherwise ordered). Rule 59(4) clarifies that a factum may refer to evidence that is the subject of an application, even though the application has not been heard.
R. 60 – quashing an appeal or raising a preliminary objection	S. 20 Former Court of Appeal Act	The seven-day timeline for raising a preliminary objection is moved from former s. 20 to new R. 60. See also s. 20 of the New Act regarding the power of a justice to quash or make any other order (other than dismissing an appeal) to give effect to a preliminary objection.
R. 61 – intervener status	R. 36 – applications for intervenor status	Note the new spelling of intervener. Unless otherwise ordered the page length for intervener factums is 10 pages (reduced from 20 pages) per R. 61(4).
R. 62 – varying an order of a justice	R. 34 – specific requirements applicable to applications to vary an order of a justice	Rule 62(1) now prescribes certain orders of a justice that cannot be varied (pursuant to s. 29 of the Act). These include: (a) orders granting or refusing relief in a case management conference, (b) an order for short notice in bringing an application (urgent application), (c) an order to expedite an appeal.
R. 63 – varying or canceling an order of the registrar	R. 35 – applications to review an order or direction of the registrar	
R. 64 – attendance at application hearings		This new rule sets out requirements for attendance at the hearing of an application in person or by means of telecommunication. Rules 42 and 64(4) provide for the court, a justice or the registrar to permit a person to attend a hearing or case management by telephone, video conference or other means of telecommunication.
R. 65 – adjourning applications before hearing date	R. 45 – registrar may change time or place of hearing of appeals and motions	The process for adjourning an application that is set for hearing is formalized in R. 65 by requiring that a requisition be filed requesting the adjournment.

New Rules	Former Rules	Notes
R. 66 – general requirements for orders	R. 47 – drawing and approving orders	R. 66(2)(c) clarifies that the registrar may draw up orders if and as directed by the court or a justice.
R. 67 – consent orders	R.48 – consent orders	
R. 68 – settling the form and content of orders	R. 49 – settlement of orders when necessary	
R. 69 – assessment of ordinary costs	R. 59 – costs to be assessed under Appendix B	R. 69(1) provides that costs must be assessed in accordance with the ordinary costs tariff R. 69(2) incorporates R. 59(2), dealing with circumstances when costs are payable.
R. 70 – assessment of increased costs	R. 60 – costs assessed as increased costs	
R.71 – assessment of special costs	R. 61 – costs assessed as special costs R. 62 – special costs as a lump sum payment	Rule 71 combines the rules dealing with special costs, which used to be split between former R. 61 and former R. 62
R. 72 – assessment of fees disbursements and expenses	R. 63(3) – certain duties of the registrar	
R. 73 – costs for preparation for activities that do not take place	Appendix B s. 5	The scale of costs has been reduced from three scales to two. The value assigned to each unit on the assessment of ordinary costs has increased in the case of scale “A” to \$110 and for scale “B” to \$170.
R. 74 – costs owing between multiple parties	R. 67 – discretion of registrar in specific circumstances	
R. 75 – combining costs of multiple appeals	Appendix B. s. 5	The scale of costs has been reduced from three scales to two. The value assigned to each unit on the assessment of ordinary costs has increased in the case of scale “A” to \$110 and for scale “B” to \$170.

