



# The Newfoundland and Labrador Gazette

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**CANADA–NEWFOUNDLAND AND LABRADOR  
ATLANTIC ACCORD IMPLEMENTATION ACT  
AND THE  
CANADA–NEWFOUNDLAND AND LABRADOR  
ATLANTIC ACCORD IMPLEMENTATION NEWFOUNDLAND AND LABRADOR ACT**

**CANADA–NEWFOUNDLAND AND LABRADOR OFFSHORE PETROLEUM BOARD  
CALL FOR BIDS (CUMULATIVE PARCELS) NO. NL25-CFB01 (EASTERN NEWFOUNDLAND)**

THE CANADA–NEWFOUNDLAND AND LABRADOR OFFSHORE PETROLEUM BOARD hereby gives notice of a call for the submission of bids in respect of 19 parcels of land in the Canada–Newfoundland and Labrador Offshore Area.

This notice of the CALL FOR BIDS (Cumulative Parcels) No. NL25-CFB01 is made pursuant and subject to the *Canada–Newfoundland and Labrador Atlantic Accord Implementation Act*, S.C. 1987, c. 3, and the *Canada–Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, R.S.N.L. 1990, c. C-2.

The following is a summary of the CALL FOR BIDS (Cumulative Parcels) No. NL25-CFB01:

- (i) The Board informs prospective bidders that, for any parcel entirely or partially beyond Canada's 200 nautical mile zone, it has been advised by the Government of Canada that, in order to meet obligations arising pursuant to article 82 of the United Nations Convention on the Law of the Sea, additional terms and conditions may be applied through legislation, regulations, amendments to licences or otherwise.
- (ii) Each Bid Package must be received by the Board in a sealed envelope prior to the time of closing of this CALL FOR BIDS (Cumulative Parcels) No. NL25-CFB01. This CALL FOR BIDS will close at 12:00 p.m.,

Newfoundland Time, on November 5, 2025, except as specifically provided for in this CALL FOR BIDS (Cumulative Parcels) No. NL25-CFB01.

- (iii) Each Bid Package must be prepared and submitted in accordance with the terms and conditions of this CALL FOR BIDS (Cumulative Parcels) No. NL25-CFB01.
- (iv) The 19 parcels are located offshore Newfoundland and Labrador and detailed land descriptions can be found on the Board's Website ([www.cnlopb.ca](http://www.cnlopb.ca)). An Exploration Licence may be issued for each parcel.
- (v) For the purpose of selecting a bid, the sole criterion to be used will be the total amount of money the bidder commits to expend on exploration of a parcel and on research and development and education and training within Period I ("Work Expenditure Bid").
- (vi) The minimum Work Expenditure Bid will be \$10 million for each parcel offered in this CALL FOR BIDS.
- (vii) Allowable expenditures may be claimed for those permitted expenses incurred from the date of the announcement of the CALL FOR BIDS (Cumulative Parcels) No. NL25-CFB01 up to and including the effective date of the licence. These new credits would be in addition to those allowable expenditures available for credit during the term of the licence.
- (viii) Period I of the Exploration Licence shall have a term of six years unless otherwise extended by a drilling deposit. Period II shall immediately follow Period I and consist of the balance of the original nine-year term.
- (ix) The Interest Owner may, at its option, extend Period I by up to three one-year extensions based upon the following escalating drilling deposits (each one a separate "Drilling Deposit"):

Period I A — one-year extension — CAD 5 million  
Period I B — one-year extension — CAD 10 million  
Period I C — one-year extension — CAD 15 million

If a Drilling Deposit is posted, it will be refunded in full if the well commitment is met during the respective period of extension. Otherwise, the Drilling Deposit will be forfeited upon termination of that period extension.

- (x) The Work Expenditure Bid must be accompanied by a bank draft or certified cheque in the amount of \$10,000 ("Bid Deposit") made payable to the Receiver General for Canada. Furthermore, the successful bidder will be required to provide, within 15 days of notification of being the successful bidder, a promissory note accompanied by a bank letter of guarantee, or a letter of credit, in the amount of 25% of the Work Expenditure Bid ("Security Deposit"). A credit against the Security Deposit will be made on the basis of the percentages of allowable expenditures as described in the Exploration Licence ("Allowable Expenditures").
- (xi) A successful bidder will receive a refund, without interest, of the Bid Deposit when the Security Deposit is posted within 15 days of being notified they are the successful bidder. Failure to post the Security Deposit within 15 days will result in forfeiture of the Bid Deposit and disqualification of the bid.

Following the announcement of the bid results, the Bid Deposits of unsuccessful bidders will be returned, without interest, as soon as possible.

- (xii) One well must be commenced within Period I and diligently pursued thereafter.
- (xiii) Rentals will be applicable only in Period II at the following rates:

1st year — \$5.00 per hectare  
2nd year — \$10.00 per hectare  
3rd year — \$15.00 per hectare

When an Exploration Licence continues in force beyond Period II, rentals will be payable at the rates applicable during the last year of Period II.

Rentals will be refunded annually, to a maximum of 100% of the rentals paid in that year, on the basis of a dollar refund for each dollar of Allowable Expenditures for that year.

Carry forward provisions to reduce rentals otherwise payable in ensuing rental years will apply.

- (xiv) Any resulting Significant Discovery Licence respecting the lands of any Exploration Licence resulting from the offer of a parcel in this CALL FOR BIDS (Cumulative Parcels) No. NL25-CFB01 will be subject to the terms and conditions for Significant Discovery Licences existing at the time a Significant Discovery Licence is requested. A sample Significant Discovery Licence can be found as a Schedule to the Sample Exploration Licence.
- (xv) A successful bidder will be required to comply with the procurement, employment and reporting procedures as established by the Board in its Exploration Benefits Plan Guidelines.
- (xvi) These parcels will be subject to the payment of issuance fees and Environmental Studies Research Fund levies.
- (xvii) The Board is not obliged to accept any bid or issue any interest as a result of this CALL FOR BIDS.
- (xviii) Any licence that may be issued shall be in the form of the Exploration Licence attached to the CALL FOR BIDS (Cumulative Parcels) No. NL25-CFB01.

The full text of CALL FOR BIDS (Cumulative Parcels) No. NL25-CFB01 is available on the Board's website or upon request made to the Registrar, Canada–Newfoundland and Labrador Offshore Petroleum Board, 240 Waterford Bridge Road, The Tower Corporate Campus – West Campus Hall, Suite 7100, St. John's, Newfoundland and Labrador A1E 1E2, (709) 778-1400.

CANADA–NEWFOUNDLAND AND LABRADOR  
OFFSHORE PETROLEUM BOARD  
Scott Tessier, Chief Executive Officer

Jun. 6

**CANADA–NEWFOUNDLAND AND LABRADOR OFFSHORE PETROLEUM BOARD  
CALL FOR BIDS NO. NL25-CFB02 (LABRADOR SOUTH)**

The Canada–Newfoundland and Labrador Offshore Petroleum Board hereby gives notice of a call for the submission of bids in respect of 17 parcels of land in the Canada–Newfoundland and Labrador Offshore Area.

This notice of the CALL FOR BIDS No. NL25-CFB02 is made pursuant and subject to the *Canada–Newfoundland and Labrador Atlantic Accord Implementation Act*, S.C. 1987, c. 3, and the *Canada–Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, R.S.N.L. 1990, c. C-2.

The following is a summary of the CALL FOR BIDS No. NL25-CFB02:

- (i) The Board informs prospective bidders that, for any parcel entirely or partially beyond Canada's 200 nautical mile zone, it has been advised by the Government of Canada that, in order to meet obligations arising pursuant to article 82 of the *United Nations Convention on the Law of the Sea*, additional terms and conditions may be applied through legislation, regulations, amendments to licences or otherwise.
- (ii) Each Bid Package must be received by the Board in a sealed envelope prior to the time of closing of this CALL FOR BIDS No. NL25-CFB02. This CALL FOR BIDS will close at 12:00 p.m., Newfoundland Time, on November 5, 2025, except as specifically provided for in this CALL FOR BIDS No. NL25-CFB02.
- (iii) Each Bid Package must be prepared and submitted in accordance with the terms and conditions of this CALL FOR BIDS No. NL25-CFB02.
- (iv) The 17 parcels are located offshore Newfoundland and Labrador and detailed land descriptions can be found

on the Board's Website ([www.cnlopb.ca](http://www.cnlopb.ca)). An Exploration Licence may be issued for each parcel.

- (v) For the purpose of selecting a bid, the sole criterion to be used will be the total amount of money the bidder commits to expend on exploration of a parcel and on research and development and education and training within Period I ("Work Expenditure Bid").
- (vi) The minimum Work Expenditure Bid will be \$10 million for each parcel offered in this CALL FOR BIDS.
- (vii) Allowable expenditures may be claimed for those permitted expenses incurred from the date of the announcement of the CALL FOR BIDS No. NL25-CFB02 up to and including the effective date of the licence. These new credits would be in addition to those allowable expenditures available for credit during the term of the licence.
- (viii) Period I of the Exploration Licence shall have a term of six years unless otherwise extended by a drilling deposit. Period II shall immediately follow Period I and consist of the balance of the original nine-year term.
- (ix) The Interest Owner may, at its option, extend Period I by up to three one-year extensions based upon the following escalating drilling deposits (each one a separate "Drilling Deposit"):

Period I A — one-year extension — CAD 5 million

Period I B — one-year extension — CAD 10 million

Period I C — one-year extension — CAD 15 million

If a Drilling Deposit is posted, it will be refunded in full if the well commitment is met during the respective period of extension. Otherwise, the Drilling Deposit will be forfeited upon termination of that period extension.

- (x) The Work Expenditure Bid must be accompanied by a bank draft or certified cheque in the amount of \$10,000 ("Bid Deposit") made payable to the Receiver General for Canada. Furthermore, the successful bidder will be required to provide, within 15 days of notification of being the successful bidder, a promissory note accompanied by a bank letter of guarantee, or a letter of credit, in the amount of 25% of the Work Expenditure Bid ("Security Deposit"). A credit against the Security Deposit will be made on the basis of the percentages of allowable expenditures as described in the Exploration Licence ("Allowable Expenditures").
- (xi) A successful bidder will receive a refund, without interest, of the Bid Deposit when the Security Deposit is posted within 15 days of being notified they are the successful bidder. Failure to post the Security Deposit within 15 days will result in forfeiture of the Bid Deposit and disqualification of the bid.

Following the announcement of the bid results, the Bid Deposits of unsuccessful bidders will be returned, without interest, as soon as possible.

- (xii) One well must be commenced within Period I and diligently pursued thereafter.
- (xiii) Rentals will be applicable only in Period II at the following rates:

1st year — \$5.00 per hectare  
2nd year — \$10.00 per hectare  
3rd year — \$15.00 per hectare

When an Exploration Licence continues in force beyond Period II, rentals will be payable at the rates applicable during the last year of Period II.

Rentals will be refunded annually, to a maximum of 100% of the rentals paid in that year, on the basis of a dollar refund for each dollar of Allowable Expenditures for that year.

Carry forward provisions to reduce rentals otherwise payable in ensuing rental years will apply.

- (xiv) Any resulting Significant Discovery Licence respecting the lands of any Exploration Licence resulting from

the offer of a parcel in this CALL FOR BIDS No. NL25-CFB02 will be subject to the terms and conditions for Significant Discovery Licences existing at the time a Significant Discovery Licence is requested. A sample Significant Discovery Licence can be found as a Schedule to the Sample Exploration Licence.

- (xv) A successful bidder will be required to comply with the procurement, employment and reporting procedures as established by the Board in its Exploration Benefits Plan Guidelines.
- (xvi) These parcels will be subject to the payment of issuance fees and Environmental Studies Research Fund levies.
- (xvii) The Board is not obliged to accept any bid or issue any interest as a result of this CALL FOR BIDS.
- (xviii) Any licence that may be issued shall be in the form of the Exploration Licence attached to the CALL FOR BIDS No. NL25-CFB02.

The full text of CALL FOR BIDS No. NL25-CFB02 is available on the Board's website or upon request made to the Registrar, Canada–Newfoundland and Labrador Offshore Petroleum Board, 240 Waterford Bridge Road, The Tower Corporate Campus – West Campus Hall, Suite 7100, St. John's, Newfoundland and Labrador A1E 1E2, (709) 778-1400.

CANADA–NEWFOUNDLAND AND LABRADOR  
OFFSHORE PETROLEUM BOARD  
Scott Tessier, Chief Executive Officer

Jun. 6

**COURT OF APPEAL ACT****COURT OF APPEAL CIVIL RULES, 2025  
PRACTICE NOTES**

1. The *Court of Appeal Civil Rules, 2025* will be coming into force 90 days after their publication in Part II of the *Newfoundland and Labrador Gazette*. The *Court of Appeal Rules*, NLR 38/16 will be repealed upon the coming into force of the *Court of Appeal Civil Rules, 2025*.
2. Accordingly,
  - (a) All previous Practice Notes issued under the *Court of Appeal Rules*, NLR 38/16, are repealed upon the coming into force of *Court of Appeal Civil Rules, 2025*.
  - (b) The following Practice Notes are issued pursuant to rule 4 of the *Court of Appeal Civil Rules, 2025* and will come into force 90 days after their publication in Part I of the *Newfoundland and Labrador Gazette*.
3. The index preceding the individual Practices Notes is provided for guidance but does not form part of the Practice Notes.

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Deborah E. Fry  
CHIEF JUSTICE OF NEWFOUNDLAND AND LABRADOR

Kristen O’Keefe  
REGISTRAR  
COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

**COURT OF APPEAL CIVIL RULES, 2025**  
**PRACTICE NOTE – CIVIL PROCEEDINGS**  
**CAPN No. 2025-01 Civil**

**APPEALS INVOLVING CHILDREN**

**RULES AFFECTED:** Rule 9

**EFFECTIVE DATE:** 90 days after being published in *Newfoundland and Labrador Gazette*

The following Practice Note was filed with the registrar of the Court of Appeal and is published under rule 4 of the *Court of Appeal Civil Rules, 2025*.

**Background**

Particular concerns arise when an appeal involving a child is delayed. The child’s circumstances may have changed since the time of the original judgment such that any variation on appeal, even if legally justified on the basis of the trial record, might be counterproductive to the current interests of the child.

It is necessary, then, that parties avoid delay in the appeal process, and provide current information regarding a child, where appropriate.

**Practice Note**

1. Counsel involved in an appeal from an order affecting the interests of a child should familiarize themselves with the provisions of rule 9, and should comply with its letter and spirit.

2. Rule 9 applies to all appeals and any related proceeding where the interests of a child may be directly affected by the outcome. This includes, but is not limited to, appeals involving

- (a) parenting of a child,
- (b) protection of a child,
- (c) support for a child,
- (d) responsibility for a child,
- (e) guardianship of a child or the estate of a child,
- (f) possession of a matrimonial home,
- (g) application of a domestic contract, and
- (h) change of a child’s name.

3. Counsel should strive to work cooperatively to perfect the appeal and should take all steps needed to expedite

- (a) the preparation of any necessary transcripts, and
- (b) filing of the appeal book and factums,

notwithstanding that the time permitted under the Rules has not expired.

4. Cases in which rule 9 is engaged must be given priority. For example, counsel should

- (a) carefully consider what portions of the transcript are necessary for preparation of the factum and to enable the issues on appeal to be determined,
- (b) undertake any necessary follow-up to ensure timely preparation of any necessary transcript, and
- (c) where appropriate, request preparation of the transcript on an overtime basis.

5. The registrar will monitor the progress of an appeal involving a child. Counsel are expected to provide any assistance and respond to any requests by the registrar in a timely way.

6. Counsel should ensure the provision of current information regarding a child as specified in rule 9, where appropriate. Rule 9(5) authorizes the provision of information regarding any other court proceedings involving a child (Form 9). Rule 9(6) authorizes the provision of current information regarding a child, by affidavit.

7. Further, any orders that have been made relating to a child must be included in the appeal book (rule 52(1)(a)(vii)).

8. In written submissions and at the hearing of an appeal it is important to advise the Court of any concerns regarding identification of parties where children are involved, including any orders or practices followed in the court appealed from.

9. A party may request or the Court of its own motion may direct a prehearing conference where necessary or appropriate to expedite the hearing of an appeal involving a child. Where appropriate, the Court may give interim directions or orders. Where the circumstances warrant, on matters of procedure having no substantive effect, the Court may give directions in the absence of a request or submissions of the parties.



Deborah E. Fry  
CHIEF JUSTICE OF NEWFOUNDLAND AND LABRADOR

Kristen O'Keefe  
REGISTRAR  
COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

Jun. 6

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**COURT OF APPEAL CIVIL RULES, 2025**  
**PRACTICE NOTE – CIVIL PROCEEDINGS**  
**CAPN No. 2025-02 Civil**

**COURT CALENDAR – DESIGNATED HEARING DAYS**

**RULES AFFECTED:** Rule 30(14)  
**EFFECTIVE DATE:** 90 days after being published in *Newfoundland and Labrador Gazette*

The following Practice Note was filed with the registrar of the Court of Appeal and is published under rule 4 of the *Court of Appeal Civil Rules, 2025*.

**Background**

The Court has had a long-standing practice of designating two consecutive weeks out of each month, from the beginning of September to the end of the following June, to be the period during which appeals will normally be heard.

In addition, two days per month during the same period are designated for the hearing of applications.

This practice enables the parties to anticipate an appropriate schedule for having matters heard by the Court. However, the schedule does not preclude the Court from setting appeals or applications to be heard outside the designated times where necessary or appropriate.

**Practice Note**

1. The Court will, prior to April 30<sup>th</sup> in each year, prepare and issue a sitting schedule which shall designate applications days, hearing days and public holidays for the next Court year commencing on the first Monday of September following Labour Day and ending on the Friday nearest the 30<sup>th</sup> day of the following June.
2. The Court will designate two consecutive weeks out of each month, from the beginning of September to the end of the following June, to be the period during which appeals will normally be heard.
3. The days in each month for the hearing of applications shall be
  - (a) every second Tuesday beginning with the Tuesday in September following Labour Day to the Tuesday nearest the 15<sup>th</sup> day of December, and
  - (b) every second Tuesday beginning with the Tuesday nearest the 10<sup>th</sup> day of January to the Tuesday nearest the 30<sup>th</sup> day of June,

unless any such Tuesday is a public holiday, in which case the next following regular Court day will be the designated applications day.

3. The designated schedule does not preclude setting the hearing of an appeal or an application on a day outside the designated schedule where directed or ordered by a judge.

Deborah E. Fry  
CHIEF JUSTICE OF NEWFOUNDLAND AND LABRADOR

Kristen O’Keefe  
REGISTRAR  
COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

Jun. 6

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**COURT OF APPEAL CIVIL RULES, 2025  
PRACTICE NOTE – CIVIL PROCEEDINGS  
CAPN No. 2025-03 Civil**

**SETTING THE DATE FOR HEARING AN APPEAL**

**RULES AFFECTED:** Rule 19

**EFFECTIVE DATE:** 90 days after being published in *Newfoundland and Labrador Gazette*

The following Practice Note was filed with the registrar of the Court of Appeal and is published under rule 4 of the *Court of Appeal Civil Rules, 2025*.

**Background**

With a view to reducing costs to litigants by eliminating unnecessary court appearances on routine matters, a party may request that a date be set for the hearing of an appeal, without the need for an application.

In some cases following perfection of an appeal, the parties will delay making a request to set a date for a hearing. While parties may have legitimate reasons for so doing, the Court is concerned that there may be other cases, especially in family matters, where the public interest in the timely administration of justice may not be served by delay.

Even though there are mechanisms within the Rules for dealing with inactive cases through deemed abandonment (rule 17) and failure to proceed with an appeal (rule 16), the Court may adopt a shorter time frame to ensure that cases that are perfected and awaiting a hearing can be advanced, if it is appropriate to do so.

**Practice Note**

1. Under rule 19(1), a party may obtain a date for the hearing of an appeal without the need for an application. A request is made in writing using Form 20. The following criteria, listed on the Form, must be satisfied:

- (a) all factums, the appeal book, and transcript as required by rule 47 are filed;
- (b) the direction of the Court is not required on any matter before a date is set;
- (c) there is no circumstance requiring a court appearance; or
- (d) if any party has not filed their factum, then the Chief Justice may set a date within which those parties must file their factums, and may also set a date for the hearing of the appeal or the application for leave to appeal.

2. Absent special considerations, the date requested should fall within two months after the request is made.

3. Parties are encouraged to determine, by reference to the Court's published calendar of sitting dates, mutually acceptable dates during the following two months when the parties would be available to appear on the appeal.

4. If necessary, the registrar may attempt to contact the parties to confirm an acceptable date for the hearing of the appeal. If the registrar does not receive a reply from the parties within 3 days of having attempted to contact them, the registrar may proceed to set a date for the hearing in accordance with the requesting party's proposal.

5. The registrar may convene a conference call with all parties, with or without the participation of the Chief Justice or a designate, to resolve scheduling arrangements.

6. If the registrar sets a date under rule 19, the parties will be notified in writing that the appeal will be heard on that date.

7. Parties are encouraged to set hearing dates by means of a request rather than an application.

8. In the absence of good reasons to the contrary, an appellant will be expected to request or apply for a date for the hearing of the appeal within 60 days after the respondent's factum is filed.

9. Where 60 days have elapsed since the filing of the respondent's factum, the registrar may contact the parties to inquire as to the reasons for not requesting a hearing date and may require that the reasons be stated in writing.

In the absence of good reasons, the registrar, on the instructions of the Chief Justice, may give notice to the parties that the matter will be called at a subsequent applications date for a judge to determine whether a hearing date should nevertheless be set.

Deborah E. Fry  
CHIEF JUSTICE OF NEWFOUNDLAND AND LABRADOR

Kristen O'Keefe  
REGISTRAR  
COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

**COURT OF APPEAL CIVIL RULES, 2025**  
**PRACTICE NOTE – CIVIL PROCEEDINGS**  
**CAPN No. 2025-04 Civil**

**DOCUMENTS SUBMITTED AFTER HEARING DATE IS SET AND REPLACEMENT  
MATERIAL**

**RULES AFFECTED:** Rules 26 and 56  
**EFFECTIVE DATE:** 90 days after being published in *Newfoundland and Labrador Gazette*

The following Practice Note was filed with the registrar of the Court of Appeal and is published under rule 4 of the *Court of Appeal Civil Rules, 2025*.

**Background**

In order for counsel and the panel assigned to an appeal to have sufficient opportunity to prepare for the hearing, it is essential that all materials be filed in a timely manner.

It is also important for the Court and parties to consider all relevant judicial authority.

To ensure that the panel and the parties have reference to the correct materials in preparing for a hearing, where replacement materials are filed, it is essential that the Court and the other parties be clearly advised in a timely manner.

**Practice Note**

1. After a hearing date has been set for an appeal, the registry will mark as received, but will not file, a document subsequently delivered to the Court. The panel assigned to the appeal will determine the extent to which the document may be used for purposes of the appeal.
2. Where a relevant judicial decision becomes available after the hearing date has been set for an appeal, the appellant, or another party, should, without delay, deliver one copy of the decision to each other party and 4 copies to the Court with 4 copies of an appropriate covering letter. Unless it is unavoidable, counsel should not wait until the hearing to provide copies of judicial decisions.
3. Where a party submits a document replacing a document filed earlier, a statement must be placed on the cover of the document clearly
  - (1) indicating that it is a replacement, and
  - (2) identifying the document that it is replacing.

Four copies of an appropriate covering letter should accompany the replacement document delivered to the Court.

4. A party becoming aware of a relevant judicial decision that was not cited or referenced in the written submissions or at the hearing should, without delay, deliver one copy of the decision to each party and 4 copies to the Court with 4 copies of an appropriate covering letter.

Deborah E. Fry  
CHIEF JUSTICE OF NEWFOUNDLAND AND LABRADOR

Kristen O’Keefe  
REGISTRAR  
COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

Jun. 6

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**COURT OF APPEAL CIVIL RULES, 2025**  
**PRACTICE NOTE – CIVIL PROCEEDINGS**  
**CAPN No. 2025-05 Civil**

**TRANSCRIPT AND AGREED STATEMENT OF FACTS**

**RULES AFFECTED:** Rules 46 to 51

**EFFECTIVE DATE:** 90 days after being published in *Newfoundland and Labrador Gazette*

The following Practice Note was filed with the registrar of the Court of Appeal and is published under rule 4 of the *Court of Appeal Civil Rules, 2025*.

**Background**

The filing of unnecessary portions of the transcript increases costs, is a waste of resources and unduly delays the time necessary for the appeal process. In the past, in preparation for an appeal, appellant’s counsel frequently requested the preparation of, and filed with the Court, the entire transcript of the evidence taken at trial, and in some cases included the submissions of trial counsel and discussions between the trial judge and counsel.

Panels hearing appeals have found that the full transcript is, in most cases, unnecessary for purposes of determining the issues under appeal. Often, even a portion of the transcript is unnecessary. Under rule 47(2)(a) the portion of transcript to be filed is limited to the portion “that is necessary to enable the issues on appeal to be determined”. Where the factum does not refer to the transcript, one must question whether any portion of the transcript should be filed.

Rule 46(3)(a) provides for counsel to obtain the portion of the transcript “necessary to prepare the factum and to enable the issues on appeal to be determined”. In order to prepare the factum, counsel may wish to obtain all or a portion of the transcript. However, it does not follow that all or a portion of the transcript should be filed. Once the factum is written, it should be clear whether the whole, a part, or none of the transcript should be filed. It is for this reason that the transcript is to be filed at the same time as the factum.

To ensure that counsel has reviewed the issues discussed in the factum in order to ascertain what portion, if any, of the transcript is required for purposes of determining the appeal, rule 47(2)(b) requires counsel to file a certificate in Form 5.

To avoid the need for a transcript, the option of proceeding by way of an agreed statement of facts drafted for purposes of the appeal is available under rule 51.

**Practice Note**

1. Counsel are expected to review and familiarize themselves with the rules respecting the use of transcripts on appeals and to promote their underlying purpose.
2. The appellant is required to obtain a copy of the audio recording from the court appealed from without delay, and to deliver a copy to each party (rule 46(2)).
3. The next step is for the appellant, without delay, to ascertain whether all or a portion of the transcript is necessary in order to prepare the factum and to determine the issues on appeal. Rule 46 sets out the



procedure. It should be noted that rule 46(3) requires the appellant to proceed without delay and to provide the other parties with information regarding preparation of a transcript.

4. Under rule 47, the appellant is required to file only the portions of the transcript “necessary to enable the issues on appeal to be determined”. Should the respondent, or another appellant where there is more than one appellant, determine that additional portions of the transcript are required, those portions may be filed with that party’s factum. A certificate comparable to that required to be filed by the appellant applies with the necessary changes.

5. The appellant is also required to file one electronic version of the transcript where a transcript of the entire evidence has been prepared; or, where only part of the transcript has been prepared, one electronic version of the transcript together with one copy of the audio recording (rule 48). “Electronic version” is defined as a version in a format acceptable to the Court. “Transcript” is defined as a printed transcript of the audio recording of the proceedings in the court appealed from, which does not include submissions by counsel unless they are necessary for determination of the issues under appeal. It also does not include a decision of the court appealed from where a printed copy of the decision has been issued.

6. Counsel are encouraged to make use of an agreed statement of facts, prepared for purposes of the appeal, where appropriate, such as where the appeal engages issues of law without any dispute as to the facts. Where the matter proceeded on an agreed statement of facts in the court appealed from, that document must in any event be filed in the appeal book (rule 52(1)(a)(v)).

7. A party may apply for an order and directions permitting the use of the electronic rather than a paper version of the transcript, or, in appropriate circumstances, the audio recording (rule 49). The Court may, of its own motion, dispense with the preparation and filing of a transcript and order that the appeal proceed using an audio recording of the proceedings in the court or tribunal appealed from.

8. Where at any time it appears to the Court that delays in the preparation of a transcript or delays for any other reason are unexplained, the registrar, on the instructions of the Chief Justice, may set the matter down for a status hearing or a prehearing conference.

