

Rules of the High Court (Amendment) Rules 2008

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

Order 61 – APPEALS FROM TRIBUNALS TO COURT OF APPEAL BY WAY OF CASE STATED

Remarks

2. Statement of case by tribunals (O. 61, r. 2)

(1) Where any tribunal is empowered or may be required to state a case on a question of law for determination by the Court of Appeal, any party to the proceedings who is aggrieved by the tribunal's refusal to state a case may apply to the Court of Appeal or a single judge of that Court for an order requiring the tribunal to state a case.

(2) An application under this rule must be made by motion and the notice of the motion, stating in general terms the grounds of the application, together with the question of law on which it is desired that a case shall be stated and any reasons given by the tribunal for its refusal, must within ~~21~~ **28** days after the refusal, be served on the clerk or registrar of the tribunal and on every other party to the proceedings before the tribunal.

Rule 218
Alignment with
O.59, r. 4

(3) Within 2 days after service of the notice of motion, the applicant must lodge two copies of the notice with the Registrar who shall enter the motion in the list of appeals.

(4) Where a tribunal is ordered under this rule to state a case, the tribunal must, within such period as may be specified in the order, state a case stating the facts on which the decision of the tribunal was based and the decision, sign it and cause it to be sent by post to the applicant.

(4A) Where the decision of the tribunal in respect of which a case is stated states all the relevant facts found by the tribunal and indicates the questions of law to be decided by the Court of Appeal, a copy of the decision signed by the person who presided at the hearing shall be annexed to the case, and the facts so found and the question of law to be decided shall be sufficiently stated in the case by referring to the statement thereof in the decision.

3. Proceedings on case stated (O. 61, r. 3)

- (1) The party at whose instance a case has been stated by any tribunal to which this Order applies must, within ~~21~~ **28** days after receiving the case –
- (a) serve on every other party to the proceedings before the tribunal a copy of the case, together with a notice setting out his contentions on the question of law, and
 - (b) serve a copy of the notice on the clerk or registrar of the tribunal.

Rule 219
Alignment with
O.59, r. 4

Remarks

(2) Within 2 days after service of the notice, the said party must lodge the case and two copies of the notice with the Registrar who shall enter the case in the list of appeals, and the case shall not be heard until after the expiration of ~~21~~ **28** days from the date of entry.

Rule 219
Alignment with
O.59, r. 4

(3) Where any enactment under which the case is stated provides that a government department shall have a right to be heard in the proceedings on the case, a copy of the case and of the notice served under paragraph (1) must be served on that department and on the Secretary for Justice. (L.N. 362 of 1997)

(4) On the hearing of the case, the Court of Appeal may amend the case or order it to be sent back to the tribunal for amendment.

(5) Order 59, rule 10, shall, so far as applicable, apply in relation to a case stated by a tribunal to which this Order applies.

(6) The Registrar shall notify the clerk or registrar of the tribunal of the decision of the Court of Appeal on the case and of any directions given by that Court thereon.

(Enacted 1988)