



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 89

ST. JOHN'S, FRIDAY, NOVEMBER 7, 2014

No. 45

CORPORATIONS ACT

NOTICE

IN THE MATTER of the *Canada Business Corporations Act*, RSC 1985, cC-44 (the "Act")

AND

IN THE MATTER of SBM CANADA INC., in voluntary dissolution

TAKE NOTICE that following receipt of a special resolution of the Shareholders of SBM CANADA INC. (the "Corporation") passed on the 24th day of October, 2014 to such effect, the Director of Corporations Canada has issued a Certificate of Intent to Dissolve the Corporation, on a voluntary basis, which Certificate is dated the 29th day of October, 2014.

AND FURTHER TAKE NOTICE that in accordance with the Act and the Resolution, all of the undertaking, properties, assets and liabilities of the Corporation shall now be distributed and discharged.

ACCORDINGLY, all persons claiming to be creditors of or have any claims or demands upon or affecting the Corporation, in voluntary dissolution, and who have not otherwise been notified and satisfactorily dealt with in this transaction to date are requested to send particulars of such demand to the undersigned Solicitors on or before the 15th day of November, 2014.

DATED at St. John's, Newfoundland and Labrador, Canada, this 4th day of November, 2014.

BENSON BUFFETT PLC INC.
Solicitors for the Corporation
PER: Jonathan W. Moore

ADDRESS FOR SERVICE:
P.O. Box 1538
St. John's, NL A1C 5N8

Tel: (709) 570-7263
Fax: (709) 579-2647

Nov 7

JUDICATURE ACT
RULES OF THE SUPREME COURT, 1986
COURT OF APPEAL PRACTICE NOTE
CAPN No. 2014-01

DATE ISSUED: October 24, 2014

RULES AFFECTED: 57.02; 57.10

EFFECTIVE DATE: Upon publication

The following Practice Note was filed with the Deputy Registrar of the Court of Appeal and is published pursuant to Rule 57.31(3) of the *Rules of the Supreme Court, 1986*.

Procedure for Staying an Order Pending Appeal

Background and Purpose

1. Under the current rule 57.10(5), to obtain a stay of an order pending appeal to the Court of Appeal, a litigant must first apply for a stay in the court or tribunal below. A litigant dissatisfied with the result of that application has two options: (i) appeal the decision to the Court of Appeal; or (ii) make a further application for a stay to the Court of Appeal, which will be treated as a *de novo hearing*. In the second circumstance, where the application is heard by a single judge of the Court of Appeal pursuant to s. 10 of the *Judicature Act*, a litigant dissatisfied with that decision may, pursuant to rule 57.31(4), apply to the Chief Justice for a rehearing before a panel of judges.
2. This multi-stage procedure has led to some confusion regarding the difference between an appeal and a direct application for a stay to the Court of Appeal. In some cases, the current procedure results in extra costs flowing from extra court appearances.
3. As a result, the Rules Committee has recently adopted amendments to rule 57.10 to clarify and to limit the options available to a litigant who wishes to seek a stay of an order pending appeal to the Court of Appeal.
4. The purpose of this Practice Note is to draw these changes to the attention of litigants and the legal profession to reduce confusion, lost time and expense that may otherwise result from transition from the current procedural requirements to the new ones.

