

Court of Appeal *Rules 2027 - Comparison Chart*

(The table is organised numerically by the rule number of the proposed rules (left-hand column).)

<i>PROPOSED RULE</i>	<i>CURRENT RULE</i>
PART 1 Preliminary Matters	PART 1 Preliminary Matters
Title 1 These rules may be cited as <i>The Court of Appeal Rules, 2027</i> .	Title 1 These rules may be cited as <i>The Court of Appeal Rules</i> .
<p>Definitions</p> <p>2 In these rules:</p> <p>“Act” means <i>The Court of Appeal Act, 2000</i>; (« <i>Loi</i> »)</p> <p>“address for service” means the address required by Rule 35 where any document may be served on a party or intervenor; (« <i>adresse aux fins de signification</i> »)</p> <p>“application” includes a motion; (« <i>requête</i> »)</p> <p>“chief justice” means the Chief Justice of Saskatchewan; (« <i>juge en chef</i> »)</p> <p>“Court” means the Court of Appeal for Saskatchewan; (« <i>cour</i> »)</p> <p>“court appealed from” includes, where appropriate, a tribunal; (« <i>juridiction inférieure</i> »)</p> <p>“decision” includes any judgment, order, decree, verdict or finding but does not include a finding of fact; (« <i>décision</i> »)</p> <p>“file” means to file with the registrar in accordance with these rules and includes paying the prescribed fee, if any; (« <i>déposer</i> »)</p> <p>“judge” means, unless otherwise indicated, a judge of the Court as defined in section 2 of the Act; (« <i>juge</i> »)</p> <p>“local registrar” means a local registrar of the Court of King’s Bench for Saskatchewan; (« <i>registraire local</i> »)</p> <p>“matter” means every proceeding in the Court that is not an appeal; (« <i>affaire</i> »)</p> <p>“registrar” means the registrar of the Court appointed pursuant to section 3 of <i>The Court Officials Act, 2012</i>; (« <i>registraire</i> »)</p> <p>“rules” means, unless otherwise indicated, these rules made pursuant to section 22 of the Act; (« <i>réglements</i> »)</p> <p>“written submissions” includes factums, written arguments, briefs of law and</p>	<p>Definitions</p> <p>2 In these rules:</p> <p>“Act” means <i>The Court of Appeal Act, 2000</i>; (« <i>Loi</i> »)</p> <p>“address for service” means the address required by Rule 65, where any document may be served; (« <i>adresse aux fins de signification</i> »)</p> <p>“application” includes a motion; (« <i>requête</i> »)</p> <p>NO EQUIVALENT DEFINITION</p> <p>“court” means the Court of Appeal; (« <i>cour</i> »)</p> <p>“court appealed from” includes, where appropriate, a tribunal; (« <i>juridiction inférieure</i> »)</p> <p>NO EQUIVALENT DEFINITION</p> <p>“file” means to file with the registrar in accordance with these rules and pay the prescribed fee, if any; (« <i>déposer</i> »)</p> <p>“judge” means, unless otherwise indicated, a judge of the Court of Appeal acting under section 20 of the Act; (« <i>juge</i> »)</p> <p>“local registrar” means a local registrar of the Court of King’s Bench; (« <i>registraire local</i> »)</p> <p>NO EQUIVALENT DEFINITION</p> <p>“registrar” means the registrar of the Court of Appeal. (« <i>registraire</i> »)</p> <p>NO EQUIVALENT DEFINITION</p> <p>NO EQUIVALENT DEFINITION</p>

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PROPOSED RULE	CURRENT RULE
<p>memoranda of arguments; (« argumentation écrite »)</p>	
<p style="text-align: center;">PART 2 Purpose and Application of the Rules</p>	<p style="text-align: center;">PART 2 Purpose and Application of the Rules</p>
<p>Purpose of the rules 3 The purpose of these rules is to provide for the orderly and expeditious administration of justice in the Court.</p>	<p>Purpose of rules 3 The purpose of these rules is to provide for the orderly and expeditious administration of justice in the court.</p>
<p>Application of the rules 4 When it is in the interests of the proper administration of justice to do so, the Court or a judge may waive compliance or relieve against non-compliance with these rules and direct the procedure to be followed.</p>	<p>Application of the rules 4(1) When it is in the interests of the proper administration of justice to do so, the court or a judge may waive compliance or relieve against non-compliance with these rules and direct the procedure to be followed.</p>
<p>If no provision</p>	<p>If no provision</p>

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<i>PROPOSED RULE</i>	<i>CURRENT RULE</i>
<p>5 If the statute giving a right of appeal or a right to apply to the Court or to a judge does not specify the procedure to be followed, these rules apply as far as may be practicable.</p>	<p>5 If the statute giving a right of appeal or a right to apply to the court or to a judge does not specify the procedure to be followed, these rules apply as far as may be practicable.</p>
<p>PART 3 Initiating Appeals</p>	<p>PART 3 Initiating Appeals</p>
<p>Dates of decisions</p> <p>6 In this Part, the “date” of a decision means:</p> <p>(a) the date of filing with the registrar, local registrar, or tribunal of the written reasons for the decision; or</p> <p>(b) the date of the oral pronouncement the decision, if the decision has been pronounced in the Court or the court appealed from with no provision for written reasons to follow.</p>	<p>Date of judgment</p> <p>14 In this Part, “date” of judgment or order means:</p> <p>(a) the date of filing with the registrar, local registrar or chambers clerk of the Court of King’s Bench, as the case may be, of the written reasons for judgment or the written fiat; or</p> <p>(b) if the judgment or order has been pronounced in court or chambers with no provision for written reasons to follow, the date of the oral pronouncement.</p>

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PROPOSED RULE	CURRENT RULE
<p>Notices of appeal</p> <p>7 Unless otherwise provided by statute, all appeals must be initiated by notice of appeal or cross-appeal. (Forms 1a and 1b)</p>	<p>Notice of appeal</p> <p>6 Unless otherwise provided by statute, all appeals shall be initiated by notice of appeal or cross-appeal. (Forms 1a and 1b)</p>
<p>Style of causes</p> <p>8(1) Where a style of cause of an appeal is required by these rules, it must set out, without abbreviation of names:</p> <ul style="list-style-type: none"> (a) the name of the appellant together with the designation “Appellant”, followed by the appellant’s status in the court appealed from in parentheses; (b) the name of each party against whose interest the appeal is taken, together with the designation “Respondent”, followed by each respondent’s status in the court appealed from in parentheses; (c) the name of each party against whose interest the appeal has not been taken, together with the designation “Non-party”, followed by each non-party’s status in the court appealed from in parentheses; and (d) the name of each intervenor in the appeal together with the designation “Intervenor”, followed by each intervenor’s status in the court appealed from in parentheses. <p>(2) The style of cause must be set out on:</p> <ul style="list-style-type: none"> (a) the front page of any document commencing a matter before a judge or the Court; and (b) the cover of any other document required to be filed with the registrar. 	<p>Style of cause in notice</p> <p>7(1) The style of cause shall set out without abbreviation of names:</p> <ul style="list-style-type: none"> (a) the name of the appellant together with the designation “Appellant”, followed by the appellant’s status in the court appealed from; (b) the name of each party against whose interest the appeal is taken, together with the designation “Respondent”, followed by the respondent’s status in the court appealed from; (c) the name of each party against whose interest the appeal has not been taken, together with the designation “Non-party”, followed by the party’s status in the court appealed from. <p>(2) The status of the party in the court appealed from shall be in parentheses.</p> <p>Style of cause</p> <p>64(1) The style of cause shall be set out on:</p> <ul style="list-style-type: none"> (a) the front page of a document commencing a proceeding before the court or a judge; (b) the cover of any other document required to be filed with the registrar. <p>(2) If an intervenor has been added on appeal, the style of cause shall thereafter contain the name of the intervenor.</p>

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PROPOSED RULE	CURRENT RULE
<p>Contents of notices of appeal</p> <p>9 A person filing a notice of appeal, in addition to identifying the decision from which the appeal is taken, must ensure that the notice contains separate numbered paragraphs:</p> <ul style="list-style-type: none"> (a) specifying whether all or part of the decision is being appealed and, if a part, which part; (b) identifying the source of the right of appeal and the basis for the jurisdiction of the Court to determine the appeal; (c) setting forth the grounds of the appeal; (d) stating precisely the relief sought; (e) providing the appellant’s address for service as required by Rule 35; and (f) requesting that the appeal be set down for hearing in one of Regina or Saskatoon. 	<p>Contents of notice of appeal</p> <p>8 A notice of appeal, in addition to identifying the judgment or order from which the appeal is taken, shall, in separate numbered paragraphs:</p> <ul style="list-style-type: none"> (a) specify whether all or part of the judgment is being appealed and, if a part, which part; (b) identify the source of the right of appeal and the basis for the jurisdiction of the court to determine the appeal; (c) set forth the grounds of the appeal; (d) state precisely the relief sought; (e) provide the address information required by Rule 65 (Address for service); and (f) contain a request that the appeal be set down for hearing in either Regina or Saskatoon.
<p>NO EQUIVALENT PART</p>	<p>PART 4 Serving and Filing Notice of Appeal</p>
<p>Serving notices of appeal</p> <p>10(1) The appellant must serve the notice of appeal on all parties against whose interest an appeal is taken.</p> <p>(2) The appellant must serve the notice of appeal within 30 days after the date of the decision being appealed from, except where otherwise provided by these rules and subject to the provisions of any statute governing the appeal.</p> <p>(3) The appellant must serve the notice of appeal in accordance with Rule 34.</p> <p>(4) The Court or a judge may direct an appellant to serve the notice of appeal on any person not a party to the appeal and may make such interim orders as the Court or judge considers appropriate.</p>	<p>Serving notice of appeal</p> <p>9(1) The appellant shall serve the notice of appeal on all parties against whose interest the appeal is taken.</p> <p>(2) The notice of appeal shall be served within 30 days after the date of the judgment or order being appealed from, except where otherwise provided by these rules and subject to the provisions of any statute governing the appeal.</p> <p>(3) Service shall be effected in accordance with Rule 67 (Service) or by serving the party’s lawyer on record in the court appealed from.</p> <p>(4) The court or a judge may direct the notice of appeal be served on any person not a party and may make such interim orders as the court or judge considers just.</p>

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PROPOSED RULE	CURRENT RULE
<p>Filing notices of appeal</p> <p>11(1) Where service is required, the appellant must file the notice of appeal with proof of service within 10 days after service on the last of the parties to be served.</p> <p>(2) Where service is not required, the appellant must file the notice of appeal within 30 days after the date of the decision appealed from.</p> <p>(3) The registrar shall not accept for filing any notice of appeal submitted after the expiration of the time prescribed in this rule without an order of a judge.</p> <p>(4) The appellant must notify the local registrar to transmit to the registrar the court file in the court appealed from, including all exhibits, so that the court file is received by the registrar before or at the time of the filing of the appeal book.</p>	<p>Filing notice of appeal</p> <p>10(1) The notice of appeal shall be filed, with proof of service, within 10 days after service on the last of the parties to be served, and in cases where service is not required, the notice of appeal shall be filed within 30 days after the date of the judgment or order appealed from.</p> <p>(2) A notice of appeal shall not be filed after the expiration of the time period prescribed in this rule without an order of a judge</p> <p>Transmittal of file from court below</p> <p>25 The appellant shall require the local registrar to transmit to the registrar the file in the court appealed from, including all exhibits in order that they may be received by the registrar before or at the time of the filing of the appeal book. The registrar shall not file any appeal book unless that file and those exhibits are in the registrar's custody.</p>
<p>Filing decisions appealed from</p> <p>12(1) If an appeal is taken against a judgment or an order of the Court of King's Bench, the appellant must file with the notice of appeal a copy of:</p> <p>(a) the written reasons for the judgment or the order, if any; and</p> <p>(b) subject to Subrule (2), the judgment or the order as taken out in the Court of King's Bench.</p> <p>(2) If, at the time of filing the notice of appeal, the decision has not been taken out in the Court of King's Bench, the appellant must forthwith have the judgment or the order taken out and must thereafter file a copy of it with the registrar within 5 days after its issuance.</p>	<p>Filing judgment or order appealed against</p> <p>10.1(1) If an appeal is taken against a judgment or order of the Court of King's Bench, the appellant shall file contemporaneously with the notice of appeal a copy of each of the following:</p> <p>(a) the written reasons for judgment or the written fiat;</p> <p>(b) subject to Subrule (2), the judgment or order as taken out in the Court of King's Bench.</p> <p>(2) If, at the time of filing the notice of appeal pursuant to Subrule (1), the judgment or order has not been taken out in the Court of King's Bench, the appellant shall file a copy of the judgment or order within 5 days after its issuance.</p>
<p>Appeals requiring leave</p> <p>13(1) Subject to any governing statute, if leave to appeal is required, a person seeking to appeal must apply for leave to do so within 15 days after the date of the decision sought to be appealed from or within such time as may be ordered by the Court or a judge.</p> <p>(2) An appellant must serve and file a notice of appeal within 10 days after the date of the decision granting them leave to appeal.</p>	<p>Appeals requiring leave</p> <p>11(1) Subject to any statute governing the appeal, if leave to appeal is necessary, the application for leave shall be made within 15 days after the date of the judgment or order sought to be appealed from or within such time as ordered by the court or a judge.</p> <p>(2) The notice of appeal shall be served within 10 days after the date of the order granting leave to appeal.</p>