Deborah E. Fry  
CHIEF JUSTICE OF NEWFOUNDLAND AND LABRADOR

Kristen O’Keefe  
REGISTRAR  
COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

Jun. 6

**COURT OF APPEAL CIVIL RULES, 2025  
PRACTICE NOTE – CIVIL PROCEEDINGS  
CAPN No. 2025-06 Civil**

**APPEAL BOOK, FACTUM AND TRANSCRIPT**

**RULES AFFECTED:** Rules 52 to 56

**EFFECTIVE DATE:** 90 days after being published in *Newfoundland and Labrador Gazette*

The following Practice Note was filed with the registrar of the Court of Appeal and is published under rule 4 of the *Court of Appeal Civil Rules, 2025*.

**Background**

Rule 56 provides that the appeal book, factum and transcript are to be filed at the same time. The purpose is to limit the filing of unnecessary documents for purposes of an appeal. Delaying the filing of the appeal book and transcript until the factum has been prepared should result in the submission of only relevant portions of the record.

To facilitate hearing of the appeal and drafting reasons for a decision, compliance with the technical aspects of the *Rules* is important. While it does not impact content or merit, failure to conform to the technical requirements of the *Rules* and provide proper indexing, references and citations creates inconvenience and difficulties for the judges. More common failures include:

Filing extensive transcripts without indexing, dating and tabbing or any other means to locate evidence;

Failure to include citations of cases from legal publications in the Index of Authorities;

Improper use of footnotes;

Failure to number the pages of the appeal book;

Failure to use the correct colour of cover for a document;

Failure to place the Index of Authorities after Part V in the factum;

Failure to bind the factum properly;

Failure to file a clean copy of the decision under appeal;

Failure to follow the order for placing documents in the appeal book and factum.

Filing a factum in excess of 40 pages should be necessary only in rare circumstances. Counsel should have good reason for requesting leave to file a factum exceeding the limit.

**Practice Note**

1. The appeal book and transcript are to be filed at the same time as the factum. This should ensure that only materials necessary for the appeal will be filed.
2. It is important for counsel and their assistants to be familiar with the technical rules for filing the appeal book, factum and transcript (rules 52 to 56). The registry may refuse to accept materials that are not in substantial compliance, resulting in extra expense and time.
3. It is important to deal with the question of costs in the submissions in the factum. If counsel is submitting that costs, either in its favour or against it, should be ordered other than under column 3 of the scale of costs, that should be made clear along with the reasons supporting the request.
4. Where a party wishes to exceed the 40-page limit for written argument imposed by rule 53(1)(e), a request, not an application, should be made to the Chief Justice using a Form 20 Request. A copy of the request should be provided to the other parties. The request must state the reasons why it is not possible to comply with the 40-page limit.

Deborah E. Fry  
CHIEF JUSTICE OF NEWFOUNDLAND AND LABRADOR

Kristen O'Keefe  
REGISTRAR  
COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

Jun. 6

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**COURT OF APPEAL CIVIL RULES, 2025**  
**PRACTICE NOTE – CIVIL PROCEEDINGS**  
**CAPN No. 2025-07 Civil**

**APPEARING IN COURT**

**EFFECTIVE DATE:** 90 days after being published in *Newfoundland and Labrador Gazette*

The following Practice Note was filed with the registrar of the Court of Appeal and is published under rule 4 of the *Court of Appeal Civil Rules, 2025*.

**Practice Note**

1. The proper form of address for judges of the Court of Appeal is “Justice”, “Mr. Justice”, “Madam Justice”, or “Chief Justice”, as the case may be.
2. Gowned dress is to be worn by counsel for all appearances in court.
3. The front counsel table is reserved for counsel with the designation K.C., unless otherwise directed by the Court.

Deborah E. Fry  
CHIEF JUSTICE OF NEWFOUNDLAND AND LABRADOR

Kristen O’Keefe  
REGISTRAR  
COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

Jun. 6

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***Criminal Code***  
***Court of Appeal Criminal Rules, 2025***

The Court of Appeal of Newfoundland and Labrador, pursuant to subsection 482 of the *Criminal Code*, hereby makes the annexed *Court of Appeal Criminal Rules, 2025*.

Deborah E. Fry  
 Chief Justice of Newfoundland and Labrador

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These rules are made pursuant to section 482 of the Criminal Code of Canada.

**PART 1  
INTERPRETATION**

- |             |   |
|-------------|---|
| Citation    | 1. These rules may be cited as the <i>Court of Appeal Criminal Rules, 2025</i> .  |
| Definitions | <p>2. (1) In these rules, unless the context otherwise requires:</p> <ul style="list-style-type: none"><li>(a) “Attorney General” means the Attorney General as defined in the Code, and His Majesty the King represented by the Attorney General;</li><li>(b) “Chief Justice” means the Chief Justice of Newfoundland and Labrador;</li><li>(c) “Code” means the <i>Criminal Code</i>;</li><li>(d) “Court” means the Court of Appeal, a panel of judges or a judge of the Court;</li><li>(e) “designated official” means the person designated in a penal institution to perform duties under these rules;</li><li>(f) “electronic version” means an electronic version in a format acceptable to the Court;</li><li>(g) “judge” means a judge of the Court and includes a judge of the Supreme Court of Newfoundland and Labrador whenever such judge is sitting by virtue of that office as a judge of the Court;</li><li>(h) “judgment” means the formal disposition of a matter by the Court and includes an order for judgment;</li><li>(i) “prisoner appeal” means an appeal by a person who is in custody and not represented by counsel;</li></ul> |

(j) “registrar” means the person appointed and designated as registrar in accordance with the *Court of Appeal Act*;

(k) “request” means a request in writing, in Form N, delivered to the Court;

(l) “review board” means a board established by the Province pursuant to the Code to make or review a disposition following a verdict of not criminally responsible by reason of mental disorder or unfit to stand trial;

(m) “transcription office” means the office in the Supreme Court of Newfoundland and Labrador and the Provincial Court of Newfoundland and Labrador responsible for providing transcription of proceedings in court; and

(n) “trial judge” means the judge who presided at trial.

(2) The interpretation sections of the Code apply to these rules.

Application

3. Subject to federal legislation and federal uniform rules authorized under the Code, these rules shall apply to an appeal or an application or proceeding regarding a criminal matter, including an appeal against a disposition made by a court or review board, or a placement decision made by a review board following a verdict of not criminally responsible by reason of mental disorder or unfit to stand trial.

Publication of  
rules and  
practice notes

4. (1) These rules shall be published once in the *Newfoundland and Labrador Gazette* but shall not constitute a regulation under the *Statutes and Subordinate Legislation Act*.

(2) The Court may issue practice notes on any matter respecting appeals, applications and proceedings to which these rules apply.

(3) A practice note shall be published once in the *Newfoundland and Labrador Gazette* but shall not constitute a regulation under the *Statutes and Subordinate Legislation Act*.



- Gap in the rules 5. Subject to federal legislation and federal uniform rules authorized under the Code, where a procedural issue arises that is not covered by these rules
- (a) the *Court of Appeal Civil Rules, 2025* relating to civil procedure shall apply, with the necessary changes; or, where necessary,
- (b) the Court may adopt and give directions regarding an appropriate procedure.
- Non-compliance with the rules 6. The Court may waive compliance or relieve against non-compliance with these rules and may direct the procedure to be followed.
- Calculation of time 7. Unless otherwise provided, time under these rules shall be calculated on the basis that
- (a) where the Court is closed on the day on which a thing is to be done, it may be done on the next day on which the Court is open;
- (b) “within”, “not less than” or a reference to a number of days shall not include the day on which the thing is to be done; and
- (c) where the time limit is less than 6 days, days on which the Court is closed shall not be counted.

## **PART 2 APPEALS**

- Commencing an appeal 8. (1) An appeal, which is authorized under the Code, shall be commenced by filing a notice of appeal
- (a) in Form A where the appeal is brought
- (i) by a person who is represented by counsel, or

- (ii) by the Attorney General; or
- (b) in Form B where the appeal is brought by a person who is not represented by counsel.
- (2) Where the person is in custody, the designated official shall, on request, provide the imprisoned person with a copy of Form B.
- Time within which to commence an appeal
9. (1) A notice of appeal from
- (a) conviction, conviction and sentence, or sentence only, shall be filed not later than 30 days after the date of sentence;
- (b) acquittal shall be filed not later than 30 days after the date of acquittal; and
- (c) any other decision from which an appeal lies to the Court, not later than 30 days after the date of the decision.
- (2) Where a person is acquitted of an offence but is convicted of an included offence, a notice of appeal from the acquittal shall be filed not later than 30 days after the date of sentence imposed for the included offence.
- (3) Subject to paragraph (1)(b), where an appeal is to be taken in respect of one or more counts in an indictment, a notice of appeal shall be filed not later than 30 days after all counts have been disposed of, including the imposition of sentence.
- Notice of appeal - delivery
10. (1) Except in a prisoner appeal, the appellant shall file with the Court the original and 3 copies of a notice of appeal in Form A, or, where the appellant is not represented by counsel, in Form B.
- (2) In a prisoner appeal, the designated official shall, without delay,
- (a) accept an appellant's notice of appeal in Form B,
- (b) initial and endorse on the notice of appeal the date on which it was received from the imprisoned person,

(c) return a copy so endorsed to the appellant, and

(d) forward the original to the Court without delay, and in any event, within 5 days of the date endorsed under paragraph (b).

(3) On receipt of a notice of appeal the Court shall, without delay, forward a copy to the court appealed from and, except where the appellant is the Attorney General, to the Attorney General.

Notice of cross-  
appeal

11. (1) A respondent to an appeal may file a notice of cross-appeal in Form C.

(2) The notice of cross-appeal shall be filed within 30 days after the respondent receives a copy of the notice of appeal.

(3) Failure to file a notice of cross-appeal under subsection (2) shall not preclude a respondent from making submissions on the issues, but the omission may be grounds for an order that the Court considers appropriate.

(4) Where a respondent files a factum on a cross-appeal, an appellant may file a reply factum within 30 days after receipt of the respondent's factum.

(5) Where an appeal is discontinued, a respondent may

(a) file a notice of election to proceed with a cross-appeal in Form D; or

(b) apply to the Court for directions.

(6) Where the respondent does not file a notice of election to proceed with a cross-appeal within 30 days after receiving notice that the appeal has been discontinued, the issues on the cross-appeal shall be deemed to be abandoned.

- |                       |  |
|-----------------------|--|
| Leave to appeal       | 12. Where leave to appeal is required, submissions on leave shall be heard at the same time as the appeal unless, upon request or application, or of its own motion, the Court directs that leave to appeal should be heard or determined prior to hearing of the appeal.  |
| Consent judgment      | 13. Where the parties agree in writing that the judgment or order of the court appealed from should be reversed or varied and they agree on the order that should be made, the appellant may make a request or apply to have that order confirmed by the Court.  |
| Publication bans      | <p>14. (1) For each appeal, the Attorney General shall complete a Form H stating whether a publication ban has been imposed by the court appealed from by virtue of legislation or for some other reason.</p> <p>(2) Where a publication ban applies, information provided on Form H shall include particulars of the ban.</p> <p>(3) A completed copy of Form H shall be included in the Appeal Book.</p> <p>(4) The Attorney General shall provide a copy of a completed Form H to the party filing the Appeal Book.</p> <p>(5) Where, on appeal, the Attorney General intends to request that a publication ban be imposed by the Court, notice shall be given to the Court and other parties by means of a completed Form H.</p> |
| Prehearing conference | <p>15. (1) Any time after the notice of appeal has been filed, the Court, of its own motion, or upon the request of a party, may direct a prehearing conference for the purpose of giving directions or making orders regarding the conduct of the hearing of the appeal and any matter that might expedite the appeal.</p> <p>(2) The judge conducting a prehearing conference shall not for that reason be disqualified from hearing the appeal.</p>   |

Documents –  
filing and  
serving

16. (1) Unless otherwise prescribed in these rules or directed or ordered by the Court, a party shall file with the Court

(a) for purposes of the appeal, the original and 3 copies of every document, or

(b) for purposes of an application, the original and 1 copy of every document,

and, without delay, shall serve 1 copy of every document on each party.

- (2) Where a document is to be filed by an imprisoned person, the designated official shall

(a) initial and endorse on the document the date when it was received from the imprisoned person, and

(b) without delay, and in any event, within 5 days of the date endorsed under paragraph (a), deliver the document to the Court to be filed.

- (3) The Court shall, without delay, deliver to the Attorney General and any other party a copy of a document filed pursuant to subsection (2).

- (4) Service to an imprisoned person shall be effected by delivery to the designated official who shall, without delay,

(a) initial and endorse on the document the date of receipt;

(b) deliver the document to the imprisoned person; and

(c) file with the Court 1 copy of Form U, indicating receipt of the document and compliance with paragraphs (a) and (b).

- (5) Service where the Attorney General is the appellant shall be effected by

(a) personal service on the respondent;

(b) service on the respondent's legal counsel, if counsel accepts service on behalf of the respondent or if counsel already appears as counsel of record for purposes of the appeal;

(c) service on the designated official if the respondent is in custody; or

(d) any other manner as directed by the Court.

(6) In all other appeals, where the Attorney General is not the appellant, or a party is not represented by counsel, or both, service of notices and documents, other than the notice of appeal,

(a) when directed to the Attorney General shall be effected by

(i) service on legal counsel instructed by the Attorney General,

(ii) prepaid registered mail to the Attorney General or counsel directed by the Attorney General, or

(iii) verified facsimile transmission, except in respect of transcripts, appeal books, factums and other documents exceeding 10 pages; and

(b) when directed to another party, shall be effected by

(i) personal service,

(ii) prepaid registered or certified mail to the address of the party set out in the notice of appeal or as filed with the Registrar,

(iii) verified facsimile transmission, except in respect of transcripts, appeal books, factums and other documents exceeding 10 pages, or

(iv) any other manner that may be directed by the Court.

- (7) A notice of appeal or notice of cross-appeal
  - (a) may be filed by electronic means in order to meet a limitation period, and
  - (b) the notice shall be treated as filed on the day it was received, but
  - (c) the party shall without delay file and serve printed copies of the notice.
- (8) A solicitor may accept service of a document on behalf of a client.

Documents –  
proof of service

- 17. (1) Proof that a document has been served may be established by
  - (a) the signature of the recipient, with the date, acknowledging acceptance of service on the document or a copy;
  - (b) an affidavit in Form F by the person who delivered the document;
  - (c) an “Acknowledgment of Receipt” in Form E;
  - (d) a confirmation of delivery obtained from the carrier where the document was delivered by registered mail or by courier; or
  - (e) email from the party that was served, and the email shall
    - (i) identify the document that was served, and
    - (ii) indicate the date and approximate time of service.
- (2) Proof of service of a document is not required to be filed unless requested by the Court.

Challenge to a  
previous  
decision of the  
court

18. (1) Where a party intends to challenge a previous decision or legal principle stated by the Court, that party, when filing its factum, shall advise the Court and other parties in writing of that intention, and the Court may, of its own motion or upon application, give directions.

(2) Where an issue is raised under subsection (1), the Chief Justice may direct that the appeal be heard by a panel of 5 judges, and in that case, each party to the appeal shall file with the Court the original and 5 copies of every document.

More than one  
notice of appeal  
in a proceeding

19. Where more than one party in a proceeding in the court appealed from files a notice of appeal, the Court may direct that the appeals be consolidated or heard together or that one appeal shall be treated as a cross-appeal.

### **PART 3 PROCEDURE**

Extension or  
abridgement of  
time

20. (1) The Court may extend or abridge any time prescribed by these rules before or after the expiration of that time.

(2) Factors the Court may consider under subsection (1) include:

(a) an explanation for why it is necessary to seek an extension or abridgement of the prescribed time;

(b) in the case of a failure to file a notice of appeal, the potential merits of the appeal and whether the applicant demonstrated an intention to appeal within the prescribed time;

(c) any prejudice to another party if the extension or abridgement were granted or refused;

(d) any special circumstances that might cause an injustice if the extension or abridgement were granted or refused; and

(e) any other relevant information or factors.



- |   |     |   |
|---|-----|---|
| Appearing by video-conference or teleconference           | 21. | <p>(1) A party wishing to be heard by videoconference or teleconference may notify the registrar of that intention, and the Court may give directions as required.</p> <p>(2) A prehearing conference shall be held by teleconference unless a videoconference is directed by the Court.</p> <p>(3) A party being heard by videoconference or teleconference shall ensure that the place where the videoconferencing or teleconferencing is held is free from distractions and noise.</p> <p>(4) Except as otherwise provided by law or in a practice note, a person shall not record proceedings during a videoconference or teleconference by any visual or audio recording device, without leave of the Court.</p> |
| Presentation of appeal – party not represented by counsel | 22. | <p>A party who is not represented by counsel may make both written and oral submissions or may advise the Court and the Attorney General that he or she</p> <p style="padding-left: 40px;">(a) does not intend to file a factum, but instead, intends to present their argument orally at the hearing of the appeal; or</p> <p style="padding-left: 40px;">(b) intends to file a factum, but does not intend to present argument orally at the hearing of the appeal.</p>   |
| Intervention at the Court of Appeal                       | 23. | <p>(1) A person who did not participate in the court appealed from may apply to be added as an intervenor for purposes of the appeal.</p> <p>(2) The application shall</p> <p style="padding-left: 40px;">(a) state the intervenor’s interest in the appeal;</p> <p style="padding-left: 40px;">(b) explain the failure to apply to intervene in the court appealed from; and</p>   |

(c) indicate the position the intervenor intends to take on the appeal.

(3) In addition to the items set out in subsection (2), the Court may consider any relevant factors, including whether intervention would delay or prejudice adjudication of the rights of a party and whether the record of the court appealed from is sufficient for purposes of the intervention.

(4) The Court may define or limit the scope of participation by an intervenor in an appeal.

(5) An intervenor shall be a party for purposes of the appeal.

Failure to  
Proceed with an  
appeal

24. (1) An appellant shall diligently carry the appeal forward.

(2) Where an appellant fails to carry the appeal forward diligently or otherwise fails to comply with these rules, a respondent may apply to the Court for directions and the Court may give such directions or make such orders as may be appropriate.

(3) Of its own motion, at any time, or where a respondent does not make an application under subsection (2) within 6 months after the transcript was filed or where no transcript was filed within 12 months after the notice of appeal was filed, the Court may set the matter for a status hearing for the purpose of giving directions or making orders, and may give directions regarding notice to the parties.

(4) At a status hearing, the Court may

(a) order the appeal to be perfected by a specified date;

(b) adjourn the status hearing to a fixed date;

(c) fix a date for hearing of the appeal or an application to strike the notice of appeal; or

(d) make such other order as may be just.

## Discontinuing an appeal

25. (1) An appellant may discontinue an appeal by filing a notice in Form G stating that the appellant has discontinued the appeal, whereupon the appeal shall be at an end.

(2) The registrar shall forward a copy of the notice discontinuing the appeal to the respondent and any other party, and to the transcription office.

Assistance of  
non-solicitor

26. (1) Upon application of a party, for the purpose of facilitating access to justice, the Court may, in exceptional circumstances and subject to such conditions as may be appropriate, permit a person who is not a solicitor

(a) to make submissions on behalf of a party who does not feel able to make submissions on their own behalf;

(b) to sit with a party in the Court for the purpose of providing assistance, advice and support during the proceeding.

(2) A person granted permission under subsection (1) shall deliver to the Court a completed Form T undertaking in writing

(a) not to receive directly or indirectly any compensation for the assistance provided, except reimbursement for expenses actually incurred, unless the Court otherwise permits;

(b) that their interests are not in conflict with the interests of the applicant; and

(c) to observe and be bound by the obligations that apply to an officer of the Court particularly as set out in Form T.

Withdrawal or  
change of  
solicitor

27. (1) A party may change their solicitor in proceedings in the Court by filing a notice of change of solicitor in Form R.

(2) A solicitor who has taken any step on behalf of a party in proceedings in the Court shall be and remain the solicitor of

record unless a notice of change of solicitor has been filed under subsection (1) or, upon application, the Court grants the solicitor leave to cease acting for the party in the proceedings.

(3) Where leave to cease acting for a party is granted under subsection (2), the party shall without delay notify the Court and the other parties, in writing,

(a) of a new address for service; and

(b) whether the party has or intends to engage a new solicitor or intends to act on their own behalf.

(4) At any time during the proceedings, if a self-represented party engages a solicitor, that solicitor shall without delay notify the Court and the other parties, in writing, of the address for service.

Limited  
purpose retainer  
of solicitor

28. A party may retain a solicitor for a limited purpose and the solicitor shall file a notice in Form S identifying the nature and scope of the retainer.

Appointment as  
a friend of the  
court

29. (1) Upon application or of its own motion, the Court may appoint a solicitor to make submissions on an appeal as a friend of the court where the Court considers that such an appointment is necessary or appropriate in the circumstances.

(2) Notice in Form P regarding an appointment of a friend of the court under subsection (1) shall be given to the Attorney General not less than 15 days before the proceeding is set to be heard, and the Attorney General shall have the right to be heard and to participate in that proceeding.

(3) The Court may make an order under subsection (1) on terms it considers appropriate.

Recording court  
proceedings

30. Except as otherwise provided by law or in a practice note, a person shall not record proceedings in the Court by any visual or audio recording device, without leave of the Court.

**PART 4  
DOCUMENTS**

- |  |   |
|--|---|
| Forms and materials                        | 31. (1) Where applicable, the forms attached to and forming part of these rules shall be used with such changes as the circumstances require.<br><br>(2) All written material relied on in a proceeding shall be legible and printed on 8½ x 11 inch good quality paper.<br><br>(3) The registrar may refuse to receive for filing any material that does not substantially comply with these rules and the practice notes.<br><br>(4) Where a party files material that fails to comply substantially with these rules, the Court may make an order that it considers appropriate. |
| Documents provided by the Court            | 32. Documents provided by the Court may be provided by electronic means.  |
| Electronic copies – factum and appeal book | 33. (1) A party filing with the Court or delivering to another party an appeal book or factum shall include with the required written copies a searchable electronic copy of each document.<br><br>(2) The searchable electronic copy may be provided by CD or flash drive or in an alternate format as specified in a Practice Note issued by the Court.<br><br>(3) The electronic version may be provided in Word DOC or DOCX format, or in searchable PDF, with PDF least preferred, or as specified in a Practice Note issued by the Court.                                     |
| Transcript                                 | 34. (1) “Transcript” means a printed transcript of the audio recording of the proceedings in the court appealed from but does not include<br><br>(a) a party’s submissions to the court appealed from unless those submissions are necessary to enable an issue raised on appeal or cross-appeal to be determined; and  |

(b) a decision of the court appealed from where a printed copy of that decision has been issued.

(2) Except

(a) in a prisoner appeal, or

(b) where a judge otherwise orders,

the appellant shall

(c) file with the notice of appeal a copy of a request for transcript in Form J; and

(d) deliver a copy of that Form to the transcription office and to the other parties to the appeal.

(3) In a prisoner appeal, after receiving a notice of appeal, the Attorney General shall

(a) file a copy of a request for transcript in Form J; and

(b) deliver a copy to the transcription office and to the other parties to the appeal.

(4) Where another party is satisfied that an additional portion of the transcript is necessary to enable the issues on appeal or cross-appeal to be determined, that party may submit a request in Form K.

(5) In addition to the transcript, where the transcript is voluminous, a party may provide, or the Court may require, a book of excerpts where that would be convenient for presentation of submissions.

(6) Where a party is represented by counsel, when the transcript is completed, the transcription office shall, as soon as possible, provide an electronic version of the transcript to each counsel.

(7) When a printed copy of the transcript is available, the transcription office shall provide 1 copy to each party unless a party requests on Form J or K only an electronic version.

(8) The transcription office shall provide to the Court 1 original and 3 printed copies of the transcript together with the electronic version and 1 audio recording of the proceedings in the court appealed from.

Agreed  
statement of  
facts

35. An agreed statement of facts may be substituted for all or a portion of the transcript.

Appeal book

36. (1) The appellant, or the Attorney General where subsection (3) applies, shall file an appeal book which shall be bound and shall consist of a copy of the following, in this order:

(a) a detailed index,

(b) the information or indictment, with endorsements, and reduced in size to fit the appeal book,

(c) the notice of appeal,

(d) the notice of cross-appeal, if any,

(e) the written decision appealed from or, in the absence of a written decision, the transcript of the oral decision,

(f) if the decision on an application in the court appealed from is necessary to enable the issues on appeal to be determined, the written decision or, in the absence of a written decision, the transcript of the oral decision, and, where there is more than one, each decision shall be separately tabbed and placed in order by date,

(g) any order relating to the appeal, and, where there is more than one, each order shall be separately tabbed and placed in order by date,

(h) a copy of Form H completed by the Attorney General regarding a publication ban;

(i) any agreed statement of facts entered at the trial or submitted for purposes of the appeal,

(j) any other item that was before the court appealed from which the appellant considers to be necessary to enable the issues on appeal to be determined.

(2) Where the sentence is appealed, the appeal book shall also include a copy of the following, in this order, placed after the documents listed in subsection (1):

(a) the “Questionnaire Concerning Sentence” in Form L,

(b) any pre-sentence report,

(c) any report of a probation officer,

(d) any post-sentence report,

(e) any compensation, probation, or conditional sentence order, or any other order not included under paragraph (1)(g) that is relevant to determining the issues on appeal,

(f) any medical or psychiatric reports filed at the time of sentence,

(g) any victim or community impact statement,

(h) the criminal record of the offender if one was entered at trial, and

(i) parole status of the offender, if any, at the time of sentencing.

(3) Unless the Court orders otherwise, where the appellant is not represented by counsel, the Attorney General shall prepare and file the appeal book and serve a copy on the appellant.



(4) The respondent, or another party, may file a supplementary appeal book if additional documents are considered necessary to enable determination of the issues on appeal.

(5) The items contained in the appeal book shall be separated by tabs to permit convenient reference to each document or portion thereof.

(6) The pages of the appeal book shall be numbered consecutively in the upper right corner of each page.

(7) The appeal book may be printed on one side or on both sides of the page and if printed on one side, the printed pages shall be to the right.

(8) The cover of the appeal book shall be grey, and shall state the names of the parties, the number of the appeal, and the volume number of the appeal book if there is more than one volume.

(9) Where there is more than one volume, each volume shall

(a) repeat the index and, in addition to the information specified in subsection (8),

(b) show on its cover the page numbers contained in it, and

(c) have a label on the spine of each volume indicating "Appeal Book, Volume ..., Tabs ... to ...".

(10) In addition to the appeal book, where the appeal book is voluminous, a party may provide, or the Court may require, a book of excerpts where that would be convenient for presentation of submissions.

Factum –  
contents

37. (1) A factum shall be bound and shall consist of the following, in this order:

(a) Index, including the page number on which the submissions on each issue begin;

(b) Part I – Overview

A brief summary of the appeal and the positions being taken in the factum;

(c) Part II - Concise Statement of Facts not to exceed 15 pages unless otherwise authorized by the Chief Justice and consisting of:

(i) A concise summary of the facts with any references to the evidence or the decision of the trial judge identified by paragraph in the decision or page and line in the transcript;

(ii) In the case of a respondent, a statement of its position regarding the appellant's statement of facts and including any additional facts considered to be relevant;

(d) Part III - List of the Issues;

(e) Part IV - Argument

A statement of the argument, not to exceed 40 pages unless otherwise authorized by the Chief Justice, setting out the points to be argued and the basis on which the arguments are made, with specific references to the appeal book, transcript, and the authorities relied upon in support of each point, and, in particular

(i) the authority for a principle or proposition shall be placed immediately after the paragraph or series of paragraphs to which it applies;

(ii) the citation of the authority shall include the tab reference together with the relevant paragraphs, pages or provisions each time the authority is cited; and

(iii) footnotes may be used for purposes of elaboration or explanation which would not conveniently be included in the body of the Argument, but “infra”, “below”, “supra”, “above”, “ibid” and “id” shall not be used.

(f) Part V - Order or Relief Sought;

(g) Index of Appendix A (case authorities listed in alphabetical order) and Appendix B (statutory or regulatory authorities listed in alphabetical order) including citations;

(h) Appendix A – Copies of cases, with appropriate tabbing; and

(i) Appendix B – Copies of relevant portions of statutes, regulations and rules, with appropriate tabbing.