Practice Note

5. Upon the coming into force of the amendments, litigants must henceforth make a choice to seek a stay either in the Trial Division under Rule 53A or in the Court of Appeal under rule 57.10. This removes the requirement that a litigant must first seek a stay in the lower court. However, if the litigant chooses to apply to the lower court, he or she will no longer have the opportunity to make a second application for a stay to the Court of Appeal.
6. If the litigant chooses to apply for a stay in the lower court, the decision on such an application may still be *appealed* to the Court of Appeal *but only with leave*. The factors to be considered in deciding whether leave should be granted are those set out in rule 57.02(4).
7. If the litigant chooses to apply for a stay directly to the Court of Appeal instead of to the court or tribunal below, and the application is heard by a single judge of the Court of Appeal, a litigant may still seek the leave of the Chief Justice to have the matter reheard by a panel of judges.
8. The effect of the changes to rule 57.10 is therefore that a litigant may choose to apply for a stay of the order appealed from either:
 - (a) at the lower court or tribunal, with the possibility of an appeal of that decision to the Court of Appeal, subject to obtaining leave to appeal; or
 - (b) at first instance in the Court of Appeal, with the possibility, if the application is heard by a single judge, of a rehearing by a panel of three judges, subject to leave of the Chief Justice.
9. There is also an amendment to rule 57.10(2). There is no substantive change to this rule. The amendment is intended to clarify the authority of the Court to order stays.
10. The amendments to the rule come into force upon publication in *The Newfoundland and Labrador Gazette* and will apply where the order in respect of which the stay is being sought was made after the amendment comes into force.

Authorized by:

J. Derek Green
Chief Justice of Newfoundland and Labrador

Kathy Blake
Deputy Registrar (A)

Nov 7

RULES OF THE SUPREME COURT, 1986

COURT OF APPEAL PRACTICE NOTE

CAPN No. 2014-02

DATE ISSUED: October 24, 2014

RULES AFFECTED: 57.01; 57.03; 57.06; 57.14

PREVIOUS PRACTICE NOTES AFFECTED: CAPN No.2006-01; CAPN No. 2011-01; CAPN No. 2013-01

EFFECTIVE DATE: Upon publication

The following practice Note was filed with the Deputy Registrar of the Court of Appeal and is published pursuant to rule 57.31(4) of the *Rules of the Supreme Court, 1986*.

Amendments to Transcript Preparation Requirements

Background and Purpose

1. On January 23, 2013, practice note CAPN No. 2013-01 regarding the filing and use of transcripts was issued by the Court of Appeal. The purpose was to reduce associated costs and delays, and to streamline the process for both the parties and the Court. Panels hearing appeals have found that the full transcript is, in most cases, unnecessary for purposes of determining the issues under appeal. The practice note requires counsel to file a certificate with the Court stating that consideration has been given to limiting the portions of the transcript necessary to conduct the appeal, and that only the necessary portions are being provided.
2. The change sought by means of the practice note has not produced the hoped-for result. A full transcript is being filed in almost all cases. The Court of Appeal Rules Committee considered that at least part of the difficulty may relate to when the transcript is required to be filed, that is, as part of the Appeal Book. At that time, it may be more difficult for counsel to ascertain which parts of the transcript will be required.
3. To address this issue, the Court of Appeal Rules Committee determined that it would be more appropriate to file the transcript at the same time as the factum is filed, rather than as part of the Appeal Book. This would permit a more focused consideration regarding the portion of the transcript necessary for the appeal. This should result in a reduction of the portion of transcript required to be filed with the Court, even if a full transcript was earlier obtained by the appellant. When filing the factum, counsel will have already addressed the issues in detail and should be in a position to identify more precisely what parts of the transcript would be necessary for purposes of the appeal.
4. The Rules Committee also considered it advisable that the rules of court should provide that, at the same time as filing the factum and transcript, counsel should also be required to file a certificate comparable to the one now required under practice note CAPN No. 2013-01 stating that only the necessary portions of the transcript are being filed, or, if the entire transcript is being filed, the specific reasons for doing so.
5. It was also considered appropriate for the rules of court to address more particularly the use and filing of electronic versions of the transcript.
6. Rule 57 was accordingly amended to effect the foregoing purposes.
7. The purpose of this Practice Note is to draw these changes to the attention of litigants and the legal profession and to indicate that previous practice notes dealing with various aspects of transcript preparation and filing must now be read in accordance with these developments.