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PROPOSED RULE	CURRENT RULE
<p>Appeals from incidental decisions made at trial or in chambers</p> <p>14(1) A party appealing from a decision at trial may include in the notice of appeal grounds of appeal from a decision made during or after the trial that is only incidental to the trial.</p> <p>(2) A party appealing from a decision on a chambers application may include in the notice of appeal grounds of appeal from a decision made during or after the hearing of that application that is only incidental to that application and does not dispose of an issue in the application.</p> <p>(3) The time for appealing from a decision at trial or a chambers decision is neither expanded nor contracted by the inclusion in the notice of appeal pursuant to Subrules (1) or (2) of grounds of appeal from an incidental decision.</p> <p>(4) In the event of inconsistency between this rule and section 9 of the <i>Act</i>, the <i>Act</i> shall prevail.</p>	<p>Appeals from incidental orders made at trial or chambers</p> <p>12(1) If an order is made or a decision is given during or after a trial, and such order or decision is only incidental to the trial, the time for appealing from such order or decision shall continue for 30 days after the date of the judgment at trial, and a party appealing from the trial judgment may also include in the notice of appeal an appeal from such incidental order or decision.</p> <p>(2) If an order is made or a decision is given during or after the hearing of an application in chambers and such order or decision is only incidental to the application and does not dispose of the matter in issue therein, the time for appealing from such order or decision shall continue for a period of 15 days after the date of the judgment on the matter in issue in such application, and a party appealing from the judgment may also include in the notice of appeal an appeal from such incidental order or decision.</p>
<p>Appeals from divorce judgments</p> <p>15(1) In an appeal from a judgment granting a divorce, the appellant must file the notice of appeal not later than 30 days after the date of the judgment granting the divorce.</p> <p>(2) Immediately after the filing of the notice of appeal or of an application to extend the time for appeal, the registrar shall inform the local registrar of the judicial centre in which the judgment was rendered of such filing and shall then send written confirmation of the filing to the local registrar.</p>	<p>Appeals from divorce judgments</p> <p>42(1) In an appeal from a judgment granting a divorce, the appellant shall file the notice of appeal not later than 30 days after the date of the judgment granting the divorce.</p> <p>(2) Immediately after the filing of the notice of appeal, or of an application to extend the time for appeal, the registrar shall inform the local registrar of the judicial centre in which the judgment was rendered of such filing and shall then send written confirmation to the local registrar.</p>
<p>Stated cases</p> <p>16 In every stated case where the governing statute provides a time within which the Court must rule on the case, the registrar shall, subject to direction by the chief justice, enter the case for hearing by the Court upon receipt of the case. An applicant in a stated case may apply to a judge for directions as to the filing of or dispensing with an appeal book or written submissions.</p>	<p>Stated case</p> <p>44(1) In every stated case where the applicable statute provides a time limit within which the court must rule on the case, the registrar shall, subject to direction by the Chief Justice, enter the case for hearing by the court on receipt of the case. The applicant may apply to a judge for directions as to the filing of or dispensing with a case book and factum.</p>
<p>Amendments to notices of appeal</p> <p>17 An appellant or a cross-appellant may amend their notice of appeal or of cross-appeal at any time with leave of the Court or a judge.</p>	<p>Amendment to notice of appeal</p> <p>13 A notice of appeal or cross-appeal may be amended at any time with leave of the court or a judge.</p>

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PROPOSED RULE	CURRENT RULE
PART 4 Cross-Appeals	PART 6 Cross-Appeal
<p>Cross-appeals</p> <p>18(1) If a respondent contends that the decision appealed from should be varied, the respondent must:</p> <ul style="list-style-type: none"> (a) serve a notice of cross-appeal on all parties affected within 15 days after being served with the notice of appeal; and (b) file the notice of cross-appeal and proof of service within 10 days after service on all parties affected. <p>(2) A notice of cross-appeal must contain the information set out in Rule 9.</p> <p>(3) The omission to serve a notice of cross-appeal does not preclude a party from seeking a variation of the decision appealed from, as contemplated by Rule 65(c), but the omission may be grounds for an adjournment of the hearing of the appeal or for an order as to costs or both.</p>	<p>Cross-appeal</p> <p>16(1) If a respondent desires to contend that the judgment appealed from should be varied, the respondent shall:</p> <ul style="list-style-type: none"> (a) within 15 days after being served with the notice of appeal, serve a notice of cross-appeal on all parties affected; and (b) within 10 days after service on all parties, file the notice of cross-appeal with proof of service. <p>(2) A notice of cross-appeal shall:</p> <ul style="list-style-type: none"> (a) identify the part of the judgment sought to be varied; (b) specify the grounds for variation; and (c) state precisely the relief sought. <p>(3) The omission to serve a notice of cross-appeal does not necessarily preclude a party from seeking a variation of the judgment appealed from, as contemplated by Rule 58(c) (Powers of the court), but the omission may be grounds for an adjournment of the hearing of the appeal or for a special order as to costs</p>
PART 5 Interventions	PART 7 Intervention
<p>Interventions</p> <p>19(1) Any person interested in an appeal may, with leave of the Court, intervene in the appeal on such terms and conditions as the Court may direct.</p> <p>(2) The appellant must serve any intervenor before the court appealed from with the notice of appeal and notice of cross-appeal, if any, but the intervenor before the court appealed from shall not have the status of an intervenor on appeal unless leave to intervene is granted by the Court.</p> <p>(3) A person seeking to intervene in an appeal must apply to the Court to do so with notice to all parties and other persons granted intervenor status in the appeal.</p>	<p>Intervention</p> <p>17(1) Any person interested in any proceeding before the court may, by leave of the court, intervene in the proceeding on the terms and conditions the court may direct.</p> <p>(2) Any intervenor before the court appealed from shall be served with a notice of appeal and notice of cross-appeal, if any, but shall not have the status of an intervenor on appeal unless leave to intervene is first granted by the court.</p> <p>(3) An application to intervene shall be made to the court on notice to all parties and other intervenors in the proceeding</p>

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PROPOSED RULE	CURRENT RULE
<p>PART 6 Stay Pending Appeal</p>	<p>PART 5 Stay Pending Appeal</p>
<p>Applications for a stay pending appeal</p> <p>20(1) Unless ordered pursuant to Subrule (3) or otherwise provided by law, the service and filing of a notice of appeal or an application for leave to appeal does not:</p> <ul style="list-style-type: none"> (a) stay the execution of the judgment appealed from; (b) stay proceedings in the action; or (c) invalidate any intermediate act or proceeding taken pursuant to the judgment. <p>(2) An application to stay the execution of all or part of a judgment or to stay proceedings pending an appeal may be made to:</p> <ul style="list-style-type: none"> (a) the judge appealed from; or (b) a judge of the Court. (Forms 5a and 5b) <p>(3) The judge mentioned in paragraph (2)(a) or (b) who hears an application pursuant to that subrule or who imposes a stay on the judge’s own initiative may give any directions and make any orders that the judge considers appropriate in the circumstances.</p> <p>(4) Unless otherwise ordered, an order staying proceedings does not stay the signing and entry of the judgment appealed from or the assessment of costs under that judgment.</p> <p>(5) Unless otherwise ordered, a judgment creditor may provide the sheriff with a certified copy of an order staying enforcement measures under a money judgment and thereafter may register that judgment pursuant to <i>The Enforcement of Money Judgments Act</i> and sections 171 and 173 of <i>The Land Titles Act, 2000</i>, but the judgment creditor must not provide the sheriff with enforcement instructions until the stay has expired or been lifted.</p> <p>(6) Notwithstanding Subrules (1) to (5), former Rule 15 and former Forms 5a and 5b, as they existed on October 2, 2022, continue to apply to any appeal that:</p> <ul style="list-style-type: none"> (a) is commenced by the filing of a notice of appeal on or before December 31, 2022; and (b) is continued after December 31, 2022. 	<p>Application for stay pending appeal</p> <p>15(1) Unless ordered pursuant to Subrule (3) or otherwise provided by law, the service and filing of a notice of appeal or an application for leave to appeal does not:</p> <ul style="list-style-type: none"> (a) stay the execution of the judgment appealed from; (b) stay proceedings in the action; or (c) invalidate any intermediate act or proceeding taken pursuant to the judgment. <p>(2) An application to stay the execution of all or part of a judgment or to stay proceedings pending an appeal may be made to:</p> <ul style="list-style-type: none"> (a) the judge appealed from; or (b) a judge of the court. (Forms 5a and 5b) <p>(3) The judge mentioned in paragraph (2)(a) or (b) who hears an application pursuant to that subrule or who imposes a stay on the judge’s own initiative may give any directions and orders that the judge considers appropriate in the circumstances.</p> <p>(4) Unless otherwise ordered, an order staying proceedings does not stay the signing and entry of the judgment appealed from or the assessment of costs under that judgment.</p> <p>(5) Unless otherwise ordered, a judgment creditor may provide the sheriff with a certified copy of an order staying enforcement measures under a money judgment and thereafter may register that judgment pursuant to <i>The Enforcement of Money Judgments Act</i> and sections 171 and 173 of <i>The Land Titles Act, 2000</i>, but the judgment creditor shall not provide the sheriff with enforcement instructions until the stay has expired or been lifted.</p> <p>(6) Notwithstanding Subrules (1) to (5), former Rule 15 and former Forms 5a and 5b, as they existed on October 2, 2022, continue to apply to any appeal that:</p> <ul style="list-style-type: none"> (a) is commenced by the filing of a notice of appeal on or before December 31, 2022; and (b) is continued after December 31, 2022.

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PROPOSED RULE	CURRENT RULE
<p style="text-align: center;">PART 7</p> <p style="text-align: center;">Appeal Books and Transcripts</p>	<p style="text-align: center;">PART 8</p> <p style="text-align: center;">Perfecting Appeal: Appeal Book and Factum</p> <p style="text-align: center;">A. APPEAL BOOK</p>
<p>Appeal books required</p> <p>21(1) Subject to Rule 22 and unless otherwise ordered, an appellant must prepare and file an appeal book in every appeal.</p> <p>(2) A respondent who considers an appeal book to be incomplete may serve and file a supplemental appeal book.</p> <p>(3) A party filing an appeal book or a supplemental appeal book must serve and file the appeal book or supplemental appeal book at the same time as that party's written submissions.</p> <p>(4) If the Court is satisfied that the costs of an appeal have been increased unduly by the inclusion of irrelevant material in an appeal book or supplemental appeal book or that the appellant has failed to include relevant material in an appeal book, the Court may take this into account when determining costs.</p>	<p>Appeal book required</p> <p>18 An appeal book is required in every appeal, unless otherwise ordered.</p> <p>NO EQUIVALENT SUBRULES</p>
<p>Transcripts of evidence</p> <p>22(1) Unless the parties agree otherwise and as provided for in this rule, an appellant must file a transcript of the whole of the evidence, if the evidence is recorded, in an appeal from a decision after hearing oral evidence.</p> <p>(2) If the parties agree that a transcript of only a portion of the oral evidence is required, they must, within 21 days after the filing of the notice of appeal, file that agreement with the registrar, who may:</p> <p>(a) accept the agreement and order that only those portions of the oral evidence set out in the parties' agreement be transcribed;</p> <p>(b) reject the agreement and provide direction to the parties as to those portions of the oral evidence that must be transcribed; or</p> <p>(c) refer a matter to a judge to determine which portions of the oral evidence must be transcribed.</p> <p>(3) Notwithstanding Subrule (2), in every appeal from a decision after hearing oral evidence, the transcript must contain:</p> <p>(a) the reasons for the decision appealed from, if delivered orally and recorded; and</p>	<p>Agreement as to transcript of evidence</p> <p>19(1) In every appeal from a judgment after hearing oral evidence, if the evidence has been recorded, each party is responsible for including in the appeal book a transcript of only those parts of the evidence that are relevant to the appeal.</p> <p>(2) The parties shall make every reasonable effort to reach a written agreement as to those parts of the transcript of evidence required for the appeal, within 30 days after the last party has been served with the notice of appeal.</p> <p>(3) The parties shall file any written agreement within the 30-day period mentioned in Subrule (2).</p> <p>(4) If the parties fail to agree, a transcript of the whole of the evidence is deemed to be required.</p> <p>(5) If the court is satisfied that the costs of the appeal have been increased unduly by the failure of a party to co-operate in reaching a written agreement, the court may take this into account when awarding costs.</p> <p>Contents of transcript</p> <p>20(1) The transcript shall contain:</p>

