

Rules of the High Court (Amendment) Rules 2007

The Rules of the High Court (Cap 4A)

Order 58 - APPEALS FROM MASTERS

Remarks

1. Appeals from certain decisions of masters to a judge in chambers (O. 58, r. 1)

(1) Except as provided by rule 2, Order 5, rule 6, and Order 12, rule 1, an appeal shall lie to a judge in chambers from any judgment, order or decision of a master, **irrespective of whether the judgment, order or decision is made on the basis of written submissions only or after hearing.**

Rule 121,
Rec 109

(2) The appeal shall be brought by serving on every other party to the proceedings in which the judgment, order or decision was given or made a notice to attend before the judge on a day specified in the notice or as on such other day as may be directed.

(3) Unless the Court otherwise orders, the notice must be issued within 14 days after the judgment, order or decision appealed against was given or made and must be served within 5 days after issue and an appeal to which this rule applies shall not be heard sooner than 2 clear days after such service. (L.N. 404 of 1991; L.N. 129 of 2000)

(4) Except so far as the Court may otherwise direct, an appeal under this rule shall not operate as a stay of the proceedings in which the appeal is brought.

2. Appeals from certain decisions of masters to Court of Appeal (O. 58, r. 2)

An appeal shall lie to the Court of Appeal from any judgment, order or decision (other than an interlocutory judgment, order or decision) of a master, given or made-

(HK)(a) on the hearing or determination of any cause, matter, question or issue tried before him under Order 14, rule 6(2) and Order 36, rule 1;

(b) on an assessment of damages under Order 37 or otherwise; or

(HK)(c) on the hearing or determination of an application under Order 84A, rule 3; or (L.N. 127 of 1995)

(HK)(d) on the hearing or determination of an application under Order 49B; or

(HK)(e) on the hearing of a petition for winding-up or bankruptcy. (L.N. 404 of 1991)

7. Appeal from judgment, etc. of judge in interpleader proceedings

(O. 58, r. 7)

(1) Any judgment, order or decision of a judge given or made in summarily determining under Order 17, rule 5(2)(b) or (c), any question at issue between claimants in interpleader proceedings shall be final and conclusive against the claimants and all persons claiming under them unless leave to appeal to the Court of Appeal is given by the judge or the Court of Appeal.

(2) Where an interpleader issue is tried by a judge (with or without a jury), an appeal shall lie to the Court of Appeal, without the leave of the judge or that Court, from any judgment, order or decision given or made by the judge on the trial.

(3) The time within which notice of appeal under this rule must be served shall be the same as in the case of an appeal from an interlocutory order.

(Enacted 1988)