(2) In the case of a cross-appeal, submissions on the cross-appeal shall be included under the title “Cross-Appeal” in the respondent’s factum, placed after the submissions in response to the appeal or, if necessary, in a separate volume.

(3) Paragraphs and pages shall be numbered consecutively.

(4) Except where the rule regarding cross-appeals applies, an appellant shall not file a reply factum without the prior approval of the Chief Justice, which may be granted pursuant to a written request or, if convenient, at a prehearing conference, status hearing, or at the hearing of an application.

Factum – legal  
and case  
authorities

38. (1) The Index of Appendix A shall include the neutral citation of each case.

(2) Copies of authorities in Appendices A or B from electronic sources may be filed provided that

(a) the copy is downloaded in a minimum font size comparable to Times New Roman 14, and

(b) the citation in the Index of Appendix A complies with subsection (1).

(3) When a copy of an authority is contained in documents already filed by another party, an additional copy shall not be filed, but the citation of the authority shall be included in the Index of Appendices A and B with reference to where the copy of the authority is to be found.

(4) A copy of the whole of a lengthy case need not be included in Appendix A if providing a portion would be sufficient for purposes of the appeal.

(5) Copies of authorities should be highlighted or otherwise conveniently marked to identify the portion to which the Court's attention is to be drawn.

(6) The Index of Appendices A and B shall be included after Part V in the factum and, if the copies of authorities are bound in a separate volume, the Index shall be included at the front of each volume of authorities.

(7) Where there is more than one volume of authorities, there shall be a label on the spine of each volume indicating "Authorities, Volume ..., Tabs ... to ...".

- Factum – form      39. (1) The Index, Parts I to V and the Index of Appendices A and B of a factum
- (a) shall be bound;
  - (b) shall be legible and printed in Times New Roman font size 14, with line spacing of one and one-half;
  - (c) shall be printed on one side of the paper only, with the printed pages to the right;
  - (d) paragraphs shall be numbered consecutively; and
  - (e) pages shall be numbered consecutively.

## (2) Copies of authorities in Appendices A and B

(a) shall be legible and printed in a minimum font size comparable to Times New Roman 14;

(b) may be printed on both sides of a page and if printed on one side, the printed pages shall be to the right; and

(c) shall be bound with the factum or in separate volumes where necessary.

## (3) The colours of the covers of a factum and authorities shall be

(a) buff or yellow for an appellant, including an appellant's reply where a reply is permitted;

(b) blue for a respondent's factum, including a factum as a cross-appellant; and

(c) green for an intervenor's factum,

but where there are multiple parties, a party may choose to use a different colour where that would assist in identifying that party's materials.

(4) Where there is more than one volume of authorities, there shall be a label on the spine of each volume indicating "Authorities, Volume..., Tabs ... to ...".

Filing appeal  
book and  
factum

## 40. (1) The appellant shall file its factum together with the appeal book

(a) within 60 days after the date of completion marked on the transcript or agreed statement of facts, or

(b) within 60 days after the notice of appeal has been filed if the appeal is proceeding without a request for or preparation of a transcript or an agreed statement of facts.

(2) A respondent shall file its factum within 30 days after receipt of the appellant's factum.

(3) Unless otherwise ordered by the Court, subsection (1) shall apply to an intervenor that supports the position of the appellant, and subsection (2) shall apply to an intervenor that supports the position of the respondent.

Post-sentence  
report

41. (1) A party may make a request or an application for the preparation of a post-sentence report.

(2) Not less than 15 days before the hearing of an application or an appeal, a party may file a copy of a report for the purpose of providing the Court and the other party with post-sentence information.

Exhibits

42. (1) Unless otherwise provided by the Code, the trial court and any party having custody or control of any document, exhibit or other thing received in connection with the trial or proceeding shall retain that custody or control

(a) where no appeal is taken, until 90 days after the expiry of the time for giving a notice of appeal or any extension thereof, or

(b) where an appeal is taken, until

(i) the appeal is abandoned,

(ii) 30 days after the time limited for taking an appeal to the Supreme Court of Canada, or any extension thereof, or

(iii) final disposition of the appeal to the Supreme Court of Canada.

(2) Where a notice of appeal has been filed, the Court shall, without delay, give notice to the trial court, and

(a) upon receiving notice, the trial court shall, without delay, advise any other person who has custody of a document, exhibit or other thing that an appeal has been filed; and

(b) the trial court or the person having custody or control shall retain the document, exhibit or other thing in accordance with paragraph (1)(b).

(3) Unless a judge orders otherwise and subject to the provisions of the Code, the *Controlled Drugs and Substances Act* and any other federal or provincial enactment regarding seizure and forfeiture, at the expiration of the time set out in subsection (1), a document, exhibit or other thing shall be returned to the party who produced or who had custody or control of it at the trial or proceeding.

(4) At any time prior to the final disposition of the appeal, at the request of the Court, the custodian shall, without delay, forward a document, exhibit or other thing to the Court.

(5) Compliance with subsection (1) shall determine when the appeal is finally disposed of for the purpose of disposition of exhibits.

## **PART 5 APPLICATIONS**

Applications  
procedure

43. (1) An application shall be commenced by Form N request, unless the issues on which the direction or an order of the Court is sought are such that a hearing is required.

(2) Where the issues on which the direction or an order of the Court is sought cannot appropriately be decided by means of a written request, an application may be made for a hearing.

(3) A Form N request may be filed by electronic means by sending an email to [COAregistry@appeal.court.nl.ca](mailto:COAregistry@appeal.court.nl.ca) and may be delivered to other parties by means of email. Form N requests will be disposed of in writing by the Court.

(4) Where an application is made for a hearing, the Chief Justice may decide that the matter is properly determined by means of Form N request instead. Alternatively, where a Form N request is filed, the Chief Justice may decide that an application should be filed instead.

Application for  
a hearing

44. (1) An application for a hearing shall include
- (a) a concise statement of the relevant facts and the issues to be determined in the application;
  - (b) the directions or order the applicant is requesting from the Court;
  - (c) any affidavit necessary to support or provide the foundation for the application;
  - (d) any document relevant to hearing of the application; and
  - (e) written submissions and authorities where the nature of the application warrants.
- (2) Where warranted, the materials under subsection (1) shall be indexed, tabbed and bound.
- (3) Preparation and binding of an application shall be governed by the provisions applicable to a factum, with any necessary changes.
- (4) Subject to direction of the Court,
- (a) an application shall be filed and served not less than 4 days prior to the time set for hearing the application; and
  - (b) a party responding to an application shall file and serve any affidavit, document or written submissions and authorities on which that party relies not less than 2 days prior to the time set for hearing the application.
- (5) A party filing materials referred to in subsections (1) or (4)(b) with the Court shall also file with the required written copies a searchable electronic copy of each document which may be provided by CD or flash drive or in an alternate format as specified in a practice note issued by the Court. The electronic version may be provided in Word DOC or DOCX format, or in searchable PDF, with PDF least preferred, or as specified in a Practice Note issued by the Court.



(6) Where authorized by an order or direction of the Court, a statute, or a rule, an application may be made without notice to other parties.

(7) Where an application is made without notice to other parties, the Court may vary or set aside an order or directions made on that application on such terms as may be appropriate.

(8) A party, in writing, may waive notice of the application or may give consent to the order sought by the applicant.

(9) The Court shall set dates for the hearing of applications in each month, but an application may be set to be heard at another time where necessary or appropriate.

(10) Upon the request of a party, the Court may decide an application, without an oral hearing, on the basis of the documents that have been filed and the written submissions, provided that the other parties indicate in writing that they agree to the request.

Application for  
appointment of  
counsel

45. (1) An application for the appointment of counsel pursuant to the Code shall be made in Form Q.

(2) Factors the Court may consider in determining an application under subsection (1) include

(a) the complexity of the legal issues in the appeal;

(b) the potential effect of the appeal on the development of the law;

(c) the ability of the applicant to provide written and oral submissions;

(d) the availability of legal aid under a provincial plan providing legal aid or similar services; and

(e) whether the applicant has sufficient financial means to obtain the assistance of counsel.

(3) The Court shall deliver a copy of an application under subsection (1) to the Attorney General, and may deliver a copy of the application to the Newfoundland and Labrador Legal Aid Commission, not less than 15 days before the application is set to be heard, and the Attorney General and the Legal Aid Commission shall have the right to be heard.

Setting a  
hearing date

46. (1) The registrar may, upon the request of a party in Form N, and in consultation with the parties and the Chief Justice, set a time for the hearing of an appeal or an application.

(2) Where a party fails to file a factum within the time prescribed by these rules, another party may make a request or an application to set a time for filing the factum and for hearing of the appeal.

(3) Where notice of hearing of an appeal or an application or other proceeding was delivered to a party and that party fails to appear at the hearing, the Court may adjourn the hearing or hear the appeal, application or other proceeding in that party's absence.

Additional  
evidence on  
appeal

47. (1) Subject to subsection (6), upon application, the panel hearing the appeal may receive additional evidence for purposes of the appeal.

(2) The application shall be accompanied by an affidavit setting out

(a) the general nature of the evidence sought to be introduced;

(b) how the evidence satisfies the criteria set out in subsection (3); and

- (c) why the evidence was not introduced in the court appealed from.
- (3) In determining the application, the Court shall consider
- (a) whether, by due diligence, the evidence could have been brought in the court appealed from;
  - (b) the relevance of the evidence in the sense that it bears upon a decisive or potentially decisive issue in the appeal;
  - (c) the credibility of the evidence;
  - (d) whether the evidence, if believed, could reasonably have affected the result; and
  - (e) any other relevant factor.
- (4) Unless the Court otherwise orders or directs, additional evidence shall be submitted by affidavit, subject to cross-examination.
- (5) Unless the Court otherwise orders or directs, an application for additional evidence shall be decided by the panel hearing the appeal, and shall be argued at the same time as the appeal.
- (6) Where the purpose of the evidence is to support a ground of appeal in which the competence of counsel at trial is challenged,
- (a) the applicant
    - (i) shall, when the application is filed, serve notice of the application on counsel whose competence is challenged,
    - (ii) shall file an affidavit setting out the facts in support of the challenge,
    - (iii) may be cross-examined on the affidavit, and

(iv) must waive solicitor-client privilege for purposes of the appeal; and

(b) counsel at trial

(i) shall, upon request, be permitted to join the action as an intervenor for purposes of responding to the challenge,

(ii) may file an affidavit setting out the facts that address the challenge, and

(iii) may be cross-examined on the affidavit.

(7) The Court may, in the presence of the parties or their solicitors, inspect or view any place, property or thing where the inspection or view may facilitate determination of the appeal.

Challenging an  
appeal in an  
uncompleted  
matter

48. (1) Where an appeal is commenced in an uncompleted matter, a party may apply to have the notice of appeal struck on the basis that the appeal should not proceed until the matter has been completed because

(a) the law precludes the appeal of the uncompleted matter;

(b) prejudice to a party may result if the appeal is heard before the matter is completed in the court appealed from;

(c) hearing the appeal before the matter is completed in the court appealed from would result in delay, inconvenience or an inefficient use of judicial resources; or

(d) there is good reason for delaying an appeal until the matter has been completed.

(2) Striking a notice of appeal under this rule does not prejudice the right of the appellant to include the same issues in an appeal when the matter has been completed in the court appealed from.

Striking out a  
notice of appeal  
or dismissing  
an appeal

49. (1) A party to an appeal may apply at any time before or at the hearing of the appeal for an order

(a) striking out the notice of appeal; or

(b) dismissing the appeal

on the grounds that

(i) no appeal lies to the Court;

(ii) the appeal is frivolous, vexatious or without merit;

(iii) the appellant has unduly delayed the preparation and perfection of the appeal; or

(iv) the appellant has failed to apply to have the appeal set down for hearing.

(2) An application to dismiss an appeal shall be heard and determined by a panel of not fewer than 3 judges.

(3) A notice of appeal may be struck out by a single judge, and where a notice of appeal has been struck out, the appellant may apply within 6 months to have the notice reinstated on terms the Court considers just.

Notice to the  
Attorney  
General

50. (1) Upon an application or of its own motion, the Court may direct a party to give notice of an appeal or an application to the Attorney General in Form P, and the Attorney General shall have the right to be heard and to participate in that appeal or application.

(2) The notice to the Attorney General shall include an appropriate notice period.

Release from  
custody

51. (1) An application for judicial interim release shall be accompanied by an affidavit setting out
- (a) the facts on which the applicant relies to satisfy the requirements stipulated by the law for release, and
  - (b) the proposed conditions to be included in an order should judicial interim release be granted.
- (2) Where the application is opposed, the Attorney General may file an affidavit in response setting out the facts relied upon.
- (3) The affidavits shall be subject to cross-examination.
- (4) Instead of the affidavits referenced in subsections (1) and (2), the parties may file an agreed statement of facts for purposes of the application.
- (5) When granting or dismissing an application for judicial interim release, the judge may make an order or give directions regarding the filing of factums and setting of a date for hearing of the appeal.
- (6) Where the application is granted,
- (a) the applicant shall be released from custody after Form M has been completed and accepted by the Court, and
  - (b) the applicant, or counsel for the Attorney General where the applicant is not represented by counsel, shall file the order for judicial interim release, and the order shall include any conditions imposed by the Court.

**PART 6  
JUDGMENT**

- |                        |     |   |
|------------------------|-----|---|
| Delivery of judgment   | 52. | <p>(1) Where separate reasons for judgment are filed by more than 1 judge, the judgment of the Court shall be the decision of the majority of the panel hearing an appeal.</p> <p>(2) The registrar shall deliver a copy of the written reasons for judgment to the parties or their counsel, to the court appealed from, and to any other persons the Chief Justice authorizes in the particular case or generally.</p>  |
| Formal order           | 53. | <p>(1) A formal order of the Court shall be in Form O and shall state the judgment of the Court.</p> <p>(2) Where a judge files dissenting reasons, the formal order shall indicate the nature of the dissent.</p> <p>(3) After the Court's judgment is filed, regardless of the outcome of the appeal, the Attorney General shall, without delay,</p> <p style="padding-left: 40px;">(a) deliver to the Court a draft formal order, and</p> <p style="padding-left: 40px;">(b) where the appellant is represented by counsel, provide a copy of the draft formal order to that counsel, and that counsel shall, within 3 days, by email or otherwise in writing, indicate consent to the draft or provide comments to the drafter of the order, with a copy to the Court.</p> <p>(4) The Court shall determine and approve the final formal order, which shall be filed, with a copy provided to each party.</p> <p>(5) Where the nature of an application is such as to warrant or require a formal order, the Attorney General shall be responsible for providing the draft order.</p> |
| Correction of mistakes | 54. | <p>At any time the Court may correct an error in a judgment or order that arose from a clerical mistake or from an accidental slip or omission.</p>   |

**PART 7  
TRANSITIONAL**

- |                   |   |
|-------------------|---|
| Transitional      | <p>55. (1) Proceedings commenced, but not completed, prior to the coming into force of these rules shall be governed by these rules without prejudice to anything lawfully done under the former rules.</p> <p>(2) A party may make a Form N request for directions or an order if there is doubt about the application or operation of these rules to a proceeding under subsection (1) or if any difficulty, injustice or impossibility arises as a result.</p> <p>(3) For the purpose of calculating time limitations, including requiring a thing to be done without delay,</p> <p style="padding-left: 40px;">(a) where no time limit was provided under the former rules, the time limit under these rules applies, calculated from the date on which these rules come into force;</p> <p style="padding-left: 40px;">(b) where a time limit under these rules is shorter than the time limit under the former rules, the time limit under these rules applies, calculated from the date on which these rules come into force; and</p> <p style="padding-left: 40px;">(c) where a time limit under these rules is longer than the time limit under the former rules, the time limit under these rules applies, calculated from the time when the thing was to be done under the former rules.</p> |
| Commence-<br>ment | <p>56. (1) These rules come into force 90 days after they are published in the <i>Newfoundland and Labrador Gazette</i>.</p> <p>(2) The <i>Supreme Court of Newfoundland and Labrador – Court of Appeal Criminal Appeal Rules (2002)</i>, SI/2002-96, Canada Gazette Part II, Vol. 136, No. 13, are repealed immediately upon the coming into force of these rules.</p>   |



**COURT OF APPEAL CRIMINAL RULES, 2025****INDEX OF FORMS**

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FORM A  
(Rule 8)

(To be used (1) where Notice is filed by counsel on behalf of the appellant;  
(2) with the necessary changes, when the Attorney General is the appellant).

File No. 20\_\_\_\_ 01H\_\_\_\_  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

*[Insert notice of publication ban or access restriction if applicable.]*

BETWEEN:

APPELLANT

AND:

HIS MAJESTY THE KING as represented  
by the Attorney General

RESPONDENT

**NOTICE OF APPEAL**

1. Section of the *Criminal Code* under which the appeal is brought

\_\_\_\_\_

2. Place of trial or proceeding

\_\_\_\_\_

3. Name of judge

\_\_\_\_\_

4. Name of court

Supreme Court of Newfoundland and Labrador, General Division ☐ Provincial Court ☐

or Youth Court ☐

5. Name of crown prosecutor

---

6. Name of defence counsel

---

7. Offence(s) (example: theft, assault) of which appellant was charged, convicted or acquitted

---

8. Sections of the *Criminal Code* or other statutes under which appellant was charged, convicted or acquitted

---

9. Plea at trial     ☐ guilty   ☐ not guilty   ☐ other

10. Length of trial

---

11. Date of conviction or acquittal, or other order to be appealed

---

12. Sentence imposed

---

13. Date sentence was imposed

---

14. If the appellant is in custody, place of incarceration

---

15. Appellant's date of birth

---

16. Appellant's last known address

---

17. Court case number from trial or other proceeding

---

18. Take notice that the appellant

- ☐ appeals against conviction only;
- ☐ appeals against conviction and sentence;
- ☐ applies for leave to appeal against sentence only, and if leave is granted, appeals against sentence only;
- ☐ appeals against acquittal;
- ☐ other.

19. Leave to appeal is required because:

- a. appeal is against sentence only \_\_\_\_\_
- b. appeal comes from the summary conviction appeal court \_\_\_\_\_
- c. *Criminal Code* provision \_\_\_\_\_
- d. other \_\_\_\_\_

The grounds of appeal are annexed hereto as "Appendix A".

The appellant requests: (set out what order the appellant is seeking)

---

The appellant's address for service (include postal address, telephone, email) is

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Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

---

(Counsel on behalf of Appellant)

To: *(name of Respondent or lawyer)*  
The address for service is:  
*(postal address, telephone, email)*

*(name of lawyer handling the file)*

Counsel for ...

To: The Registrar  
Court of Appeal  
P.O. Box 937  
287 Duckworth Street  
St. John's, NL A1C 5M3

FORM B  
(Rule 8)

(To be used where the appellant is not represented by counsel).

File No. 20 \_\_\_\_ 01H \_\_\_\_  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_ APPELLANT

AND:

HIS MAJESTY THE KING as represented  
by the Attorney General RESPONDENT

**NOTICE OF APPEAL**

1. Place of trial or proceeding

\_\_\_\_\_

2. Name of judge

\_\_\_\_\_

3. Name of court

Supreme Court of Newfoundland and Labrador, General Division ☐ Provincial Court ☐  
or Youth Court ☐

4. Name of your defence counsel (if any)

\_\_\_\_\_

5. Offence(s) of which you were convicted (example: theft, forgery, sexual assault)

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6. Plea at trial ☐ guilty ☐ not guilty ☐ other

7. Date of conviction or other order to be appealed

---

8. Sentence imposed

---

9. Date sentence was imposed

---

10. Were you convicted or sentenced under the *Youth Criminal Justice Act*?

Yes ☐ No ☐

11. If you are a young person as defined in the *Youth Criminal Justice Act* have you applied for legal aid?

Yes ☐ No ☐ If yes, where is the legal aid office located?

---

Have you been refused a legal aid certificate? Yes ☐ No ☐

If your application for legal aid was refused did you apply to the Legal Aid Commission to have that decision reconsidered? Yes ☐ No ☐

12. Are you in prison? Yes ☐ No ☐ If yes, where? \_\_\_\_\_

Your address when you are not in prison: \_\_\_\_\_

13. If you are not in prison, what is your address?

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Note: The Rules of Court provide for delivery of certain materials to you at the address stated in the notice of appeal. If you change your address, notify the Registrar. If you do not notify the Registrar, delivery of documents at your old address will be considered to be proper delivery to you and the appeal may proceed in your absence (even if you have not received the documents).

14. Your date of birth \_\_\_\_\_

15. Court case number from trial or other proceeding \_\_\_\_\_

16. Take notice that I want to

- ☐ appeal against conviction only;
- ☐ appeal against conviction and sentence;
- ☐ apply for leave to appeal against sentence only, and if leave is granted, I appeal against sentence only;
- ☐ other.

17. Leave to appeal is required because:

- a. appeal is against sentence only \_\_\_\_\_
- b. appeal comes from the summary conviction appeal court \_\_\_\_\_
- c. *Criminal Code* provision \_\_\_\_\_
- d. other \_\_\_\_\_

18. If you were convicted of more than one offence, which convictions are you appealing?

19. If you are appealing your sentence and you were sentenced for more than one offence which sentences are you appealing?

20. Reasons for my appeal. I want to appeal for the following reasons:



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21. I want to make my submissions (arguments) to the Court

- (a) in writing and in person ☐  
(b) in writing only ☐  
(c) in person only ☐

You must file your notice of appeal within 30 days after you have been sentenced by

- (1) Delivering your notice of appeal to the Court registry; or  
(2) If you are in prison, by giving your notice of appeal to the prison official designated to send documents to the Court on your behalf.

If you have not filed your notice of appeal within 30 days after you were sentenced, you may apply for an extension of time by filling out the following:

Application for Extension of Time

I hereby apply for an extension of time, within which I may launch the within appeal, on the following grounds:

*(State reasons for delay below.)*

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My address to receive documents is: \_\_\_\_\_

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(signature of Appellant)  
(telephone number, email)

To: (name of Respondent or lawyer)  
The address for service is:  
(postal address, telephone, email)  
(name of lawyer handling the file)  
Counsel for ...

To: The Registrar  
Court of Appeal  
P.O. Box 937  
287 Duckworth Street  
St. John's, NL A1C 5M3

FORM C  
(Rule 11)

File No. 20\_\_\_\_ 01H\_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_  
APPELLANT/  
RESPONDENT BY CROSS-APPEAL

AND:

\_\_\_\_\_  
RESPONDENT/  
APPELLANT BY CROSS-APPEAL

**NOTICE OF CROSS-APPEAL**

This is notice that the Respondent cross-appeals against the order under appeal.

1. Date notice of appeal was filed

\_\_\_\_\_

2. Notice of appeal file number

\_\_\_\_\_

3. Date respondent received notice of appeal

\_\_\_\_\_

4. This is notice of the intention to make submissions by cross-appeal

- ☐ to appeal or vary a portion of the order appealed from that is not appealed by the appellant, or  
☐ to contend that the order appealed from should be varied or affirmed on grounds other than those given by the court appealed from.

The grounds of the cross-appeal are annexed hereto as “Appendix A”.

The Respondent requests: *(set out what order the Respondent is seeking)* \_\_\_\_\_.

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(signature)  
*(name of Appellant by cross-appeal or lawyer)*

The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ....

To: *(name of Respondent by cross-appeal or lawyer)*  
The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ...

To: The Registrar  
Court of Appeal  
P.O. Box 937  
287 Duckworth Street  
St. John's, NL A1C 5M3

FORM D  
(Rule 11)

**File No. 20 \_\_\_\_ 01H \_\_\_\_**  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_  
APPELLANT/  
RESPONDENT BY CROSS-APPEAL

AND:

\_\_\_\_\_  
RESPONDENT/  
APPELLANT BY CROSS-APPEAL

**ELECTION TO PROCEED WITH CROSS-APPEAL**

The appeal having been discontinued ☐ or deemed abandoned ☐, the Appellant by cross-appeal elects to proceed with the cross-appeal.

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature)  
(name of Appellant by cross-appeal or lawyer)

The address for service is:  
(postal address, telephone, email)  
(name of lawyer handling the file)

Counsel for ....

To: (name of Respondent by cross-appeal or lawyer)  
The address for service is:  
(postal address, telephone, email)  
(name of lawyer handling the file)

Counsel for ...

To: The Registrar  
Court of Appeal  
P.O. Box 937  
287 Duckworth Street  
St. John's, NL A1C 5M3

FORM E  
(Rule 17)

File No. 20 \_\_\_\_ 01H \_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT**

I, *(name and position)*, acknowledge that, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I received from *(name)* the *(specify document)*, which is attached.

\_\_\_\_\_  
(signature)  
*(name of Appellant/Respondent or lawyer)*

The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*

Counsel for ....

To: *(name of Appellant/Respondent or lawyer)*

The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ...

To: The Registrar  
Court of Appeal  
P.O. Box 937  
287 Duckworth Street  
St. John's, NL A1C 5M3



FORM F  
(Rule 17)**File No. 20\_\_\_\_ 01H \_\_\_\_\_**  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**AFFIDAVIT OF SERVICE OF DOCUMENT**

I, *(name, occupation optional)*, of *(city or town, and province)*, swear (affirm) that the following facts are true:

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I delivered the *(specify document)*, which is dated \_\_\_\_\_, 20\_\_\_\_ to *(name)* by *(specify the method of delivery)*.

*Where the document was not delivered to a solicitor's office,*

I identified the person I delivered the document to *(specify the basis on which you identified the named person)*

\_\_\_\_\_

Sworn *(or affirmed)* before me at *(city or town)* in the  
Province of Newfoundland and Labrador  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(signature of deponent)\_\_\_\_\_  
(signature of witness)

FORM G  
(Rule 25)**File No. 20 \_\_\_\_ 01H \_\_\_\_**  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE AN APPEAL IS BEING DISCONTINUED**

This is notice that the Appellant discontinues this appeal and that the appeal is at an end.

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(signature)

(name of Appellant or lawyer)

The address for service is:

(postal address, telephone, email)

(name of lawyer handling the file)

Counsel for ....

To: *(name of Respondent or lawyer)*  
The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ...

To: The Registrar  
Court of Appeal  
P.O. Box 937  
287 Duckworth Street  
St. John's, NL A1C 5M3

FORM H  
(Rules 14 and 36(l)(h))

File No. 20\_\_\_\_ 01H\_\_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE OF PUBLICATION BAN**

1. Publication ban required ☐ No ☐ Yes

If yes,

2. A publication ban was issued at trial pursuant to section \_\_\_\_\_ of the *Criminal Code* or \_\_\_\_\_.

Reason for the publication ban: protection of the complainant ☐, protection of a witness ☐, matter not completed ☐, other \_\_\_\_\_.

Wording for the publication ban:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. On appeal, the Attorney General intends to request a publication ban pursuant to section \_\_\_\_\_ of the *Criminal Code* or \_\_\_\_\_.

Reason for the publication ban: protection of the complainant ☐, protection of a witness ☐, matter not completed ☐, other \_\_\_\_\_.

Wording for the publication ban:

---

---

---

\_\_\_\_\_(signature)  
Counsel for the Attorney General

To: *(name of Respondent or lawyer)*  
The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ...

To: The Registrar  
Court of Appeal  
P.O. Box 937  
287 Duckworth Street  
St. John's, NL A1C 5M3

FORM J  
(Rule 34)

File No. 20\_\_\_\_ 01H \_\_\_\_\_  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**REQUEST FOR TRANSCRIPT AND CERTIFICATE**

TO: Transcription Office of the Supreme Court of Newfoundland and Labrador, General Division ☐; or the Provincial Court of Newfoundland and Labrador ☐  
located at \_\_\_\_\_ (town/city) in the Province of Newfoundland and Labrador.

**REQUEST FOR TRANSCRIPT**

“Transcript” means a printed transcript of the audio recording of the proceedings in the court appealed from but does not include

- (a) a party’s submissions to the court appealed from unless those submissions are necessary to enable an issue raised on appeal or cross-appeal to be determined; and
- (b) a decision of the court appealed from where a printed copy of that decision has been issued.

