

RULE 53 – APPEALS

Application

- (1) Where by an Act, statute or regulation, an appeal or an application in the nature of an appeal from the decision, direction or order of any person or body, including the Territorial Court, is authorized to be made to the court, a clerk or to a judge, the appeal shall be governed by this rule to the extent that it is not inconsistent with any procedure provided for in the Act, statute or regulation.

Form

- (2) An appeal shall be commenced by filing in a registry a notice of appeal in Form 56.

Directions

- (3) A notice of appeal must include an application for directions as to the conduct of the appeal.

Application for direction

- (4) An application for directions under subrule (3) must be set for hearing on a date not less than 7 days after the notice of appeal has been served, unless the court otherwise directs. The application for directions may be heard at an appearance day or case management conference.

Service of notice of appeal

- (5) A notice of appeal shall be served upon the person or body which gave the decision or direction or made the order and on all other persons who may be affected by the order sought, unless the court otherwise directs.

Powers of court

- (6) The court may give directions it considers necessary for the proper hearing and determination of the appeal and, without limiting the generality of such directions, may make an order
 - (a) that documents or transcripts or minutes be produced,
 - (b) that appeals under the *Small Claims Court Act* proceed by transcript, unless the court orders it to proceed by way of new trial,
 - (c) that the appeal be determined by way of stated case, or argument upon a point of law,
 - (d) prescribing time limits for taking steps in and for the hearing of the appeal, or
 - (e) that the appeal be disposed of summarily,

and may exercise the powers of the court as on a petition.

Respondent to enter appearance

- (7) A person who intends to oppose the appeal shall enter an appearance under Rule 14(1)(b).

Notice of hearing of appeal

- (8) After obtaining from the trial coordinator a date for the hearing of the appeal, if the appellant wishes to proceed with the appeal, the appellant must set the appeal for hearing on that date by
 - (a) filing a notice of hearing of appeal in Form 57, and
 - (b) serving a copy of the notice of hearing of appeal on each respondent.

Notice of abandonment of appeal

- (9) An appellant may abandon an appeal by
 - (a) filing a notice of abandonment of appeal in Form 58, and
 - (b) serving a copy of the notice of abandonment of appeal on each respondent.