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PROPOSED RULE	CURRENT RULE
<p>(b) in the case of an appeal from a decision in a jury trial, the judge’s charge to the jury, together with the lawyers’ or the parties’ addresses to the jury.</p> <p>(4) The appellant must file proof that transcripts have been ordered from Transcript Services or another court-reporting service in the format for transcripts approved by the Court on or before the earlier of:</p> <p>(a) 7 days after confirmation by the registrar or a judge of the required content of the transcripts pursuant to Subrule (2); or</p> <p>(b) 30 days after the filing of the notice of appeal.</p> <p>(5) The appellant must file or ensure that the preparer of the transcript has filed an electronic copy of the transcript promptly upon its completion.</p> <p>(6) A transcript filed in an appeal pursuant to this rule is part of the record before the Court notwithstanding that the transcript is not contained in the appeal book or a supplemental appeal book.</p> <p>(7) Notwithstanding anything contained in this rule, a party may apply to a judge for an order dispensing with a transcript of evidence for an appeal.</p>	<p>(a) those parts of the transcript of evidence required under Rule 19 (Agreement as to transcript of evidence);</p> <p>(b) the reasons for the judgment appealed from, if delivered orally and recorded; and</p> <p>(c) in the case of an appeal from judgment in a jury trial, the judge’s charge to the jury, together with counsel’s addresses to the jury.</p> <p>(2) Notwithstanding anything contained in this rule, a party may apply to a judge for an order dispensing with a transcript of evidence for the appeal.</p> <p>Transcript</p> <p>21(1) If a transcript is required, the appellant shall, within 14 days after the expiration of the time period prescribed in Rule 19 (Agreement as to transcript of evidence), order a complete transcript of the proceedings, or a transcript of the parts of the proceedings that the parties agree are required, from Transcript Services or any other commercial court reporting service in the format for transcripts approved by the court.</p> <p>(2) The appellant shall either:</p> <p>(a) file an electronic copy of the transcript with the registrar immediately on the appellant's receipt of the transcript; or</p> <p>(b) make arrangements with Transcript Services or the commercial court reporting service, as the case may be, to file an electronic copy of the transcript with the registrar immediately after the transcript is completed and ready for filing.</p>
<p>Contents of appeal books</p> <p>23(1) Appellants must ensure that the appeal book contains the parts of the record on which the decision under appeal was made that are relevant to the grounds of appeal, with the material organized in the following order:</p> <p>(a) a comprehensive table of contents and, if there is more than one volume of the appeal book, the table of contents shall be in the first volume only, that includes:</p> <p>(i) an index of exhibits, whether the exhibits themselves are included in the appeal book or not, listing them with a reference to the page in the appeal book where each exhibit is reproduced and the page in the transcript where each is referred to in evidence for the first time; and</p>	<p>Contents of appeal book</p> <p>23(1) The appeal book shall contain the following material in the following order:</p> <p>(a) a comprehensive index, including:</p> <p>(i) a sub-index of exhibits, whether included in the appeal book or not, listing them with a reference to the page in the appeal book where each exhibit is reproduced and the page in the transcript where each is referred to in the evidence for the first time;</p> <p>(ii) a sub-index of witnesses listing their names, by whom each was called, and whether the evidence of the witness was given in examination-in-chief, cross-examination, re-examination or examination by the court appealed from;</p>

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PROPOSED RULE	CURRENT RULE
<p>(ii) an index of the witnesses whose evidence has been transcribed listing their names, by whom each was called, and whether the evidence of the witness was given in examination-in-chief, cross-examination, re-examination or examination in the court appealed from;</p> <p>(b) the pleadings and any particulars of the pleadings, indicating by underlining where same have been amended and by noting when the amendments were made;</p> <p>(c) the decision issued by the court appealed from;</p> <p>(d) the reasons for the decision appealed from, if any;</p> <p>(e) the notice of appeal;</p> <p>(f) the notice of cross-appeal, if any;</p> <p>(g) the notice served under <i>The Constitutional Questions Act, 2012</i>, if any, and the particulars of service; and</p> <p>(h) the evidence filed during the proceedings of the court appealed from, including affidavits, agreed statements of fact and all exhibits.</p> <p>(2) A party filing a supplemental appeal book must ensure that it contains:</p> <p>(a) a comprehensive table of contents listing those parts of the record that the respondent considers relevant to the issues raised in the appeal but were not included in the appeal book;</p> <p>(b) those documents listed in the supplemental appeal book’s comprehensive table of contents, organized in conformity with Subrule (1).</p> <p>(3) A party filing an appeal book or a supplemental appeal book must ensure that it is numbered consecutively as follows:</p> <p>(a) all pages of an appeal book must be numbered 1A, 2A and so on, beginning with the first page of the table of contents; and</p> <p>(b) the pages of any supplemental appeal book must continue from the end of the page numbering in the appeal book.</p>	<p>(b) the pleadings, indicating by underlining where the pleadings have been amended and by appropriate note when the amendments were made, and any particulars of the pleadings;</p> <p>(c) the judgment or order issued by the court appealed from;</p> <p>(d) the reasons for the judgment or order appealed from, if any;</p> <p>(e) the notice of appeal;</p> <p>(f) the notice of cross appeal, if any;</p> <p>(g) the notice served under <i>The Constitutional Questions Act, 2012</i>, if any, and particulars of service;</p> <p>(h) the exhibits, clearly identified by letter and number appearing on each page of the exhibit;</p> <p>(i) the transcript.</p> <p>(2) The pages of the appeal book shall be numbered consecutively as follows:</p> <p>(a) the index shall be numbered i, ii, and so on;</p> <p>(b) the pages preceding the transcript, except the index, shall be numbered 1a, 2a and so on;</p> <p>(c) the transcript shall be numbered 1, 2 and so on.</p>
<p>Form of appeal books and supplemental appeal books</p> <p>24(1) The style of cause of an appeal must appear on the cover of each volume of an appeal book and any supplemental appeal book.</p>	<p>Form of appeal book</p> <p>24(1) The style of cause shall appear only on the cover of each volume of the appeal book.</p> <p>(2) The cover of the appeal book shall be blue.</p> <p>(3) If the appeal book exceeds 200 pages, it shall be bound in separate volumes of 200 pages or less.</p>

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PROPOSED RULE	CURRENT RULE
<p>(2) Unless otherwise ordered by a judge or the registrar, a party filing an appeal book or a supplemental appeal book must do so electronically in portable document format (.pdf) and thereafter provide the registrar with 3 paper copies of the appeal book or supplemental appeal book.</p> <p>(3) A party submitting an appeal book or a supplemental appeal book for filing must submit it as one electronic volume.</p> <p>(4) A party filing an appeal book or supplemental appeal book must prepare and provide the registrar with 3 copies of the paper version of the filed appeal book or supplemental appeal book, prepared as follows:</p> <ul style="list-style-type: none"> (a) if the appeal book or supplemental appeal book exceeds 400 pages, it must be organized in separate volumes of 400 pages each or less; (b) if there is more than one volume, the cover of each volume must show the volume number and the numbers of the pages contained in that volume; and (c) each volume must be printed double-sided and must be bound in a manner satisfactory to the registrar. <p>(5) The cover of an appeal book must be blue, and the cover of a supplemental appeal book must be grey.</p>	<p>(4) If there is more than one volume:</p> <ul style="list-style-type: none"> (a) the complete index shall appear at the beginning of each volume; and (b) the cover of each volume shall show the consecutive volume number and the numbers of the pages contained in that volume. <p>(5) If there are three volumes or more, the spine of each volume shall show the consecutive volume number and the numbers of the pages contained in that volume.</p> <p>(6) The contents of the appeal book shall be printed, typed or photocopied, and both sides of the page should be used if practicable.</p> <p>(7) The book shall be bound in a manner satisfactory to the registrar.</p>
<p>PART 8 Written Submissions</p>	<p>B. FACTUM</p>
<p>Factums required</p> <p>25(1) Every party to an appeal must serve and file a factum in accordance with these rules.</p> <p>(2) Notwithstanding any other rule, a party not represented by a lawyer is not required to serve or file a factum but may instead serve and file a written argument that must not exceed 40 pages in length, unless otherwise ordered, in accordance with Rule 27.</p> <p>(3) Unless otherwise ordered by a judge or the registrar, a party filing written submissions must do so electronically and must thereafter provide the registrar with 3 copies of the paper version of the document in accordance with these rules.</p>	<p>Factum required</p> <p>27 Each of the parties to the appeal shall serve and file a factum in accordance with these rules.</p> <p>Factum not required from self-represented party</p> <p>35(1) Notwithstanding any other rule, a party not represented by a lawyer is not required to serve or file a factum, but may:</p> <ul style="list-style-type: none"> (a) serve and file a factum in accordance with these rules; or (b) serve and file a written argument in accordance with Subrule (2). <p>(2) If a party not represented by a lawyer wishes to file a written argument, that written argument:</p> <ul style="list-style-type: none"> (a) shall not exceed 40 pages, unless otherwise ordered; (b) shall be printed: <ul style="list-style-type: none"> (i) on one side of the paper only;

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<i>PROPOSED RULE</i>	<i>CURRENT RULE</i>
	<p>(ii) in type of not less than 12 point;</p> <p>(iii) with at least 1.5 line spacing, except for quotations from authorities, which shall be indented and single-spaced; and</p> <p>(iv) with margins of not less than 3.0 centimetres or 1.5 inches; and</p> <p>(c) shall be served and filed within the time prescribed by these rules for serving and filing a factum.</p>

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<p>Contents of factums</p> <p>26(1) Except where otherwise provided by these rules or ordered by the Court or a judge, a factum must contain the following seven parts:</p> <ul style="list-style-type: none">I. Introduction: A summary of the context for the appeal.II. Jurisdiction: An appellant must state the source of the right of appeal and the basis for the Court’s jurisdiction to determine the appeal. A respondent must likewise state its position with respect to the right of appeal and jurisdiction.III. Summary of Facts: An appellant must concisely state the facts. A respondent must state its position with respect to the appellant’s statement of facts and any facts it considers relevant.IV. Points in Issue and Applicable Standards of Review: An appellant must concisely state the points in issue in the appeal and the standard of appellate review applicable to each point in issue. A respondent must state its position with respect to the appellant’s points that the respondent intends to put in issue as well as the applicable standards of review. If a respondent intends to contend that the decision should be upheld, whether in whole or in part, for reasons not found in the decision and not raised in the appellant’s written submissions, they must state that intention.V. Argument: A statement of the filing party’s arguments, setting out concisely the points of law or fact to be argued and the basis for the argument, with reference to the relevant pages of the appeal book or supplemental appeal book and the authorities relied on in support of each point.VI. Relief: A statement of the precise order the filing party desires the Court to make, including any disposition as to costs.VII. Authorities: A table of authorities arranged alphabetically within each of the following 3 sections, as may be applicable:<ul style="list-style-type: none">(a) case law;(b) statutes and regulations; and(c) secondary sources, government documents and international materials. <p>(2) Parts I to VI of a factum must not exceed 40 pages in total, unless otherwise ordered.</p> <p>(3) Each paragraph in parts I to VI inclusive must be numbered consecutively.</p>	<p>Contents of factum</p> <p>28(1) A factum shall, except where otherwise provided or otherwise ordered, consist of the following seven parts:</p> <ul style="list-style-type: none">Part I. Introduction: The appellant and respondent shall each briefly summarize the context for the appeal.Part II. Jurisdiction and Standard of Review: The appellant shall state the source of the right of appeal, the basis for the jurisdiction of the court to determine the appeal and the applicable standard of appellate review. The respondent shall state its position with respect to the same matters.Part III. Summary of Facts: The appellant shall concisely state the facts. The respondent shall state its position taken with respect to the appellant’s statement of facts and any facts it considers relevant.Part IV. Points in Issue: The appellant shall concisely state the points in issue in the appeal. The respondent shall state its position in regard to the appellant’s points which the respondent wishes to put in issue. If a respondent intends to contend that the judgment should be upheld, whether in whole or in part, for reasons not found in the judgment and not raised in the appellant’s factum, it shall state that intention.Part V. Argument: This part shall contain a statement of the argument, setting out concisely the points of law or fact to be argued and the basis for the argument, with a particular reference to the page and line of the appeal book and the authorities relied on in support of each point. When a statute, regulation, rule, ordinance or bylaw is cited or relied on, either as much of the statute, regulation, rule, ordinance or bylaw as may be necessary to the determination of the appeal shall be copied as an appendix to the factum or sufficient copies of the statute, regulation, rule, ordinance or bylaw may be filed.Part VI. Relief: This part shall state the precise order the party desires the court to make, including any special disposition as to costs.Part VII. Authorities: This part shall contain a table of authorities, which shall be arranged alphabetically within each of the following 3 sections, as applicable:<ul style="list-style-type: none">(a) case law;(b) statutes and regulations;(c) secondary sources, government documents and international materials. <p>(2) Parts I to VI of a factum shall not exceed 40 pages, unless otherwise ordered.</p>
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PROPOSED RULE	CURRENT RULE
	(3) Each paragraph in Parts I to VI inclusive shall be numbered consecutively.
<p>Form of written submissions</p> <p>27(1) A party and intervenor must set out on the cover of their written submissions the style of cause of the appeal and whether the document is filed on behalf of an appellant, respondent or intervenor. If there is more than one appellant, respondent or intervenor, the name of the filing party or intervenor must also be given.</p> <p>(2) A factum must include an index after which all pages must be numbered consecutively, and it must be bound in the sequence outlined in Rule 26.</p> <p>(3) All citations to authorities in written submissions must comply with the citation guide adopted by the Court.</p> <p>(4) The cover of an appellant’s written submissions must be buff, the respondent’s green, and any intervenor’s red.</p> <p>(5) Every party and intervenor must print the paper version of their written submissions:</p> <ul style="list-style-type: none"> (a) on one side of the paper only with the printed pages facing up on the left; (b) in 12-point font; (c) with at least 1.5 line spacing, except for quotations from authorities, which must be indented and single-spaced; and (d) with margins of not less than 3.0 centimetres or 1.5 inches. <p>(7) If a factum is prepared by a lawyer or law firm, the lawyer responsible for its preparation must sign it.</p>	<p>Form of factum</p> <p>29(1) The colour of the cover of the appellant’s factum shall be buff, the respondent’s green, and the intervenor’s red.</p> <p>(2) A factum shall set out on its cover the style of cause and whether it is the factum of the appellant, respondent or intervenor. If there is more than one appellant, respondent or intervenor, the name of the party shall also be given.</p> <p>(3) A factum shall be printed:</p> <ul style="list-style-type: none"> (a) on one side of the paper only with the printed pages facing up on the left; (b) in type of 12 point; (c) with at least one and one-half line spacing, except for quotations from authorities, which shall be indented and single-spaced; and (d) with margins of not less than 3.0 centimetres or 1.5 inches. <p>(4) The factum shall include an index after which all pages shall be numbered consecutively and shall be bound in the sequence outlined in Rule 28 (Contents of factum).</p> <p>(5) All citations to authorities in a factum shall comply with the <i>Citation Guide for the Courts of Saskatchewan</i>, as amended from time to time.</p> <p>(6) The factum shall be signed by the lawyer responsible for its preparation.</p> <p>Factum not required from self-represented party</p> <p>35(2) If a party not represented by a lawyer wishes to file a written argument, that written argument:</p> <ul style="list-style-type: none"> (a) shall not exceed 40 pages, unless otherwise ordered; (b) shall be printed: <ul style="list-style-type: none"> (i) on one side of the paper only; (ii) in type of not less than 12 point; (iii) with at least 1.5 line spacing, except for quotations from authorities, which shall be indented and single-spaced; and (iv) with margins of not less than 3.0 centimetres or 1.5 inches; and (c) shall be served and filed within the time prescribed by these rules for serving and filing a factum.