Pursuant to Rule 34 of the *Court of Appeal Criminal Rules*, you are requested to prepare a transcript of the record in \_\_\_\_\_ v. \_\_\_\_\_ file no. \_\_\_\_\_, as follows.

**Note: Check applicable items.**

**A. Judge alone trial**

- ☐ *All* the evidence taken at trial together with objections to and rulings on admissibility of that evidence;
- ☐ Only the evidence of the following witnesses together with objections to and rulings on admissibility of that evidence:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Audio of the following exhibits: \_\_\_\_\_
- ☐ The parties' final submissions in the court appealed from;
- ☐ The parties' submissions in the court appealed from on the following issues: \_\_\_\_\_.

**B. Jury trial**

- ☐ *All* the evidence taken at trial (whether taken in the presence or in the absence of the jury) together with objections to and rulings on admissibility of that evidence;
- ☐ Only the evidence of the following witnesses together with objections to and rulings on admissibility of that evidence: \_\_\_\_\_
- ☐ Evidence taken on a *voir dire* in relation to \_\_\_\_\_, and submissions made and rulings given in respect of same;
- ☐ Audio of the following exhibits: \_\_\_\_\_
- ☐ Proceedings in respect of the selection of the jury;
- ☐ The opening address of the trial judge;
- ☐ Submissions as to the proposed content of the judge's charge to the jury and the judge's rulings thereon and reasons;
- ☐ The closing addresses to the jury;
- ☐ The judge's charge to the jury;
- ☐ Any objections to the judge's charge to the jury and the judge's rulings thereon and reasons;
- ☐ Submissions respecting questions from the jury and the judge's rulings thereon and reasons;
- ☐ The recording of the verdict of the jury.

**C. Sentence appeal**

In addition to the transcript of the trial (Parts A and B, above),

- ☐ The evidence taken on the issue of sentence;
- ☐ Submissions made on the issue of sentence.

**D. Reasons for judgment**

- ☐ The reasons for judgment, if no printed copy has been issued;
- ☐ The reasons for sentence, if no printed copy has been issued.

**E. Other**

- ☐ \_\_\_\_\_,
- ☐ \_\_\_\_\_,
- ☐ \_\_\_\_\_.

**F. Electronic and printed copies of the transcript**

When the transcript is completed, an electronic version shall, as soon as possible, be sent to counsel for each party in a format approved by the Transcription Office.

Note: If one of these boxes is not checked, it will be assumed that the party wishes to receive a printed copy of the transcript. A party not filing this form may advise the Transcription Office, in writing, that a printed copy is not requested by that party.

- ☐ The appellant requests only an electronic version (not a printed copy) of the transcript.
- ☐ The respondent requests only an electronic version (not a printed copy) of the transcript.

When a printed copy of the transcript is available,

- (a) The original and 3 copies, together with the electronic version and a copy of the audio recording of the proceedings, shall be delivered to  
The Registrar, Court of Appeal  
P.O. Box 937  
287 Duckworth Street  
St. John's, NL  
A1C 5M3,

And

- (b) If a party requests a printed copy as well as an electronic version of the transcript, either



- (i) the party shall be notified that the printed copy of the transcript is available to be collected from the Transcription Office, or
- (ii) a printed copy of the transcript shall be forwarded by ordinary mail to the party at the following address:

\_\_\_\_\_  
\_\_\_\_\_

#### CERTIFICATE

I delivered a copy of Form J to the Transcription Office by mail at \_\_\_\_\_  
(address), or by email at \_\_\_\_\_ (email address) requesting the transcript as  
specified in the Form.

I delivered a copy of Form J to the other parties to the appeal by mail at \_\_\_\_\_  
(address), or by email at \_\_\_\_\_ (email address) requesting the transcript as  
specified in the Form.

\_\_\_\_\_ (Date)

\_\_\_\_\_  
(Signature of requestor)

FORM K  
(Rule 34)File No. 20\_\_\_\_ 01H \_\_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**REQUEST FOR FURTHER PORTIONS OF TRANSCRIPT AND CERTIFICATE**

TO: Transcription Office of the Supreme Court of Newfoundland and Labrador, General Division ☐; or the Provincial Court of Newfoundland and Labrador ☐ located at \_\_\_\_\_ (town/city), Newfoundland and Labrador.

Pursuant to Rule 33(4) of the *Court of Appeal Criminal Rules*, you are requested to prepare a transcript of the following additional portions of the record in

\_\_\_\_\_ v. \_\_\_\_\_  
file no. \_\_\_\_\_:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Note: On completion of preparation of these additional portions of the transcript, you are requested to deliver the original and copies to the Court and the parties in the same manner as the other portions of the transcript already requested.**

**CERTIFICATE**

I delivered a copy of Form K to the Transcription Office by mail at \_\_\_\_\_ (*address*),  
or by email at \_\_\_\_\_ (email address) requesting further portions of the  
transcript as specified in the Form.

I delivered a copy of Form K to the other parties to the appeal by mail at \_\_\_\_\_ (*address*),  
or by email at \_\_\_\_\_ (email address) requesting further portions of the  
transcript as specified in the Form.

\_\_\_\_\_ (Date)

\_\_\_\_\_  
(Signature of requestor)

FORM L  
(Rule 36(2))

File No. 20\_\_\_\_ 01H\_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**QUESTIONNAIRE CONCERNING SENTENCE**

1. Length of trial

\_\_\_\_\_

2. Present place of imprisonment (if applicable)

\_\_\_\_\_

3. If appellant was released on bail pending appeal, date of release \_\_\_\_\_

4. Period spent in custody pre-trial \_\_\_\_\_ or pre-sentence \_\_\_\_\_

5. Parole eligibility date

\_\_\_\_\_

6. Date of mandatory release

\_\_\_\_\_

7. Names of co-accused (if any) and sentences imposed for offences of which they were convicted

\_\_\_\_\_

8. Prior criminal record (if any, if such was introduced at trial)

\_\_\_\_\_

9. Present employment

\_\_\_\_\_

10. Present marital status

\_\_\_\_\_

11. Appellant's present age \_\_\_\_\_ and age at time of offence \_\_\_\_\_

12. Was a pre-sentence report prepared? Yes ☐ No ☐

13. Was there a victim impact statement? Yes ☐ No ☐

14. Were there any medical or psychiatric reports? Yes ☐ No ☐

15. Parole status of the offender, if any, at the time of sentencing \_\_\_\_\_

FORM M  
(Rule 51)File No. 20\_\_\_\_ 01H\_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_

APPLICANT/  
APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**RELEASE ORDER**1. Identification

Surname: \_\_\_\_\_ Given name(s): \_\_\_\_\_

Date of Birth: \_\_\_\_\_

2. Contact Information

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

3. Before: (name of Justice who granted the order) \_\_\_\_\_  
Whereas:On \_\_\_\_\_ (date), the Court heard submissions from \_\_\_\_\_,  
counsel for the applicant, and \_\_\_\_\_ counsel for the  
respondent;

The applicant has filed a notice of appeal, and, if necessary, an application for leave to appeal, in respect to the following convictions:

(Set out each conviction being appealed and the sentence imposed)

**Accordingly**, it is ordered that, upon the Court accepting the following Appendix A completed by the applicant, the person having custody of the applicant shall immediately release the applicant if the applicant is not detained for another reason.

### **Appendix A**

#### 1. **Financial Obligations**

☐ You do not have any financial obligations under this release order.

Or

In order for you to be released, the obligations that are indicated below by a check mark must be complied with.

☐ You promised to pay the amount of \_\_\_\_\_ if you fail to comply with a condition of this release order.

☐ You must deposit money in the amount of \_\_\_\_\_ or other valuable security whose value does not exceed \_\_\_\_\_ with the clerk of the court.

☐ The surety (*name*), born on (*date of birth*), promises to pay ☐ or deposits ☐ to the court the amount of \_\_\_\_\_

☐ The surety (*name*), born on (*date of birth*), promises to pay ☐ or deposits ☐ to the court the amount of \_\_\_\_\_

☐ The surety (*name*), born on (*date of birth*), promises to pay ☐ or deposits ☐ to the court the amount of \_\_\_\_\_

#### 2. **Conditions**

☐ You must immediately surrender yourself into police custody (and within 24 hours that judgment is filed) if your appeal is dismissed, unless otherwise specified in the filed judgment or by court order.

You must also comply with the conditions that are indicated below by a check mark.

☐ You must report to (*name or title*) at (*place*) on (*date or dates*).

☐ You must remain within the territorial jurisdiction of (*province or territory*).

☐ You must notify (*name, title and phone number*) of any change of your (*address, employment or occupation*).

☐ You must not communicate, directly or indirectly, with (*victims, witnesses or other persons*), except in accordance with the following conditions: \_\_\_\_\_

☐ You must not go to (*place*) or enter (*geographic area*), except in accordance with the following conditions:

\_\_\_\_\_  
☐ You must deposit all your passports with (*name or title*) at (*place*) before (*date*).

☐ You must not possess a firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance and you must surrender any of them in your possession and any authorization, licence or registration certificate or other document enabling the acquisition or possession of a firearm to (*name or title*) at (*place*).

☐ You must comply with the following conditions (*conditions for ensuring the safety and security of any victim of or witness to the alleged offence*):

\_\_\_\_\_  
☐ You must comply with the following conditions:

\_\_\_\_\_

### 3. Variation

The conditions of this release order may be varied with the written consent of the prosecutor, yourself and your sureties, if any. In addition, you or the prosecutor may apply to a judge to have any condition in this release order cancelled or changed.

### 4. Conditions in effect

The conditions indicated by a check mark on this release order (including any obligations imposed on your sureties) remain in effect until they are cancelled or changed or until your appeal is decided.

### 5. Consequences for non-compliance

You are warned that, unless you have a lawful excuse, you will commit an offence under section 145 of the *Criminal Code* if you fail to follow any of the conditions set out in this release order, including if you fail to attend court as required.

If you commit an offence under section 145 of the *Criminal Code*, a warrant for your arrest may be issued (sections 512 and 512.3 of the *Criminal Code*) and you may be liable to a fine or to imprisonment, or to both.



If you do not comply with this release order or are charged with committing an indictable offence after you have been released, this release order may be cancelled and, as a result, you may be detained in custody (section 524(4) of the *Criminal Code*).

If you do not comply with this release order, the money or other valuable security promised or deposited by you or your surety could be forfeited (subsection 771(2) of the *Criminal Code*).

6. Signatures

SURETY: (*if applicable*)

I understand my role and my responsibilities under this release order and I agree to act as a surety.

I agree to (*promise or deposit*) to the court the amount of money described in section 1 of Appendix A of this release order.

☐ Surety Declaration is attached (section 515.1 of the *Criminal Code*).

☐ Surety is excepted from providing a Surety Declaration (subsection 515.1(2) of the *Criminal Code*).

Signed on (*date*), at (*place*).

---

(*signature of the surety*)

SURETY: (*if applicable*)

I understand my role and my responsibilities under this release order and I agree to act as a surety.

I agree to (*promise or deposit*) to the court the amount of money described in section 1 of Appendix A of this release order.

☐ Surety Declaration is attached (section 515.1 of the *Criminal Code*).

☐ Surety is excepted from providing a Surety Declaration (subsection 515.1(2) of the *Criminal Code*).

Signed on *(date)*, at *(place)*.

---

*(signature of the surety)*

SURETY: *(if applicable)*

I understand my role and my responsibilities under this release order and I agree to act as a surety.

I agree to *(promise or deposit)* to the court the amount of money described in section 1 of Appendix A of this release order.

- ☐ Surety Declaration is attached (section 515.1 of the *Criminal Code*).
- ☐ Surety is excepted from providing a Surety Declaration (subsection 515.1(2) of the *Criminal Code*).

Signed on *(date)*, at *(place)*.

---

*(signature of the surety)*

APPLICANT/APPELLANT:

I understand the contents of this form and agree to comply with the conditions that are indicated by a check mark.

I understand that I do not have to accept the conditions and that, if I do not accept the conditions, I will be detained.

Signed on *(date)*, at *(place)*.

---

*(signature of the applicant/appellant)*

JUSTICE OR CLERK OF THE COURT:

Signed on *(date)*, at *(place)*.

---

*(signature of Justice or clerk of the court)*

---

*(name of Justice who has issued this order)*

## FORM N

## IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

**REQUEST**

Date: \_\_\_\_\_

Case: \_\_\_\_\_ File No.: \_\_\_\_\_

**REQUEST:**\_\_\_\_\_  
\_\_\_\_\_☐ Notice was given to the other parties.☐ Consent to the request    ☐ No position to the request    ☐ No objection to the request  
[in writing, by the other parties is attached]☐ Request is opposed. [in writing, by the other parties is attached]☐ Notice was **not** given to other parties **because** (*give reasons*) \_\_\_\_\_.

Name of requestor \_\_\_\_\_

Counsel for \_\_\_\_\_

=====

**FOR COURT USE ONLY****Request No:** \_\_\_\_\_**Disposition**

- [ ] request granted \_\_\_\_\_  
[ ] adjourned to \_\_\_\_\_  
[ ] request refused \_\_\_\_\_  
[ ] order as follows: \_\_\_\_\_  
[ ] other directions: \_\_\_\_\_

Date: \_\_\_\_\_

=====

**REQUEST FOR A HEARING**

- ☐ The request is to set a date for a hearing:
- ☐ The Appellant confirms that:
- (a) all factums, the appeal book and transcript are filed;
  - (b) the direction of the Court is not required on any matter before a date is set;  
and
  - (c) there is no circumstance requiring a court appearance.

- ☐ The Appellant has consulted with the other parties to the appeal, or their counsel, and the following dates in the next 2 months are mutually acceptable for the hearing of the appeal: (*insert dates*) \_\_\_\_\_.

**Or**

- ☐ The Appellant's factum, the appeal book and transcript were filed on (*date*) \_\_\_\_\_.
- ☐ The Respondent's factum was filed on (*date*) \_\_\_\_\_, but a mutually acceptable date for the hearing could not be reached.

Or

☐ The Appellant's factum, the appeal book and transcript were filed on (date) \_\_\_\_\_

The Appellant applies to set a date for hearing of the appeal and a date for the Respondent to file a factum because the Respondent has not done so within the time prescribed by the Rules.

Name of requestor \_\_\_\_\_

Counsel for \_\_\_\_\_

=====

**FOR COURT USE ONLY**

**Request No:** \_\_\_\_\_

**Disposition**

[ ] request granted \_\_\_\_\_

[ ] adjourned to \_\_\_\_\_

[ ] request refused \_\_\_\_\_

[ ] order as follows: \_\_\_\_\_

[ ] other directions: \_\_\_\_\_

Date: \_\_\_\_\_

FORM O  
(Rule 53)

File No. 20 \_\_\_\_ 01H \_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**ORDER**

Before: *(name Justices on the panel in order of seniority).*

Whereas:

*(Set out concise basis of the appeal).*

The appeal was heard on *(date)*.

The Court heard submissions from *(name)*, counsel for the Appellant, and *(name)*, counsel for the Respondent.

The judgment of the Court was given with written reasons on *(date and neutral citation)*.

Or:

The judgment of the Court was given orally on *(date)*, with written reasons on *(date and neutral citation)*.

Accordingly, it is ordered that: (*Using the written decision, give details of what was ordered*).

In dissenting reasons, Justice (*name*) would have (*give nature of the dissent*)

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
REGISTRAR



FORM P  
(Rule 29(2), 50)

File No. 20 \_\_\_\_ 01H \_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE TO THE ATTORNEY GENERAL**

This is notice that this proceeding concerns a matter which may be of interest to the Attorney General of Newfoundland and Labrador ☐, or the Attorney General of Canada ☐.

Subject matter of the appeal: *(give a brief summary of what the appeal is about and what the issues are)* \_\_\_\_\_

This notice

- (a) is required by statute ☐ *(identify the provision)* or  
 (b) was ordered or directed by the Court ☐ or  
 (c) other reason for giving notice \_\_\_\_\_.

The issues that may be of interest to the Attorney General are: *(state the issues briefly giving sufficient information to assist the Attorney General in assessing the notice)*

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_(signature)  
(name of Appellant/Respondent or lawyer)

The address for service is:  
(postal address, telephone, email)  
(name of lawyer handling the file)

Counsel for ....

To: (name of Appellant/Respondent or lawyer)  
The address for service is:  
(postal address, telephone, email)  
(name of lawyer handling the file)  
Counsel for ...

To: The Attorney General of Newfoundland and Labrador  
The address for service is:  
The Department of Justice and Public Safety  
Counsel for the Attorney General of Newfoundland and Labrador  
4<sup>th</sup> Floor, East Block, Confederation Building  
P.O. Box 8700  
St. John's, NL A1B 4J6  
Telephone: 709-729-2869  
Fax: 709-729-0469

To: Atlantic Regional Office  
Department of Justice Canada  
Suite 1400, Duke Tower  
5251 Duke Street  
Halifax, Nova Scotia B3J 1P3  
Telephone: 902-426-3260  
Fax: 902-426-2329  
Email: AGC\_PGC\_ARO-BRA@JUSTICE.GC.CA

And To: The Registrar  
Court of Appeal  
P.O. Box 937  
287 Duckworth Street  
St. John's, NL A1C 5M3

This appeal (application) is set to be heard on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 10:00 a.m.

\_\_\_\_\_  
(Court Officer)

FORM Q  
(Rule 45)File No. 20\_\_\_\_ 01H\_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**APPLICATION FOR APPOINTMENT OF COUNSEL**\_\_\_\_\_  
(name) applies for the appointment of counsel pursuant to  
section 684 of the *Criminal Code*.A notice of appeal has already been filed with the Court: ☐ Yes ☐ NoThe appeal is about my: ☐ Conviction ☐ Sentence ☐ Conviction and Sentence ☐

Other \_\_\_\_\_

I have applied for legal aid: ☐ Yes ☐ NoI have been denied legal aid: ☐ Yes ☐ NoI have appealed my denial of legal aid to the NL Legal Aid Appeal Board: ☐ Yes ☐ NoI do not have financial means to pay for a lawyer (*set out your financial circumstances*):\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

At the appeal, I would argue the following points:

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I do not have the necessary skills to organize the facts, research the law and present the case myself because:

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Other facts relevant to my application are (*state anything you want the Court to consider*):

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Dated at \_\_\_\_\_ (city/town, Newfoundland and Labrador, this \_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
signature

FORM R  
(Rule 27)**File No. 20\_\_ 01H \_\_\_\_**  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE OF CHANGE OF SOLICITOR**

This is notice that I, *(name)*, have been retained to act as solicitor for \_\_\_\_\_ in place of *(name)*.

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ (signature)

The address for service is:  
*(postal address, telephone, email)*

*(name of solicitor handling the file)*

Counsel for ....

To: *(name of Appellant/Respondent or solicitor)*

The address for service is:

*(postal address, telephone, email)**(name of solicitor handling the file)*

Counsel for ...

To:     The Registrar  
          Court of Appeal  
          P.O. Box 937  
          287 Duckworth Street  
          St. John's, NL A1C 5M3

FORM S  
(Rule 28)File No. 20\_\_\_\_ 01H \_\_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**LIMITED PURPOSE RETAINER OF SOLICITOR**

I, (*name*), have been retained to act as the solicitor for \_\_\_\_\_ for a limited purpose, the nature and scope of which is (*Briefly set out the parameters of the retainer, such as, to prepare the factum, provide research information, etc.*).

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(signature)

The address for service is:  
(*postal address, telephone, email*)  
(*name of solicitor handling the file*)  
Counsel for ....

To: (*name of Appellant/Respondent or solicitor*)  
The address for service is:  
(*postal address, telephone, email*)  
(*name of solicitor handling the file*)



Counsel for ...

To: The Registrar  
Court of Appeal  
P.O. Box 937  
287 Duckworth Street  
St. John's, NL A1C 5M3

FORM T  
(Rule 26)

File No. 20\_\_\_\_ 01H \_\_\_\_\_  
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**ASSISTANCE OF NON-SOLICITOR - UNDERTAKING**

I, (*name*), undertake that:

1. I will not receive directly or indirectly any compensation for the assistance, related to this appeal, that I am providing to (*name*), except for reimbursement for expenses actually incurred, unless the Court otherwise permits;
2. My interests are not in conflict with the interests of (*name*);
3. I will observe and be bound by the obligations of an officer of the court, the chief of which are:
  - (a) To treat discussions with (*name*) as confidential;
  - (b) To behave in a manner that will not disrupt the court process;
  - (c) To be honest and forthright in all representations I make and information I provide to the Court;
  - (d) To abide strictly by and perform all undertakings I give to the Court and other parties, including their lawyers;
  - (e) To show respect for the process and officers of the Court and for other parties and their lawyers at all times; and
  - (f) To comply with the directives and customs of the court process.

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature of person making the undertaking)  
(postal address, telephone, email)

FORM U  
(Rule 16(4))

To be used by the designated official when receiving documents on behalf of an imprisoned person

File No. 20\_\_ 01H \_\_\_\_

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**ACKNOWLEDGEMENT OF RECEIPT OF DOCUMENT FOR AN IMPRISONED  
PERSON**

I, (name) \_\_\_\_\_, a designated official under the *Court of Appeal Criminal Rules*, acknowledge that, on the \_\_ day of \_\_\_\_\_, 20 \_\_, I received a document to be delivered to (name of imprisoned person) \_\_\_\_\_.

In compliance with rule 16(4), I initialed and endorsed on the document the date of receipt, and I delivered the document to (name of imprisoned person).

The title on the document was

- ☐ notice of appeal
- ☐ factum
- ☐ book of authorities
- ☐ appeal book
- ☐ acknowledgement of receipt of a document
- ☐ other (title on the document) \_\_\_\_\_

\_\_\_\_\_  
(signature)

To:     The Registrar  
          Court of Appeal  
          P.O. Box 937  
          287 Duckworth Street  
          St. John's, NL A1C 5M3

**CRIMINAL APPEAL RULES, 2025- REPEAL OF PRACTICE NOTES  
IN CRIMINAL PROCEEDINGS**

**NOTICE**

1. The *Court of Appeal Criminal Rules, 2025* will be coming into force 90 days after their publication in Part I of the *Newfoundland and Labrador Gazette*. The *Supreme Court of Newfoundland and Labrador – Court of Appeal Criminal Appeal Rules (2002)*, SI/2002-96, Canada Gazette Part II, Vol. 136, No. 13, are repealed immediately upon the coming into force of the new rules.
2. Accordingly, all previous Practice Notes issued for criminal proceedings are repealed upon the coming into force of *Court of Appeal Criminal Rules, 2025*.

Jun. 6

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**MINERAL ACT****NOTICE**

Published in accordance with section 62 of CNLR 1143/96 under the *Mineral Act*, cM 12, RSNL 1990 as amended.

Mineral rights to the following mineral licenses have reverted to the Crown:

Mineral Licence 016531M  
held by Labrador Iron Mines Limited  
on map sheet 23J/14

Mineral Licence 036904M  
held by Canterra Minerals  
on map sheet Corporation  
12A/05

A portion of licence 023019M  
held by White, Jason  
on map sheet 01N/05  
more particularly described in  
an application on file at Dept.  
of Industry, Energy and  
Technology

Mineral Licence 022400M  
held by Mercer, Judy  
on map sheet 12A/16

Mineral Licence 022469M  
held by Noel, E. Michele  
on map sheet 12H/16

Mineral Licence 026347M  
held by Unity Resources Inc.  
on map sheet 02D/12

Mineral Licence 026392M  
held by Vulcan Minerals Inc.  
on map sheet 02D/12

Mineral Licence 026446M  
held by Newfoundland Discovery  
on map sheet Corp.  
02D/11

Mineral Licence 026447M  
held by Newfoundland Discovery  
on map sheet Corp.  
02D/11

Mineral Licence 026449M  
held by Newfoundland Discovery  
on map sheet Corp.  
02D/11, 02D/14

Mineral Licence 026474M  
held by D3 Exploration Ltd.  
on map sheet 02D/12, 02D/11

Mineral Licence 036618M  
held by D3 Exploration Ltd.  
on map sheet 02D/11

Mineral Licence 031031M  
held by Sweetapple, Ronald  
on map sheet 02C/11

Mineral Licence 031036M  
held by Sweetapple, Ronald  
on map sheet 02C/06

Mineral Licence 027439M  
held by Fair Haven Resources Inc.  
on map sheet 01M/03

Mineral Licence 027440M  
held by Fair Haven Resources Inc.  
on map sheet 01M/03

Mineral Licence 027446M  
held by Russell, Gerald Terrance  
on map sheet 02M/05, 02M/12

Mineral Licence 027448M  
held by Russell, Gerald Terrance  
on map sheet 01N/12

Mineral Licence 027449M  
held by Russell, Gerald Terrance  
on map sheet 02E/07

Mineral Licence 027453M  
held by Tenacity Gold Mining  
on map sheet Company Ltd.  
02D/12

Mineral Licence 027469M  
held by Russell, Gerald Terrance  
on map sheet 02M/12

Mineral Licence 031208M  
held by Golden Promise Mines Inc.  
on map sheet 12A/16