Practice Note

8. Under the new rule, 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.
9. Where the transcript necessary for determination of the appeal is voluminous, a party may provide, or the Court may require, a book of excerpts for use at the hearing.
10. The appellant is also required to file one electronic version of the written transcript where a written transcript of the entire evidence has been prepared; or, where only part of the written transcript has been prepared, one electronic version of the written transcript together with one electronic version of the entire audio recording. “Electronic version” is defined as a version in a format acceptable to the Court. “Written transcript” is defined as a printed transcript of the evidence, which does not include submissions unless they are necessary for determination of the issues under appeal.
11. The parties may, by agreement, apply to the Court for an order and directions permitting the use of the electronic rather than a paper version of the written transcript, or, in appropriate circumstances, the audio recording. In exceptional cases, the Court may also, on its own motion, dispense with the preparation and filing of a written transcript and order that the appeal proceed using an audio recording of the proceedings in the court or tribunal from which the appeal is taken.
12. Rule 57.03 requiring counsel to file a letter undertaking to request a transcript has been repealed. Instead, the appellant is required to obtain a copy of the audio recording “forthwith”, i.e. without any unnecessary delay, from the court appealed from, and to deliver a copy to each party. Then, “without delay”, the appellant is required to arrange for preparation of a written transcript of the evidence that is necessary for preparation of the factum. The appellant is required to advise the other parties “forthwith” what arrangement has been made and when the transcript is expected to be completed.
13. Counsel are encouraged to make use of an agreed statement of facts on the appeal where such is appropriate. For example, this may occur 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 below, the agreed statement of facts must in any event be filed in the Appeal Book.)
14. The new rule also stipulates the procedural requirements for preparing and filing the transcript.
15. The above requirements are set out in rules 57.06 and 57.06.1.
16. In addition to the foregoing changes, certain other consequential amendments have been made to the rules:
 - (a) Current rules 57.06, and 57.03(5), (6) and (7) are repealed;
 - (b) Rule 57.01 includes definitions of (e.1) “electronic version” and (n) “written transcript”; and
 - (c) Provisions in rule 57.14 requiring the transcript to be filed with the Appeal Book are repealed.
17. The amendments to the rules come into force upon publication in *The Newfoundland and Labrador Gazette* and will apply where the order under appeal was made after the amendments come into force.
18. To the extent to which Practice Notes CAPN No. 2006-01, CAPN No. 2011-01 and CAPN No. 2013-01 are inconsistent with this practice note, they shall be read as having been amended accordingly.

Authorized by:

J. Derek Green
Chief Justice of Newfoundland and Labrador

Deputy Registrar (A)
Kathy Blake

Nov 7

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of late MILDRED ISABEL ANDREWS of the Town of Spaniard's Bay, in the Province of Newfoundland and Labrador, Retired Person, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of MILDRED ISABEL ANDREWS, the aforesaid deceased, who died at the Town of Shearstown, in the Province of Newfoundland and Labrador on or about the 7th day of March, 2014, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Administrator of the Estate on or before the 16th day of November, 2014 after which date the Administrator will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 23rd day of October, 2014.

BONNELL LAW
Solicitor for the Administrator
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:

P.O. Box 563
218 Airport Boulevard
Gander, NL A1V 2E1

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

Oct 31 & Nov 7

ESTATE NOTICE

IN THE MATTER of the Estate and Effects of the late DENISE MARIE CLEVETT of Corner Brook, in the Province of Newfoundland and Labrador, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of DENISE MARIE CLEVETT, the aforesaid deceased, who died at Corner Brook, in the Province of Newfoundland and Labrador on or about the 14th day of June, 2014, 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 30th day of November, 2014 after which date the Executor will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 27th day of October, 2014.

BONNELL LAW
Solicitor for the Executor
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:

P.O. Box 563
218 Airport Boulevard
Gander, NL A1V 2E1

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

Oct 31 & Nov 7

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of late HAYWARD HOWELL of the Town of Pound Cove, in the Province of Newfoundland and Labrador, Retired Person, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of HAYWARD HOWELL, the aforesaid deceased, who died at Town of Brookfield, in the Province of Newfoundland and Labrador on or about the 7th day of May, 2014, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executrix of the Estate on or before the 14th day of November, 2014 after which date the Executrix 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 Gander, Newfoundland and Labrador, this 23rd day of October, 2014.

