

# Rules of the High Court (Amendment) Rules 2008

## The Rules of the High Court (Cap. 4A)

### Order 60A – (HK) APPEALS FROM TRIBUNALS TO COURT OF APPEAL ON A QUESTION OF LAW OTHER THAN BY WAY OF CASE STATED

#### Remarks

#### 1. Application of Order (O. 60A, r. 1)

This Order applies to appeals that lie from any tribunal to the Court of Appeal on a question of law other than by way of case stated.

#### 2. Notice of appeal from tribunal (O. 60A, r. 2)

(1) An appeal to which the Order applies must be brought by motion, notice of which is referred to in this Order as “notice of appeal”.

(2) A notice of appeal must specify the grounds of the appeal, together with the question of law to be decided by the Court of Appeal.

#### 3. Time for appealing (O. 60A, r. 3)

Subject to the provisions of any Ordinance, a notice of appeal must be served on all parties to the proceedings before the tribunal, and on the tribunal, within ~~21~~ **28** days of the date on which the ~~decision~~ **judgment** or order of the tribunal was given.

Rule 216  
Alignment

#### 4. Setting down appeal (O. 60A, r. 4)

(1) The appellant must, within 7 days after service of the notice of appeal, or within such further time as may be allowed by the Registrar, produce to the Registrar –

- (a) a copy of the ~~decision or order of the tribunal~~ **sealed judgment or order of the tribunal and a copy of its reasoned decision (if any)**;
- (b) 2 copies of the notice of appeal, one of which shall be endorsed with the amount of the fee paid, and the other endorsed with a certificate of the date of service of the notice.

Rule 217  
Alignment

(2) Upon the said documents being left, the Registrar shall file one copy of the notice of appeal and cause the appeal to be set down in the list of appeals; and the appeal shall come on to be heard according to its order in that list unless the Court of Appeal or a single judge or the Registrar otherwise orders.

**5. Application of Order 59 (O. 60A, r. 5)**

Order 59, rules 9 and 10 shall, so far as applicable, apply to an appeal to which this Order applies.

**6. Duty of Registrar to notify tribunal of result (O. 60A, r. 6)**

The Registrar shall notify the tribunal of the decision of the Court of Appeal on the appeal and of any direction given by the Court therein.

(Enacted 1988)