Mineral Licence 027470M  
held by Gardner, Art  
on map sheet 02M/12

Mineral Licence 031209M  
held by Golden Promise Mines Inc.  
on map sheet 02D/13

|   |  |  |  |
|---|--|--|--|
| Mineral Licence<br>held by<br>on map sheet      | 027472M<br>Russell, Gerald Terrance<br>02M/05, 02M/12  | Mineral Licence<br>held by<br>on map sheet | 033099M<br>Falcon Gold Corp.<br>11O/16               |
| Mineral Licence<br>held by<br>on map sheet      | 027473M<br>D3 Exploration Ltd.<br>11O/10   | Mineral Licence<br>held by<br>on map sheet | 033100M<br>Falcon Gold Corp.<br>11P/13               |
| A portion of licence<br>held by<br>on map sheet | 031549M<br>Golden Promise Mines Inc.<br>12A/16<br>more particularly described in<br>an application on file at Dept.<br>of Industry, Energy and<br>Technology | Mineral Licence<br>held by<br>on map sheet | 033351M<br>Pike, Barbara<br>01M/15                   |
| A portion of licence<br>held by<br>on map sheet | 036963M<br>Ryan, Shawn<br>11O/1<br>more particularly described in<br>an application on file at Dept.<br>of Industry, Energy and<br>Technology                | Mineral Licence<br>held by<br>on map sheet | 033388M<br>Noel, E. Michele<br>01M/03                |
| A portion of licence<br>held by<br>on map sheet | 036958M<br>Ryan, Shawn<br>11O/15<br>more particularly described in<br>an application on file at Dept.<br>of Industry, Energy and<br>Technology               | Mineral Licence<br>held by<br>on map sheet | 033405M<br>Falcon Gold Corp.<br>11O/16               |
| A portion of licence<br>held by<br>on map sheet | 038624M<br>Ryan, Shawn<br>11O/15<br>more particularly described in<br>an application on file at Dept.<br>of Industry, Energy and<br>Technology               | Mineral Licence<br>held by<br>on map sheet | 033406M<br>Falcon Gold Corp.<br>11O/16, 11O/15       |
| A portion of licence<br>held by<br>on map sheet | 036964M<br>Ryan, Shawn<br>11O/15<br>more particularly described in<br>an application on file at Dept.<br>of Industry, Energy and<br>Technology               | Mineral Licence<br>held by<br>on map sheet | 033407M<br>Falcon Gold Corp.<br>11O/16               |
| Mineral Licence<br>held by<br>on map sheet      | 035245M<br>C2C Gold Corp.<br>12A/10  | Mineral Licence<br>held by<br>on map sheet | 033422M<br>Marvel Discovery<br>Corporation<br>12A/06 |
| Mineral Licence<br>held by<br>on map sheet      | 033009M<br>Marvel Discovery<br>Corporation<br>11O/16   | Mineral Licence<br>held by<br>on map sheet | 033430M<br>Rocky Shore Metals Ltd.<br>01M/13, 02D/04 |
|   |  | Mineral Licence<br>held by<br>on map sheet | 033431M<br>Rocky Shore Metals Ltd.<br>01M/13         |
|   |  | Mineral Licence<br>held by<br>on map sheet | 033433M<br>Falcon Gold Corp.<br>11O/16, 11O/15       |
|   |  | Mineral Licence<br>held by<br>on map sheet | 033434M<br>Falcon Gold Corp.<br>11O/09, 11O/16       |



|   |  |   |   |
|---|--|---|---|
| Mineral Licence<br>held by<br>on map sheet      | 033442M<br>Rocky Shore Metals Ltd.<br>01M/13   | Mineral Licence<br>held by<br>on map sheet      | 035028M<br>Decker, Trent<br>12I/16  |
| A portion of licence<br>held by<br>on map sheet | 036893M<br>Lash, Michael<br>01N/10<br>more particularly described in<br>an application on file at Dept.<br>of Industry, Energy and<br>Technology | Mineral Licence<br>held by<br>on map sheet      | 035031M<br>Taylor, Judy<br>12B/10   |
| Mineral Licence<br>held by<br>on map sheet      | 036894M<br>Lash, Michael<br>01N/11   | Mineral Licence<br>held by<br>on map sheet      | 035033M<br>Sheppard, Stephen<br>01M/11  |
| Mineral Licence<br>held by<br>on map sheet      | 034793M<br>Ryan, Kevin<br>02D/13   | Mineral Licence<br>held by<br>on map sheet      | 035035M<br>Sheppard, Stephen<br>01M/11, 01M/12  |
| Mineral Licence<br>held by<br>on map sheet      | 034986M<br>Sheppard, Stephen<br>01M/11   | A portion of licence<br>held by<br>on map sheet | 035294M<br>McCallum, Neil<br>12B/02, 12B/07<br>more particularly described in<br>an application on file at Dept.<br>of Industry, Energy and<br>Technology |
| Mineral Licence<br>held by<br>on map sheet      | 034987M<br>Sheppard, Stephen<br>01M/11   | A portion of licence<br>held by<br>on map sheet | 035302M<br>McCallum, Neil<br>12B/02<br>more particularly described in<br>an application on file at Dept.<br>of Industry, Energy and<br>Technology         |
| Mineral Licence<br>held by<br>on map sheet      | 034989M<br>Stares Contracting Corp.<br>02D/10  | A portion of licence<br>held by<br>on map sheet | 035303M<br>McCallum, Neil<br>12B/02<br>more particularly described in<br>an application on file at Dept.<br>of Industry, Energy and<br>Technology         |
| Mineral Licence<br>held by<br>on map sheet      | 034990M<br>Sheppard, Stephen<br>01M/11   | Mineral Licence<br>held by<br>on map sheet      | 036268M<br>St. George, Roger<br>01N/14  |
| Mineral Licence<br>held by<br>on map sheet      | 034991M<br>Sheppard, Stephen<br>01M/11   | Mineral Licence<br>held by<br>on map sheet      | 036370M<br>Almar Consultants<br>12A/07  |
| Mineral Licence<br>held by<br>on map sheet      | 034992M<br>Sheppard, Stephen<br>01M/11   | Mineral Licence<br>held by<br>on map sheet      | 036372M<br>Noseworthy, Mike<br>02E/07   |
| Mineral Licence<br>held by<br>on map sheet      | 035019M<br>Sheppard, Stephen<br>01M/11   | Mineral Licence<br>held by<br>on map sheet      | 036377M<br>Noseworthy, Mike<br>02E/07   |
| Mineral Licence<br>held by<br>on map sheet      | 035021M<br>Sheppard, Stephen<br>01N/05   |   |   |
| Mineral Licence<br>held by<br>on map sheet      | 035023M<br>Sheppard, Stephen<br>01N/05   |   |   |

|  |   |  |   |
|--|---|--|---|
| Mineral Licence<br>held by<br>on map sheet | 036382M<br>Shoreline Exploration Inc.<br>02L/04                   | Mineral Licence<br>held by<br>on map sheet | 036469M<br>Kelloway, Keith<br>01M/07, 01M/06    |
| Mineral Licence<br>held by<br>on map sheet | 036383M<br>Shoreline Exploration Inc.<br>02E/13, 02L/04           | Mineral Licence<br>held by<br>on map sheet | 036474M<br>Kennedy, Chad<br>23B/15              |
| Mineral Licence<br>held by<br>on map sheet | 036385M<br>Crann, Mitchell<br>01N/12                              | Mineral Licence<br>held by<br>on map sheet | 036485M<br>Quinlan, Tony                        |
| Mineral Licence<br>held by<br>on map sheet | 036386M<br>Foote, Timothy<br>01N/06                               | Mineral Licence<br>held by<br>on map sheet | 036502M<br>Reid, Georges<br>23B/14              |
| Mineral Licence<br>held by<br>on map sheet | 036431M<br>6201440 Canada Inc. o/a AI<br>Mining<br>12A/02, 12A/07 | Mineral Licence<br>held by<br>on map sheet | 036503M<br>Reid, Georges<br>23B/14              |
| Mineral Licence<br>held by<br>on map sheet | 036433M<br>Duffitt, Margaret<br>12A/07                            | Mineral Licence<br>held by<br>on map sheet | 036513M<br>Chan, Lai Lai<br>02D/14, 02E/03      |
| Mineral Licence<br>held by<br>on map sheet | 036438M<br>Duffitt, Margaret<br>12A/07                            | Mineral Licence<br>held by<br>on map sheet | 036514M<br>Shoreline Exploration Inc.<br>11P/12 |
| Mineral Licence<br>held by<br>on map sheet | 036439M<br>Taylor, Ronald<br>12A/11                               | Mineral Licence<br>held by<br>on map sheet | 036515M<br>Shoreline Exploration Inc.<br>11P/12 |
| Mineral Licence<br>held by<br>on map sheet | 036440M<br>Hicks, Darrin<br>12B/01                                | Mineral Licence<br>held by<br>on map sheet | 036516M<br>Chan, Lai Lai<br>02E/03              |
| Mineral Licence<br>held by<br>on map sheet | 036441M<br>Canning, Desmond<br>02E/07                             | Mineral Licence<br>held by<br>on map sheet | 036520M<br>Shoreline Exploration Inc.<br>11P/12 |
| Mineral Licence<br>held by<br>on map sheet | 036448M<br>Hicks, Natalie<br>11O/10                               | Mineral Licence<br>held by<br>on map sheet | 036521M<br>Shoreline Exploration Inc.<br>11P/12 |
| Mineral Licence<br>held by<br>on map sheet | 036460M<br>Noel, E. Michele<br>12I/01                             | Mineral Licence<br>held by<br>on map sheet | 036522M<br>Guinchard, Wayde<br>12A/15           |
| Mineral Licence<br>held by<br>on map sheet | 036464M<br>Coady, Craig Gordon<br>13F/07                          | Mineral Licence<br>held by<br>on map sheet | 036530M<br>Butler, David<br>14D/03              |
| Mineral Licence<br>held by<br>on map sheet | 036467M<br>March, Joshua<br>01L/14                                | Mineral Licence<br>held by<br>on map sheet | 036531M<br>Guinchard, Wayde<br>12A/14           |

|   |   |
|---|---|
| Mineral Licence<br>held by<br>on map sheet      | 036532M<br>Quinlan, Tony<br>02E/09  |
| Mineral Licence<br>held by<br>on map sheet      | 036547M<br>Sheppard, Stephen<br>12A/11  |
| Mineral Licence<br>held by<br>on map sheet      | 036563M<br>Noel, Nathaniel<br>01N/06  |
| Mineral Licence<br>held by<br>on map sheet      | 036571M<br>Tenacity Gold Mining<br>Company Ltd.<br>02D/12   |
| Mineral Licence<br>held by<br>on map sheet      | 036573M<br>Tenacity Gold Mining<br>Company Ltd.<br>02D/12   |
| Mineral Licence<br>held by<br>on map sheet      | 036575M<br>Collier, Ross<br>01N/06  |
| Mineral Licence<br>held by<br>on map sheet      | 036576M<br>Hicks, Darrin<br>23G/03  |
| Mineral Licence<br>held by<br>on map sheet      | 036578M<br>Hicks, Darrin<br>23G/03  |
| Mineral Licence<br>held by<br>on map sheet      | 036579M<br>Hicks, Darrin<br>23B/14, 23G/03  |
| A portion of licence<br>held by<br>on map sheet | 036911M<br>White, Jason<br>01N/06, 01N/11<br>more particularly described in<br>an application on file at Dept.<br>of Industry, Energy and<br>Technology |

The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in CNLR 1143/96 and NLR 71/98, 104/98, 97/00, 36/01, 31/04, 78/06, 8/08, 28/09, 5/13, 3/17, 12/22, 76/23, 34/24 and 83/24 and outlined on 1:50 000 scale digital maps maintained by the Department of Industry, Energy and Technology, will be open for staking after the hour of 9:00 a.m. on the 32<sup>nd</sup> clear day after the date of this publication.

DEPARTMENT OF INDUSTRY,  
ENERGY AND TECHNOLOGY  
Trina Adams, Mineral Claims Recorder

Jun. 6

## URBAN AND RURAL PLANNING ACT, 2000

### NOTICE OF REGISTRATION TOWN OF ST. LAWRENCE MUNICIPAL PLAN AMENDMENT NO. 2, 2025 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 2, 2025

TAKE NOTICE that the TOWN OF ST. LAWRENCE MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS AMENDMENT NO. 2 2025, adopted on the 1<sup>st</sup> day of April, 2025, and approved on the 24<sup>th</sup> day of April, 2025, have been registered by the Minister of Municipal and Provincial Affairs.

THE PURPOSE of the Municipal Plan and Development Regulations amendments is to recognize spaceports as a land use and allow them as a Discretionary use in the Rural Land Use Designation and Use Zone subject to approval by applicable federal and provincial authorities.

THE ST. LAWRENCE MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS AMENDMENTS NO. 2, 2025, come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of these amendments may do so by contacting the Town Office.

TOWN OF ST. LAWRENCE  
Town Clerk

Jun. 6

## LANDS ACT

### NOTICE OF INTENT, SECTION 7 *LANDS ACT*, SNL1991 c36 AS AMENDED

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Butlers Pond, for the purpose of a wharf/boathouse.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website. Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: [easternlandsoffice@gov.nl.ca](mailto:easternlandsoffice@gov.nl.ca)
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: [centrallandsoffice@gov.nl.ca](mailto:centrallandsoffice@gov.nl.ca)
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: [westernregionlands@gov.nl.ca](mailto:westernregionlands@gov.nl.ca)
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: [labradorlandsoffice@gov.nl.ca](mailto:labradorlandsoffice@gov.nl.ca)

(DISCLAIMER: *The Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Jun. 6

#### **NOTICE OF INTENT, SECTION 7 LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Ladle Cove Pond, for the purpose of a walking trail.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: [easternlandsoffice@gov.nl.ca](mailto:easternlandsoffice@gov.nl.ca)
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: [centrallandsoffice@gov.nl.ca](mailto:centrallandsoffice@gov.nl.ca)
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: [westernregionlands@gov.nl.ca](mailto:westernregionlands@gov.nl.ca)
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: [labradorlandsoffice@gov.nl.ca](mailto:labradorlandsoffice@gov.nl.ca)

(DISCLAIMER: *The Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Jun. 6

#### **NOTICE OF INTENT, SECTION 7 LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Lawrence Pond, for the purpose of a shed and wharf.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and

Agriculture by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: [easternlandsoffice@gov.nl.ca](mailto:easternlandsoffice@gov.nl.ca)
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: [centrallandsoffice@gov.nl.ca](mailto:centrallandsoffice@gov.nl.ca)
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: [westernregionlands@gov.nl.ca](mailto:westernregionlands@gov.nl.ca)
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: [labradorlandsoffice@gov.nl.ca](mailto:labradorlandsoffice@gov.nl.ca)

(DISCLAIMER: *The Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Jun. 6

### TRUSTEE ACT

#### ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of Late AUDREY EDWARDS of Change Islands, in the Province of Newfoundland and Labrador, Homemaker, Deceased.

ALL PERSONS claiming to be creditors of or who have any claims or demands upon or affecting the Estate of AUDREY EDWARDS, the aforesaid deceased, who died at Twillingate, in the Province of Newfoundland and Labrador on or about the 26<sup>th</sup> day of May, 2022, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 20<sup>th</sup> day of June, 2025 after which date the Executor will proceed to distribute the said Estate having regard only to the claims of which she shall then have had notice.

DATED at the Town of Twillingate, Newfoundland and Labrador, this 29<sup>th</sup> day of May, 2025.

PEDDLE LAW  
Solicitor for the Executor  
PER: MICHAEL D. PEDDLE

ADDRESS FOR SERVICE:  
P.O. Box 518  
38 Main Street  
Twillingate, NL A0G 4M0

Tel: (709) 884-1751  
Fax: (709) 702-0799

Jun. 6

#### ESTATE NOTICE

IN THE ESTATE OF MABEL LEMOINE, Gentlewoman, Late of the Town of Channel-Port aux Basques, Province of Newfoundland and Labrador, Canada, Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands either as beneficiaries or next-of-kin (by blood, legal adoption or marriage), upon or affecting the Estate of MABEL LEMOINE, Gentlewoman, deceased, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitors for the Executors of the Estate of the said deceased on or before the 11<sup>th</sup> day of July, 2025, after which date the said Executors will proceed to distribute the said Estate having regard only to the claims to which they shall then have had notice.

DATED at the Town of Channel-Port aux Basques, Province of Newfoundland and Labrador, this 29<sup>th</sup> day of May, 2025.

MARKS & PARSONS  
Solicitors for the Executors  
PER: M. BEVERLY L. MARKS, K.C.

ADDRESS FOR SERVICE:  
P.O. Box 640  
174 Caribou Road  
Channel-Port aux Basques, NL  
A0M 1C0

Tel: (709) 695-7338/7341  
Fax: (709) 695-3944

Jun. 6

#### ESTATE NOTICE

IN THE ESTATE OF SHIRLEY MCDONALD, Gentlewoman, Late of the Town of Channel-Port aux Basques, Province of Newfoundland and Labrador, Canada, Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands either as beneficiaries or next-of-kin (by blood, legal adoption or marriage), upon or affecting the Estate of SHIRLEY MCDONALD, Gentlewoman, deceased, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitors for the Executor

of the Estate of the said deceased on or before the 11<sup>th</sup> day of July, 2025, after which date the said Executor will proceed to distribute the said Estate having regard only to the claims to which he shall then have had notice.

DATED at the Town of Channel-Port aux Basques, Province of Newfoundland and Labrador, this 30<sup>th</sup> day of May, 2025.

MARKS & PARSONS  
Solicitors for the Executors  
PER: M. BEVERLY L. MARKS, K.C.

ADDRESS FOR SERVICE:  
P.O. Box 640  
174 Caribou Road  
Channel-Port aux Basques, NL  
A0M 1C0

Tel: (709) 695-7338/7341  
Fax: (709) 695-3944

Jun. 6

#### ESTATE NOTICE

IN THE ESTATE OF ERIC RODERICK QUILTY, Retired Labourer, Late of the Community of Jeffrey's, Province of Newfoundland and Labrador, Canada, Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands either as beneficiaries or next-of-kin (by blood, legal adoption or marriage), upon or affecting the Estate of ERIC RODERICK QUILTY, Retired Labourer, deceased, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitors for the Executrix of the Estate of the said deceased on or before the 11<sup>th</sup> day of July, 2025, after which date the said Executrix will proceed to distribute the said Estate having regard only to the claims to which she shall then have had notice.

DATED at the Town of Channel-Port aux Basques, Province of Newfoundland and Labrador, this 29<sup>th</sup> day of May, 2025.

MARKS & PARSONS  
Solicitors for the Executrix  
PER: M. BEVERLY L. MARKS, K.C.

ADDRESS FOR SERVICE:  
P.O. Box 640  
174 Caribou Road  
Channel-Port aux Basques, NL  
A0M 1C0

Tel: (709) 695-7338/7341  
Fax: (709) 695-3944

Jun. 6

#### ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of Late CALVIN SAUNDERS, of Gander, in the Province of Newfoundland & Labrador Retired Person, Deceased.

ALL PERSONS claiming to be creditors of or who have any claims or demands upon or affecting the Estate of CALVIN SAUNDERS, the aforesaid deceased, who died at Gander, Newfoundland and Labrador, on or about the 29<sup>th</sup> day of March, 2025, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 13<sup>th</sup> day of June, 2025 after which date the Executor have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 15<sup>th</sup> day of May, 2025.

PEDDLE LAW  
Solicitor for the Executrix  
PER: MICHAEL D. PEDDLE

ADDRESS FOR SERVICE:  
P.O.Box563  
137 Bennett Drive  
Gander, NL A1V 2E1

Tel: (709) 651-4949  
Fax: (709) 651-4951

May 30 & Jun. 6



# The Newfoundland and Labrador Gazette

**PART II**  
**SUBORDINATE LEGISLATION**  
**FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT**

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**Vol. 100**

**ST. JOHN'S, FRIDAY, JUNE 6, 2025**

**No. 23**

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**NEWFOUNDLAND AND LABRADOR  
REGULATIONS**

**NLR 43/25**  
**NLR 44/25**  
**NLR 45/25**  
**NLR 46/25**







**NEWFOUNDLAND AND LABRADOR  
REGULATION 43/25**

*Proclamation bringing the Act into force*

(SNL2025 c4)

[In force June 2, 2025]

under

*An Act to Amend the Canada-Newfoundland and Labrador  
Atlantic Accord Implementation Newfoundland and Labrador Act  
(O.C. 2025-150)*

*(Filed June 2, 2025)*

CHARLES THE THIRD, by the Grace of God,  
King of Canada and His other Realms and Territories,  
Head of the Commonwealth

Deborah E. Fry  
Administrator

Dr. John Haggie  
Attorney General

TO ALL TO WHOM these presents shall come or whom the same may  
in anywise concern:

GREETING

A PROCLAMATION

WHEREAS in and by section 264 of An Act to Amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act, Statutes of Newfoundland and Labrador 2025 Chapter 4 (the "Act"), it is provided that the Act, or a section, subsection, paragraph or subparagraph of the Act, comes into force on a day or days to be proclaimed by the Lieutenant-Governor in Council;

*Proclamation bringing the Act into force*  
*Under An Act to Amend the Canada-Newfoundland*  
*and Labrador Atlantic Accord Implementation*  
*Newfoundland and Labrador Act*

43/25

AND WHEREAS it is deemed expedient that the Act shall now come into force;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that the Act shall come into force on June 2<sup>nd</sup>, 2025.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

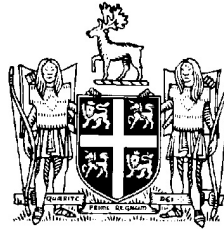
IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable Deborah E. Fry, Chief Justice of Newfoundland and Labrador, Court of Appeal, Administrator in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE, in Our City of St. John's, this 30<sup>th</sup> day of May in the year of Our Lord two thousand and twenty-five, in the third year of Our Reign.

BY COMMAND,

PAUL PIKE  
Registrar General



## NEWFOUNDLAND AND LABRADOR REGULATION 44/25

*Court of Appeal Civil Rules, 2025*  
under the  
*Court of Appeal Act*

*(Filed June 6, 2025)*

Under the authority of section 38 of the *Court of Appeal Act*, the Rules Committee of the Court of Appeal makes the following Rules.

Dated at St. John's, May 14, 2025.

Chief Justice Deborah E. Fry  
Chairperson, Rules Committee

### RULES

#### *Analysis*

- |                          |                                 |
|--------------------------|---------------------------------|
| PART 1<br>INTERPRETATION | 6.1 The court of its own motion |
| 1. Citation              | 7. Definitions                  |
| 2. Purpose               | PART 2                          |
| 3. Proportionality       | APPEALS TO THE                  |
| 4. Practice notes        | COURT                           |
| 5. Calculation of time   | 8. Notice of appeal             |
| 6. Gap in rules          | 9. Appeal involving a child     |
|                          | 10. Appeal involving a tribunal |

- |   |   |
|---|---|
| <p>11. Cross-appeals</p> <p>12. Challenge to a previous decision of the Court</p> <p>13. More than one notice of appeal in a proceeding</p> <p>PART 3<br/>EFFECT OF THE RULES</p> <p>14. Extension or abridgment of time</p> <p>15. Non-compliance with the rules</p> <p>16. Failure to proceed with an appeal</p> <p>17. Deemed abandonment of an appeal</p> <p>18. Notice an appeal is being discontinued</p> <p>PART 4<br/>PROCEDURE</p> <p>19. Hearing date</p> <p>20. Prehearing conference and case management</p> <p>21. Appearing by videoconference or teleconference</p> <p>22. Assistance of non-solicitor</p> <p>23. Withdrawal or change of solicitor</p> <p>24. Limited purpose retainer of solicitor</p> <p>25. Recording court proceedings</p> <p>PART 5<br/>FORMS AND DOCUMENTS</p> <p>26. Forms and materials</p> <p>27. Documents provided by the Court</p> <p>28. Documents – filing and serving</p> <p>29. Notice to the Attorney General</p> <p>PART 6<br/>APPLICATIONS</p> <p>30. Form 20 requests and Form 2 applications - procedure</p> <p>31. Applications heard by a single judge</p> <p>32. Application for directions or an order</p> | <p>33. Leave to appeal where required by statute</p> <p>34. Appeal of a consent order – leave required</p> <p>35. Challenging an appeal in an uncompleted matter</p> <p>36. Striking out a notice of appeal or dismissing an appeal</p> <p>37. Additional evidence on appeal</p> <p>38. Application to intervene</p> <p>39. Appointment as a friend of the court</p> <p>40. Application for appointment of counsel</p> <p>41. Consent judgment</p> <p>42. Staying enforcement of an order under appeal</p> <p>43. Security for costs</p> <p>44. Exemption from the payment of fees and charges</p> <p>45. Contempt of court</p> <p>PART 7<br/>APPEAL DOCUMENTS</p> <p>46. Transcript - obtaining and delivering to parties</p> <p>47. Transcript - filing</p> <p>48. Transcript – filing electronic version</p> <p>49. Transcript - alternatives</p> <p>50. Transcript - form</p> <p>51. Agreed statement of facts</p> <p>51.1 Electronic copies – factum and appeal book</p> <p>52. Appeal book</p> <p>53. Factum - contents</p> <p>54. Factum – legal and case authorities</p> <p>55. Factum - form</p> <p>56. Filing transcript, appeal book and factum</p> <p>PART 8<br/>ORDERS</p> <p>57. Formal order</p> <p>58. Costs</p> <p>59. Correction of mistakes</p> <p>PART 9<br/>TRANSITIONAL, NON-APPLICATION AND COMMENCEMENT</p> |
|---|---|

- 60. Transitional
- 61. Commencement
- 62. Repeal

Appendix  
Forms

## PART 1 INTERPRETATION

|                     |  |
|---------------------|--|
| Citation            | <b>1.</b> These rules apply to civil proceedings in the Court of Appeal and should be cited as the <i>Court of Appeal Civil Rules, 2025</i> .  |
| Purpose             | <b>2.</b> The purpose of these rules is to provide for the orderly and expeditious administration of justice in the Court.   |
| Proportionality     | <b>3.</b> In applying these rules, the Court shall make orders and give directions that are proportionate to the importance and complexity of the issues.  |
| Practice notes      | <b>4.</b> (1) The Court may issue practice notes on any matter respecting appeals.<br><br>(2) A practice note shall be published once in the Gazette but does not constitute a regulation under the <i>Statutes and Subordinate Legislation Act</i> .  |
| Calculation of time | <b>5.</b> Unless otherwise provided, time under these rules shall be calculated on the basis that <ul style="list-style-type: none"> <li>(a) where the Court is closed on the day on which a thing is to be done, it may be done on the next day on which the Court is open;</li> <li>(b) “within”, “not less than” or a reference to a number of days shall not include the day on which the thing is to be done; and</li> <li>(c) where the time limit is less than 6 days, days on which the Court is closed shall not be counted.</li> </ul> |
| Gap in rules        | <b>6.</b> Where a procedural issue arises that is not covered by these rules or a practice note, the Court may adopt and give directions to the parties regarding an appropriate procedure.  |

The court of its own motion

**6.1** Anything authorized to be done by a party under these rules may be done by the Court of its own motion.

Definitions

**7.** In these rules, unless the context otherwise requires:

- (a) “appeal” means an appeal to the Court and includes a reference made to the Court under a statute;
- (b) “appellant” means a person who files a notice of appeal and includes a tribunal that states a case or brings a reference;
- (c) “application” means either a Form 20 request or a Form 2 application;
- (d) “Chief Justice” means the Chief Justice of Newfoundland and Labrador;
- (e) “Court” means the Court of Appeal, a panel of judges or a judge of the Court;
- (f) “court appealed from” means a court, judge, or tribunal from which an appeal lies to the Court;
- (g) “electronic version” means an electronic version in a format acceptable to the Court;
- (h) “file” means to file and serve a document in accordance with rule 28;
- (i) “judgment” means the formal disposition of a matter by the Court and includes an order for judgment, and in the case of a panel of judges, the disposition by a majority of those judges;
- (j) “order appealed from” or “order under appeal” means
  - (i) the formal order settled by the court appealed from and filed after the decision has been given,
  - (ii) an order or decision of a tribunal,
  - (iii) an order or decision made in an uncompleted matter, or

- (iv) any document accepted by a court or tribunal as having the same effect as a formal order;
- (k) “registrar” means the person appointed and designated as registrar in accordance with the *Court of Appeal Act*;
- (l) “respondent” means a person served with a notice of appeal or named as a respondent in an appeal or an application;
- (m) “tribunal” means any person or body from which an appeal lies to the Court, including any board, commission, committee, minister, public official, or other public or governmental agency or authority, including the Lieutenant-Governor in Council, but not including a court or judge; and
- (n) “uncompleted matter” means a matter where the issues between the parties have not been determined by a final decision or order in the court appealed from.

## **PART 2 APPEALS TO THE COURT**

Notice of appeal

**8.** (1) An appeal shall be commenced by filing a notice of appeal in Form 1.

(2) A notice of appeal shall be filed with the Court

(a) within 30 days after the order appealed from has been filed in the court appealed from; or

(b) in an uncompleted matter, within 10 days after the order appealed from has been filed in the court appealed from.

(3) Where the rules of procedure of the court appealed from do not provide for the filing of a formal order, the time set out in subsection (2) shall commence 30 days from the date when the order or decision appealed from is made.

(4) A notice of appeal shall

(a) specify the order and court appealed from, the date the order was filed or made, the file number on the order, and the neutral citation, if any, where there is a written decision;

- (b) state the subject matter of the appeal by giving a brief summary of what the appeal is about and what the issues are;
- (c) identify the portion of the order under appeal if only a portion is being appealed;
- (d) state the relief, disposition or order requested;
- (e) give the names, postal addresses, email addresses and telephone numbers of the appellant and the persons being served with the notice of appeal, or of their solicitors;
- (f) indicate if there is an access restriction or publication ban in effect and the authority under which it was made;
- (g) state the reason if the appellant is requesting that the appeal be expedited; and
- (h) if applicable, state that the appeal involves the parenting of, protection of, support for or responsibility for a child.

(5) Where a party is not represented by a solicitor and for reasons of protection of a party or a child there is a question with respect to providing the information set out in paragraph (4)(e) and in serving documents under rule 28, the party may

- (a) provide an alternate name and address for service on the Form, and provide the information regarding the party to the Court in a separate envelope marked “Confidential”; or
- (b) make a Form 20 request for directions from the Chief Justice.

Appeal involving a child

**9.** (1) Every notice of appeal or application, or response to either that involves parenting of, protection of, support for or responsibility for a child shall have noted in the top left corner, between the name of the Court and the style of cause, the words “THIS MATTER INVOLVES A CHILD”.

(2) An appeal under subsection (1) shall be monitored by the registrar to ensure that the appeal proceeds as expeditiously as possible.



(3) On instruction from the Chief Justice, the registrar may, by written, oral or electronic notice to each party, specify a time by which any further step in the proceeding is required to be taken.

(4) Upon application or of its own motion, the Court may convene a hearing to give directions or make orders.

(5) Not less than 4 days before the hearing of an application or an appeal involving a child, a party may file a notice in Form 9 for the purpose of providing the Court and other parties with current information regarding any other court proceedings involving the child.

