

79. Appeal to the Court of Appeal

- (1) A party to an action or matter who is dissatisfied with —
 - (a) a final judgment, may appeal from that judgment to the Court of Appeal;
 - (b) a judgment that is not a final judgment or an order remitting any action or matter from one court to another, may by leave of the Court of Appeal, appeal to the Court of Appeal,

notwithstanding that the action or matter to which the final judgment or judgment relates may have been brought in the Court by consent as provided in this Act.

- (1a) Notwithstanding anything in this section, an appeal to the Court of Appeal in respect of a judgment, order or determination in proceedings in the Court under the *Commercial Arbitration Act 1985* may be made only by leave of the Court of Appeal.
- (2) An appeal under this section shall be made in the same way as an appeal from a judgment or order of the Supreme Court or a judge thereof, may be made to the Court of Appeal, and in all respects the practice and procedure of the Court of Appeal in the appeal shall be the same as though the appeal were an appeal to the Court of Appeal from a judgment or order of the Supreme Court or a judge thereof.
- (3) The Court of Appeal has jurisdiction to hear and determine the appeal accordingly.
- (4) Nothing in this section authorises a party to appeal to the Court of Appeal against a decision of the Court —
 - (a) given upon a question as to the value of any real or personal property for the purpose of determining the jurisdiction of the Court under this Act; or
 - (b) on the ground that the proceedings might or should have been taken at any other place where the Court was sitting.

[Section 79 amended by No. 109 of 1985 s. 3; No. 45 of 2004 s. 32(2)-(4).]