

75. Return of exhibits

- (1) After an appeal is concluded, a registrar must, unless the Court has ordered otherwise —
 - (a) return any record or thing given to the Court by the primary court to the primary court;
 - (b) by a written notice, require the party who tendered any record or thing that was admitted in evidence by the Court to collect it from the court; and
 - (c) by a written notice, require any person who, under a subpoena, produced any record or thing to the Court that was not admitted in evidence, to collect it from the court
- (2) A registrar must not act under subrule (1) until —
 - (a) the time for commencing proceedings in the Court of Appeal in relation to the appeal has expired; or
 - (b) if proceedings in the Court of Appeal in relation to the appeal are commenced before that time expires, the proceedings are concluded.
- (3) Despite subrule (2), a registrar —
 - (a) may dispose of a record or thing that the registrar considers is dangerous to retain or return to a person; or
 - (b) may release a record or thing to a person who is entitled to custody of it if the registrar considers that —
 - (i) it is dangerous, impracticable or inconvenient to retain the record or thing under this rule; or
 - (ii) it is necessary for that person to have use of the record or thing.
- (4) If under subrule (3)(b) a registrar releases a record or thing to a person, the registrar may require the person, as a condition of being given it, to give a written undertaking to the Court as to the care maintenance and custody of it and its re-delivery to the Court.
- (5) If a record or thing remains in the possession of the Court after reasonable steps have been taken to identify a person who is entitled to possession of it and to require the person to collect it from the court, a judge may order a registrar to destroy it or dispose of it in some other way.