

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL


Order in Council No. **417**, Approved and Ordered **SEP - 9 2011**



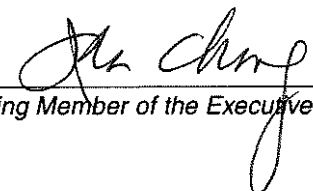
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, made after consultation with the Chief Justice of British Columbia, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Court of Appeal Rules, B.C. Reg. 297/2001, are amended as set out in the attached Schedule.



Attorney General



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Court Rules Act, R.S.B.C. 1996, c. 80, s. 1

Other: O.C. 1075/2001

August 23, 2011

Resub 1/R/357/2011/7

SCHEDULE

1 Rule 33 is amended

(a) in subrule (1) (d) by striking out “2 days” and substituting “5 business days”, and

(b) by adding the following subrule:

(1.1) A party wishing to respond to an application referred to in subrule (1) must, at least 2 business days before the date of the hearing of the application,

(a) if the party intends to rely on facts at the hearing of the application, obtain an affidavit in support of those facts,

(b) file one copy of that affidavit for use by the court plus such additional copies as are required for the purposes of paragraph (c) of this subrule, and

(c) serve one filed copy of the affidavit on each of the other parties.

2 Form 6 is amended by adding the following after “AND TAKE NOTICE THAT in support of the application will be read the affidavit of [name of deponent] sworn on [date]”:

The applicant anticipates that this application will be[contested/uncontested]..... .