

## **FAST TRACK PRACTICE NOTE 2015**

The President and Judges of the Court of Appeal make the following Practice Note:

### **1 Title**

This Practice Note is the Fast Track Practice Note 2015.

### **2 Commencement and application**

- (1) This Practice Note comes into effect on 29 June 2015.
- (2) This Practice Note applies to civil appeals filed after the commencement date.

### **3 Nature of fast track appeals**

- (1) In general, the fast track is intended for urgent appeals expected to take no more than 1 day's hearing time.
- (2) If the Court's resources permit, a Judge may enter on the fast track an appeal expected to take up to 2 days' hearing time.

### **4 Application for fast track**

- (1) Any party to an appeal may apply for entry on the fast track.
- (2) An application may be made by memorandum (**the fast track memorandum**) to be filed and served on the other party.
- (3) The party applying for entry must set out in the fast track memorandum brief reasons why the appeal is urgent and should be allocated a priority fixture.
- (4) Any application must be made within 5 working days of filing the appeal or within such further time as a Judge may allow.
- (5) If the appellant makes the application, the appellant must in the fast track memorandum give the following undertakings:
  - (a) to pay security for costs, unless waived, within 20 working days of filing the appeal; and
  - (b) to apply for a fixture within 20 working days of filing the appeal; and
  - (c) to file the case on appeal within 20 working days of filing the appeal; and

- (d) to file and serve the appellant's submissions within 20 working days of filing the case on appeal.
- (6) Despite subclause (5), the appellant need not give an undertaking with respect to a particular step if the appellant has already done that step.

## 5 Response to application

- (1) The party on whom the fast track memorandum is served (**the other party**) must, within 3 working days of being served, respond by memorandum (**the reply memorandum**), indicating his or her consent or opposition to the application.
- (2) If the other party is the appellant and consents to the application, the appellant must, in the reply memorandum, give the undertakings referred to in clause 4(5) (unless, with respect to a particular step, the appellant has already done that step).

## 6 Decision on application for fast track

- (1) If:
  - (a) the parties agree the appeal should be entered on the fast track; and
  - (b) the appellant has given the necessary undertaking or undertakings; and
  - (c) the appeal is expected to take no more than 1 day's hearing time -; and
  - (d) a Judge determines that the appeal is urgent and should be allocated a priority fixture,then the appeal may be entered on the fast track.
- (2) In all other cases, the case officer must refer the application to a Judge who will conduct if necessary a teleconference with counsel with a view to determining whether the appeal should be entered on the fast track.
- (3) If the Judge enters the appeal on the fast track, the Judge may give such consequential directions as may be necessary.
- (4) The Court reserves the right to decline any application for entry on the fast track if the Court's resources do not reasonably permit the allocation of a priority hearing date.

- (5) If the application is declined, the appellant is released from any undertakings given.

## **7 Effect of an appeal being entered on the fast track**

- (1) The appellant must fulfil any undertakings.
- (2) The Court will use its best endeavours to offer a fixture date within 2 months of the fixture date being applied for and the case on appeal being filed.

## **8 Application of Court of Appeal (Civil) Rules 2005**

The Court of Appeal (Civil) Rules 2005 apply to appeals entered on the fast track, except in so far as the appellant has undertaken to perform certain tasks in a more timely fashion than provided in the Rules.

## **9 Removal from fast track**

If an appellant fails to fulfil any undertaking, a Judge may remove the appeal from the fast track.

## **10. Urgent hearings**

- (1) Nothing in this note prevents any party to an appeal applying to the President for an urgent hearing.

Dated 22 June 2015