(6) Upon application or of its own motion, the panel hearing the appeal may permit or require a party, by affidavit, to provide current information regarding the child.

Appeal involving a  
tribunal

**10.** (1) Subject to statutory requirements, these rules shall apply with the necessary changes to an order appealed from a tribunal.

(2) Notice of the appeal shall be served on the tribunal, and the tribunal may participate in the appeal to the extent permitted by the Court.

(3) A party in a proceeding before a tribunal who is not named as a party in the appeal may apply to the Court to be added as a party, and the Court may give such directions and orders as are appropriate.

Cross-appeals

**11.** (1) A respondent to an appeal may make submissions by cross-appeal where the respondent

(a) seeks to appeal or vary an order or portion of an order appealed from that is not appealed by the appellant;

(b) contends that the order appealed from should be affirmed on grounds other than those given by the court appealed from;  
or

(c) contends that the respondent is entitled to other or different relief or disposition than given by the court appealed from.

(2) Where a respondent intends to make submissions under paragraph (1)(a) or (c), a notice of cross-appeal in Form 15 shall be

filed within 30 days after the respondent receives a copy of the notice of appeal.

(3) Failure to file a notice of cross-appeal under subsection (2) shall not preclude a respondent from making submissions on the issues, but the omission may be grounds for an order as to costs.

(4) Submissions on a cross-appeal shall be included, under the title “Cross-Appeal”, in the respondent's factum, placed after the submissions in response to the appeal or, if necessary, in a separate volume.

(5) Where a respondent files submissions on a cross-appeal, an appellant may file a reply factum within 30 days after receipt of the respondent's factum.

(6) Where an appeal is discontinued or deemed abandoned, a respondent may

(a) file a notice of election to proceed with a cross-appeal in Form 16; or

(b) make a Form 20 request to the Court for directions.

(7) Where the respondent does not file a notice of election to proceed with a cross-appeal within 30 days after receiving notice that the appeal has been discontinued or deemed abandoned, the issues on the cross-appeal shall be deemed to be abandoned without costs, unless the Court otherwise orders.

Challenge to a  
previous decision of  
the Court

**12.** (1) Where a party intends to challenge a previous decision or legal principle stated by the Court, that party, when filing its factum, shall advise the Court and other parties in writing of that intention, and the Court may, of its own motion or upon application, give directions.

(2) Where an issue is raised under subsection (1), the Chief Justice may direct that the appeal shall be heard by a panel of 5 judges, and in that case, each party to the appeal shall file with the Court the original and 5 copies of every document.

More than one  
notice of appeal in a  
proceeding

**13.** Where more than one party in a proceeding in the court appealed from files a notice of appeal, the registrar, on the instruction

of a judge, may direct that the appeals be consolidated or heard together or that one appeal shall be treated as a cross-appeal.

**PART 3**  
**EFFECTS OF THE RULES**

Extension or  
abridgment of time

**14.** The Court may extend or abridge any time prescribed by these rules before or after the expiration of that time.

Non-compliance  
with the rules

**15.** (1) The Court may waive compliance or relieve against non-compliance with these rules and may direct the procedure to be followed.

(2) A party who fails to comply with these rules may be subject to an order for costs.

Failure to proceed  
with an appeal

**16.** (1) An appellant shall diligently carry forward the appeal in accordance with the principle of proportionality and shall perfect the appeal within the time periods prescribed by these rules.

(2) Where an appellant fails to carry forward the appeal in accordance with subsection (1), a respondent may apply to the Court for directions and the Court may give such directions or make such orders as may be appropriate, including an order striking out the notice of appeal.

(3) The Court may

(a) where a respondent does not make an application under subs. (2) within 6 months after the transcript was filed;

(b) where no transcript was filed within 12 months after the notice of appeal was filed; or

(c) at any time of its own motion

set the matter for a status hearing for the purpose of giving directions or making orders, and may give directions regarding notice of the status hearing to the parties.

(4) At the status hearing, the Court may

(a) order the appeal to be perfected by a specified date;

- (b) adjourn the status hearing to a fixed date;
- (c) fix a date for hearing of the appeal or an application to strike the notice of appeal; or
- (d) make such other order as may be just.

Deemed  
abandonment of an  
appeal

**17.** (1) Where a Form 20 request to set a hearing date for an appeal has not been made within 1 year after the notice of appeal was filed, the registrar may give the parties notice that subsections (2) and (6) shall apply.

(2) Upon receiving notice under subsection (1), the appellant may deliver a written explanation and proposed plan in Form 14 to the Court and to the other parties, and the appeal shall not be deemed abandoned.

(3) Upon application or of its own motion, the Court may make an order or give directions regarding a proposed plan.

(4) Upon application, the Court may adjourn the appeal indefinitely where, 1) the parties agree for good reason that the appeal should not be deemed abandoned, and that, 2) at the time, it is not practical to provide a proposed plan under subsection 17(2). Where the Court adjourns an appeal indefinitely under this section, the Court shall also make an order regarding the application of subsection (1) to the appeal.

(5) Where a Form 20 request to set a hearing date for an appeal has not been made within 1 year after the appeal was adjourned indefinitely, the registrar may give the parties notice under subsection (1) that subsections (2) and (6) shall apply but the date on which the notice of appeal was filed shall be replaced by the date on which the appeal was adjourned.

(6) If the appellant does not deliver an explanation and proposed plan under subsection (2) or apply for an indefinite adjournment under subsection (4) within 60 days after the notice under subsection (1) was sent, the appeal shall be deemed abandoned.

(7) When an appeal has been deemed abandoned, the respondent is entitled to costs incurred for the purposes of the appeal.

(8) When an appeal has been deemed abandoned, the registrar shall deliver notice to the parties, but inability to locate a party in order to deliver the notice shall not affect the deemed abandonment of the appeal.

(9) When an appeal has been deemed abandoned, the appeal may, upon application, be reinstated upon such terms as the Court considers just.

(10) The terms under subsection (9) may include payment to a respondent of costs to date on a solicitor-and-client basis, which the Court may order to be paid personally by a named solicitor if the Court is satisfied that the solicitor is responsible for the failure of the appeal to proceed on a timely basis.

Notice an appeal is  
being discontinued

**18.** (1) An appellant may discontinue an appeal by filing a notice in Form 13 stating that the appellant has discontinued the appeal, whereupon the appeal shall be at an end.

(2) When an appeal is discontinued, the respondent is entitled to costs incurred for the purposes of the appeal.

#### **PART 4 PROCEDURE**

Hearing date

**19.** (1) The registrar may, upon receipt of a Form 20 request, and in consultation with the parties and the Chief Justice, set a time for the hearing of an appeal, cross-appeal or an application for leave to appeal and/or provide further directions.

(2) The Court may, of its own motion, set a date for the hearing of an appeal, cross-appeal or an application for leave to appeal.

(3) A party may request that a date be set for the hearing of an appeal, cross-appeal or an application for leave to appeal by filing Form 20, and:

(a) If all parties have filed their factums, or materials in support of an appeal or an application for leave to appeal, the registrar may, in consultation with the Chief Justice, and the parties, set a date for the hearing; or

(b) If any party has not filed their factum, then the Chief Justice may set a date within which those parties must file their factums, and may also set a date for the hearing of the appeal, cross-appeal or the application for leave to appeal.

(4) The Court may proceed in the absence of a party where the party fails to attend a hearing after having received notice.

(5) Where a party fails to attend a hearing due to accident, mistake, insufficient notice or for other good reason, that party may apply to have an order or directions arising from the hearing varied or set aside on such terms as may be appropriate.

Prehearing  
conference and case  
management

**20.** (1) The Court may at any time, of its own motion or upon request of a party in Form 20, direct a prehearing conference for the purpose of

- (a) simplifying or isolating issues on the appeal;
- (b) canvassing the possibility of a settlement or mediation hearing; or
- (c) addressing any other matter that may expedite the appeal.

(2) The Court may at any time, of its own motion or upon request of a party in Form 20, direct the case management of an appeal for the purpose of

- (a) achieving the efficient use of court resources and promoting access to the Court in a timely and cost effective manner;
- (b) providing information and resolving questions of procedure, including directions regarding steps to be taken to perfect the appeal;
- (c) giving directions regarding documents to be filed; and
- (d) setting dates for the filing of documents and hearing of the appeal.

(3) A judge conducting a prehearing conference or case management may make an order consented to by the parties, other than

an order determining the appeal, and may set the time or modify the time set for the hearing of the appeal.

(4) Discussions at a prehearing conference or during case management are without prejudice and shall not be referred to at the hearing of the appeal.

(5) The judge conducting a prehearing conference or case management shall not for that reason be disqualified from hearing the appeal unless the judge was involved in settlement or mediation discussions related to the appeal.

(6) Except by consent of the parties, a judge who was involved in settlement or mediation discussions related to the appeal shall not hear the appeal or disclose to any member of the appeal panel positions taken or admissions or concessions made by the parties or their counsel at those discussions.

Appearing by  
videoconference or  
teleconference

**21.** (1) A party seeking to be heard by video or teleconference may notify the registrar of that intention, and the Court may give directions as required.

(2) Under this rule, a prehearing conference or case management shall be held by teleconference unless a videoconference is directed by the Court.

(3) A party being heard by videoconference or teleconference shall ensure that the place where the videoconferencing or teleconferencing is held is free from distractions and noise.

(4) Unless otherwise ordered by the Court, costs associated with appearing by videoconference or teleconference shall be the responsibility of the party requesting it, and the costs may be recoverable as costs of the appeal or application.

(5) Except as otherwise provided by law or in a practice note, a person shall not record proceedings during a videoconference or teleconference by any visual or audio recording device, without leave of the Court.

Assistance of non-  
solicitor

**22.** (1) A party who is a natural person may represent themselves or be represented by a solicitor, or by a person acting for the party as trustee or in a representative capacity.

(2) Upon request of a party in Form 20, for the purpose of facilitating access to justice, the Court may, in exceptional circumstances and subject to such conditions as may be appropriate, permit a person who is not a solicitor

(a) to make submissions on behalf of a party who, by reason of physical or mental disability or other disabling circumstance, is not adequately able to make submissions on their own behalf;

(b) to sit with a party in the Court for the purpose of providing assistance, advice and support during the proceeding.

(3) A person granted permission under subsection (2) shall deliver to the Court a completed Form 17 undertaking in writing

(a) not to receive directly or indirectly any compensation for the assistance provided, except reimbursement for expenses actually incurred, unless the Court otherwise permits;

(b) stating that person does not have interests that are in conflict with the interests of the applicant under subsection (2); and

(c) to observe and be bound by the obligations that apply to an officer of the Court particularly as set out in Form 17.

Withdrawal or  
change of solicitor

**23.** (1) A party may change the solicitor representing the party in proceedings in the Court by filing a notice of change of solicitor in Form 12.

(2) A solicitor who has taken any step on behalf of a party in proceedings in the Court shall be and remain the solicitor of record unless a Form 12 has been filed or, a Form 20 request is made and the Court grants the solicitor leave to cease acting for the party in the proceedings.

(3) Where leave is granted under subsection (2), the party shall, subject to rule 8(5), without delay notify the Court and the other parties, in writing,

(a) of a new address for service; and



(b) whether the party has or intends to engage a new solicitor or intends to act on their own behalf.

(4) At any time during the proceedings, if a self-represented party engages a solicitor, that solicitor shall without delay notify the Court and the other parties, in writing, of the address for service.

Limited purpose  
retainer of solicitor

**24.** A party may retain a solicitor for a limited purpose, and if so retained, the solicitor shall file a notice in Form 11 identifying the nature and scope of the retainer.

Recording court  
proceedings

**25.** Except as otherwise provided by law or in a practice note, a person shall not record proceedings in the Court by any visual or audio recording device, without leave of the Court.

## **PART 5 FORMS AND DOCUMENTS**

Forms and materials

**26.** (1) Where applicable, the forms attached to and forming part of these rules shall be used with such changes as the circumstances require.

(2) All written material relied on in a proceeding shall be legible and printed on 8.5 x 11 inch good quality paper.

(3) The registrar may refuse to receive for filing any material that does not substantially comply with these rules and the practice notes.

(4) Where a party files material that fails to comply substantially with these rules, the Court may make an order as to costs that it considers appropriate.

Documents  
provided by the  
Court

**27.** Documents provided by the Court may be provided by electronic means.

Documents – filing  
and serving

**28.** (1) Unless otherwise prescribed in these rules or directed or ordered by the Court, a party shall file with the Court 4 copies of every document and without delay shall serve one copy of the document on each party.

(2) Where a document has been prepared for purposes of an appeal, one of the 4 copies filed with the Court shall be the original.

(3) In the case of a Form 2 application, unless otherwise prescribed in these rules or directed or ordered by the Court, a party shall file with the Court 2 copies of every document and without delay shall serve one copy of the document on each party.

(4) Where a document has been prepared for purposes of a Form 2 application, one of the 2 copies filed with the Court shall be the original.

(5) An address for service used in the court appealed from shall be used for purposes of serving a document under subsections (1) or (3) unless a party notifies the Court and other parties of a change in the address for service.

(6) A party shall serve a document on another party by delivering a copy to the address for service.

(7) A solicitor may accept service of a document on behalf of a client.

(8) Proof that a document has been served may be established by

(a) the signature of the recipient, with the date, acknowledging acceptance of service on the document or a copy;

(b) an affidavit in Form 3 by the person who delivered the document;

(c) an “Acknowledgment of Receipt” in Form 4;

(d) a confirmation of delivery obtained from the carrier where the document was delivered by registered mail or by courier;  
or

(e) email from the party that was served,

(i) identifying the document that was served; and

(ii) indicating the date and approximate time of service.

(9) Where a party files or serves a document by fax or email in order to meet a limitation period, the document shall be treated as filed

on the day it was received, but the party shall without delay file and serve printed copies of the document.

(10) Proof of service of a document is not required to be filed unless requested by the Court.

Notice to the  
Attorney General

**29.** (1) Upon an application or of its own motion, the Court may direct a party to give notice of an appeal or an application to the Attorney General in Form 10, and the Attorney General shall have the right to be heard and to participate in the proceeding.

(2) The notice shall include an appropriate notice period.

## **PART 6 APPLICATIONS**

Form 20 requests  
and Form 2  
applications -  
procedure

**30.** (1) Unless a procedure is specified in a rule, a reference in these rules to an “application” is governed by this rule.

(2) Applications can be made either by Form 20 request or by application in Form 2.

(3) An application shall be commenced by Form 20 request, unless the issues on which the direction or an order of the Court is sought are such that a hearing, pursuant to a Form 2 application, is required.

(4) A Form 20 request may be filed by electronic means by sending an email to the Court registry at COAregistry@appeal.court.nl.ca, and may be delivered to other parties by means of email. Form 20 requests will be disposed of in writing by the Court.

(5) Where a Form 2 application is filed for a hearing, the Chief Justice may decide that the matter is properly determined by means of a Form 20 request instead. Alternatively, where a Form 20 request is filed, the Chief Justice may decide that a Form 2 application should be filed instead.

(6) The Court, if the parties consent in writing, may decide a Form 2 application on the basis of the documents that have been filed and written submissions.

(7) A Form 2 application shall include:

- (a) a concise statement of the relevant facts and the issues to be determined in the application;
- (b) the directions or order the applicant is requesting from the Court;
- (c) any affidavit necessary to support or provide the foundation for the application;
- (d) any relevant document; and
- (e) written submissions and authorities where the nature of the application warrants.

(8) (a) A Form 2 application shall be filed with the Court and served on each party not less than 4 days prior to the time set for hearing the application, and

- (b) a party responding to a Form 2 application shall file with the Court and serve on each party any affidavit, document or written submissions and authorities on which that party relies not less than 2 days prior to the time set for hearing the application,

but

- (c) where the materials in paragraphs (7)(d) or (e) cannot practically be filed with the application, they may be filed with the Court and served on each party within 15 days after the application is filed, and
- (d) in that case, the respondent may file with the Court and serve on each party the materials in paragraph (8)(b) within 15 days after receipt of the materials in paragraph (8)(c), and
- (e) the application shall be heard not less than 2 days after the materials in paragraph (8)(d) have been filed with the Court and served on each party.

(9) Where warranted, the materials under subsections (7) and (8) shall be indexed, tabbed and bound.

(10) A party filing materials referred to in subsections (7) and (8) with the Court shall also file, with the required written copies, a searchable electronic copy of each document which may be provided by CD or flash drive or in an alternate format as specified in a practice note issued by the Court. The electronic version may be provided in Word DOC or DOCX format, or in searchable PDF, with PDF least preferred, or as specified in a practice note issued by the Court.

(11) Where authorized by an order or direction of the Court, a statute, or a rule, a Form 2 application may be filed without notice to other parties.

(12) Where an application is made without notice to other parties, the Court may vary or set aside an order or directions made on that application on such terms as may be appropriate.

(13) A party, in writing, may waive notice of the application or may give consent to the order sought by the applicant.

(14) The Court shall set dates for the hearing of Form 2 applications in each month, but such applications may be set to be heard at another time where necessary or appropriate.

Applications heard  
by a single judge

**31.** (1) An application that is incidental to but does not result in the final determination of an appeal may be heard and disposed of by a single judge, except as provided by this rule.

(2) An application involving a determination of whether to extend the period to file an appeal or reinstate an appeal may be heard and disposed of by a single judge.

(3) Where an application is heard and disposed of by a single judge pursuant to 31(2), the matter may, with leave of the Chief Justice, be reheard by a panel of the Court.

(4) A request for a rehearing under subsection (3) shall be made by Form 20 request within 15 days after the party receives the judgment under subsection (2).

Application for  
directions or an  
order

**32.** A party may make an application to the Court for the purpose of obtaining directions or an order.

Leave to appeal  
where required by  
statute

**33.** (1) Where a statute requires leave to appeal, the appellant shall file with the notice of appeal, an application for leave to appeal.

(2) An application for leave to appeal under subsection (1) shall be heard at the same time as the appeal unless the statute prescribes, or the Court orders, that leave to appeal shall be heard separately from the appeal.

(3) If a party wishes to have the leave application heard separately from the appeal, they shall file an application requesting this within 10 days after the application for leave to appeal is filed.

(4) If the Court, of its own motion, decides that the leave application should be heard separately from the appeal, the Court will notify the parties and provide directions on filing.

(5) If a party is seeking to have leave to appeal to be heard separately from the appeal,

(a) the applicant shall, within 10 days of filing the application for leave, file an application record, tabbed and bound, containing

(i) an index;

(ii) a copy of the application and the notice of appeal;

(iii) a copy of the order sought to be appealed and the written reasons, if any; and

(iv) any other document or submissions relevant to the application seeking to have leave heard separately from the appeal.

(b) within 15 days after receiving the applicant's documents under paragraph (a), a respondent shall file a response, if any, to the application seeking leave to appeal to be heard separately from the appeal.

(6) If the Court makes an order under rule 33(2) to hear the leave application separately from the appeal,

- (a) the applicant shall file written submissions and authorities in support of the leave application, indexed, tabbed and bound within 30 days of that order; and
- (b) within 30 days after receiving the applicant's written submissions and documents under subsection 6(a), a respondent shall file written submissions and authorities indexed, tabbed and bound, in response to the application for leave.

(7) If the application for leave to appeal and the appeal are to be heard at the same time, subsection (6) shall not apply, and the applicant and respondents shall

- (a) comply with the rules regarding an appeal book and factum and, where relevant, a transcript; and
- (b) include written submissions on the leave to appeal application in the appeal factum.

Appeal of a consent  
order – leave  
required

**34.** (1) Where the order under appeal is a consent order, leave to appeal is required.

(2) An application for leave to appeal under subsections (1) of this rule shall be filed with the notice of appeal.

(3) The procedures set out in rules 33(2) to 33(7), with any necessary changes, also apply to appeals of orders under this rule.

Challenging an  
appeal in an  
uncompleted matter

**35.** (1) Where an appeal is commenced in an uncompleted matter, a party may apply to have the notice of appeal struck on the basis that the appeal should not proceed until the matter has been completed because

- (a) prejudice to a party may result if the appeal is heard before the matter is completed in the court appealed from;
- (b) hearing the appeal before the matter is completed in the court appealed from would result in delay, inconvenience or an inefficient use of judicial resources; or
- (c) there is good reason for delaying an appeal until the matter has been completed.

(2) The Court of its own motion may convene a hearing under this rule.

(3) Striking a notice of appeal under this rule does not prejudice the right of the appellant to include the same issues in an appeal when the matter has been completed in the court appealed from.

Striking out a notice  
of appeal or  
dismissing an  
appeal

**36.** (1) A party to an appeal may apply at any time before or at the hearing of the appeal for an order

(a) striking out the notice of appeal; or

(b) dismissing the appeal

on the grounds that

(i) no appeal lies to the Court;

(ii) the appeal is frivolous, vexatious or without merit;

(iii) the appellant has unduly delayed the preparation and perfection of the appeal; or

(iv) the appellant has failed to apply to have the appeal set down for hearing.

(2) An application to dismiss an appeal shall be heard and determined by a panel of not fewer than 3 judges sitting together.

(3) A notice of appeal may be struck out by a single judge, and where a notice of appeal has been struck out, the appellant may apply within 6 months to have the notice reinstated for good reason.

Additional evidence  
on appeal

**37.** (1) Upon application, the panel hearing the appeal may permit additional evidence for purposes of the appeal.

(2) The application shall be accompanied by an affidavit setting out

(a) the general nature of the evidence sought to be introduced;

(b) the way in which the evidence satisfies the criteria set out in subsection (3); and



(c) why the evidence was not introduced in the court appealed from.

(3) In determining the application, the Court shall consider

(a) whether, by due diligence, the evidence could have been brought in the court appealed from;

(b) the relevance of the evidence in the sense that it bears upon a decisive or potentially decisive issue in the appeal;

(c) the credibility of the evidence;

(d) whether the evidence, if believed, could reasonably have affected the result; and

(e) any other relevant factor.

(4) Unless the Court otherwise orders or directs, additional evidence shall be submitted by affidavit, subject to cross-examination.

(5) Unless the Court otherwise orders or directs, an application for additional evidence

(a) shall be argued at the same hearing as the appeal; and

(b) shall be decided by the panel hearing the appeal

(6) The Court may, in the presence of the parties or their solicitors, inspect or view any place, property or thing where the inspection or view may facilitate determination of the appeal.

Application to  
intervene

**38.** (1) A person who did not participate in the court appealed from may apply to be added as an intervenor for purposes of the appeal.

(2) The application shall

(a) state the intervenor's interest in the appeal;

(b) explain the failure to apply to intervene in the court appealed from; and

(c) indicate the position the intervenor intends to take on the appeal.

(3) In addition to the factors set out in subsection (2), the Court may consider any relevant factors, including whether intervention would delay or prejudice adjudication of the rights of the parties and whether the record of the court appealed from is sufficient for purposes of the intervention.

(4) The Court may define or limit the scope of participation by an intervenor in an appeal.

(5) An intervenor shall be a party for purposes of the appeal.

Appointment as a  
friend of the court

**39.** (1) Upon application or of its own motion, the Court may appoint a solicitor to make submissions on an appeal as a friend of the court where the Court considers that such an appointment is necessary or appropriate in the circumstances.

(2) Notice in Form 10 of a proceeding under subsection (1) shall be given to the Attorney General of the Province not less than 15 days before the proceeding is set to be heard, and the Attorney General shall have the right to be heard and to participate in that proceeding.

(3) The Court may make an order under subsection (1) on terms it considers appropriate.

Application for  
appointment of  
counsel

**40.** (1) Where, by virtue of a legal rule or principle, appointment of counsel may be necessary or appropriate, an application may be made in Form 19 with a supporting affidavit as provided in the Form.

(2) Factors the Court may consider in an application under subsection (1) include:

- (a) the complexity of the legal issues in the appeal;
- (b) the potential effect of the appeal on the development of the law;
- (c) the ability of the applicant to provide written and oral submissions;

- (d) the availability of legal aid under a provincial plan providing legal aid or similar services;
- (e) whether the applicant has requested the assistance of a solicitor who would agree to provide assistance without financial compensation, including for a limited purpose as authorized under rule 24; and
- (f) financial hardship the applicant would suffer if required to pay for a solicitor to provide assistance, including for a limited purpose as authorized under rule 24.

(3) Notice in Form 10 of an application under subsection (1) shall be given to the Attorney General of the Province not less than 15 days before the application is set to be heard, and the Attorney General shall have the right to be heard and to participate in the application.

Consent judgment

**41.** Where the parties agree in writing that the judgment or order of the court appealed from should be reversed or varied and they agree on the order that should be made, the appellant may apply to have that order confirmed by the Court.

Staying  
enforcement of an  
order under appeal

**42.** (1) Filing a notice of appeal shall not operate to stay enforcement of the order under appeal.

(2) Upon application, the Court may stay the enforcement of an order under appeal pending disposition of the appeal, provided that an application to stay the order under appeal has not been made in the Supreme Court of Newfoundland and Labrador.

(3) The Court's decision granting or refusing to stay the enforcement of the order under appeal may be reviewed upon further application by a party based on a change in circumstances.

(4) An order made by a judge of the Supreme Court of Newfoundland and Labrador granting or refusing to stay the enforcement of an order under appeal may be appealed to the Court only with leave.

(5) The stay of an order for the payment of money shall not prevent interest from accruing.

Security for costs

**43.** (1) Security for costs shall not be required in an appeal unless, upon application, by reason of special circumstances, security is ordered by the Court.

(2) Unless the Court otherwise orders, an appellant who fails to give security for costs as ordered shall be deemed to have abandoned the appeal and the respondent is entitled to costs.

Exemption from the payment of fees and charges

**44.** (1) In this rule, “fees” and “charges” mean fees and charges under the *Supreme Court Fees Regulations*.

(2) A person whose ability to commence or proceed with an appeal, or a party whose ability to participate in the appeal, is impaired for financial reasons may apply for an exemption from or suspension of the payment of all or a portion of the fees and charges which may be payable by that person or party.

(3) The application shall be in Form 18 with a supporting affidavit as provided in the Form setting out the foundation for the application.

(4) Unless the Court otherwise orders, documents filed for purposes of this rule shall be restricted to that use.

(5) No court fees shall be payable to make an application under subsection (2), and the application may be made without notice to other parties to the appeal.

(6) Factors the Court may consider in assessing the application include

- (a) undue hardship that would result from the payment of fees and charges or a portion thereof;
- (b) whether the applicant is in receipt of social assistance;
- (c) financial steps the applicant has taken, making reasonable sacrifices, to enable payment of all or a portion of the fees and charges payable for the appeal;
- (d) whether the appeal is frivolous or vexatious in the sense that there is no arguable basis or sufficient merit for the appeal; and

- (e) whether the appeal is brought for a public purpose and the applicant has standing to pursue the appeal.

(7) The Court may decide an application under this section based on the written documentation without a hearing.

(8) Where the circumstances warrant, the Court may order that court services be used to provide the portion of the transcript required by the rules and copies of materials, and the Court may exempt the applicant from or suspend the payment of all or a portion of the associated fees and charges.

(9) A person who is not a party to an appeal may apply for an exemption from the payment of all or a portion of the fees and charges to obtain a copy of a court document where the payment would prevent the applicant from pursuing studies or conducting research.

Contempt of court

**45.** Upon application or of its own motion, the Court may, by order, exercise its power to punish for contempt of court.

## **PART 7 APPEAL DOCUMENTS**

Transcript -  
obtaining and  
delivering to parties

**46.** (1) In these rules,

- (a) “transcript” means a printed transcript of the audio recording of the proceedings in the court appealed from but does not include
  - (i) a party's submissions to the court appealed from unless those submissions are necessary to enable an issue raised on appeal or cross-appeal to be determined; and
  - (ii) a decision of the court appealed from where a printed copy of that decision has been issued.
- (b) “appellant” means the first appellant where there is more than one appellant, as required by the context.

(2) Upon filing a notice of appeal, without delay, the appellant shall obtain a copy of the audio recording from the court appealed from and shall deliver a copy to each party.

