

Effective 1 July 2010, the Court of Appeal Rules, B.C. Reg. 297/2001, are amended by B.C. Reg. 127/2010 (O.I.C. No. 278/2010, deposited 27 May 2010). Highlights of the changes include:

1. Rule 1 is amended to define “business day”.
2. Rule 7(2) is amended to increase the time requirement in applications for leave to appeal. The appellant must now serve the notice of motion for leave to appeal and the motion book 10 business days before the hearing (formerly 5 days before).
3. Rule 8 is correspondingly amended, to increase the respondent’s time to file and serve a reply book, to 5 business days before the hearing of the application for leave to appeal (formerly 1 day before).
4. Rule 9(4) is amended to provide for a time limit of “5 business days” instead of “5 days” for applications for stay of proceedings or stay of execution.
5. Rule 9(5) is added to provide for a reply to a stay application and to set 2 business days for the filing and service of the reply motion book.
6. Former Rules 23-25 (relating to factums on cross appeal) are replaced with new Rules 23 and 24, which provide for a reply factum on a cross appeal, new names for the factums (also followed in Form 11), and set filing and service deadlines and page limits for the various factums.
7. New Rule 26.1 consolidates the registrar’s existing authority to settle transcripts with a new authority to settle appeal books and appeal records. Form 29 (registrar’s appointment) has correspondingly been amended.
8. Rule 54.1 is added as the Electronic Filing Rule.
9. Several Forms have been amended to show the Hornby Street address for the Court and to reflect the new Supreme Court Civil Rules and Supreme Court Family Rules.
10. Form 9 (Appeal Record) is amended to require that a copy of the original signed reasons for judgment be included.
11. Form 12 (Appeal Book) is amended to have affidavits listed in the order that they were sworn/affirmed, and to allow the pages of an appeal book to be printed double-sided with the page numbers on the upper outside corner of the page.

12. The “Fees Payable to the Crown”, which were originally part of the Supreme Court Schedule 1 Appendix C, have become Appendix C Schedule 1 of the Court of Appeal Rules. The fees have also changed and are subject to a cost of living adjustment every two years. There is no fee charged for a ½ day appeal.