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PROPOSED RULE	CURRENT RULE
<p>Written submissions in appeals dealing with family property</p> <p>28 In an appeal dealing with family property, if the distribution or valuation of the property is in issue, the written submissions must contain:</p> <ul style="list-style-type: none"> (a) a Schedule A listing, as determined at trial: <ul style="list-style-type: none"> (i) each item of property; (ii) the value of each item of property; (iii) the distribution of each item of property, including exemptions; and (iv) the liabilities of each party and their allocation; and (b) a Schedule B, specifying the precise relief the party desires the Court to grant in relation to each item of property, including the valuations, exemptions, and distributions proposed by the party. 	<p>Factum dealing with matrimonial property</p> <p>30 In an appeal dealing with matrimonial property, if the distribution or valuation of the property is in issue, the factum shall contain:</p> <ul style="list-style-type: none"> (a) a Schedule A listing, as determined at trial: <ul style="list-style-type: none"> (i) each item of property; (ii) the value of each item of property; (iii) the distribution of each item of property, including exemptions; and (iv) the liabilities of each party and their allocation; and (b) a Schedule B, specifying the precise relief the party desires the court to grant in relation to each item of property, including the valuations, exemptions, and distributions proposed by the party.
<p>Written submissions in appeals dealing with foreclosure, judicial sale, bankruptcy or insolvency</p> <p>29 In an appeal dealing with foreclosure, judicial sale, bankruptcy or insolvency, if the disposition or valuation of property is in issue, the written submissions must contain the schedules required under Rule 28 with necessary modifications.</p>	<p>Factum dealing with foreclosure, judicial sale, bankruptcy, or insolvency</p> <p>31 In an appeal dealing with a foreclosure, judicial sale, bankruptcy or insolvency, if the disposition or valuation of the property is in issue, the factum shall contain the schedules required under Rule 30 (Factum dealing with matrimonial property), adapted with any necessary modification.</p>
<p>Authorities</p> <p>30(1) If a party or intervenor intends to rely on any authority that is not electronically available from a publicly available source and that cannot be hyperlinked within their written submissions, that party may include a copy of the authority, or the relevant extract from within the authority, in an appendix to their written submissions.</p>	<p>Book of authorities</p> <p>36(1) A party may serve a book of authorities at, or any time before, the hearing of an appeal.</p> <p>(2) Notwithstanding Rule 69, a book of authorities may be:</p> <ul style="list-style-type: none"> (a) in paper format; or (b) in an electronic format that is approved by the registrar. <p>(3) If a party has served a book of authorities in paper format, that party shall file 3 copies of the book or such other number as the registrar requires.</p> <p>(4) The parties may agree on a common book of authorities and, if the common book of authorities is in paper format, the parties shall file 3 copies of the book or such other number as the registrar requires.</p> <p>(5) A book of authorities shall:</p> <ul style="list-style-type: none"> (a) contain an index; and (b) have the cases in it individually tabbed by number or letter.

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PROPOSED RULE	CURRENT RULE
<p>PART 9</p> <p>Service and Filing Requirements</p>	<p>NO EQUIVALENT PART</p>
<p>Service and filing of appeal books and written submissions</p> <p>31(1) No party or intervenor shall file, without leave of a judge, an appeal book, supplemental appeal book, or written submissions later than:</p> <ul style="list-style-type: none"> (a) the time prescribed by these rules; or (b) the date ordered by a judge or the Court. <p>(2) An appellant must serve their appeal book and written submissions in an appeal:</p> <ul style="list-style-type: none"> (a) where no transcript of evidence is required, within 60 days after the notice of appeal is filed; and (b) where a transcript of evidence is required, within 4 months after the notice of appeal is filed, <p>failing which the registrar shall place the appeal on the inactive appeals list.</p> <p>(3) In an appeal, a respondent must serve and file their written submissions and any supplemental appeal book within 60 days after their receipt of the appellant's written submissions and the appeal book, failing which the registrar may schedule an appeal management conference pursuant to Rule 36.</p> <p>(4) Notwithstanding Subrule (1), a party may seek one extension of a filing deadline for written submissions of up to 30 days by making a request to the registrar in writing and on notice to the other parties, and the registrar may grant the request on such conditions as the registrar considers appropriate.</p> <p>(5) An intervenor must serve and file their factum in accordance with the order of the Court granting intervenor status pursuant to Rule 19.</p>	<p>Service and filing of appeal book</p> <p>26 On or before the date agreed on or fixed under Rule 22 (Agreement as to contents and completion of appeal book), the appellant shall:</p> <ul style="list-style-type: none"> (a) serve a copy of the appeal book on each respondent and intervenor; and (b) file proof of service in accordance with paragraph (a), together with 3 copies of the appeal book or such other number as the registrar requires. <p>Service and filing of factum</p> <p>32(1) An appellant shall serve the appellant's factum at the same time and in the same manner as the appeal book is required to be served under Rule 26 (Service and filing of appeal book).</p> <p>(2) An appellant shall also file the appellant's factum at the same time and in the same manner as the appeal book is required to be filed under Rule 26 (Service and filing of appeal book).</p> <p>(3) A respondent or intervenor shall serve and file its factum within 30 days after the receipt of the appeal book.</p> <p>(4) All parties filing factums with proof of service shall provide the registrar with 3 copies or such other number as the registrar requires</p>
<p>Service and filing of written submissions in reply on cross-appeals</p> <p>32 Within 30 days after receipt of a respondent's written submissions dealing with a cross-appeal, an appellant may serve and file written submissions in reply, failing which the appeal shall be deemed to have been perfected, and the registrar may schedule it for hearing pursuant to Rule 38.</p>	<p>Factum in reply on cross-appeal</p> <p>33 Within 15 days after receipt of a respondent's factum dealing with a cross-appeal, an appellant may serve and file a factum in reply.</p>

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PROPOSED RULE	CURRENT RULE
<p>Service and filing of written submissions in reply in other cases</p> <p>33(1) Subject to Subrules (2), (3), and (4), an appellant may serve and file written submissions in reply to the respondent’s written submissions in an appeal if the respondent’s submissions contend that the decision appealed from should be upheld, whether in whole or in part:</p> <ul style="list-style-type: none"> (a) notwithstanding error in the reasons for the decision as contended by the appellant; or (b) for reasons not found in the decision. <p>(2) An appellant must serve and file written submissions in reply contemplated by Subrule (1) within 15 days after their receipt of the respondent’s written submissions.</p> <p>(3) The registrar may refuse to accept for filing any written submission in reply or, if filed, may remove it from the file where the registrar is of the opinion that:</p> <ul style="list-style-type: none"> (a) the conditions requisite to serving and filing of written submissions in reply under Subrule (1) do not exist; or (b) the written submissions in reply tendered for filing are excessive or otherwise offensive to the purpose of Subrule (1). <p>(4) The registrar may refer any dispute that arises out of the attempted filing or removal of written submissions in reply to a judge for final resolution.</p>	<p>Factum in reply in other cases</p> <p>33.1(1) Subject to Subrules (2), (3), and (4), an appellant may serve and file a factum in reply if the respondent’s factum contends:</p> <ul style="list-style-type: none"> (a) that the judgment appealed from should be upheld whether in whole or in part, notwithstanding error in the reasons for the decision as contended for by the appellant; and (b) that the judgment should be upheld for reasons not found in the decision. <p>(2) A factum in reply contemplated by Subrule (1) shall be served and filed within 15 days after receipt of the respondent’s factum.</p> <p>(3) If the registrar is of the opinion:</p> <ul style="list-style-type: none"> (a) that the conditions requisite to serving and filing of a factum in reply under Subrule (1) do not exist; or (b) that the factum in reply tendered for filing is excessive or otherwise offensive to the purpose of Subrule (1); <p>the registrar may refuse to file the factum in reply or, if filed, remove it from the file and return it to the appellant.</p> <p>(4) If any dispute arises out of the filing of a factum in reply, the registrar may refer the dispute to a judge for final resolution.</p>

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PROPOSED RULE	CURRENT RULE
<p>Service and filing of documents</p> <p>34(1) Unless otherwise provided in these rules, if a rule requires a person to serve and file a document, that person must serve the document on all other parties to the appeal and then submit the document along with proof of service to the registrar for filing.</p> <p>(2) Except as otherwise provided for by these rules or as expressly exempted by the registrar, persons filing documents must do so electronically through the Court's electronic filing system in accordance with the practices and procedures established by the Court.</p> <p>(3) In addition to proving service of a document in a manner permitted under Rule 71(2), a lawyer for a party or for an intervenor may prove service of a document for the purposes of these rules by filing a certificate of service (Form 12), unless otherwise ordered by the Court or a judge.</p> <p>(4) The registrar may accept a document for filing when a copy is:</p> <p>(a) physically deposited with the registrar; or</p> <p>(b) submitted to the registrar by email, fax or other electronic means.</p> <p>(5) If accepted by the registrar, a document is deemed to have been filed as of the date and time it was submitted.</p> <p>(6) Notwithstanding Subrule (5), a document filed through the Court's electronic filing system or otherwise submitted to the registrar after 4:00 p.m. on a business day, if accepted by the registrar, is deemed to have been filed on the next business day.</p> <p>(7) In the case of a document exceeding 20 pages in length including its cover, the party filing same must, within 5 days after filing it through the Court's electronic filing system, provide the registrar with the required number of paper copies of the document.</p>	<p>Filing documents</p> <p>69(1) Except as otherwise expressly provided for by the rules or as exempted by the registrar, all documents shall be filed electronically through the court's electronic filing system, in accordance with the practices and procedures established by the court.</p> <p>(2) The registrar may accept a document for filing when a copy is:</p> <p>(a) physically deposited with the registrar; or</p> <p>(b) submitted to the registrar by email, fax or other electronic means.</p> <p>(3) A document submitted to the registrar, if accepted by the registrar, is deemed to be filed as of the date and time it was submitted.</p> <p>(4) Notwithstanding Subrule (3), a document filed through the court's electronic filing system, or otherwise submitted to the registrar, after 4:00 p.m. on a business day, if accepted by the registrar, is deemed to be filed on the next business day.</p> <p>(5) In the case of a factum, appeal book or other document exceeding 20 pages in length including its cover, the party filing shall, in addition to filing the document through the court's electronic filing system, file the required number of paper copies within 5 days after filing through the court's electronic filing system.</p> <p>Service</p> <p>67(2) In addition to proving service of a document in a manner permitted under Part 12 of the rules of procedure of the Court of King's Bench, counsel for a party or for an intervenor in a proceeding may prove service of a document for the purposes of these Rules by filing a Certificate of Service in Form 12, unless otherwise ordered by the court or a judge.</p>

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<i>PROPOSED RULE</i>	<i>CURRENT RULE</i>
<p>Addresses for service</p> <p>35(1) On every document filed, the person filing the document must provide an address for service, which must be the address where any document may be served on that party.</p> <p>(2) If a party is represented by a lawyer, the party’s address for service is the office of that lawyer in Canada, and that address for service must include the name, physical address, mailing address and telephone number of the lawyer or their law firm, and the name of the lawyer in charge of the file and that lawyer’s email address or the email address of the law firm.</p> <p>(3) If a party is an individual not represented by a lawyer, the party’s address for service must include the party’s full name, residential address and telephone number, and email address, unless the registrar directs otherwise.</p> <p>(4) A party must provide the registrar with an email address for the purposes of effecting service on that party if the party’s address for physical service is located outside Saskatchewan.</p> <p>(5) Unless a judge orders otherwise, a party who fails to provide the registrar with an address for service in accordance with these rules is not entitled to notice of any subsequent proceedings in the Court.</p> <p>(6) Unless a judge orders otherwise, service of a document at the last filed address for service of a party is deemed to be valid despite a change in the address of that party.</p> <p>(7) Until a respondent files address information, the respondent’s address for service is the address on record in the court appealed from, if any.</p>	<p>Address for service</p> <p>65(1) On every document filed, the person filing the document shall provide an address for service, which shall be the party’s address for service where any document may be served on the party.</p> <p>(2) If a party is represented by a lawyer, the party’s address for service is the office of that lawyer in Canada, and that address for service:</p> <p>(a) shall include the name, physical address, mailing address and telephone number of the law firm, and the name of the lawyer in charge of the file and that lawyer’s email address or the email address of the law firm; and</p> <p>(b) may include the fax number, if any, of the law firm or lawyer.</p> <p>(3) If a party is an individual not represented by a lawyer, the party’s address for service:</p> <p>(a) shall include the party’s full name, residential address and telephone number;</p> <p>(b) shall include the party’s email address, unless the registrar directs otherwise; and</p> <p>(c) may include the party’s fax number, if any.</p> <p>(4) A party’s address for service shall include an email address if the party’s address for service is located outside Saskatchewan.</p> <p>(5) Unless a judge orders otherwise, a party who fails to provide or file an address for service in accordance with this rule is not entitled to notice of any subsequent proceedings in the cause or matter.</p> <p>(6) Unless a judge orders otherwise, service of a document at the last filed address for service of a party is deemed valid despite a change in the address of that party.</p> <p>(7) Until the respondent files address information, the respondent’s address for service is the address on record in the court appealed from.</p>

