



**THE COURT OF APPEAL OF
NEWFOUNDLAND AND LABRADOR**



**THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR**

NOTICE TO THE PROFESSION / PUBLIC

COURT OF APPEAL ACT AND CONSEQUENTIAL AMENDMENTS

The *Court of Appeal Act* received Royal Assent on December 7, 2017, and came into force on January 1, 2018. While, previously, the Court of Appeal was a division of the Supreme Court, the Act establishes the “Court of Appeal of Newfoundland and Labrador” as a separate Court. As part of its consequential amendments, the Act continues the “Trial Division of the Supreme Court of Newfoundland” as the “Supreme Court of Newfoundland and Labrador”. The Supreme Court will continue to be composed of a General Division and a Family Division.

Both Courts are in the process of making necessary changes to their respective rules, forms, other documents, and websites. In the interim, members of the profession and the public should be aware of the transitional provision which applies (the provision is mirrored in the *Court of Appeal Act* and the *Judicature Act*, at sections 45 and 141, respectively):

- (1) Where in an Act, regulation, rule, order, by-law, agreement or other instrument or document, there is a reference, express or implied, to the Court of Appeal, Appeal Division, the Supreme Court of Newfoundland and Labrador-Appeal Division, or the Supreme Court of Newfoundland and Labrador, Court of Appeal, that reference shall in respect of matters arising on or after January 1, 2018 be considered to be a reference to the Court of Appeal of Newfoundland and Labrador.
- (2) Where in an Act, regulation, rule, order, by-law, agreement or other instrument or document, there is a reference, express or implied, to the Supreme Court, Trial Division, Trial Division, or the Supreme Court of Newfoundland and Labrador-Trial Division, that reference shall in respect of matters arising on or after January 1, 2018 be considered to be a reference to the Supreme Court of Newfoundland and Labrador.
- (3) Where on or after January 1, 2018, a proceeding was underway in the Supreme Court of Newfoundland and Labrador, Court of Appeal, it shall continue as a proceeding of the Court of Appeal of Newfoundland and Labrador.

(4) Where on or after January 1, 2018, a proceeding was underway in the Supreme Court of Newfoundland and Labrador, Trial Division, it shall continue as a proceeding of the Supreme Court of Newfoundland and Labrador.

(5) Where on or after January 1, 2018, a person was appointed as a master and taxing officer of the Supreme Court, that person's appointment is unaffected by the coming into force of this Act and the person shall be considered to be a master and taxing officer of the Court of Appeal and the Supreme Court.

(6) Where immediately before January 1, 2018 a proceeding was before the Supreme Court of Newfoundland and Labrador, Court of Appeal, the Court of Appeal may, upon the application of a person interested in that proceeding give directions

(a) regarding the filing of documents or matters of procedure; or

(b) for the purpose of removing or minimizing a procedural difficulty arising immediately after the coming into force of this Act.

(7) Where immediately before January 1, 2018 a proceeding was before the Supreme Court of Newfoundland and Labrador, Trial Division, the Supreme Court may, upon the application of a person interested in that proceeding give directions

(a) regarding the filing of documents or matters of procedure; or

(b) for the purpose of removing or minimizing a procedural difficulty arising immediately after the coming into force of this Act.

Cheques should be made out to either the “Court of Appeal of Newfoundland and Labrador” or the “Supreme Court of Newfoundland and Labrador”, as applicable.

If you have any questions with respect to the above, please contact:

Court of Appeal

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Supreme Court
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RAYMOND WHALEN
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