(3) The appellant shall, without delay

(a) arrange for preparation of a transcript of the portion of the audio recording necessary to prepare the factum and to enable the issues on appeal to be determined; and

(b) advise each party in writing what arrangement under paragraph (a) has been made, indicate what portion of the audio recording is being sought and specify the date when the transcript is expected to be completed.

(4) If the appellant fails to comply with subsection (2) or (3), another party may make an application to the Court for directions, and the Court may give such directions and make such order as to costs as may be appropriate.

(5) If the appellant indicates under subsection (3) that a transcript of only a portion of the audio recording is being sought and another party is satisfied that the transcript of an additional portion of the audio recording is necessary, that party shall proceed in accordance with subsection (3) with the necessary changes.

(6) A party, upon receipt of a transcript that was sought by that party, shall without delay deliver one printed copy and one electronic version of the transcript to the other parties to the appeal.

(7) A party disputing the accuracy of a transcript may make a Form 20 request to the Court for directions.

Transcript - filing

**47.** (1) The appellant shall not file the transcript in its entirety unless the whole of the transcript is necessary to enable the issues on appeal to be determined.

(2) In accordance with rule 56, together with the factum and the appeal book, the appellant shall file with the Court

(a) 4 copies of the portion of the transcript that is necessary to enable the issues on appeal to be determined; and

(b) a certificate in Form 5

- (i) stating that the appellant is satisfied that the portions of the transcript being filed are necessary to enable the issues on appeal to be determined; or
- (ii) if the appellant is satisfied, upon careful review, that the whole of the transcript is necessary to enable the issues on appeal to be determined, stating, with particulars, the reasons for drawing that conclusion.

(3) Where there is more than one appellant, and an appellant other than the first appellant is satisfied that a portion of the transcript has not been filed that is necessary to enable the issues on appeal to be determined, that appellant may file additional portions of the transcript, and the requirements of subsection (2) shall apply with the necessary changes.

(4) Where a respondent is satisfied that an appellant has not filed a portion of the transcript that is necessary to enable the issues on appeal or cross-appeal to be determined, the respondent may file additional portions of the transcript, and the requirements of subsection (2) shall apply with the necessary changes.

(5) Not less than 5 days before the hearing of the appeal, additional portions of the transcript may be filed where a party determines it to be necessary to enable the issues on appeal or cross-appeal to be determined, and the requirements of subsection (2) shall apply with the necessary changes.

(6) The Court may at any time, upon receipt of a Form 20 request or of its own motion, order the filing of all or a portion of the transcript.

(7) Where a party fails to comply with this rule, the Court may make an order as to costs that it considers appropriate.

Transcript – filing  
electronic version

**48.** In addition to the portion of the transcript required to be filed under rule 47, the appellant shall file with the Court

- (a) where a transcript of the entire proceedings has been prepared, 1 electronic version of the transcript; or
- (b) where a transcript of the entire proceedings has not been prepared,

- (i) 1 electronic version of the transcript that has been prepared; and
- (ii) 1 copy of the audio recording of the proceedings in the court appealed from.

Transcript -  
alternatives

**49.** (1) A party may apply to the Court for an order and directions to permit the use of an electronic version rather than a printed copy of the transcript.

(2) Upon application, or of its own motion, the Court may at any time dispense with the preparation and filing of a transcript and order that the appeal proceed using an audio recording of the proceedings in the court appealed from, and the Court may give such directions as may be appropriate.

Transcript - form

**50.** (1) A transcript shall be prepared in accordance with the *Recording of Evidence Act* and the Transcript Standards Manual of the Court Reporters' Office of the Supreme Court of Newfoundland and Labrador.

(2) Where possible a key word index shall be included at the end of the transcript.

(3) The cover used to bind the transcript shall be grey.

(4) The transcript may be printed on double-sided pages with 4 pages of the written transcript on a single page, provided that the print is sufficiently large to be legible.

(5) A searchable consolidated electronic version of the transcript shall be filed with the Court and delivered to each party.

(6) Where the portion of the transcript considered to be necessary to enable the issues on appeal or cross-appeal to be determined is voluminous, a party may provide, or the Court may require, a book of excerpts where that would be convenient for presentation of submissions.

Agreed statement of  
facts

**51.** Instead, or in place of a portion, of a transcript, an agreed statement of facts may be included in the appeal book under rule 52(1)(a)(v).



Electronic copies –  
factum and appeal  
book

**51.1** (1) A party filing with the Court or delivering to another party an appeal book or factum shall also file with the required written copies a searchable electronic copy of each document.

(2) The searchable electronic copy may be provided by CD or flash drive or in an alternate format as specified in a practice note issued by the Court.

(3) The electronic version may be provided in Word DOC or DOCX format, or in searchable PDF, with PDF least preferred, or as specified in a practice note issued by the Court.

Appeal book

**52.** (1) An appeal book shall be bound and shall consist of the following, in this order:

(a) Part I - Documents

- (i) index of the documents in the appeal book;
- (ii) the notice of appeal;
- (iii) the written decision appealed from, if any, or the transcript of an oral decision;
- (iv) the order appealed from;
- (v) any agreed statement of facts prepared for purposes of the appeal;
- (vi) the documents, including any agreed statement of facts filed in the court appealed from, that are necessary to enable the issues on appeal to be determined, but not the documents in Part II; and
- (vii) in an appeal involving a child under rule 9, any orders that have been made relating to the child.

(b) Part II - Evidence

- (i) index of witnesses;
- (ii) list of the exhibits;

(iii) copies of exhibits that may be conveniently copied and are necessary to enable the issues on appeal to be determined; and

(iv) copies of affidavits and written submissions and any other documents necessary to enable the issues on appeal to be determined.

(2) The items contained in the appeal book shall be separated by tabs to permit convenient reference to each document or portion thereof.

(3) The pages of the appeal book shall be numbered consecutively in the upper right corner of each page.

(4) If Part II is not lengthy it may be bound in the same volume with Part I.

(5) The cover of the appeal book shall be grey, and shall state the names of the parties, the file number of the appeal, and the volume number of the appeal book where there is more than one volume.

(6) Where there is more than one volume, each volume shall repeat the index and, in addition to the information specified in subsection (5), shall show on its cover the page numbers contained in it.

(7) Where there is more than one volume in the appeal book, there shall be a label on the spine of each volume indicating “Appeal Book, Volume ..., Tabs ... to ...”.

Factum - contents

**53.** (1) A factum shall be bound and shall consist of the following, in this order:

- (a) Index, including the page on which the submissions on each issue begin;
- (b) Part I - Overview, consisting of a brief summary of the appeal and the positions being taken in the factum;
- (c) Part II - Concise Statement of Facts, not to exceed 15 pages unless authorized by the Chief Justice and consisting of:

- (i) in the case of an appellant a concise summary of the facts relevant to the issues on the appeal;
  - (ii) in the case of a respondent, a statement of its position regarding the appellant's statement of facts and including any additional facts it considers relevant.
- (d) Part III - List of the Issues, consisting of a statement of the questions at issue in the appeal;
- (e) Part IV - Argument, consisting of a statement of the argument which must:
  - (i) not exceed 40 pages unless otherwise authorized by the Chief Justice;
  - (ii) set out the points of law or fact to be argued and the basis on which the arguments are made;
  - (iii) include specific references to the appeal book and the authorities relied upon in support of each point;
  - (iv) include the authority for a principle or proposition which shall be placed immediately after the paragraph or series of paragraphs to which it applies; and
  - (v) include the citation of the authority which shall include the tab reference together with the relevant paragraphs, pages or provisions each time the authority is cited.
- (f) Part V - Order or Relief Sought, consisting of a statement of the order that the Court will be asked to make, including any order as to costs;
- (g) Index of Appendix A, consisting of the case authorities listed in alphabetical order, and Appendix B consisting of statutory or regulatory authorities listed in alphabetical order, including citations as required under rule 54(1);
- (h) Appendix A - Copies of cases in accordance with rule 54, with appropriate tabbing; and

- (i) Appendix B - Copies of relevant portions of statutes, regulations, and rules with appropriate tabbing.

(2) Footnotes may be used for purposes of elaboration or explanation which would not conveniently be included in the body of the Argument, but “infra”, “below”, “supra”, “above”, “ibid” and “id” shall not be used.

(3) Except in responding to a cross-appeal, a party shall not file a reply factum without the prior approval of the Chief Justice.

(4) Approval under subsection (3) may be sought by making a Form 20 request or, if convenient, at a pre-hearing conference, case management meeting, status hearing, or at the hearing of an application.

Factum – legal and  
case authorities

**54.** (1) The Index of Appendix A shall include the neutral citation of each case where available.

(2) Copies of authorities in Appendices A or B from electronic sources may be printed on both sides of a page and be bound with the factum or in separate volumes where necessary, and may be filed provided that

- (a) the copy is legible;
- (b) the copy is downloaded in a minimum font size comparable to Times New Roman font size 14; and
- (c) the citation in the Index of Appendix A complies with subsection (1).

(3) When a copy of an authority is contained in documents already filed by another party, an additional copy shall not be filed, but the citation of the authority shall be included in the Index of Appendices A and B with reference to where the copy of the authority is to be found.

(4) A copy of the whole of a lengthy case need not be included in Appendix A if providing a portion would be sufficient for purposes of the appeal.

(5) Copies of authorities should be highlighted or otherwise conveniently marked to identify the portion to which the Court's attention is to be drawn.

(6) The Index of Appendices A and B shall be included after Part V in the factum and, if the copies of authorities are bound in a separate volume, the Index shall be included at the front of each volume of authorities.

(7) Where there is more than one volume of authorities, there shall be a label on the spine of each volume indicating "Authorities, Volume..., Tabs ... to ...".

Factum - form

**55.** (1) The Index, Parts I to V and the Index of Appendices A and B of a factum shall be bound and

- (a) shall be legible and printed in Times New Roman font size 14 or equivalent with line spacing of one and one-half;
- (b) shall be printed on one side of the paper only, with the printed pages to the right;
- (c) paragraphs shall be numbered consecutively; and
- (d) pages shall be numbered consecutively.

(2) The colours of the covers of a factum and authorities shall be

- (a) buff or yellow for an appellant, including an appellant's reply where a reply is permitted;
- (b) blue for a respondent's factum, including a factum as a cross-appellant; and
- (c) green for an intervenor's factum,

but where there are multiple parties, a party may choose to use a different colour where that would assist in identifying that party's materials.

Filing transcript,  
appeal book and  
factum

**56.** (1) The appellant shall file the factum together with the appeal book and transcript within 60 days after the date of completion marked on the transcript or agreed statement of facts, or within 120 days after

the notice of appeal has been filed if the appeal is proceeding without a transcript or an agreed statement of facts.

(2) Where there is more than one appellant, each appellant other than the first appellant shall file its factum and additional portions of the transcript, if any, within 20 days after receipt of the documents served under subsection (1).

(3) An appellant other than the first appellant that does not intend to file a factum shall without delay notify the other parties to the appeal and the Court.

(4) A respondent shall file its factum and additional portions of the transcript, if any, within 30 days after receipt of the documents served under subsection (1) or, if subsection (2) or (3) applies, within 30 days after receipt of those documents or notification that an appellant does not intend to file a factum.

(5) An intervenor shall file its factum in accordance with subsection (1) or (2) if it makes submissions in support of that party, or, in all other circumstances, in accordance with subsection (4).

## **PART 8 ORDERS**

Formal order

**57.** (1) A formal order of the Court shall be in Form 8 and shall state the judgment of the Court.

(2) Where a judge files dissenting reasons, the formal order shall indicate the nature of the dissent.

(3) After the Court's judgment is filed, the successful party shall prepare a draft formal order and shall provide a copy to the other parties to the appeal.

(4) A party receiving a copy of a draft formal order shall, without delay, in writing, indicate consent to the draft or provide comments to the drafter of the order.

(5) Within 30 days after the Court's judgment is filed, the successful party shall

- (a) file a draft formal order, indicating the consent of the other parties; or
- (b) if consensus on the contents of the order cannot be reached within that time, file the draft formal order that it proposes together with a written summary of the points in contention.

(6) Where the successful party does not file a draft formal order within 30 days after the Court's judgment is filed, the unsuccessful party may prepare a draft formal order and shall provide a copy to the other parties to the appeal.

(7) Subsections (4) and (5) shall apply with the necessary changes to a draft formal order provided by an unsuccessful party.

(8) Where a draft formal order is not filed by a party within 60 days after the Court's judgment is filed, the Court may, of its own motion, prepare and file the formal order.

(9) The Court shall determine and approve the final formal order, which shall be filed, with a copy provided to each party.

(10) The formal order may be filed in the Supreme Court of Newfoundland and Labrador and thereby becomes a judgment of that court for purposes of enforcement and all subsequent proceedings may be taken as if the order had been granted by that Court.

(11) This rule does not preclude a party from making a Form 20 request to extend the time under subsection (5), to clarify a point of contention in respect of the order, or to require the successful party to file the draft formal order.

Costs

**58.** (1) The Court may make such order as to costs as it considers appropriate, including an order for a lump sum payment or an order on a basis other than is provided in the scale of costs attached to and forming part of these rules.

(2) An order for costs may include costs in the court appealed from.

(3) If no order is made under subsection (1),

- (a) the costs of any proceeding in the Court shall be included with the costs of the appeal; and
- (b) the successful party on the appeal shall have its costs of the appeal in accordance with column 3 of the scale of costs.

(4) The Court may award costs in accordance with any column or combination of columns under the scale of costs, and in exercising its discretion for this purpose, the Court may consider

- (a) the amounts claimed and the amounts recovered;
- (b) the importance of the issues;
- (c) the complexity, difficulty or novelty of the issues;
- (d) the manner in which the proceeding was conducted, including any conduct that tended to shorten or unnecessarily lengthen the duration of the matter;
- (e) the failure by a party to admit anything that should have been admitted;
- (f) seniority of counsel at the bar;
- (g) fair payment for the work of a person acting on their own behalf; and
- (h) any other relevant matter.

(5) A taxing officer shall determine the cost of an item that is not listed in the scale of costs.

(6) The rules of the Supreme Court of Newfoundland and Labrador governing the manner of payment and taxation of costs shall apply to costs in the Court.

Correction of  
mistakes

**59.** At any time the Court may correct an error in a judgment or order that arose from a clerical mistake or from an accidental slip or omission.



**PART 9  
TRANSITIONAL, NON-APPLICATION AND  
COMMENCEMENT**

Transitional

**60.** (1) Proceedings commenced, but not completed, prior to the coming into force of these rules shall be governed by these rules without prejudice to anything lawfully done under the former rules.

(2) A party may make a Form 20 request for directions or an order if there is doubt about the application or operation of these rules to a proceeding under subsection (1) or if any difficulty, injustice or impossibility arises as a result.

Commencement

**61.** These rules come into force 90 days after they are published in the Newfoundland and Labrador Gazette.

Repeal

**62.** The *Court of Appeal Rules*, NLR 38/16, are repealed immediately upon the coming into force of these rules.

**Appendix**

**Scale of Costs - Court of Appeal**

(Rule 58)

**General**

1. A party seeking an assessment of costs shall prepare a bill of costs indicating the service provided, the column and the number of units and, where the service provided is based on days or half days, shall indicate the number of days or half days, and

(a) a “day” or “half day” includes a part thereof; and

(b) where a service is provided more than once for the same listed item the service provided for each item on each occasion may be assessed separately.

2. A bill of costs may include a list of disbursements, which shall be verified by invoice or affidavit.

3. The total value of services provided shall be calculated by multiplying the total number of units by the unit value in effect on the date of the assessment.

4. The unit value is \$100.00.

### **Items of Costs**

| Service Provided  | Number of Units |       |       |       |       |
|---|-----------------|-------|-------|-------|-------|
|   | Col 1           | Col 2 | Col 3 | Col 4 | Col 5 |
| 1. Preparation and filing of notice of appeal or cross-appeal   | 1.0             | 1.5   | 2.0   | 2.5   | 3.0   |
| 2. Applications   |                 |       |       |       |       |
| (a) Preparation and filing of the application   | 1.0             | 1.5   | 2.0   | 2.5   | 3.0   |
| (b) Preparation and filing of any affidavit or other document to support the application                        | 1.0             | 1.5   | 2.0   | 2.5   | 3.0   |
| (c) Preparation of a memorandum of fact and law   | 2.0             | 3.0   | 4.0   | 5.0   | 6.0   |
| (d) Counsel fee on uncontested application  | 1.0             | 1.5   | 2.0   | 2.5   | 3.0   |
| (e) Counsel fee at hearing of contested application, per half day   | 2.5             | 5.0   | 8.5   | 11.5  | 15.0  |
| 3. Preparation of the appeal book   | 1.0             | 1.5   | 2.0   | 2.5   | 3.0   |
| 4. Preparation of the factum for the appeal   | 2.0             | 3.0   | 4.0   | 5.0   | 6.0   |
| 5. Preparation for and attendance at prehearing conference, case management or similar conference, per half day | 1.5             | 2.25  | 3.0   | 3.75  | 4.5   |
| 6. General preparation for the appeal including any request made to, or communication with, the Court           | 0.5             | 0.75  | 1.0   | 1.25  | 1.5   |

| Service Provided   | Number of Units |       |       |       |       |
|--|-----------------|-------|-------|-------|-------|
|  | Col 1           | Col 2 | Col 3 | Col 4 | Col 5 |
| 7. Counsel fee at hearing of the appeal:                                     |                 |       |       |       |       |
| (a) first counsel, first day   | 7.5             | 15.0  | 25.0  | 35.0  | 45.0  |
| (b) first counsel, second and subsequent days                                | 3.75            | 7.5   | 12.5  | 17.5  | 22.5  |
| (c) additional counsel, where the Court approves, first day                  | 5.0             | 10.0  | 17.0  | 23.0  | 30.0  |
| (d) additional counsel, where the Court approves, second and subsequent days | 2.5             | 5.0   | 8.5   | 11.5  | 15.0  |
| 8. Preparation of the formal order   | 0.5             | 0.75  | 1.0   | 1.25  | 1.5   |
| 9. Preparation of the bill of costs  | 0.5             | 0.75  | 1.0   | 1.25  | 1.5   |
| 10. Attendance on taxation, per half day                                     | 0.5             | 0.75  | 1.0   | 1.25  | 1.5   |

### **Other Costs**

1. Disbursements, including costs of:

- (a) court fees;
- (b) service of documents, including an electronic version;
- (c) copies at \$0.25 per printed page;
- (d) transcription services and copies of transcript;
- (e) electronic conferencing, including teleconference and videoconference;
- (f) filing of an electronic version;
- (g) reasonable travel expenses of counsel, including meals and lodging, for travel by counsel exceeding 40 kilometres one way from the counsel's ordinary place of business; and

- (h) other reasonable disbursements.
- 2. Law Society levy.
- 3. HST as applicable.

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File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

*[Insert notice of publication ban or access restriction if applicable]*

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE OF APPEAL**

This is notice that the Appellant appeals the order of the Supreme Court of Newfoundland and Labrador.

- (1) Information regarding the order under appeal:
  - (a) Justice who made the order
  - (b) Location where the matter was heard
  - (c) Lower court file no.
  - (d) Neutral citation of a written decision, if any
  - (e) Date the order was filed or made
- (2) Subject matter of the appeal: *(Give a brief summary of what the appeal is about and what the issues are).*
- (3) The Appellant requests: *(Set out what order the Appellant is seeking from the appeal).*
- (4) The Court and parties are advised that: *(Include any of the following that is relevant).*
  - (a) Only a portion of the order is being appealed *(Specify the portion).*
  - (b) This is an appeal in an uncompleted matter. It is appropriate to proceed at this time because *(Specify reasons).*
  - (c) The Appellant is asking that the appeal be expedited because *(Specify reasons).*
  - (d) The constitutionality or legality of the following provision of an Act, regulation or rule will be challenged in the appeal *(Specify the relevant provisions).*
  - (e) The court appealed from imposed a publication ban or restriction on access *(Attach a copy of the publication ban if one is available or quote the language of the publication ban or restriction on access).*

- (f) This appeal involves the custody of, access to, protection of, support for or responsibility for a child (*See requirement for style of cause under rule 9(1)*).
- (g) This is a tribunal appeal to which rule 10 applies.
- (h) This appeal involves a challenge to a previous decision or legal principle stated by the Court (*Describe briefly*).

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ (signature)

(*name of Appellant or lawyer*)

The address for service is:

(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ....

To: (*name of Respondent or lawyer*)

The address for service is:

(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**APPLICATION TO THE COURT WITH SUPPORTING AFFIDAVIT**

This is notice that the (*Appellant or Respondent*) applies for: (*Specify the nature of the order or directions being requested from the Court*).

Subject matter of the application: (*Give a concise statement of the relevant facts and of the issues to be determined by the application*).

The affidavit that is necessary to support or provide the foundation for the application is attached.

The application is set to be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 10:00 a.m.

Dated at (*city or town, and province*), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)  
(*name of Appellant or lawyer*)

The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)  
Counsel for ....

To: (*name of Respondent or lawyer*)  
The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)  
Counsel for ...

**AFFIDAVIT IN SUPPORT OF AN APPLICATION**

I, *(name, occupation optional)* , of *(city or town, and province)*, swear *(or affirm)* that the following facts are true: *(Set out the facts that give the foundation or provide support for the application. Attach any exhibits referred to in the affidavit).*

I make this affidavit in support of my application.

Sworn *(or affirmed)* before me at \_\_\_\_ *(city or town)* in the province of Newfoundland and

Labrador

this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
(signature of deponent)

\_\_\_\_\_  
(signature of Commissioner, Notary Public, etc)



Form 3  
Rule 28(8)(b)

File No.  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**SERVICE OF DOCUMENT - AFFIDAVIT**

I, *(name, occupation optional)*, of *(city or town, and province)*, swear *(or affirm)* that the following facts are true:

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I delivered the *(specify document)*, which is dated \_\_\_\_\_, 20\_\_\_\_ to *(name)* by *(specify the method of delivery)*.

*Where the document was not delivered to a solicitor's office,*

I identified the person I delivered the document to *(Specify the basis on which you identified the named person)*.

Sworn *(or affirmed)* before me at *(city or town)* in

the province of Newfoundland and Labrador

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ \_\_\_\_\_

\_\_\_\_\_  
(signature of deponent)

\_\_\_\_\_  
(signature of Commissioner, Notary Public, etc)

Form 4  
Rule 28(8)(c)

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**SERVICE OF DOCUMENT - ACKNOWLEDGMENT OF RECEIPT**

I, (*name*), acknowledge that, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I received the (*specify document*) which is dated \_\_\_\_\_, 20\_\_\_\_.

I am the Respondent (*or specify other position*) in the appeal.

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**TRANSCRIPT CERTIFICATE**

I, *(name)*, *(counsel for the Appellant)*, have reviewed the order appealed from and considered the issues on appeal discussed in my factum. I am satisfied that the whole of the transcript is not required but that the portions of the transcript I am filing are necessary to enable the issues on appeal to be determined.

Or:

I, *(name)*, *(counsel for the Appellant)*, have reviewed the order appealed from and considered the issues on appeal discussed in my factum. I am satisfied that the whole of the transcript is necessary to enable the issues on appeal to be determined.

The reasons for this conclusion are: *(Provide details for concluding that the whole transcript is necessary)*.

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature)  
*(name of Appellant or lawyer)*

The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*

Counsel for ....

To: *(name of Respondent or lawyer)*  
The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**ORDER**

Before: *(name Justices on the panel in order of seniority – see guidelines).*

Whereas:

*(Set out concise basis of the appeal).*

The appeal was heard on *(date)*.

The Court heard submissions from *(name)*, counsel for the Appellant, and *(name)*, counsel for the Respondent.

The judgment of the Court was given with written reasons on *(date and neutral citation)*.

Or:

The judgment of the Court was given orally on *(date)*, with written reasons on *(date and neutral citation)*.

Accordingly, it is ordered that: *(Using the written decision, give details of what was ordered).*

In dissenting reasons, Justice *(name)* would have *(Give nature of the dissent)*.

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

REGISTRAR

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

THIS MATTER INVOLVES A CHILD

*[Insert notice of publication ban or access restriction if applicable]*

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**APPEAL INVOLVING A CHILD - CURRENT INFORMATION**

Other proceedings currently before the courts involving a child or children whose interests may be at issue in this appeal:

1. Court
2. File number
3. Nature of the order being requested in those proceedings

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)

(*name of Appellant or lawyer*)

The address for service is:

(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ....

To: (*name of Respondent or lawyer*)

The address for service is:

(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ...

Form 10  
Rules 29(1), 39(2) and 40(3)

File No.  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE TO THE ATTORNEY GENERAL**

This is notice that this proceeding concerns a matter which may be of interest to the Attorney General of Newfoundland and Labrador.

Subject matter of the appeal: *(Give a brief summary of what the appeal is about and what the issues are).*

This notice *(is required by statute – identify the provision)* or *(was ordered or directed by the Court)* or *(other reason for giving notice).*

The issues that may be of interest to the Attorney General are: *(State the issues briefly giving sufficient information to assist the Attorney General in assessing the notice).*

The appeal is set to be heard on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, at 10:00 a.m.

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(signature)  
*(name of Appellant or lawyer)*

The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ....

To:     *(name of Respondent or lawyer)*  
The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ...

And to: The Attorney General of Newfoundland and Labrador  
The address for service is:  
The Department of Justice and Public Safety  
Counsel for the Attorney General of Newfoundland and Labrador  
P.O. Box 8700  
St. John's, NL  
A1B 4J6

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**LIMITED PURPOSE RETAINER OF SOLICITOR**

I, *(name)*, have been retained to act as the solicitor for the *(Appellant or Respondent)* for a limited purpose, the nature and scope of which is *(Briefly set out the parameters of the retainer, such as, to prepare the factum, provide research information, etc.)*.

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)

*(name of party or solicitor)*

The address for service is:

*(postal address, telephone, email)*

*(name of solicitor handling the file)*

Counsel for ....

To: *(name of party or solicitor)*

The address for service is:

*(postal address, telephone, email)*

*(name of solicitor handling the file)*

Counsel for ...



File No.  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE OF CHANGE OF SOLICITOR**

This is notice that I, (*name*), have been retained to act as solicitor for the (*Appellant or Respondent*) in place of (*name*).

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)

(*name of Appellant or solicitor*)

The address for service is:

(*postal address, telephone, email*)

(*name of solicitor handling the file*)

Counsel for ....

To: (*name of Respondent or solicitor*)

The address for service is:

(*postal address, telephone, email*)

(*name of solicitor handling the file*)

Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE AN APPEAL IS BEING DISCONTINUED**

This is notice that the Appellant discontinues this appeal and that the appeal is at an end.

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)

*(name of Appellant or solicitor)*

The address for service is:

*(postal address, telephone, email)*

*(name of solicitor handling the file)*

Counsel for ....

To: *(name of Respondent or solicitor)*

The address for service is:

*(postal address, telephone, email)*

*(name of solicitor handling the file)*

Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**DEEMED ABANDONMENT - EXPLANATION FOR DELAY AND PROPOSED PLAN**

In response to the notice from the registrar under rule 17(1), the Appellant requests that the appeal not be deemed abandoned.

The reasons for the delay in carrying the appeal forward by filing materials or requesting that a hearing date be set are: *(Set out the reasons)*.

The Appellant states and proposes the following:

1. The transcript was requested on *(date)*.
2. The transcript *(was received)* or *(is expected to be received)* on *(date)*.
3. The transcript *(was delivered to the other parties on (date))* or *(will be delivered to the other parties without delay when it is received)*.
4. The transcript, appeal book and Appellant's factum will be filed no later than *(date)*.
5. The Appellant has consulted with the Respondent.

The Respondent

- (a) agrees with the proposed dates set by the Appellant, and
- (b) will file its factum no later than *(date)*.

The Appellant, with the agreement of the Respondent, requests that the hearing of the appeal be set for *(date)*. *(To obtain a hearing date, the Appellant should contact the registry and proceed according to rule 19).*

Or:

The parties have not reached an agreement and the Appellant has filed an application for an order or directions from the Court.

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ (signature)

(*name of Appellant or lawyer*)

The address for service is:

(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ....

