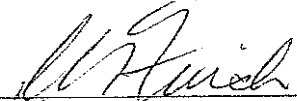


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 113, Approved and Ordered FEB 28 2013

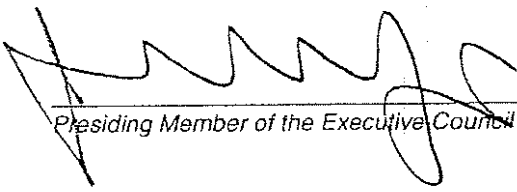

Lieutenant Governor
Administrator

Executive Council Chambers, Victoria

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

DEPOSITED
February 28, 2013
B.C. REG. 66/2013


Minister of Justice and Attorney General


Presiding Member of the Executive Council

(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: O.C. 1075/2001

SCHEDULE

1 Rule 31 of the Court of Appeal Rules, B.C. Reg. 297/2001, is amended

(a) *in subrule (2) (b) (ii) by striking out “2 days” and substituting “5 business days”, and*

(b) *by repealing subrule (3) and substituting the following:*

- (3) A party wishing to file an affidavit in opposition to an application for leave under this rule must,
 - (a) if the application is to be heard by the court, do the following at least 7 days before the application is set to be heard:
 - (i) file 4 copies of that affidavit for use by the court plus such additional copies as are required for the purposes of subparagraph (ii) of this paragraph;
 - (ii) serve one filed copy of the affidavit on each of the other parties, or
 - (b) if the application is to be heard by a justice, do the following at least 2 business days before the application is set to be heard:
 - (i) file 2 copies of that affidavit for use by the justice plus such additional copies as are required for the purposes of subparagraph (ii) of this paragraph;
 - (ii) serve one filed copy of the affidavit on each of the other parties.

2 Rule 40 (1) (b) is repealed and the following substituted:

- (b) file,
 - (i) for an appeal, 3 copies of that book of authorities for use by the court, or
 - (ii) for an application, one copy of that book of authorities for use by the justice in chambers,plus such additional copies as are required for the purposes of paragraph (c), and .

3 Form 23 is amended by striking out the following:

Vancouver, British Columbia,[date reserve judgment was released]

THE APPEAL from the judgment/determination of[state name of judge and court/tribunal appealed from] at[state location of court/tribunal] dated[insert date of judgment/determination appealed from] coming on for hearing on[insert date(s) of the hearing in the Court of Appeal], AND ON HEARING[insert name of counsel for the appellant or state “the appellant appearing in person”] and.....[insert name of counsel for the respondent or state “the respondent appearing in person”], AND ON READING the materials filed herein, AND ON JUDGMENT BEING RESERVED TO THIS DATE;

and substituting the following:

Vancouver, [or other location of hearing] British Columbia, [date reserve judgment was released or, if judgment was not reserved, date when judgment was given in court]

[Add if applicable] Reasons to follow being released on[date of release of reasons]

[Add if applicable] Supplementary reasons being released on[date of release of supplementary reasons]

THE APPEAL from the order of[state name of judge and court/tribunal appealed from] at[state location of court/tribunal] dated[insert date of order appealed from] coming on for hearing on[insert date(s) of the hearing in the Court of Appeal]; AND ON HEARING[insert name of counsel for the appellant or state "the appellant appearing in person"] and[insert name of counsel for the respondent or state "the respondent appearing in person"]; AND ON READING the materials filed herein; AND ON JUDGMENT BEING RELEASED ON THIS DATE; .

4 Form 24 is repealed.

5 Form 25 is repealed and the following substituted:

FORM 25 (RULE 47 (3) (C))

Court of Appeal File No.

COURT OF APPEAL

BETWEEN:

Appellant/Respondent
(Plaintiff)

AND:

Appellant/Respondent
(Defendant)

ORDER OF A JUSTICE

BEFORE THE HONOURABLE MR./MADAM JUSTICE[insert name of chambers justice] IN CHAMBERS

Vancouver, [or other location of hearing] British Columbia,[date reserve judgment was released or, if judgment was not reserved, date when judgment was given in chambers]

[Add if applicable] Reasons to follow being released on[date of release of reasons]

THE APPLICATION OF[appellant/respondent] for[insert type of application] coming on for hearing[insert date of chambers hearing] at, British Columbia; AND ON HEARING[insert name of counsel for the appellant or state "the appellant appearing in person"] and[insert name of counsel for the respondent or state "the respondent appearing in person"]; AND ON READING the materials filed herein; AND ON JUDGMENT BEING RELEASED ON THIS DATE;

IT IS ORDERED that

IT IS FURTHER ORDERED that

.....
.....
APPROVED AS TO FORM:

.....
Counsel for the Appellant

.....
A Justice of the Court of Appeal

.....
Counsel for the Respondent

6 Form 27 is amended

(a) *by striking out* “failing which the appeal/application” *and substituting* “failing which the appeal/application for leave to appeal”, *and*

(b) *by striking out* “prior order for reinstatement.” *and substituting* “prior order to remove the appeal or application for leave to appeal from the inactive list.”.