

2008 No. 300

JUDICIAL COMMITTEE

**The Judicial Committee (General Appellate Jurisdiction) Rules
(Amendment) Order 2008**

Made - - - - - *12th February 2008*

Coming into force - - - - - *4th March 2008*

At the Court at Buckingham Palace, the 12th day of February 2008

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, in exercise of the powers conferred by section 24 of the Judicial Committee Act 1833(a) and section 1 of the Judicial Committee Act 1844(b), orders as follows:

Citation and commencement

1. This Order may be cited as the Judicial Committee (General Appellate Jurisdiction) Rules (Amendment) Order 2008 and shall come into force on 4th March 2008.

Amendment of the Judicial Committee (General Appellate Jurisdiction) Rules Order 1982

2. The Judicial Committee (General Appellate Jurisdiction) Rules 1982(c) are amended as follows.

3. In rule 13—

(a) in paragraph (1), for “30” substitute “26”; and

(b) after paragraph (2) add—

“(3) Each party who has entered an appearance shall be entitled to receive 5 copies of the Record.”.

4. For rule 24 substitute—

“24.—(1) As soon as the parties have agreed the Record, as prepared for reproduction, the appellant shall send it to the Registry for approval.

(2) If on arrival in the Registry it is found that the Record has not been prepared for reproduction in accordance with these Rules, the Registrar may direct that it be rearranged

(a) 1833 c.41.

(b) 1844 c.69.

(c) S.I. 1982/1676, amended by S.I. 2003/1879; there are other amending instruments but none is relevant.

and if the Registrar so directs, the appellant shall rearrange the Record as directed and return it to the Registry for approval.

(3) As soon as the Registry has approved the Record, the appellant shall arrange for it to be reproduced.

(4) As soon as the Record has been reproduced, the appellant shall transmit—

- (a) 16 copies to the Registry; and
- (b) such number of copies to each party who has entered an appearance as the parties have agreed.”.

5. Omit rules 26 and 27.

6. In Schedule A—

- (a) in paragraph 1(1), after “paper” insert “, printed on both sides and comb bound”;
- (b) omit paragraph 1(3);
- (c) paragraph 2 shall stand as paragraph 2(1) and after it add—
 - “(2) Every volume shall contain on its spine—
 - (a) the full title of the appeal; and
 - (b) (where there is more than one volume) a distinguishing number.”;
- (d) omit paragraphs 3(4), 4(2)(b), (c) and (d), 6 and 7.

7. In the table of fees in Schedule B, omit fee 2 (examining proof of record).

Transitional provisions

8. The amendments made by rules 4 to 6 do not apply in relation to any appeal in which the appellant has lodged the Record for reproduction under rule 24 of the Judicial Committee (General Appellate Jurisdiction) Rules 1982 before the day on which these Rules come into force.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Judicial Committee (General Appellate Jurisdiction) Rules Order 1982 (S.I. 1982/1676).

The current requirement for the parties to examine the proofs of the Record is omitted by article 5 of this Order. Article 7 omits the corresponding fee. Article 4 sets out the procedure which will replace the existing procedure. The parties will prepare the Record in accordance with Schedule A to the 1982 Rules and then send it to the Registry for approval. The Registrar may, if necessary, give directions for it to be rearranged. Once the Record has been approved by the Registry it is then reproduced by the appellant who is required to send a number of copies to the Registry and to the other parties.

Article 6 amends Schedule A to the Rules which sets out the format for the Record.

Consequential amendments are made to rule 13 (see article 3) and transitional provisions are made in article 8 so that the amendments do not apply in relation to any appeal in which the appellant has already lodged the Record for reproduction before the amendments come into force.

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