



Jersey

COURT OF APPEAL (CIVIL) (AMENDMENT No. 3) RULES 2009

*Made**20th July 2009**Coming into force**3rd August 2009*

THE COURT OF APPEAL, in pursuance of Article 19 of the Court of Appeal (Jersey) Law 1961¹, has made the following Rules –

1 Interpretation

In these Rules “principal Rules” means the Court of Appeal (Civil) Rules 1964².

2 Rule 3 substituted

For Rule 3 of the principal Rules there shall be substituted the following Rule –

“3 Time for appealing

Subject to paragraphs (2) and (3) of Rule 16, a notice of appeal must be served or, if leave to appeal is required, an application for leave to appeal must be made, within one month from the date on which the judgment or order of the court below was pronounced.”.

3 Rule 7 amended

In Rule 7 of the principal Rules –

- (a) for the words “shorthand note” there shall be substituted the word “record”; and
- (b) for the words “a copy of the transcript thereof” there shall be substituted the words “and to every other party to the appeal a copy of the transcript thereof upon payment of such charges as are fixed for the time being by rules of court pursuant to Article 21(4) of the Law”.

4 Rules 8 and 10 amended

In –

- (a) Rule 8(1); and
- (b) Rule 10,

of the principal Rules for the words “4 months” there shall be substituted the words “1 month”.

5 Rule 10A inserted

After Rule 10 of the principal Rules there shall be inserted the following Rule –

“10A Voluntary abandonment of appeal

- (1) The appellant may abandon his or her appeal by written notice to the Judicial Greffier.
- (2) A notice under this Rule must be served on the parties on whom the notice of appeal was required under Rule 2(4) to be served.
- (3) A notice under this Rule does not affect the power of the Court under Article 16 of the Law in relation to costs.”.

6 Rule 16 amended

In Rule 16 of the principal Rules –

- (a) the heading shall be replaced so as to read “**Power to extend and abridge time**”;
- (b) in paragraph (2) after the words “period for serving notice of appeal” there shall be inserted the words “or applying for leave to appeal”;
- (c) after paragraph (3) there shall be inserted the following paragraph –
 - “(4) Nothing in this Rule affects the power to abridge time for doing any act or taking any proceeding.”.

7 Citation and commencement

These Rules may be cited as the Court of Appeal (Civil) (Amendment No. 3) Rules 2009 and shall come into force on 3rd August 2009.

C.J. COLEMAN

Assistant Judicial Greffier

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- ¹ *chapter 07.245*
² *chapter 07.245.10*