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PROPOSED RULE	CURRENT RULE
<p>PART 10</p> <p>Appeal Management and Settlement Conferences</p>	<p>PART 10</p> <p>Pre-hearing and Settlement Conferences</p>
<p>Appeal management conferences</p> <p>36(1) Subject to Rule 43, a party may apply to a judge for a management conference to set filing deadlines for one or more parties to an appeal.</p> <p>(2) If an appellant fails to perfect their appeal within the time set in these rules, a respondent may apply to a judge for an order requiring the appellant to perfect the appeal by a fixed date failing which the appeal may be exposed to dismissal by the Court for want of prosecution.</p> <p>(3) If the registrar is of the opinion that an appeal management conference is appropriate, the registrar may refer the matter to a judge.</p> <p>(4) A judge conducting an appeal management conference may make any order, take any measure or issue any directive that, in the opinion of the judge, will assist the Court with the effective and efficient management of the appeal.</p> <p>(5) Without limiting the authority of a judge pursuant to Subrules (2) and (4), the judge may:</p> <ul style="list-style-type: none"> (a) set timelines to complete all steps leading to the hearing of an appeal; (b) schedule applications to be heard before the hearing of an appeal; (c) make any other order to accelerate the appeal process; and (d) refer an appeal to the Court to be dismissed as abandoned or for want of prosecution, or for the Court to make any other order that the Court considers appropriate. <p>(6) A lawyer who represents a party at an appeal management conference may not withdraw prior to the hearing of the appeal without obtaining leave from the Court or a judge.</p>	<p>Pre-hearing conference</p> <p>41(1) A party may at any time apply to the registrar who, after consultation with the Chief Justice or the court, may direct the attendance of the parties at a pre-hearing conference.</p> <p>(2) The court may on its own initiative order a pre-hearing conference.</p> <p>(3) The purpose of the pre-hearing conference shall be to consider matters that might expedite the hearing and determination of the appeal.</p> <p>(4) A lawyer who represents the party at the pre-hearing conference shall represent the party on the hearing of the appeal, unless the lawyer obtains leave from the court to withdraw.</p> <p>Dismissal for want of prosecution</p> <p>46(1) An appellant shall diligently prosecute its appeal, perfecting the appeal within the time period prescribed by these rules. If an appellant fails to do so, a respondent may apply to a judge for an order requiring the appeal be perfected by a fixed date, failing which the appeal may be exposed to dismissal by the court for want of prosecution. (Forms 6 and 7)</p> <p>Late filing of factum</p> <p>34(1) Without leave of a judge, a factum shall not be filed later than the time period prescribed by these rules.</p> <p>(2) If any party fails to file a factum within the time period prescribed by these rules, any other party may apply to a judge, on notice to the party in default, for directions, including a direction that the appeal be referred to the court for disposition in light of such failure.</p>

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PROPOSED RULE	CURRENT RULE
<p>Appeal settlement conferences</p> <p>37(1) At the request of the parties made at any time during the appeal process, the registrar may schedule an appeal settlement conference before a judge to facilitate confidential mediated discussions between the parties with a view to reaching settlement of:</p> <ul style="list-style-type: none"> (a) all or some of the issues in an appeal; and (b) any other issues that the parties agree to place before the judge. <p>(2) A judge who presides at an appeal settlement conference will not:</p> <ul style="list-style-type: none"> (a) hear any contested application in relation to the appeal; or (b) sit as a member of the panel of judges who hears the appeal. 	<p>Appeal settlement conference</p> <p>41.1(1) With the consent of the parties, an appeal settlement conference may be convened before a judge at any time during the appeal process.</p> <p>(2) The registrar or a judge may suggest to the parties that an appeal settlement conference be convened.</p> <p>(3) The purpose of an appeal settlement conference is to facilitate confidential mediated discussions between the parties with a view to reaching settlement of:</p> <ul style="list-style-type: none"> (a) all or some of the issues in the appeal; and (b) as appropriate, any other issues that the parties agree to place before the settlement conference judge. <p>(4) The judge who presides at an appeal settlement conference shall not:</p> <ul style="list-style-type: none"> (a) sit as a judge in chambers to hear any contested application in relation to the appeal; or (b) sit as one of the judges who hears the appeal.
<p>PART 11 Appeal Hearings</p>	<p>PART 9 Entering an Appeal for Hearing</p>
<p>Entering and fixing times for appeal hearings</p> <p>38(1) The registrar shall enter an appeal for hearing when the appeal is perfected as contemplated by Subrule (2).</p> <p>(2) An appeal is perfected when:</p> <ul style="list-style-type: none"> (a) the last written submission required to be filed has been filed, with the exception of material related to an application under Rule 55; or (b) upon the expiry of the deadline imposed by a judge for the filing of a respondent's written submissions. <p>(3) Subject to direction by the chief justice, the registrar shall fix the time and place for the hearing of all appeals and shall notify the parties to an appeal by sending each party a hearing notice.</p>	<p>Entering and fixing time for hearing</p> <p>39(1) The registrar shall enter an appeal for hearing when the appeal is perfected as contemplated by Part 8 (Perfecting Appeal: Appeal Book and Factum).</p> <p>(2) An appeal is perfected when the last factum required to be filed is filed.</p> <p>(3) Subject to direction by the Chief Justice, the registrar shall fix the time and place for the hearing of an appeal, and shall notify the parties.</p> <p>(4) Counsel for the appellant, or the appellant if self-represented, shall:</p> <ul style="list-style-type: none"> (a) serve on the respondent, if self-represented, notice of the time and place set for the hearing of the appeal; and (b) file proof of service of the notice referred to in paragraph (a) at least 15 days before the appeal is set to be heard. <p>(5) If Subrule (4) is not complied with:</p> <ul style="list-style-type: none"> (a) the hearing of the appeal may be adjourned; and (b) the appellant may be ordered to pay costs.

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PROPOSED RULE	CURRENT RULE
<p>Adjournments</p> <p>39(1) If a party requires an adjournment of an appeal that has been set down for hearing, that party must request an adjournment forthwith and, barring exceptional circumstances, on no less than three days’ notice to the other parties to the appeal.</p> <p>(2) If any party objects to a requested adjournment, the registrar may:</p> <p>(a) adjourn or decline to adjourn the hearing, subject to consulting with the Court when appropriate in the opinion of the registrar, and, if adjourned, set a new date for the hearing; or</p> <p>(b) refer the adjournment request to a judge or the Court for determination.</p> <p>(3) A decision of the registrar pursuant to Subrule 2(a) is final.</p>	<p>Adjournments</p> <p>39.1(1) All requests to adjourn the hearing of an appeal set down for hearing in accordance with the list of scheduled appeals shall be made to the registrar immediately on receipt of the schedule and on three days’ notice to the other party.</p> <p>(2) In the event of an objection, the registrar:</p> <p>(a) may adjourn or decline to adjourn the hearing, subject to consulting with the court when appropriate in the opinion of the registrar, and, if adjourned, set a new date for the hearing; or</p> <p>(b) may refer the request to a judge in chambers.</p> <p>(3) The decision of the registrar is final.</p>
<p>Dispositions without oral hearing</p> <p>40 If the parties agree, they may, by informing the registrar, ask the Court to determine an appeal entered for hearing based on written submissions alone.</p>	<p>Disposition without oral hearing</p> <p>40 If the parties agree, an appeal entered for hearing may be determined on the basis of factums.</p>
<p>Aids for oral argument</p> <p>41(1) At the beginning of an appeal hearing, or as otherwise permitted by the Court, a party or intervenor may provide the Court with all or any of the following:</p> <p>(a) a compendium to which the party or intervenor intends to refer that contains extracts from all or any of the following:</p> <p>(i) any party’s written submissions;</p> <p>(ii) authorities referred to in any party’s written submissions; and</p> <p>(iii) material found in the appeal book or a supplemental appeal book; and</p> <p>(b) alone or as part of a compendium filed pursuant to paragraph (a), an outline of the party or intervenor’s oral argument, which must not exceed 2 pages.</p> <p>(2) A party or intervenor providing the Court with a compendium or outline of oral argument must also provide a copy of the same to all other parties and intervenors appearing at the hearing.</p>	<p>Aids for oral argument</p> <p>37.1(1) At the beginning of a hearing, a party may provide to the court all or any of the following:</p> <p>(a) a compendium to which the party intends to refer that contains extracts from all or any of the following:</p> <p>(i) any party’s factum;</p> <p>(ii) authorities referred to in any party’s factum;</p> <p>(iii) material found in the appeal book;</p> <p>(b) alone or as part of a compendium filed pursuant to paragraph (a), an outline of oral argument, which shall not exceed 2 pages.</p> <p>(2) A copy of any compendium or outline of oral argument provided to the court shall be provided to all other parties appearing at the hearing.</p>

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PROPOSED RULE	CURRENT RULE
<p>Raising additional arguments</p> <p>42 A party or intervenor intending in an appeal hearing to present arguments, raise points of law or cite authorities not mentioned in their written submissions may do so only with leave of the Court.</p>	<p>Raising additional arguments</p> <p>38 A party intending to present arguments, raise points of law and cite authorities not mentioned in the factum may do so only with leave of the court.</p>
<p style="text-align: center;">PART 12</p> <p style="text-align: center;">Inactive Appeals and Abandonment</p>	<p style="text-align: center;">PART 12</p> <p style="text-align: center;">Abandonment and Dismissal for Want of Prosecution</p>
<p>Inactive appeals list</p> <p>43(1) The registrar shall maintain a list of inactive appeals.</p> <p>(2) An appellant shall not file any document in relation to an appeal that is on the inactive appeals list other than an application for leave to proceed with the appeal.</p>	<p>NO EQUIVALENT RULE</p>
<p>Managing the inactive appeals list</p> <p>44(1) The registrar shall place an appeal on the inactive appeals list where:</p> <ul style="list-style-type: none"> (a) the appellant has not served and filed their appeal book and written submissions by the deadline imposed by Rule 31(2); or (b) the appeal has not been scheduled for hearing within one year after the notice of appeal was filed. <p>(2) The registrar shall remove an appeal from the inactive appeals list if a judge grants the appellant leave to proceed with the appeal.</p> <p>(3) The registrar shall return an appeal to the inactive appeals list if the appellant fails to comply with the terms or conditions imposed in an order under Subrule (2) granting the appellant leave to proceed.</p> <p>(4) Where the registrar places an appeal on or returns an appeal to the inactive appeals list, the registrar shall provide notice to each party to the appeal.</p>	<p>NO EQUIVALENT RULE</p>

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PROPOSED RULE	CURRENT RULE
<p>Appeals deemed dismissed as abandoned</p> <p>45(1) An appeal shall be deemed to have been dismissed as abandoned without further order if it has remained on the inactive appeals list for 180 days.</p> <p>(2) Unless a judge orders otherwise, an appeal that is deemed to have been dismissed as abandoned under Subrule (1) may not be reinstated.</p> <p>(3) Where an appeal is deemed to have been dismissed as abandoned and is not restored in accordance with these rules, the other parties to the abandoned appeal are entitled to their assessable costs without further order.</p>	<p>NO EQUIVALENT RULE</p>
<p>Abandonment</p> <p>46 A party intending to abandon an appeal, cross-appeal or application must serve and file a notice of abandonment (Form 8). The other parties to an abandoned appeal are entitled to their assessable costs without further order.</p>	<p>Abandonment</p> <p>45 A party intending to abandon an appeal, cross-appeal or application shall serve on all other parties a copy of the notice of abandonment and file the notice with proof of service. The other parties shall be entitled to their taxable costs without order. (Form 8)</p>
<p>Applications to restore abandoned appeals</p> <p>47(1) An appellant may apply to a judge for an order restoring an appeal that has been deemed to have been dismissed as abandoned pursuant to Rule 45.</p> <p>(2) An applicant who applies to restore an appeal must serve and file the notice of application as soon as reasonably possible. An application to restore an appeal must be made returnable no later than 3 months after the appeal was deemed to have been dismissed as abandoned.</p> <p>(3) A judge may restore an appeal that has been deemed to have been dismissed as abandoned on such terms and conditions as the judge considers appropriate.</p>	<p>NO EQUIVALENT RULE</p>
<p>PART 13</p> <p>Vexatious Proceedings</p>	<p>PART 13</p> <p>Prohibiting Vexatious Proceedings</p>

