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**JUSTICE**

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JU301

Supreme Court Act 1935

**Supreme Court Rules Amendment (Court of Appeal) Rules 2021**

SL 2021/34

Made by the judges of the Supreme Court.

**Part 1 — Preliminary****1. Citation**

These rules are the *Supreme Court Rules Amendment (Court of Appeal) Rules 2021*.

**2. Commencement**

These rules come into operation as follows —

- (a) Part 1 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on 3 May 2021.

**Part 2 — *Supreme Court (Court of Appeal) Rules 2005* amended****3. Rules amended**

This Part amends the *Supreme Court (Court of Appeal) Rules 2005*.

**4. Rule 3 amended**

In rule 3(1) delete the definition of *file* and insert:

*file*, in relation to a document, means —

- (a) for a civil appeal, to file the document in accordance with the RSC Order 67A; or

- (b) for a criminal appeal, to file the document at the Court of Appeal Office at the Supreme Court, together with any fee required to be paid under the *Supreme Court (Fees) Regulations 2002*;

**5. Rule 12 amended**

Delete rule 12(4).

**6. Rule 13 amended**

Delete rule 13(3).

**7. Rule 20 amended**

Delete rule 20(2) and (6).

**8. Rule 21 amended**

Before rule 21(1) insert:

- (1AA) For the purposes of documents filed electronically, this rule applies with any necessary changes.

**9. Rule 22A inserted**

At the end of Part 3 insert:

**22A. Service of documents**

If under these rules a registrar or other proper officer is required to serve a document on a party or other person, or give notice or notification to a party or other person or a court, the relevant document may be served on the person or given to the person or court —

- (a) by posting the document by pre-paid post to the address for service of the person or the address of the court; or
- (b) if the person has given a fax number for service or the court has a fax number — by sending the document to the person or court at that number; or
- (c) if the person has given an email address for service or the court has an email address — by sending the document to the person or court as an attachment to an email sent to that address; or

- (d) if the person or court is an authorised user of the ECMS —
  - (i) by putting the document in an electronic mailbox maintained by the Court; and
  - (ii) by sending to the email address of the person or court recorded on the ECMS an email that says the document is in the mailbox.

**10. Rule 36 amended**

In rule 36(4) delete “them and may do so by fax or email.” and insert:

them.

**11. Rule 39 amended**

(1) Before rule 39(1) insert:

(1AA) For the purposes of documents filed electronically, this rule applies with any necessary changes.

(2) After rule 39(4) insert:

(4A) If an appeal book is filed under the RSC Order 67A using the ECMS, each volume of each part of the appeal book —

- (a) must not be greater than 200 megabytes; and
- (b) must contain a colour version of a document if the original is a colour document; and
- (c) must be in a form that allows the text to be electronically searchable.

**12. Rule 47 amended**

After rule 47(3)(g) insert:

- (ga) if a document, including an appeal book, has been filed electronically, to order the provision of a paper version of the document;

**13. Rule 63 amended**

Delete rule 63(2) and insert:

- (2) When the appeal is concluded other than due to it being discontinued, a registrar must prepare, sign and seal the judgment or order of the Court of Appeal or a single judge, as the case requires.

**Part 3 — *Rules of the Supreme Court 1971* amended****14. Rules amended**

This Part amends the *Rules of the Supreme Court 1971*.

**15. Order 67A amended**

In Order 67A rule 3(1)(e) delete “CA matter,” and insert:

criminal appeal,

The Hon. Chief Justice PETER QUINLAN,  
Chief Justice of Western Australia,  
Supreme Court of Western Australia.

Date: 24 March 2021.