

TRESTON, J.

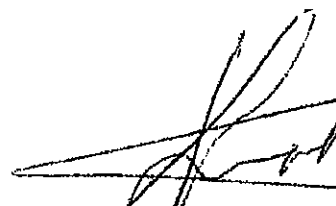
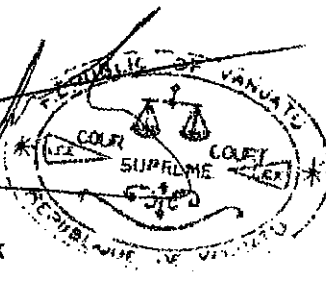
**PRACTICE DIRECTION FOR CIVIL
APPEALS TO THE COURT OF APPEAL**

1. Upon receiving a Notice of Appeal and the Civil Appeal Statement (Form No.1), the Registrar will list the matter for a conference before a judge of the Supreme Court in Port Vila to settle the contents of the appeal book.
2. The Registrar must schedule the conference no later than 21 days after the filing of the Notice of Appeal.
3. The registrar shall give the Supreme Court file for the matter to the judge for use at the conference.
4. For matters heard in the Supreme Court in Luganville the Supreme Court Registry at Luganville will transfer the Supreme Court file for the matter to Port Vila upon receipt of the Notice of Appeal. For matters heard in the Supreme Court in Luganville appellants, if they do not file the notice of Appeal in Luganville, must provide a copy of the Notice of Appeal to the court registry in Luganville within 24 hours of filing the Notice of Appeal. Sending a copy of the Notice of Appeal to the Supreme Court Registry by way of facsimile will be considered sufficient for the purposes of filing the Notice of Appeal.
5. Before the date appointed for the conference, the appellant must prepare and file in the Registry:
 - a) a draft index of the appeal papers; and
 - b) a separate list of all documents arranged in date order, received in evidence and proposed to be reproduced in the appeal books, including documents exhibited to, or annexed to sworn statements (affidavits).
6. The appellant must serve the draft index, and list, on the respondent at least two clear days before the conference.
7. At the conference, the judge will:
 - a) determine the documents to be included in the appeal book; and
 - b) make orders for the filing and serving of appeal books.
8. The judge may also make orders granting the appellant access to the Supreme Court file to enable the appellant to photocopy documents for

- inclusion in the appeal books including the Bench Notes and any documentary exhibits tendered by either party.
9. Unless otherwise ordered the appellant is responsible for preparing the appeal books.
 10. The title page of the appeal book must contain the title of the proceeding, including the title of the court from which the appeal is brought, and the names of the lawyers for each party and their addresses for service.
 11. Following the title page, there must be:
 - a) an index of the documents comprising the appeal book and showing the date and page number of each document; and
 - b) a chronological list of all documents received in evidence, including documents exhibited to, or annexed to, sworn statements, showing the date and page number of each document.
 12. The appeal book must be paginated and the documents arranged in the following order:
 - a) process and pleading;
 - b) evidence, as follows:
 - (i) oral evidence;
 - (ii) sworn statement evidence in which, after each sworn statement, documents exhibited to, or annexed to, that sworn statement, are arranged in the order in which they have been lettered or numbered in the sworn statement ;
 - (iii) other exhibits (other than sworn statements and documents exhibited or annexed to each sworn statement) arranged in the order in which they have been lettered or numbered as exhibits in the court below, and any list of exhibits appearing in the transcript; and
 - (iv) The documents in (ii) and (iii) are additional copies to the list in 5 (b) above.
 - (v) Written questions and answers put in evidence.
 - c) reasons for the judgment of the court below;
 - d) the formal order of the court below;
 - e) notice of appeal;

- f) any notice of cross-appeal; and
- g) the Certificate required by paragraph 14.
13. Before filing the appeal books, the parties or their counsel must examine the appeal book and certify that they have examined it and that it is correct (Form No.2).
14. Unless otherwise ordered, appellant must file six copies of the appeal book with the court, and serve one copy on the respondent, at least one month prior to the commencement of the sittings in which the Court of Appeal is to hear the appeal. The appellant must also file the Civil Appeal Statement duly certified by both counsel (see paragraph 13).
15. There shall be a conference in all appeal matters at least four weeks prior to the commencement of the Court of Appeal's sitting. At this conference, the judge must ensure that the parties have complied with all the orders made in the appeal proceedings and may make orders concerning:
- a) the filing of skeletons of argument;
 - b) written submissions;
 - c) copies of relevant authorities to be relied upon; and
 - d) any other matter necessary or convenient for the hearing of the appeal.
16. The parties must give an estimation of the length of time they expect the hearing of the appeal to take. This estimation will be used by the court to list matters for the sitting.
17. If the appellant has not filed the appeal books in accordance with the court's order, the judge may order the appeal be stood over to the next sittings of the court and make any necessary consequential orders.