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PROPOSED RULE	CURRENT RULE
<p>Quashing appeals in certain circumstances</p> <p>48(1) On application by any party to an appeal, the Court may quash the appeal on the ground:</p> <ul style="list-style-type: none"> (a) it discloses no right of appeal; (b) it is frivolous or vexatious; (c) it is manifestly without merit; or (d) it is otherwise an abuse of the process of the Court. <p>(2) Before an order is made under Subrule (1), the appellant will be given an opportunity to be heard.</p>	<p>Quashing an appeal in certain circumstances</p> <p>46.1(1) On application by any party to an appeal, the court may make an order quashing an appeal on the ground:</p> <ul style="list-style-type: none"> (a) it discloses no right of appeal; (b) it is frivolous or vexatious; (c) it is manifestly without merit; or (d) it is otherwise an abuse of the process of the court. <p>(2) Before an order is made under Subrule (1), the appellant shall be given an opportunity to be heard in accordance with Part 15.</p>
<p>Vexatious persons</p> <p>49(1) If, on application of any person or at the request of the registrar made in accordance with Subrule (2), the Court or a judge is satisfied that a person has habitually, persistently, and without reasonable cause commenced frivolous or vexatious proceedings in the Court, the Court or a judge may make an order prohibiting that person from commencing proceedings in the Court without leave of the Court or a judge.</p> <p>(2) The registrar may make a request pursuant to Subrule (1) by sending a notice (Form 9b) to the person against whom an order is proposed and a copy of the notice to each of the other parties to the appeal.</p> <p>(3) Within 10 days after receipt of a notice from the registrar pursuant to Subrule (2), any party may serve and file a response to the notice.</p> <p>(4) Before an order is made under Subrule (1), the person against whom such an order is sought will be given an opportunity to be heard.</p> <p>(5) Unless otherwise stated in the order, a prohibition on the commencement of proceedings in the Court in an order made pursuant to Subrule (1) does not prohibit the person against whom the order is made from applying to a judge for leave to commence a proceeding in the Court.</p>	<p>Vexatious proceedings</p> <p>46.2(1) If, on application of any person or at the request of the registrar made in accordance with Rule 46.3, the court or a judge is satisfied that a person has habitually, persistently, and without reasonable cause commenced frivolous or vexatious proceedings in the court, the court or a judge may make an order prohibiting the commencement of proceedings without leave of the court or a judge.</p> <p>(2) Before an order is made under Subrule (1), the person against whom such an order may be made shall be given an opportunity to be heard in accordance with Part 15.</p> <p>Registrar's notice</p> <p>46.3(1) The registrar shall make a request pursuant to Rule 46.2 by sending:</p> <ul style="list-style-type: none"> (a) a notice in Form 9b to the person against whom an order is proposed to be made pursuant to Subrule 46.2(1); and (b) a copy of the notice mentioned in paragraph (a) to each of the other parties. <p>(2) Within 10 days after receipt of the registrar's notice, any party may serve and file a response to the notice</p>
<p>PART 14</p> <p>Re-hearings</p>	<p>PART 14</p> <p>Re-hearing</p>
<p>Re-hearings</p> <p>50(1) No appeal shall be re-heard other than by order of the Court as constituted on the hearing and determination of the appeal.</p>	<p>Re-hearing</p> <p>47(1) There shall be no re-hearing of an appeal except by order of the court as constituted on the hearing and determination of the appeal.</p>

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PROPOSED RULE	CURRENT RULE
<p>(2) A party seeking a re-hearing must serve and file a notice of application stating the grounds for the application and written submissions in support of the application before the formal decision is issued.</p> <p>(3) An applicant must serve a notice of application for re-hearing and written submissions on all other parties that appeared on the appeal.</p> <p>(4) Within 10 days after the service of the notice of application and the applicant's written submissions, the other parties to the appeal may serve and file written submissions in response to the application.</p> <p>(5) Unless otherwise ordered, the Court will determine an application for a re-hearing based on written submissions alone.</p> <p>(6) If a party applies for a re-hearing, the registrar shall not issue the formal decision in the appeal until the Court has disposed of the application.</p>	<p>(2) An application requesting a re-hearing shall be by notice of application, served and filed before the formal judgment is issued.</p> <p>(3) The notice of application shall:</p> <ul style="list-style-type: none"> (a) state the grounds for the application; and (b) be supported by a memorandum of argument. <p>(4) The notice of application and memorandum shall be served on all other parties that appeared on the appeal.</p> <p>(5) Within 10 days after the service of the notice of application and memorandum, the other parties to the appeal may serve and file a memorandum in writing in response to the application.</p> <p>(6) The formal judgment shall not be issued until an application requesting a re-hearing has been disposed of.</p>
<p>PART 15 Applications to a Judge</p>	<p>PART 15 Applications</p>
<p>Chambers hearings</p> <p>51(1) An application to a judge in chambers shall be made returnable:</p> <ul style="list-style-type: none"> (a) on a regular civil chambers date, at a time set by the registrar; or (b) on a date and time set by the registrar upon the perfection of the application. 	<p>Chambers hearings</p> <p>48(1) An application to a judge shall be made returnable:</p> <ul style="list-style-type: none"> (a) on a regular chambers date; or (b) on a special date fixed by a judge or the registrar, if the judge or registrar is satisfied that the matter is urgent.

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PROPOSED RULE	CURRENT RULE
<p>(2) Upon the filing or perfection of an application to a judge, the registrar may set or vary the date, time and venue for the hearing of the application by providing written notice to the parties.</p> <p>(3) Subject to direction by the chief justice, regular civil chambers sittings will be held:</p> <ul style="list-style-type: none"> (a) by video conference, on the second and fourth Wednesday of each month; (b) in person in Saskatoon, on the second Thursday of each month; and (c) in person in Regina, on the fourth Thursday of each month. <p>(4) Unless a judge directs otherwise, the hearing of an application to a judge:</p> <ul style="list-style-type: none"> (a) for all matters other than leave to appeal, will be scheduled for 30 minutes in total duration; (b) for leave to appeal, will be scheduled for 60 minutes in total duration; and (c) will be conducted by video conference during the regular civil chambers sittings held on the second or fourth Wednesday of a month. <p>(5) A party who wants to attend a chambers hearing in person may make that request by making their application returnable on the date of in-person regular civil chambers sitting pursuant to paragraph (3)(b) or (c), or may otherwise do so in their application or may do so in their written submissions in response to an application, as the case may be. A party who opposes a request for an in-person hearing must promptly notify the registrar and the other parties of their opposition to the request.</p> <p>(6) A judge may schedule or adjourn the hearing of an application on such terms as the judge considers appropriate.</p> <p>(7) With the exception of an application for leave to appeal, if the registrar has not scheduled an application for hearing within three months of its filing, it shall be deemed to have been dismissed as abandoned, unless the Court or a judge has ordered otherwise. The other parties to an abandoned application shall be entitled to their assessable costs without further order.</p>	<p>(2) Subject to direction by the Chief Justice, regular chambers sittings are to be held:</p> <ul style="list-style-type: none"> (a) in Regina on the second and fourth Wednesdays of each month; and (b) in Saskatoon on the first day of each regular court sitting. <p>(3) The hearing of any application may, from time to time, be adjourned on such terms, if any, that the judge considers appropriate.</p> <p>(4) If the parties agree, an application in chambers may be determined on the basis of written submissions.</p> <p>(5) If a judge or the registrar sees fit, an application in chambers may be heard by telephone or video conference.</p>
<p>Form of applications</p> <p>52(1) Unless otherwise provided in these rules, an applicant must serve and file an application to the Court or a judge together with all material upon which they intend to rely to support the application.</p> <p>(2) An application to the Court or a judge must:</p>	<p>Form of applications</p> <p>48.1(1) Unless otherwise provided, an application to the court or a judge shall:</p> <ul style="list-style-type: none"> (a) be by notice of application in the form provided in the rules or in accordance with Subrule (2); (b) include all material on which the applicant relies to support the application; and

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<i>PROPOSED RULE</i>	<i>CURRENT RULE</i>
<p>(a) be by notice of application in the form provided in these rules or in accordance with Subrule (3);</p> <p>(b) include a draft order that states precisely the relief sought;</p> <p>(c) be supported by affidavit evidence, where necessary;</p> <p>(d) include written submissions no more than 20 pages in length; and</p> <p>(d) be served and filed at least 14 days before the return date set for hearing the application,</p> <p>(3) The registrar shall not accept an application for filing until the applicant has satisfied the requirements of Subrule (2).</p> <p>(4) If no form is provided by the rules for a particular application, a notice of application must:</p> <p>(a) state the basis for the application;</p> <p>(b) set forth the grounds upon which the application is made; and</p> <p>(c) state precisely the relief sought.</p> <p>(5) A party intending to oppose an application:</p> <p>(a) may prepare and file an affidavit and written submissions in response to the application; and</p> <p>(b) must serve and file the material on which the party intends to rely at the hearing at least 7 days before the return date set for hearing the application.</p>	<p>(c) be served and filed at least 3 clear days before the day set for hearing the application.</p> <p>(2) If no form is provided by the rules for a particular application, the notice of application shall:</p> <p>(a) state the basis for the application;</p> <p>(b) set forth the grounds on which the application is made; and</p> <p>(c) state precisely the relief sought by the applicant.</p> <p>(3) If the applicant intends to file a brief of law with respect to an application, the brief shall be served on every other party to the application and filed at least 3 clear days before the day set for hearing the application.</p> <p>(4) A party intending to oppose an application shall:</p> <p>(a) serve a copy of each affidavit on which that party intends to rely at the hearing on every other party to the application;</p> <p>(b) file each affidavit with proof of service at least one clear day before the day set for hearing the application; and</p> <p>(c) if filing a brief of law with respect to the application, serve the brief on every other party to the application and file it at least one clear day before the day set for hearing the application.</p> <p>(5) If a party files a brief of law with respect to an application, the brief shall be concise.</p>

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PROPOSED RULE	CURRENT RULE
<p>Applications for leave to appeal</p> <p>53(1) On an application for leave to appeal, the applicant must file the following with the notice of application:</p> <ul style="list-style-type: none"> (a) the decision issued by the court appealed from; (b) the reasons for the decision, if any; (c) a draft notice of appeal (Forms 4a and 4b), <p>absent any of which the registrar shall not schedule the application for hearing until the applicant has confirmed in writing with a copy to the other parties that all the applicant’s supporting material has been filed.</p> <p>(2) Upon confirmation from an applicant that an application for leave to appeal is perfected and may be scheduled for hearing, the registrar shall schedule the application on the next available regular civil chambers date that allows for at least 14 days’ notice to the parties.</p> <p>(3) Notwithstanding Subrule (2), if an application for leave to appeal has not been scheduled for hearing within six months of its filing, it shall be deemed to have been dismissed as abandoned without further order.</p>	<p>Applications for leave to appeal</p> <p>49 On an application for leave to appeal, the applicant shall:</p> <ul style="list-style-type: none"> (a) provide the registrar with the file of the court appealed from; and (b) file the following with the application: <ul style="list-style-type: none"> (i) the judgment or order issued by the court appealed from; (ii) the reasons for the judgment or order, if any; (iii) a draft notice of appeal. (Forms 4a and 4b)
<p>Applications to restore abandoned applications for leave to appeal</p> <p>54(1) An applicant may apply to a judge for an order restoring an application for leave to appeal that has been deemed to have been dismissed as abandoned pursuant to Rule 51(3).</p> <p>(2) An applicant who applies to restore an application for leave to appeal must serve and file the notice of application as soon as reasonably possible. An application to restore an application for leave to appeal must be made returnable no later than 3 months after the application for leave to appeal was deemed to have been dismissed as abandoned.</p> <p>(3) A judge may restore an application for leave to appeal that has been deemed to have been dismissed as abandoned on such terms and conditions as the judge considers appropriate.</p>	<p>NO EQUIVALENT RULE</p>

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PROPOSED RULE	CURRENT RULE
<p>PART 16</p> <p>Applications to the Court</p>	<p>NO EQUIVALENT PART</p>
<p>Applications to adduce evidence</p> <p>55(1) A party seeking to adduce evidence on appeal that was not before the court appealed from must apply to the Court for leave to do so by notice of application returnable on the date fixed for hearing the appeal.</p> <p>(2) An applicant pursuant to Subrule (1) must serve and file a notice of application and all supporting material, including the proposed evidence in affidavit form, at least 21 days before the date fixed for hearing the appeal.</p> <p>(3) A party intending to oppose an application pursuant to Subrule (1) must serve and file any response materials at least 7 days before the date fixed for the appeal hearing.</p>	<p>Evidence</p> <p>59(1) A party desiring to adduce evidence on appeal that was not before the court appealed from shall apply to the court for leave to do so by notice of application returnable on the date fixed for hearing the appeal.</p> <p>(2) The notice of application shall be served on all parties and filed at least 10 days before the date fixed for hearing the appeal.</p>
<p>Crown practice applications</p> <p>56(1) A person applying to the Court for a prerogative writ of mandamus, for a writ of certiorari or order to quash proceedings without the actual issue of the writ, for a writ of habeas corpus, for prohibition, or for an information in the nature of a <i>quo warranto</i> shall do so by serving and filing a notice of application.</p> <p>(2) The Court may grant <i>ex parte</i> an order for the immediate issue of a writ of habeas corpus.</p> <p>(3) A party making an application under this rule must concurrently file the address information required by Rule 35.</p>	<p>Crown Practice applications</p> <p>50(1) An application to the court for a prerogative writ of <i>mandamus</i>, for a writ of <i>certiorari</i> or order to quash proceedings without the actual issue of the writ, for a writ of habeas corpus, for prohibition, or for an information in the nature of a <i>quo warranto</i> shall be made by notice of application, in accordance with the practice of this court.</p> <p>(2) The court may grant <i>ex parte</i> an order for the immediate issue of a writ of <i>habeas corpus</i>.</p> <p>(3) A party making an application under this rule shall file the address information required by Rule 65 (Address for service).</p>

