

# **COURT OF APPEAL**

## **PRACTICE DIRECTION NO.5 OF 2019**

### **CIVIL APPEALS**

#### **Transcripts**

1. In any appeal from the High Court where the proceedings are commenced by originating summons and where evidence is by affidavit there will be no requirement to request or to include in the appeal record, a transcript of proceedings in the High Court, other than where procedural unfairness or bias is a ground of appeal.
2. The Court of Appeal record shall include a transcript and judges notes of evidence only. Any notes or transcript of oral submissions are NOT to be included in the record. Written submissions should be included.

#### **Lodging the Record of Certification**

3. In the case of delay in lodging the appeal record within the time prescribed by Practice Direction No. 1 of 2019, paragraph 6(iv) of that Practice Direction allows the Registrar to extend the time by up to 30 days.
4. A request for an enlargement of time that is made prior to the date upon which the record should have been lodged for certification may be made by letter to the Registry and shall be granted as requested.
5. A request for an enlargement of time that is made after the time prescribed shall be made by summons with supporting affidavit. The application will proceed before a judge of the Court in the usual manner.

6. Regardless of when the application is made, the time for lodging the record for certification may be enlarged beyond 30 days in appropriate cases for such period as is deemed fit.

DATED at Suva this 27<sup>th</sup> day of November 2019.

**W.D. CALANCHINI**  
**PRESIDENT, COURT OF APPEAL**