To: (*name of Respondent or lawyer*)

The address for service is:

(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

*[Insert notice of publication ban or access restriction if applicable]*

BETWEEN:

\_\_\_\_\_

APPELLANT/  
RESPONDENT BY CROSS-APPEAL

AND:

\_\_\_\_\_

RESPONDENT/  
APPELLANT BY CROSS-APPEAL

**CROSS-APPEAL - NOTICE**

This is notice that the Respondent cross-appeals against the order under appeal.

Subject matter of the cross-appeal: *(Give a brief summary of what the cross-appeal is about and what the issues are).*

The Respondent requests: *(Set out what order the Respondent is seeking).*

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ (signature)  
*(name of Respondent or lawyer)*

The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ....

To: *(name of Appellant or lawyer)*  
The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

*[Insert notice of publication ban or access restriction if applicable]*

BETWEEN:

\_\_\_\_\_

APPELLANT/  
RESPONDENT BY CROSS-APPEAL

AND:

\_\_\_\_\_

RESPONDENT/  
APPELLANT BY CROSS-APPEAL

**CROSS-APPEAL - ELECTION TO PROCEED**

The appeal having been (*discontinued*) or (*deemed abandoned*), the Respondent elects to proceed with the cross-appeal.

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)  
(*name of Respondent or lawyer*)

The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)  
Counsel for ....

To: (*name of Appellant or lawyer*)  
The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)  
Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**ASSISTANCE BY NON-SOLICITOR - UNDERTAKING**

I, *(name)*, undertake that:

1. I will not receive directly or indirectly any compensation for the assistance, related to this appeal, that I am providing to *(name)*, except for reimbursement for expenses actually incurred, unless the Court otherwise permits;
2. My interests are not in conflict with the interests of *(name)*;
3. I will observe and be bound by the obligations of an officer of the court, the chief of which are:
  - (a) To treat discussions with *(name)* as confidential;
  - (b) To behave in a manner that will not disrupt the court process;
  - (c) To be honest and forthright in all representations I make and information I provide to the Court;
  - (d) To abide strictly by and perform all undertakings I give to the Court and other parties, including their lawyers;
  - (e) To show respect for the process and officers of the Court and for other parties and their lawyers at all times; and
  - (f) To comply with the directives and customs of the court process.

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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(signature of person making the undertaking)

(*postal address, telephone, email*)



File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**EXEMPTION FROM PAYMENT OF FEES AND CHARGES**

The Appellant applies for an exemption from, or suspension of, the payment of the fees and charges payable under the *Supreme Court Fees Regulations*.

The reasons for the application are set out in the attached affidavit.

The application is set to be heard on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 10:00 a.m.

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)

(*name of Appellant*)

The address for service is:  
(*postal address, telephone, email*)

To: (*Name of Respondent or lawyer*)

The address for service is:

(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ...

### **EXEMPTION FROM PAYMENT OF FEES AND CHARGES - AFFIDAVIT**

I, (*name, occupation optional*), of (*city or town, and province*), swear (*or affirm*) that the following facts are true: (*Use the following statements that apply to you and any other facts you wish to add*).

1. I would suffer financial hardship if I was required to pay the fees and charges payable under the *Supreme Court Fees Regulations* because (*for example, you are unemployed or employed at minimum wage*).
2. I am in receipt of social assistance (*If you are not presently in receipt of social assistance, but you have been in the past, you may state when and for how long*).
3. I have taken the following steps in an attempt to arrange my finances so that I could pay all or a portion of the fees and charges: (*The Court will consider whether you have made reasonable financial sacrifices*).
4. Other relevant facts are: (*List any other facts you want the Court to consider*).

I make this affidavit in support of my application for an exemption from, or suspension of, the payment of the fees and charges payable under the *Supreme Court Fees Regulations*.

Sworn (*or affirmed*) before me at (*city or town*) in

the province of Newfoundland and Labrador

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_

(signature of deponent)

(signature of Commissioner, Notary Public, etc)

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**APPOINTMENT OF COUNSEL - APPLICATION**

The Appellant applies for the appointment of counsel.

The basis for this application is: *(State the legal rule or principle which supports the application, for example, the Canadian Charter of Rights and Freedoms).*

The reasons for the application are set out in the attached affidavit.

The application is set to be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at 10:00 a.m.

Dated at *(city or town, and province)*, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ (signature)

*(name of Appellant)*

The address for service is:  
*(postal address, telephone, email)*

To: *(Name of Respondent or lawyer)*

The address for service is:

*(postal address, telephone, email)*

*(name of lawyer handling the file)*

Counsel for ...

### **APPOINTMENT OF COUNSEL - AFFIDAVIT**

I, *(name, occupation optional)*, of *(city or town, and province)*, swear *(or affirm)* that the following facts are true: *(Use the following statements that apply to you and any other facts you wish to add)*.

1. At the appeal I will be arguing the following points *(Give a brief overview of what your appeal is about)*.
2. I need a lawyer to argue my case because I do not have the necessary skills to organize the facts, research the law, and present the case myself. *(The Court will consider your familiarity with the Court's process and your general education)*.
3. I would suffer financial hardship if I was required to pay for a lawyer for all or part of my appeal because *(For example: you are unemployed or employed at minimum wage, or are receiving social assistance. If you are not presently in receipt of social assistance, but you have been in the past, you may state when and for how long)*.
4. I have taken the following steps to try to obtain a lawyer who, without being paid, will help me with my appeal but I have not been successful *(List steps you have taken such as contacting the Law Society or particular lawyers)*.
5. I applied for legal aid and was refused. I appealed the initial refusal for legal aid to the legal aid commission and was refused.
6. I have taken the following steps in an attempt to arrange my finances so that I could pay a lawyer for all or part of my appeal: *(Describe)*.
7. Other relevant facts are: *(List any other facts you want the Court to consider)*.

I make this affidavit in support of my application for the appointment of counsel for my appeal.

Sworn (*or affirmed*) before me at (*city or town*) in

the province of Newfoundland and Labrador

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(signature of deponent)

\_\_\_\_\_  
(signature of Commissioner, Notary Public, etc

IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

**REQUEST**

Date: \_\_\_\_\_

Case: \_\_\_\_\_ File No.: \_\_\_\_\_

**REQUEST:** \_\_\_\_\_

\_\_\_\_\_

- ☐ Notice was given to the other parties.
- ☐ Consent to the request      ☐ No position to the request      ☐ No objection to the request  
[in writing, by the other parties is attached]
- ☐ Request is opposed. [in writing, by the other parties is attached]
- ☐ Notice was **not** given to other parties **because** (*give reasons*)  
\_\_\_\_\_.

Name of requestor \_\_\_\_\_

Counsel for \_\_\_\_\_

=====

**FOR COURT USE ONLY**

**Request No:** \_\_\_\_\_

**Disposition**

- [ ] request granted: \_\_\_\_\_
- [ ] adjourned to: \_\_\_\_\_
- [ ] request refused: \_\_\_\_\_
- [ ] order as follows: \_\_\_\_\_
- [ ] other directions: \_\_\_\_\_

Date: \_\_\_\_\_

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## REQUEST FOR A HEARING

- ☐ The request is to set a date for a hearing:
- ☐ The Appellant confirms that:
- (a) all factums, the appeal book and transcript are filed;
  - (b) the direction of the Court is not required on any matter before a date is set; and
  - (c) there is no circumstance requiring a court appearance.
- ☐ The Appellant has consulted with the other parties to the appeal, or their counsel, and the following dates in the next two months are mutually acceptable for the hearing of the appeal: *(insert dates)* \_\_\_\_\_.

Or

- ☐ The Appellant's factum, the appeal book and transcript were filed on *(date)* \_\_\_\_\_.
- ☐ The Respondent's factum was filed on *(date)* \_\_\_\_\_, but a mutually acceptable date for the hearing could not be reached.

Or

- ☐ The Appellant's factum, the appeal book and transcript were filed on *(date)* \_\_\_\_\_  
The Appellant applies to set a date for hearing of the appeal and a date for the Respondent to file a factum because the Respondent has not done so within the time prescribed by the Rules.

Name of requestor \_\_\_\_\_

Counsel for \_\_\_\_\_

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**FOR COURT USE ONLY**

**Request No:** \_\_\_\_\_

**Disposition**

- [ ] request granted: \_\_\_\_\_
- [ ] adjourned to: \_\_\_\_\_
- [ ] request refused: \_\_\_\_\_
- [ ] order as follows: \_\_\_\_\_
- [ ] other directions: \_\_\_\_\_

**Date:** \_\_\_\_\_





**NEWFOUNDLAND AND LABRADOR  
REGULATION 45/25**

*Proclamation bringing section 2 and subsections 16(1), (2) and (4) of  
the Act into force*

(SNL2024 c31)

[In force January 5, 2026]

under

*An Act to Amend Public Safety Act*

(O.C. 2025-154)

*(Filed June 5, 2025)*

CHARLES THE THIRD, by the Grace of God,  
King of Canada and His other Realms and Territories,  
Head of the Commonwealth

Joan Marie J. Aylward  
Lieutenant-Governor

Karen Stone  
Deputy Attorney General

TO ALL TO WHOM these presents shall come or whom the same may  
in anywise concern:

GREETING

A PROCLAMATION

WHEREAS in and by section 21 of An Act to Amend the Public Safety  
Act, Statutes of Newfoundland and Labrador 2024 Chapter 31 (the  
"Act"), it is provided that section 2 and subsections 16(1), (2) and (4)  
come into force on a date to be proclaimed by the Lieutenant-Governor  
in Council;

AND WHEREAS it is deemed expedient that section 2 and subsections  
16(1), (2) and (4) of the Act shall now come into force;

*Proclamation bringing the Act into force*  
*Under An Act to Amend the Canada-Newfoundland*  
*and Labrador Atlantic Accord Implementation*  
*Newfoundland and Labrador Act*

43/25

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that section 2 and subsections 16(1), (2) and (4) of an Act to Amend the Public Safety Act, Statutes of Newfoundland and Labrador 2024 Chapter 31, shall come into force on January 5<sup>th</sup>, 2026.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable Joan Marie J. Aylward, Chancellor of the Order of Newfoundland and Labrador, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE, in Our City of St. John's, this 5<sup>th</sup> day of June in the year of Our Lord two thousand and twenty-five, in the third year of Our Reign.

BY COMMAND,

PAUL PIKE  
Registrar General



**NEWFOUNDLAND AND LABRADOR  
REGULATION 46/25**

*Notice of Protected Water Supply Area of Steady Brook, WS-S-0712,  
Town of Steady Brook  
under the  
Water Resources Act*

*(Filed June 5, 2025)*

Under the authority of section 39 of the *Water Resources Act*, I designate the area generally known as Steady Brook Protected Public Water Supply Area, WS-S-0712, for the Town of Steady Brook, as a protected public water supply area.

Dated at St. John's, May 29, 2025.

Scott Reid  
Minister of Environment and Climate Change

**NOTICE**

This area includes all lands in the Provincial Electoral District of St. George's - Humber abutted and bounded as follows:

Beginning at a point having scaled UTM coordinates of easting 443,370 metres and northing 5,416,797 metres;

Then running in a northeasterly direction for a distance of 571 metres, more or less, to a point having scaled UTM coordinates of easting 443,738 metres and northing 5,417,233 metres;

Then running in a northwesterly direction for a distance of 1771 metres, more or less, to a point having scaled UTM coordinates of easting 442,191 metres and northing 5,418,096 metres;

Then running in a westerly direction for a distance of 1481 metres, more or less, to a point having scaled UTM coordinates of easting 440,716 metres and northing 5,417,963 metres;

Then running in a northeasterly direction for a distance of 689 metres, more or less, to a point having scaled UTM coordinates of easting 441,005 metres and northing 5,418,589 metres;

Then running in a westerly direction for a distance of 310 metres, more or less, to a point having scaled UTM coordinates of easting 440,701 metres and northing 5,418,651 metres;

Then running in a westerly direction for a distance of 576 metres, more or less, to a point having scaled UTM coordinates of easting 440,134 metres and northing 5,418,754 metres;

Then running in a westerly direction for a distance of 212 metres, more or less, to a point having scaled UTM coordinates of easting 439,927 metres and northing 5,418,800 metres;

Then running in a westerly direction for a distance of 80 metres, more or less, to a point having scaled UTM coordinates of easting 439,847 metres and northing 5,418,800 metres;

Then running in a northwesterly direction for a distance of 610 metres, more or less, to a point having scaled UTM coordinates of easting 439,335 metres and northing 5,419,132 metres;

Then running in a northwesterly direction for a distance of 239 metres, more or less, to a point having scaled UTM coordinates of easting 439,123 metres and northing 5,419,242 metres;

Then running in a northerly direction for a distance of 565 metres, more or less, to a point having scaled UTM coordinates of easting 439,185 metres and northing 5,419,804 metres;

Then running in a northeasterly direction for a distance of 2035 metres, more or less, to a point having scaled UTM coordinates of easting 440,517 metres and northing 5,421,343 metres;

Then running in an easterly direction for a distance of 635 metres, more or less, to a point having scaled UTM coordinates of easting 441,143 metres and northing 5,421,449 metres;

Then running in a northeasterly direction for a distance of 412 metres, more or less, to a point having scaled UTM coordinates of easting 441,403 metres and northing 5,421,769 metres;

Then running in a northeasterly direction for a distance of 1044 metres, more or less, to a point having scaled UTM coordinates of easting 442,323 metres and northing 5,422,263 metres;

Then running in an easterly direction for a distance of 1601 metres, more or less, to a point having scaled UTM coordinates of easting 443,918 metres and northing 5,422,400 metres;

Then running in a northeasterly direction for a distance of 436 metres, more or less, to a point having scaled UTM coordinates of easting 444,270 metres and northing 5,422,657 metres;

Then running in an easterly direction for a distance of 907 metres, more or less, to a point having scaled UTM coordinates of easting 445,110 metres and northing 5,422,999 metres;

Then running in a northeasterly direction for a distance of 534 metres, more or less, to a point having scaled UTM coordinates of easting 445,482 metres and northing 5,423,382 metres;

Then running in a northeasterly direction for a distance of 1914 metres, more or less, to a point having scaled UTM coordinates of easting 446,947 metres and northing 5,424,613 metres;

Then running in an easterly direction for a distance of 226 metres, more or less, to a point having scaled UTM coordinates of easting 447,173 metres and northing 5,424,602 metres;

Then running in a southeasterly direction for a distance of 295 metres, more or less, to a point having scaled UTM coordinates of easting 447,395 metres and northing 5,424,408 metres;

Then running in an easterly direction for a distance of 1098 metres, more or less, to a point having scaled UTM coordinates of easting 448,489 metres and northing 5,424,507 metres;

Then running in a southerly direction for a distance of 220 metres, more or less, to a point having scaled UTM coordinates of easting 448,515 metres and northing 5,424,289 metres;

Then running in a southwesterly direction for a distance of 530 metres, more or less, to a point having scaled UTM coordinates of easting 448,217 metres and northing 5,423,851 metres;

Then running in an easterly direction for a distance of 601 metres, more or less, to a point having scaled UTM coordinates of easting 448,784 metres and northing 5,423,652 metres;

Then running in a northeasterly direction for a distance of 494 metres, more or less, to a point having scaled UTM coordinates of easting 449,082 metres and northing 5,424,046 metres;

Then running in an easterly direction for a distance of 1562 metres, more or less, to a point having scaled UTM coordinates of easting 450,601 metres and northing 5,424,408 metres;

Then running in an easterly direction for a distance of 1519 metres, more or less, to a point having scaled UTM coordinates of easting 452,075 metres and northing 5,424,042 metres;

Then running in a southerly direction for a distance of 380 metres, more or less, to a point having scaled UTM coordinates of easting 452,200 metres and northing 5,423,683 metres;

Then running in a southwesterly direction for a distance of 620 metres, more or less, to a point having scaled UTM coordinates of easting 451,772 metres and northing 5,423,234 metres;

Then running in a southeasterly direction for a distance of 391 metres, more or less, to a point having scaled UTM coordinates of easting 451,983 metres and northing 5,422,905 metres;

Then running in a southerly direction for a distance of 535 metres, more or less, to a point having scaled UTM coordinates of easting 451,917 metres and northing 5,422,374 metres;

Then running in an easterly direction for a distance of 280 metres, more or less, to a point having scaled UTM coordinates of easting 452,191 metres and northing 5,422,432 metres;

Then running in an easterly direction for a distance of 524 metres, more or less, to a point having scaled UTM coordinates of easting 452,681 metres and northing 5,422,246 metres;

Then running in an easterly direction for a distance of 353 metres, more or less, to a point having scaled UTM coordinates of easting 453,027 metres and northing 5,422,316 metres;

Then running in a southeasterly direction for a distance of 291 metres, more or less, to a point having scaled UTM coordinates of easting 453,275 metres and northing 5,422,164 metres;

Then running in a northeasterly direction for a distance of 130 metres, more or less, to a point having scaled UTM coordinates of easting 453,391 metres and northing 5,422,222 metres;

Then running in a southerly direction for a distance of 176 metres, more or less, to a point having scaled UTM coordinates of easting 453,393 metres and northing 5,422,046 metres;

Then running in a southwesterly direction for a distance of 379 metres, more or less, to a point having scaled UTM coordinates of easting 453,106 metres and northing 5,421,799 metres;

Then running in a southeasterly direction for a distance of 120 metres, more or less, to a point having scaled UTM coordinates of easting 453,208 metres and northing 5,421,735 metres;

Then running in a southerly direction for a distance of 228 metres, more or less, to a point having scaled UTM coordinates of easting 453,193 metres and northing 5,421,507 metres;

Then running in a southwesterly direction for a distance of 237 metres, more or less, to a point having scaled UTM coordinates of easting 453,065 metres and northing 5,421,307 metres;

Then running in a southwesterly direction for a distance of 533 metres, more or less, to a point having scaled UTM coordinates of easting 452,589 metres and northing 5,421,067 metres;

Then running in a southerly direction for a distance of 503 metres, more or less, to a point having scaled UTM coordinates of easting 452,574 metres and northing 5,420,564 metres;

Then running in a southwesterly direction for a distance of 240 metres, more or less, to a point having scaled UTM coordinates of easting 452,355 metres and northing 5,420,466 metres;

Then running in a westerly direction for a distance of 840 metres, more or less, to a point having scaled UTM coordinates of easting 451,516 metres and northing 5,420,435 metres;

Then running in a westerly direction for a distance of 451 metres, more or less, to a point having scaled UTM coordinates of easting 451,095 metres and northing 5,420,598 metres;

Then running in a southwesterly direction for a distance of 199 metres, more or less, to a point having scaled UTM coordinates of easting 450,928 metres and northing 5,420,490 metres;

Then running in a southeasterly direction for a distance of 166 metres, more or less, to a point having scaled UTM coordinates of easting 451,063 metres and northing 5,420,394 metres;

Then running in a southerly direction for a distance of 269 metres, more or less, to a point having scaled UTM coordinates of easting 451,107 metres and northing 5,420,129 metres;

Then running in a southerly direction for a distance of 383 metres, more or less, to a point having scaled UTM coordinates of easting 451,051 metres and northing 5,419,750 metres;

Then running in a southwesterly direction for a distance of 273 metres, more or less, to a point having scaled UTM coordinates of easting 450,822 metres and northing 5,419,602 metres;

Then running in a westerly direction for a distance of 207 metres, more or less, to a point having scaled UTM coordinates of easting 450,616 metres and northing 5,419,586 metres;

Then running in a southeasterly direction for a distance of 733 metres, more or less, to a point having scaled UTM coordinates of easting 451,024 metres and northing 5,418,977 metres;



Then running in an easterly direction for a distance of 354 metres, more or less, to a point having scaled UTM coordinates of easting 451,353 metres and northing 5,418,847 metres;

Then running in a southeasterly direction for a distance of 104 metres, more or less, to a point having scaled UTM coordinates of easting 451,409 metres and northing 5,418,759 metres;

Then running in a southeasterly direction for a distance of 642 metres, more or less, to a point having scaled UTM coordinates of easting 451,665 metres and northing 5,418,170 metres;

Then running in a westerly direction for a distance of 435 metres, more or less, to a point having scaled UTM coordinates of easting 451,260 metres and northing 5,418,011 metres;

Then running in a southeasterly direction for a distance of 318 metres, more or less, to a point having scaled UTM coordinates of easting 451,417 metres and northing 5,417,735 metres;

Then running in a southerly direction for a distance of 117 metres, more or less, to a point having scaled UTM coordinates of easting 451,410 metres and northing 5,417,618 metres;

Then running in a southerly direction for a distance of 360 metres, more or less, to a point having scaled UTM coordinates of easting 451,298 metres and northing 5,417,276 metres;

Then running in a westerly direction for a distance of 360 metres, more or less, to a point having scaled UTM coordinates of easting 450,938 metres and northing 5,417,275 metres;

Then running in a southwesterly direction for a distance of 255 metres, more or less, to a point having scaled UTM coordinates of easting 450,740 metres and northing 5,417,114 metres;

Then running in a westerly direction for a distance of 471 metres, more or less, to a point having scaled UTM coordinates of easting 450,270 metres and northing 5,417,082 metres;

Then running in a northwesterly direction for a distance of 440 metres, more or less, to a point having scaled UTM coordinates of easting 449,990 metres and northing 5,417,421 metres;

Then running in a southerly direction for a distance of 236 metres, more or less, to a point having scaled UTM coordinates of easting 449,988 metres and northing 5,417,185 metres;

Then running in a southwesterly direction for a distance of 272 metres, more or less, to a point having scaled UTM coordinates of easting 449,876 metres and northing 5,416,937 metres;

Then running in a southwesterly direction for a distance of 174 metres, more or less, to a point having scaled UTM coordinates of easting 449,735 metres and northing 5,416,835 metres;

Then running in a westerly direction for a distance of 158 metres, more or less, to a point having scaled UTM coordinates of easting 449,577 metres and northing 5,416,842 metres;

Then running in a southwesterly direction for a distance of 318 metres, more or less, to a point having scaled UTM coordinates of easting 449,302 metres and northing 5,416,683 metres;

Then running in a northwesterly direction for a distance of 315 metres, more or less, to a point having scaled UTM coordinates of easting 449,017 metres and northing 5,416,816 metres;

Then running in a northwesterly direction for a distance of 243 metres, more or less, to a point having scaled UTM coordinates of easting 448,862 metres and northing 5,417,003 metres;

Then running in a westerly direction for a distance of 336 metres, more or less, to a point having scaled UTM coordinates of easting 448,529 metres and northing 5,417,050 metres;

Then running in a northwesterly direction for a distance of 597 metres, more or less, to a point having scaled UTM coordinates of easting 448,026 metres and northing 5,417,371 metres;

Then running in a westerly direction for a distance of 380 metres, more or less, to a point having scaled UTM coordinates of easting 447,654 metres and northing 5,417,293 metres;

Then running in a northwesterly direction for a distance of 342 metres, more or less, to a point having scaled UTM coordinates of easting 447,343 metres and northing 5,417,436 metres;

Then running in a southerly direction for a distance of 180 metres, more or less, to a point having scaled UTM coordinates of easting 447,296 metres and northing 5,417,262 metres;

Then running in a westerly direction for a distance of 259 metres, more or less, to a point having scaled UTM coordinates of easting 447,041 metres and northing 5,417,214 metres;

Then running in a southwesterly direction for a distance of 250 metres, more or less, to a point having scaled UTM coordinates of easting 446,908 metres and northing 5,417,002 metres;

Then running in a westerly direction for a distance of 354 metres, more or less, to a point having scaled UTM coordinates of easting 446,559 metres and northing 5,417,064 metres;

Then running in a southerly direction for a distance of 261 metres, more or less, to a point having scaled UTM coordinates of easting 446,632 metres and northing 5,416,813 metres;

Then running in a southerly direction for a distance of 337 metres, more or less, to a point having scaled UTM coordinates of easting 446,582 metres and northing 5,416,480 metres;

Then running in a westerly direction for a distance of 145 metres, more or less, to a point having scaled UTM coordinates of easting 446,448 metres and northing 5,416,425 metres;

Then running in a southwesterly direction for a distance of 648 metres, more or less, to a point having scaled UTM coordinates of easting 445,937 metres and northing 5,416,027 metres;

Then running in a southwesterly direction for a distance of 764 metres, more or less, to a point having scaled UTM coordinates of easting 445,389 metres and northing 5,415,494 metres;

Then running in a westerly direction for a distance of 200 metres, more or less, to a point having scaled UTM coordinates of easting 445,190 metres and northing 5,415,476 metres;

Then running in a southerly direction for a distance of 288 metres, more or less, to a point having scaled UTM coordinates of easting 445,179 metres and northing 5,415,188 metres;

Then running in a southwesterly direction for a distance of 325 metres, more or less, to a point having scaled UTM coordinates of easting 444,952 metres and northing 5,414,955 metres;

Then running in a westerly direction for a distance of 421 metres, more or less, to a point having scaled UTM coordinates of easting 444,532 metres and northing 5,414,934 metres;

Then running in a southerly direction for a distance of 92 metres, more or less, to a point having scaled UTM coordinates of easting 444,506 metres and northing 5,414,846 metres;

Then running in a southwesterly direction for a distance of 461 metres, more or less, to a point having scaled UTM coordinates of easting 444,206 metres and northing 5,414,496 metres;

Then running in a southwesterly direction for a distance of 289 metres, more or less, to a point having scaled UTM coordinates of easting 443,970 metres and northing 5,414,330 metres;

Then running in a northwesterly direction for a distance of 239 metres, more or less, to a point having scaled UTM coordinates of easting 443,807 metres and northing 5,414,505 metres;

Then running in a northerly direction for a distance of 385 metres, more or less, to a point having scaled UTM coordinates of easting 443,693 metres and northing 5,414,873 metres;

Then running in a northwesterly direction for a distance of 176 metres, more or less, to a point having scaled UTM coordinates of easting 443,538 metres and northing 5,414,957 metres;

Then running in a northerly direction for a distance of 743 metres, more or less, to a point having scaled UTM coordinates of easting 443,717 metres and northing 5,415,678 metres;

Then running in a northwesterly direction for a distance of 629 metres, more or less, to a point having scaled UTM coordinates of easting 443,473 metres and northing 5,416,258 metres;

Then running in a northerly direction for a distance of 454 metres, more or less, to a point having scaled UTM coordinates of easting 443,359 metres and northing 5,416,697 metres;

Then running in a northerly direction for a distance of 101 metres, more or less, to the point of commencement.

All coordinates refer to Zone 21 of the NAD 83 Universal Transverse Mercator Projection.

**The Notice of Protected Water Supply Area of Steady Brook, WS-S-0712, Newfoundland and Labrador Regulation 7/05, is repealed.**

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| Title of Act and<br>Subordinate Legislation<br>made thereunder  | CNLR or<br>NL Reg. | Amendment                          | NL Gazette<br>Date & Page No. |
|---|--------------------|------------------------------------|-------------------------------|
| <b>An Act to Amend the<br/>Newfoundland and Labrador<br/>Atlantic Accord Implementation<br/>Newfoundland and Labrador Act</b> |                    |                                    |                               |
| Proclamation bringing Act<br>into force   | NLR 43/25          | New                                | Jun. 6/25 p. 341              |
| [In force June 2, 2025]   |                    | Extraordinary Gazette<br>Jun. 2/25 |                               |
| <b>Court of Appeal Act</b>  |                    |                                    |                               |
| Court of Appeal Civil Rules, 2025   | NLR 44/25          | R&S<br>NLR 38/16                   | Jun. 6/25 p. 343              |
| [In force 90 days after publication<br>in the <i>Newfoundland and Labrador<br/>Gazette</i> ]                                  |                    |                                    |                               |
| <b>An Act to Amend the<br/>Public Safety Act</b>  |                    |                                    |                               |
| Proclamation bringing section 2<br>and subsections 16(1), (2) and (4) of<br>Act into force                                    | NLR 45/25          | New                                | Jun. 6/25 p. 413              |
| [In force June 5, 2026]   |                    |                                    |                               |
| <b>Water Resources Act</b>  |                    |                                    |                               |
| Notice of Protected Water Supply<br>Area of Steady Brook, WS-S-<br>0712, Town of Steady Brook                                 | NLR 46/25          | R&S<br>NLR 7/05                    | Jun. 6/25 p. 415              |

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