Court of Appeal *Rules 2027 - Comparison Chart*

PROPOSED RULE	CURRENT RULE
PART 17 Costs and Enforcement of Decisions	PART 16 Costs and Enforcement of Judgment
<p>Costs</p> <p>57(1) The Court may make any order as to the costs of an appeal, cross-appeal or application to the Court that it considers appropriate. A judge may make any order as to costs in a proceeding before the judge.</p> <p>(2) The Court or a judge may direct a lawyer to pay costs without recourse to the lawyer's client.</p> <p>(3) The Court or a judge may order a set-off of costs or of decisions, whether obtained in the Court or in the court appealed from.</p> <p>(4) The Court or a judge may take non-compliance with these rules into account when awarding costs.</p>	<p>Application of the rules</p> <p>4(2) Non-compliance with these rules may subject the party in default to an order for costs.</p> <p>Costs</p> <p>52 The court may make any order as to the costs of an appeal, cross-appeal or application to the court that it considers appropriate. A judge may make any order as to costs in a proceeding before the judge.</p> <p>Payment of costs by lawyer</p> <p>55 The court or a judge may direct that costs be paid by a lawyer without recourse to the lawyer's client.</p> <p>Set-off</p> <p>56 The court may order a set-off of costs or of judgments, whether obtained in the court or in the court appealed from.</p> <p>Material to be legible and to comply with rules</p> <p>62(3) Material that does not comply with these rules may be subject to an order of the court or a judge for costs.</p>
<p>Security for costs</p> <p>58(1) The Court or a judge may order that an appellant give security for the costs of an appeal.</p> <p>(2) If an appellant who is subject to an order under Subrule (1) does not comply with the order, the party in whose favour the order was made may apply to the Court on 10 days' notice to have the appellant's appeal dismissed.</p>	<p>Security for costs</p> <p>53(1) The court or a judge may in special circumstances order that security be given for the costs of an appeal.</p> <p>(2) If a judge makes an order under this rule and the order is not complied with, the party in whose favour the order was made may apply to the court on 10 days' notice to have the appeal dismissed.</p>

Court of Appeal *Rules 2027 - Comparison Chart*

<i>PROPOSED RULE</i>	<i>CURRENT RULE</i>
<p>Assessment of costs</p> <p>59(1) Unless otherwise ordered:</p> <p>(a) the registrar shall assess the costs of an appeal or application as between party and party in accordance with the fees set out in the appropriate column of the Tariff of Costs in the Court of Appeal attached as Schedule 1 to these rules; and</p> <p>(b) where non-monetary relief is the principal issue in an appeal, the registrar shall assess the costs of the appeal as between party and party under Column 2 of Schedule 1.</p> <p>(2) The Court or a judge may direct the registrar to assess the costs of an appeal or an application as between solicitor and client.</p>	<p>Taxation of costs</p> <p>54(1) Unless otherwise ordered:</p> <p>(a) the costs of an appeal or application shall be taxed as between party and party by the registrar in accordance with the fees set out in the appropriate column of the “TARIFF OF COSTS IN THE COURT OF APPEAL” which is attached as Schedule 1 to these Rules; and</p> <p>(b) Column 2 of Schedule 1 applies to the taxation of costs where non-monetary relief is involved.</p> <p>(2) The court or a judge may direct that the costs of an appeal or application be taxed as between solicitor and client.</p>
<p>Agreement as to Costs</p> <p>60(1) Where the parties agree on the costs of an appeal or an application, they may jointly submit the proposed bill of costs to the registrar for review, and the registrar may</p> <p>(a) assess and allow the costs as reflected on the proposed bill of costs without conducting an assessment hearing; or</p> <p>(b) direct that an assessment hearing be scheduled.</p> <p>(2) The registrar shall issue a certificate of assessment (Form 11d) and provide it to the parties at the same time as a consent bill of costs is assessed.</p>	<p>NO EQUIVALENT RULE</p>

Court of Appeal *Rules 2027 - Comparison Chart*

PROPOSED RULE	CURRENT RULE
<p>No agreement as to Costs</p> <p>61(1) Where parties are not in agreement on the costs of an appeal or an application, a party entitled to costs, any party liable to pay costs, or any party whose costs depend on the determination of another party's costs may:</p> <ul style="list-style-type: none"> (a) prepare a proposed bill of costs in Form 11b; and (b) serve (on the party against whom costs were imposed) and file a notice of appointment for an assessment and the proposed bill of costs. <p>(2) A notice of appointment for an assessment shall be made returnable on a date and time set by the registrar.</p> <p>(3) The registrar may adjourn an assessment hearing on such terms and to such date as the registrar considers appropriate.</p> <p>(4) If a party objects to specific items on the assessment, the registrar shall provide written reasons for the assessment decision and note those objections.</p> <p>(5) The registrar shall issue a certificate of assessment (Form 11d) and provide it to the parties at the same time as the written reasons for the assessment.</p>	<p>Taxation of costs</p> <p>54(3) A party entitled to costs shall:</p> <ul style="list-style-type: none"> (a) take out a Notice of Appointment for Taxation of Costs in Form 11a by first obtaining a date and time for taxation from the registrar; (b) prepare a proposed bill of costs in Form 11b; (c) serve the Notice of Appointment for Taxation of Costs and proposed bill of costs on the party against whom costs were imposed; and (d) file the Notice of Appointment for Taxation of Costs, proposed bill of costs and proof of service with the registrar. <p>(4) If a party entitled to costs fails or refuses to take out an appointment for taxation in Form 11c within a reasonable time, any party liable to pay costs, or any party whose costs depend on the determination of another party's costs, may obtain a notice to take out an appointment for taxation on filing proof of:</p> <ul style="list-style-type: none"> (a) a written demand for the taxation made to the party entitled to costs; and (b) the failure or refusal to take out the appointment for taxation by the party entitled to costs. <p>(5) The party that obtains a notice to take out an appointment for taxation in Form 11c pursuant to Subrule (4) shall serve it on every party interested in the taxation.</p> <p>(6) If the party entitled to costs fails to take out an appointment for taxation within 14 days after being served with the notice pursuant to Subrule (5), the registrar may proceed to tax the costs of that party in that party's absence.</p> <p>Taxation of costs</p> <p>54(9) The registrar shall:</p> <ul style="list-style-type: none"> (a) if a party specifically objects to items on the taxation before the registrar, note those objections in the certificate as to taxation of costs; and (b) if requested to do so by a party interested in the taxation, provide written reasons for the decision.

Court of Appeal *Rules 2027 - Comparison Chart*

PROPOSED RULE	CURRENT RULE
<p>Assessing costs</p> <p>62(1) On an assessment, the registrar may do any of the following:</p> <ul style="list-style-type: none"> (a) take evidence by affidavit, administer oaths or affirmations, and examine witnesses, as the registrar considers appropriate; (b) require production of records; (c) require the applicant to give notice of the assessment to all persons who may be interested in it or in the fund or estate out of which costs are payable; (d) give any directions and perform any duties that the registrar considers are necessary for the conduct of the assessment; and (e) refer a matter requiring direction to the Court or a judge. <p>(2) After an assessment, the registrar may do any of the following:</p> <ul style="list-style-type: none"> (a) if parties are liable to pay costs to each other: <ul style="list-style-type: none"> (i) adjust the costs by way of set-off; or (ii) delay the allowance of costs a party is entitled to receive until that party has paid or tendered costs that the party is liable to pay; and (b) award the costs of an assessment to any party and fix those costs. 	<p>Taxation of costs</p> <p>54(7) On a taxation, the registrar may do any of the following:</p> <ul style="list-style-type: none"> (a) take evidence by affidavit, administer oaths or affirmations and examine witnesses, as the registrar considers appropriate; (b) require production of records; (c) require notice of the taxation to be given to all persons who may be interested in the taxation or in the fund or estate out of which costs are payable; (d) give any directions and perform any duties that the registrar considers are necessary for the conduct of the taxation; (e) refer a matter requiring direction to the court or a judge. <p>(8) After a taxation, the registrar may do any of the following:</p> <ul style="list-style-type: none"> (a) if parties are liable to pay costs to each other: <ul style="list-style-type: none"> (i) adjust the costs by way of set-off; or (ii) delay the allowance of costs a party is entitled to receive until that party has paid or tendered costs that the party is liable to pay; (b) award the costs of a taxation to any party and fix those costs.
<p>Reviews of assessments</p> <p>63(1) A person with a pecuniary interest in the result of an assessment who is dissatisfied with it may apply to a judge for a review of the assessment.</p> <p>(2) An applicant pursuant to Subrule (1) must serve and file their notice of application within 14 days after the date the registrar issues the certificate of assessment.</p> <p>(3) A review of an assessment is limited to the specific items to which the applicant has objected before the registrar and may include items with respect to which the registrar has exercised discretion.</p>	<p>Review of taxation of costs</p> <p>54.1(1) A person with a pecuniary interest in the result of a taxation of costs who is dissatisfied with the taxation may apply to a judge for a review of the taxation of costs.</p> <p>(2) An application pursuant to Subrule (1) must be made within 14 days after the date of the certificate as to taxation of costs.</p> <p>(3) A review of a taxation of costs must be limited to items that have been objected to before the registrar and may include items with respect to which the registrar exercised discretion.</p>
<p>Taking out and enforcing decisions of the Court or a judge</p> <p>64 The party responsible for taking out a decision of the Court or a judge must:</p>	<p>Enforcement of judgment</p> <p>57 The formal judgment of the court, together with a certificate as to the taxation of costs in Form 11d, shall be filed with the local registrar of the court appealed from and shall on filing become the judgment of that court and may be enforced in like manner.</p>

Court of Appeal *Rules 2027 - Comparison Chart*

PROPOSED RULE	CURRENT RULE
<p>(a) serve a copy of the proposed formal decision on the other party or parties at least 3 clear days before submitting the proposed formal decision to the registrar so as to permit the other parties to raise with the registrar such concerns, if any, as they may have about the terms of the proposed formal decision;</p> <p>(b) file proof of service of the proposed formal decision when submitting it to the registrar, failing which the registrar shall not settle or issue a formal decision; and</p> <p>(c) file the issued formal decision, together with a certificate as to the assessment in Form 11d, with the local registrar of the court appealed from, and the formal judgment shall, upon filing with the local registrar, become the decision of that court that may be enforced in like manner.</p>	<p>Taking out judgments and orders</p> <p>57.1(1) The party responsible for taking out a judgment or order of the court, or an order of a judge of the court, shall before submitting the proposed judgment or order to the registrar serve a copy on the opposite party or parties at least three days in advance, so as to permit the other to raise with the registrar such concerns, if any, as that party may have as to the consistency of the judgment or order with the decision on which it is based.</p> <p>(2) The party responsible for taking out a judgment or order referred to in Subrule (1) shall, when submitting the proposed judgment or order to the registrar, file proof of service on the opposite party or parties.</p> <p>(3) Failing proof of service, the registrar shall not settle or issue the judgment or order.</p>
<p style="text-align: center;">PART 18</p> <p style="text-align: center;">Powers of the Court and the Registrar</p>	<p style="text-align: center;">PART 17</p> <p style="text-align: center;">Powers of the Court</p>
<p>Powers exercisable by the Court</p> <p>65(1) Consistent with the powers vested in it, the Court may:</p> <p>(a) order that a judgment appealed from be set aside, in whole or in part, and order a new trial or a new trial on any question without interfering with a finding or with the decision on any other question;</p> <p>(b) decline to order a new trial on the ground of misdirection, the improper admission or rejection of evidence, or because the verdict of the jury was not taken on a question the trial judge was not asked to leave to them, if, in the opinion of the court, no substantial wrong or miscarriage of justice occurred. If, in the opinion of the court, a substantial wrong or miscarriage of justice occurred but affects only part of the matter in controversy, or only one or some of the parties, the court may give judgment as to the part of the controversy not affected and direct a new trial as to the affected part or as to the other party or parties; and</p> <p>(c) give any judgment or make any order that ought to have been made, or make any further order the case may require notwithstanding that the notice of appeal or the notice of cross-appeal sought to reverse or vary only part of the judgment appealed from.</p>	<p>Powers exercised by the court</p> <p>58 Consistent with the powers vested in it, the court may:</p> <p>(a) order that a judgment appealed from be set aside, in whole or in part, and order a new trial or a new trial on any question without interfering with a finding or with the decision on any other question;</p> <p>(b) decline to order a new trial on the ground of misdirection, the improper admission or rejection of evidence, or because the verdict of the jury was not taken on a question the trial judge was not asked to leave to them, if, in the opinion of the court, no substantial wrong or miscarriage of justice occurred. If, in the opinion of the court, a substantial wrong or miscarriage of justice occurred but affects only part of the matter in controversy, or only one or some of the parties, the court may give judgment as to the part of the controversy not affected and direct a new trial as to the affected part or as to the other party or parties;</p> <p>(c) give any judgment or make any order that ought to have been made, or make any further order the case may require notwithstanding that the notice of appeal or the notice of cross-appeal sought to reverse or vary only part of the judgment appealed from.</p>

