

Supreme Court Rules Amendment (Court of Appeal) Rules 2021

SL 2021/34

Made by the judges of the Supreme Court.

Part 1 — Preliminary

1. Citation

These rules are the *Supreme Court Rules Amendment (Court of Appeal) Rules 2021*.

2. Commencement

These rules come into operation as follows —

- (a) Part 1 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on 3 May 2021.

Part 2 — *Supreme Court (Court of Appeal) Rules 2005* amended

3. Rules amended

This Part amends the *Supreme Court (Court of Appeal) Rules 2005*.

4. Rule 3 amended

In rule 3(1) delete the definition of *file* and insert:

file, in relation to a document, means —

- (a) for a civil appeal, to file the document in accordance with the RSC Order 67A; or
- (b) for a criminal appeal, to file the document at the Court of Appeal Office at the Supreme Court, together with any fee required to be paid under the *Supreme Court (Fees) Regulations 2002*;

5. Rule 12 amended

Delete rule 12(4).

6. Rule 13 amended

Delete rule 13(3).

7. Rule 20 amended

Delete rule 20(2) and (6).

8. Rule 21 amended

Before rule 21(1) insert:

(1AA) For the purposes of documents filed electronically, this rule applies with any necessary changes.

9. Rule 22A inserted

At the end of Part 3 insert:

22A. Service of documents

If under these rules a registrar or other proper officer is required to serve a document on a party or other person, or give notice or notification to a party or other person or a court, the relevant document may be served on the person or given to the person or court —

- (a) by posting the document by pre-paid post to the address for service of the person or the address of the court; or
- (b) if the person has given a fax number for service or the court has a fax number — by sending the document to the person or court at that number; or
- (c) if the person has given an email address for service or the court has an email address — by sending the document to the person or court as an attachment to an email sent to that address; or
- (d) if the person or court is an authorised user of the ECMS —
 - (i) by putting the document in an electronic mailbox maintained by the Court; and
 - (ii) by sending to the email address of the person or court recorded on the ECMS an email that says the document is in the mailbox.

10. Rule 36 amended

In rule 36(4) delete “them and may do so by fax or email.” and insert:

them.

11. Rule 39 amended

(1) Before rule 39(1) insert:

(1AA) For the purposes of documents filed electronically, this rule applies with any necessary changes.

(2) After rule 39(4) insert:

(4A) If an appeal book is filed under the RSC Order 67A using the ECMS, each volume of each part of the appeal book —

- (a) must not be greater than 200 megabytes; and
- (b) must contain a colour version of a document if the original is a colour document; and
- (c) must be in a form that allows the text to be electronically searchable.

12. Rule 47 amended

After rule 47(3)(g) insert:

- (ga) if a document, including an appeal book, has been filed electronically, to order the provision of a paper version of the document;

13. Rule 63 amended

Delete rule 63(2) and insert:

- (2) When the appeal is concluded other than due to it being discontinued, a registrar must prepare, sign and seal the judgment or order of the Court of Appeal or a single judge, as the case requires.

Part 3 — *Rules of the Supreme Court 1971* amended

14. Rules amended

This Part amends the *Rules of the Supreme Court 1971*.

15. Order 67A amended

In Order 67A rule 3(1)(e) delete “CA matter,” and insert:

criminal appeal,

The Hon. Chief Justice PETER QUINLAN,
Chief Justice of Western Australia,
Supreme Court of Western Australia.

Date: 24 March 2021.