New Rules	Former Rules	Notes
R. 76 – offers to settle costs	Appendix B s. 5	The scale of costs has been reduced from three scales to two. The value assigned to each unit on the assessment of ordinary costs has increased in the case of scale “A” to \$110 and for scale “B” to \$170.
R.77 – certificates of costs	R. 69 – certification of costs and enforcement	
R. 78 – costs orders against lawyers	R.71 – consequences for solicitors for unnecessary or wasted costs	
R.79 – required form of documents	R. 54 – filing and form of requirements	<p>R. 79(2) incorporates the requirement that documents be filed in English and legibly printed.</p> <p>R. 79(3) requires that documents be prepared using the prescribed court Forms.</p> <p>R. 79(4) replaces the requirement for Forms to include handwritten signatures with a requirement to include the name of the person authorizing the filing.</p> <p>R. 79(5) preserves the Registrar’s power to reject documents for filing for non-compliance with the rules.</p>
R. 80 – parties must have address for service	R.39 – service of documents	<p>R. 80(1)(c) permits litigants to use an address outside of BC for service with leave of a justice or the registrar.</p> <p>R. 80(1)(d) permits email addresses to be used as an address for service.</p>
R. 81 – party may show service ineffective	new	Parties are not required to show proof of service but may show ineffective service in an application to set aside the consequence of default, an extension of time, or in support of a request to adjourn.

New Rules	Former Rules	Notes
R. 82 – amending filed documents	<p>R. 4 – amendment of notice of application for leave to appeal</p> <p>R. 12 – amendment of notice of appeal</p> <p>R. 16 – amendment of notice of cross appeal</p>	<p>A notice of application for leave to appeal may be amended before filing the related application for leave to appeal (or leave to appeal and stay).</p> <p>When leave is not required the notice of appeal may be amended without permission of the court or a justice at any time before filing the factum.</p> <p>Amendments can be made at any stage in the appeal process with leave of the court or a justice.</p>
R. 83 – registry hours and deemed filing	R. 57 – business hours of registry	This rule has been revised to ensure that the registrar has the ability to keep the registry open outside of regular business hours (e.g. to accept a late filing) and to close the registry for days in lieu of a public holiday (e.g. when January 1 st falls on Sunday, the registry may be closed on Monday, January 2 nd). The registrar is required to issue a publicly posted direction regarding the registry's hours.
R. 84 – payment of court fees		Court filing fees have not changed.
R. 85 – order that no fees payable	<p>R.38 – application for order that no fees are payable</p> <p>Rule 56 – justice may order that no fees are payable</p>	<p>R. 85 must be read together with new Form 22. The revised no fee application process involves submitting a Form 22 to provide information about financial circumstances.</p> <p>A hearing for a no fee application takes place without notice.</p> <p>The applicant must show (1) that the appeal is not “bound to fail” and (2) that the payment of court fees would cause undue hardship. Undue hardship is established if the income and assets criteria in Part B of Form 22 are selected.</p>

New Rules	Former Rules	Notes
<p>R. 86 – party appointing or changing lawyer</p> <p>R. 87 – lawyer withdrawals</p> <p>R. 88 – when a lawyer is the lawyer of record</p>		<p>These new rules formalize the process for changing representation by appointing or changing lawyers, or for counsel to withdraw from the record.</p>
<p>R. 89 – practice directives</p>	<p>R. 58 – practice directives and practice notes</p>	<p>Rule 89 provides for the Court to issue practice directives to regulate and control its procedure.</p> <p>Section 38 of the new Act replaces former R. 58(2) and empowers the registrar to issue directions in relation to filing and instructions for the completion of documents.</p>
<p>R. 90 – definitions</p> <p>R. 91 – application of rules to pre-existing appeals and applications for leave to appeal</p> <p>R. 92 – bringing cross appeals in relation to pre-existing applications for leave to appeal</p> <p>R. 93 – ordinary costs in relation to pre-existing appeals</p> <p>R. 94 – page limits for cross appeal factums and replies</p>		<p>These new rules provide guidance for the transition from the former rules to the new rules.</p> <p>Rule 91 makes the new rules applicable to pre-existing appeals and applications for leave to appeal except R. 11(a)(i) and (x) and (b)(i) and (v) (new types of limited appeal orders); R. 29 (factums on cross appeal – new page limits); and R. 69 (assessment of costs – new costs tariff).</p> <p>Rules 92 – 94 provide specific direction for the transition of rules related to cross appeals and the assessment of ordinary costs.</p>