Dated at Port Vila this 2nd day of April 2004



Vindent Lunabek
Chief Justice

**IN THE COURT OF APPEAL OF
THE REPUBLIC OF VANUATU**

CIVIL APPEAL CASE No. _____ OF _____

(Civil Appeal Jurisdiction)

CIVIL APPEAL STATEMENT

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY

TITLE IN FULL:	Supreme Court held at:	
	Supreme Court Judge:	
	Date Notice of Appeal filed:	Is this a cross appeal? Yes <input type="checkbox"/> No <input type="checkbox"/>
	If this matter has been before this Court previously, please provide the case number and nature of appeal (if any): _____	
BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:		
PRINCIPAL ISSUE PROPOSED TO BE RAISED ON APPEAL:		
Please identify any other legal proceeding that may have a bearing on this case (including Supreme Court post judgment application):		
Does this appeal involve any of the followings? <input type="checkbox"/> Possibility of settlement. <input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal. <input type="checkbox"/> Likelihood of an application to expedite or to suspend/stay the appeal or other procedural matters (specify): _____		

Any other information relevant to the inclusion of this case in the Mediation Programme: _____

Possibility parties would stipulate to binding award by appellate body in lieu of submission to Judges.

INFORMATION FROM COURT BELOW

JURISDICTION		SUPREME COURT DISPOSITION	
	APPELLATE	TYPE OF JUDGMENTS/ORDERS APPEALED	RELIEF
Issue of jurisdiction <input type="checkbox"/>	Final decision Of the Supreme Court <input type="checkbox"/>	Default judgment <input type="checkbox"/>	Damages: <input type="checkbox"/> ▪ Sought VT _____ ▪ Awarded VT _____
		Dismissal/jurisdiction <input type="checkbox"/>	
Others (specify) <input type="checkbox"/>	Interlocutory decision appealable as of right <input type="checkbox"/>	Dismissal/merits <input type="checkbox"/>	Orders: <input type="checkbox"/> ▪ Interlocutory <input type="checkbox"/> ▪ Permanent <input type="checkbox"/> ▪ Granted <input type="checkbox"/> ▪ Denied <input type="checkbox"/>
	Interlocutory Order certified by Supreme Court Judge (specify) <input type="checkbox"/>	Summary judgment <input type="checkbox"/>	
	Others: (specify) <input type="checkbox"/>	Judgment/Court decision <input type="checkbox"/>	
		Declaratory judgment <input type="checkbox"/>	Lawyers fees: <input type="checkbox"/> ▪ Sought VT _____ ▪ Awarded VT _____ ▪ Pending <input type="checkbox"/>
		Judgment as a matter of law <input type="checkbox"/>	
		Others: (specify) <input type="checkbox"/>	Costs: <input type="checkbox"/> VT _____

CERTIFICATION OF COUNSEL

I CERTIFY THAT:

1. Copies of Order/Judgment appealed from attached.
2. The address for service at representation statement with telephone and fax numbers attached.

Signature
Appellant/Counsel

Date

COUNSEL WHO COMPLETED THIS FORM

Name: _____ Firm: _____

Address: _____

Telephone: _____ Fax: _____

E-mail: _____

* This document should be filed in the Supreme Court with the Notice of Appeal.

* If filed late, it should be file directly with the Court of Appeal.

IN THE COURT OF APPEAL OF
THE REPUBLIC OF VANUATU

CIVIL APPEAL CASE No. ____ OF ____

(Civil Appeal Jurisdiction)

CIVIL APPEAL CERTIFICATION
(Paragraph 13)

In accordance with clause 13 of the Practice Direction we certify that:

1. The appeal book has been examined.
2. The appeal book is correct.
3. We understand that failure to comply with the requirements of the Practice Directions may result in sanctions including dismissal of this appeal.

DATED at this day of 200...

Appellant/Counsel

Respondent/Counsel