Court of Appeal *Rules 2027 - Comparison Chart*

PROPOSED RULE	CURRENT RULE
<p>Prescribing terms and conditions</p> <p>66 Where these rules provide that the Court, a judge or the registrar may make an order or issue a direction, the Court, the judge or the registrar, as the case may be, may impose terms and conditions in the order or direction, as they consider appropriate.</p>	<p>Prescribing terms and conditions</p> <p>61 Where these rules provide that the court, a judge, or the registrar may make an order or direction, the court, the judge or the registrar, as the case may be, may impose terms and conditions in the order or direction, as may be necessary.</p>
<p>Powers of the registrar</p> <p>67(1) The registrar may hear and determine applications under Rules 22(2), 25(3), 31(4), 34(2), 39 and 59.</p> <p>(2) The registrar may refer any matter arising before the registrar to a judge or the Court.</p>	<p>Powers of registrar</p> <p>60(1) The registrar may hear and determine applications under Rules 10(2) (Filing notice of appeal), 18 (Appeal book required), 22(5) (Agreement as to contents and completion of appeal book), 28(1) (Contents of factum), 34(1) (Late filing of factum), or 43(3) (Content of appeal book on expedited appeal).</p> <p>(2) Any matter arising before the registrar may be referred by the registrar to a judge for a decision by the judge.</p>
<p style="text-align: center;">PART 19 General Rules</p>	<p style="text-align: center;">PART 18 General Rules</p>
<p>Material to be legible and to comply with the rules</p> <p>68(1) A person responsible for filing paper versions of material must ensure that the materials are legible and printed on good quality paper measuring 28 centimetres or 11 inches by 21.5 centimetres or 8.5 inches.</p> <p>(2) The registrar may refuse to receive for filing any material that, in the registrar's opinion, does not comply with these rules.</p>	<p>Material to be legible and to comply with rules</p> <p>62(1) All material to be filed shall be legible and on good quality paper measuring 28 centimetres or 11 inches by 21.5 centimetres or 8.5 inches.</p> <p>(2) The registrar may refuse to receive for filing any material that does not substantially comply with these rules.</p>
<p>Forms</p> <p>69 A person must use the forms in the Appendix to these rules where applicable with such variations as the circumstances may require.</p>	<p>Forms</p> <p>63 The forms in the Appendix to these rules are to be used where applicable, with such variations as the circumstances require.</p>
<p>Illusory or fictitious address information</p> <p>70 If a person provides the registrar with any address information that is illusory or fictitious, any party may apply to the Court for an order:</p> <ul style="list-style-type: none"> (a) setting aside the filing or issuing of all documents filed or issued by the party in default; and (b) dismissing the appeal, if the party in default is an appellant, or allowing the appeal, if the party in default is a respondent. 	<p>Illusory or fictitious address information</p> <p>66 If any address information is illusory or fictitious, any party may apply to the court for an order:</p> <ul style="list-style-type: none"> (a) setting aside the filing or issuing of all documents filed or issued by the party in default; and (b) dismissing the appeal, if the party in default is an appellant, or allowing the appeal, if the party in default is a respondent

Court of Appeal *Rules 2027 - Comparison Chart*

PROPOSED RULE	CURRENT RULE
<p><i>The King’s Bench Rules to apply</i></p> <p>71(1) Except as otherwise provided by these rules, Part 2, Division 4 (Lawyer of Record) of <i>The King’s Bench Rules</i> applies, with any necessary modification, to appeals and matters before the Court or a judge in chambers.</p> <p>(2) Part 12 (Service of Documents) of <i>The King’s Bench Rules</i> applies, with necessary modifications, to service required by these rules.</p> <p>(3) Subject to these rules, Part 13, Division 4, Subdivision 2 (Form and Content of Affidavits and Exhibits) of <i>The King’s Bench Rules</i> applies, with any necessary modification, to an application to the Court or to a judge.</p>	<p>Representation by lawyer</p> <p>72(1) Except as otherwise provided by these rules, Part 2, Division 4 of the rules of procedure of the Court of King’s Bench applies, with any necessary modification, to proceedings in the court or in chambers.</p> <p>Service</p> <p>67(1) Part 12 of the rules of procedure of the Court of King’s Bench applies, with any necessary modification, to service required by these Rules.</p> <p>King’s Bench rules to apply</p> <p>51 Subject to these rules, Part 13, Division 4, Subdivision 2 of the rules of procedure of the Court of King’s Bench applies, with any necessary modification, to an application to the court or a judge.</p>
<p>Registrar sending documents and notices</p> <p>72(1) The registrar may send any document or notice to anyone by ordinary mail or by email, fax or other electronic means.</p> <p>(2) If the registrar sends a document or notice by ordinary mail, the document or notice is deemed to have been received 5 days after the date on which it was mailed.</p>	<p>Sending of documents and notices by registrar</p> <p>68(1) The registrar may send any document or notice by ordinary mail or by email, fax or other electronic means.</p> <p>(2) If the registrar sends a document or notice by ordinary mail, the document or notice is deemed to have been received 5 days after the date on which it was mailed.</p>
<p>Calculating time</p> <p>73 If the time for doing an act with respect to an appeal, a prospective appeal or any matter is fixed by the Act or any other enactment, by these rules, or by an order of the Court or a judge, the time shall be calculated in accordance with section 2-28 of <i>The Legislation Act</i>.</p>	<p>Calculating time</p> <p>70 If the time for doing an act with respect to an appeal, a prospective appeal or any proceeding in the court is fixed by the Act or any other enactment, by these rules, or by an order of the court or a judge, the time shall be calculated in accordance with section 2-28 of <i>The Legislation Act</i>.</p>
<p>Extensions of time</p> <p>74 The Court or a judge may enlarge or abridge a time fixed by these rules or by an order on such terms as the case may require. Except as otherwise provided for in these rules, an order enlarging or abridging the time may be made before or after the fixed time has expired. (Forms 3a and 3b)</p>	<p>Extension of time</p> <p>71 The court or a judge may enlarge or abridge the time periods fixed by these rules or by order on such terms as the case may require. The order enlarging or abridging the time may be made before or after the fixed time period has expired. (Forms 3a and 3b)</p>

Court of Appeal *Rules 2027 - Comparison Chart*

PROPOSED RULE	CURRENT RULE
<p>Withdrawal by lawyer</p> <p>75(1) Where transcripts of evidence are required on an appeal, a lawyer must not cease to represent a party in the appeal or any matter after the appellant's written submissions and appeal book have been filed, except with leave of the Court or a judge.</p> <p>(2) Where transcripts of evidence are not required on an appeal, a lawyer must not cease to represent a party in the appeal or any matter in the 30-day period immediately preceding the hearing of an appeal or application, except with leave of the Court or a judge.</p>	<p>Representation by lawyer</p> <p>72(2) A lawyer shall not cease to represent a party in a proceeding before this court after the contents of the appeal book have been settled, except with leave of the court.</p> <p>(3) If no agreement to settle the contents of the appeal book is required, a lawyer shall not cease to represent a party in a proceeding before the court in the 30-day period immediately preceding the hearing of an appeal or application, except with leave of the court or a judge, as the case may be.</p>
<p>Recording and transmission prohibited</p> <p>76 Except as otherwise provided by law or with leave of the Court or a judge, no person shall create, capture, record, store, process, communicate, transmit, make available or distribute in by any medium any audio, visual or audiovisual recording of any part of an appeal hearings or other proceeding in the Court or in chambers.</p>	<p>Mechanical recording devices</p> <p>73 Except as otherwise provided by law, no person shall record by any device, machine, or system the proceedings in the court or in chambers without leave of the court or a judge, as the case may be.</p>
<p>Practice directives</p> <p>77 The Court may issue practice directives from time to time, clarifying or supplementing the practice before the Court.</p>	<p>Practice directives</p> <p>74 The court may issue practice directives from time to time, clarifying or supplementing the practice before the court.</p>
<p>PART 20</p> <p>Repeal, Transition and Coming into Force</p>	<p>PART 19</p> <p>Repeals, Transitional and Coming into Force</p>
<p>Repeal</p> <p>78(1) <i>The Court of Appeal Rules</i> that were in force immediately before these rules came into force are repealed.</p> <p>(2) Practice Directive No. 2, Books of Authorities, is repealed. All other practice directives in force immediately before these rules came into force are continued pursuant to these rules.</p>	<p>Repeals</p> <p>75(1) The Court of Appeal Rules that were in force immediately before these rules came into force are repealed.</p> <p>(2) Civil Practice Directive No. 8 (Appeal Settlement Conferences), effective September 1, 2015, is repealed.</p>

Court of Appeal *Rules 2027 - Comparison Chart*

<i>PROPOSED RULE</i>	<i>CURRENT RULE</i>
<p>Transition</p> <p>79(1) Appeals and matters commenced before the coming into force of these rules and continued after their coming into force shall be governed by these rules without prejudice to anything lawfully done before the coming into force of these rules.</p> <p>(2) Notwithstanding Subrule (1), the Court or a judge may give directions respecting the application of these rules to appeals and matters mentioned in Subrule (1).</p>	<p>Transitional</p> <p>76(1) Proceedings commenced before the coming into force of these rules and continued after their coming into force shall be governed by these rules without prejudice to anything lawfully done before the coming into force of these rules.</p> <p>(2) Notwithstanding Subrule (1), the court or a judge may give directions respecting the application of these rules or an amendment to these rules to proceedings mentioned in Subrule (1).</p>
<p>Coming into force</p> <p>80 These rules come into force on January 1, 2027.</p>	<p>Coming into force</p> <p>77 These rules come into force on October 3, 2022.</p>
<p style="text-align: center;">SCHEDULE 1</p> <p style="text-align: center;">TARIFF OF COSTS IN THE COURT OF APPEAL</p> <p style="text-align: center;">(Effective January 1, 2027)</p>	<p style="text-align: center;">SCHEDULE 1</p> <p style="text-align: center;">TARIFF OF COSTS IN THE COURT OF APPEAL</p> <p style="text-align: center;">(Effective April 1st, 2006)</p>
<p style="text-align: center;">APPENDIX TO <i>THE COURT OF APPEAL RULES</i></p> <p style="text-align: center;">Form 1a to Form 12</p>	<p style="text-align: center;">APPENDIX TO <i>THE COURT OF APPEAL RULES</i></p> <p style="text-align: center;">Form 1a to Form 12</p>

Court of Appeal *Rules 2027 - Comparison Chart*

<i>PROPOSED RULE</i>	<i>CURRENT RULE</i>
<i>CURRENT RULES FOR WHICH THERE IS NO PROPOSED EQUIVALENT</i>	
NO EQUIVALENT DEFINITION	<p>Definitions</p> <p>“judgment” includes any judgment, order, decree or decision; (« <i>jugement</i> »)</p>
NO EQUIVALENT RULE	<p>Agreement as to contents and completion of appeal book</p> <p>22(1) Subject to Rule 43 (Expedited appeal), when an appeal book is required, the appellant shall serve on each respondent a draft agreement as to the contents of the appeal book and the date on which the appeal book is to be completed.</p> <p>(2) The draft agreement shall be served within the following times:</p> <p>(a) in the case of an appeal when a transcript of evidence is to be filed, within 10 days after receipt of the registrar’s notification that the transcript of evidence has been received in accordance with Rule 21;</p> <p>(b) in the case of an appeal when no transcript of evidence is required, within 10 days after the date on which the last respondent was served with the notice of appeal</p> <p>(3) Within 10 days after the receipt of the draft agreement, each respondent shall return the draft agreement to the appellant, signed in approval, or, if not approved, accompanied by a memorandum of objections to it.</p> <p>(4) The parties shall make every reasonable effort to exclude irrelevant material from the appeal book, avoid duplication and otherwise confine the contents to that which is necessary for the purposes of the appeal.</p> <p>(5) If, within 30 days after the date the last respondent received the draft agreement, the parties do not agree on the contents of the appeal book or the date on which it is to be completed, the appellant shall apply to a judge to have the matter in dispute settled.</p>
NO EQUIVALENT RULE	<p>Expedited appeal</p> <p>43(1) In this rule, “expedited appeal” means one of the following appeals:</p>

Court of Appeal *Rules 2027 - Comparison Chart*

PROPOSED RULE	CURRENT RULE
	<p>(a) an appeal from a judgment in chambers;</p> <p>(b) an appeal from a judgment rendered after trial on an agreed statement of facts without additional oral evidence;</p> <p>(c) an appeal from a judgment relating to the custody of a child or dependent adult or to the appointment of a legal custodian or guardian of a child or dependent adult;</p> <p>(d) an appeal that the court or a judge orders to be treated as an expedited appeal because of its urgency.</p> <p>(2) The regular procedure for appeals set forth in these rules applies to expedited appeals subject to the following variations:</p> <p>(a) no agreements as to the transcript of evidence or the contents of the appeal book are required;</p> <p>(b) the appellant shall serve and file the appeal book and factum with all appropriate copies:</p> <p style="padding-left: 40px;">(i) within 30 days after filing the notice of appeal; or</p> <p style="padding-left: 40px;">(ii) in the case of an appeal requiring a transcript, within 30 days after the registrar notifies the appellant that the transcript has been received;</p> <p>(c) the respondent shall serve and file its factum with appropriate copies within 15 days after receipt by a respondent of the appellant's appeal book and factum.</p> <p>(3) If a dispute arises over the contents of an appeal book on an expedited appeal, either party may apply to a judge to have the matter in dispute settled.</p>
NO EQUIVALENT SUBRULE	<p>Stated case</p> <p>44(2) A stated case shall be treated in the manner of an expedited appeal.</p>

Court of Appeal *Rules 2027 - Comparison Chart*

<i>PROPOSED RULE</i>	<i>CURRENT RULE</i>
NO EQUIVALENT SUBRULE	<p>Dismissal for want of prosecution</p> <p>46(2) If an appeal has not been set down for hearing within one year after the notice of appeal has been filed, the registrar may, on notice to the parties, refer the matter to the court to be dismissed as abandoned. Notice shall be given in Form 9a, and the parties shall have 15 days to apply to the court to show cause why the appeal should not be dismissed.</p>
NO EQUIVALENT SUBRULES	<p>Representation by lawyer</p> <p>72(2) A lawyer shall not cease to represent a party in a proceeding before this court after the contents of the appeal book have been settled, except with leave of the court.</p> <p>(3) If no agreement to settle the contents of the appeal book is required, a lawyer shall not cease to represent a party in a proceeding before the court in the 30-day period immediately preceding the hearing of an appeal or application, except with leave of the court or a judge, as the case may be</p>