BONNELL LAW
Solicitor for the Executrix
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:

P.O. Box 563
218 Airport Boulevard
Gander, NL A1V 2E1
Tel: (709) 651-4949
Fax: (709) 651-4951

Oct 31 & Nov 7

ESTATE NOTICE

IN THE MATTER of the Estate of TERESA MCKILLOP, Late of St. John's, Province of Newfoundland and Labrador, Widow, deceased.

All persons claiming to be creditors of, or who have any claims or demands upon or affecting the Estate of the above named TERESA MCKILLOP, deceased, are requested to send particulars of same, duly attested in writing, to the undersigned Solicitor for the Executors of the Estate of

TERESA MCKILLOP, on or before 30th November, 2014,
after which date the Executors will proceed to distribute the
said Estate having regard only to the claims of which they
then shall have had notice.

DATED at St. John's aforesaid on 31st October, 2014.

MCINNES COOPER
Solicitors for the Executors
PER: John V. O'Dea Q.C.

ADDRESS FOR SERVICE
5TH Floor Baine Johnston Centre
10 Fort William Place
P.O. Box 5939
St. John's NL A1C 5X4

Tel: (709) 724-8261
Fax: (709) 722-1763

Nov 7 & 14



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 89

ST. JOHN'S, FRIDAY, NOVEMBER 7, 2014

No. 45

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 88/14

NLR 89/14

NLR 90/14

NLR 91/14



**NEWFOUNDLAND AND LABRADOR
REGULATION 88/14**

*Proclamation re: By-Election for the Electoral District of
Humber East
under the
Elections Act, 1991, and House of Assembly Act
(O.C. 2014-330)*

(Filed November 4, 2014)

*ELIZABETH THE SECOND, by the Grace of God of the
United Kingdom, Canada and Her Other Realms and Territories
QUEEN, Head of the Commonwealth, Defender of the Faith.*

FRANK F. FAGAN
Lieutenant Governor

JUDY MANNING
Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS under the authority of section 57 of the *Elections Act, 1991* (the "Act"), and pursuant to section 54 of the *House of Assembly Act*, upon the occurrence of a vacancy by resignation of the sitting member on the 3rd day of November, 2014, we are directed to issue a Writ of Election for the election of a Member to the House of Assembly;

AND WHEREAS it is Our will and pleasure that a Writ of Election be issued for the Election of One Member to serve in the House of Assembly of Our Province of Newfoundland and Labrador for the Electoral District of Humber East;

NOW KNOW YE that We do by this Our Proclamation direct that a Writ of Election for the Electoral District of Humber East be issued;

AND WE DO further direct

1. That the date set to be the last day for nomination of candidates for the Election is Saturday, the 15th day of November, 2014, at 2:00 p.m.;
2. That the place for the nomination of candidates is located at 1A Lester Avenue, Corner Brook, NL, A2H 2V2;
3. That the day of polling for the Election is Tuesday, the 25th day of November, 2014; and
4. That the Writ of Election shall be issued on Monday, the 3rd day of November, 2014 and be returnable at the time and in the manner prescribed by Division E of the Act, together with the return of the person to whom the writ is directed endorsed thereon, and all other documents and other things required to be transmitted to the Chief Electoral Officer by virtue thereof.

IN WITNESS WHEREOF we have caused the Great Seal of Our province to be hereunto affixed.

WITNESS: Our trusty and well-beloved the
Honourable Frank F. Fagan, Member of the Order
of Canada, 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 3rd day of November,
in the year of Our Lord two thousand and fourteen
in the sixty-third year of Our Reign.

BY COMMAND,

COLLEEN JANES
Registrar General



**NEWFOUNDLAND AND LABRADOR
REGULATION 89/14**

*Proclamation re: By-Election for the Electoral District of
Trinity – Bay De Verde
under the
Elections Act, 1991, and House of Assembly Act
(O.C. 2014-331)*

(Filed November 4, 2014)

*ELIZABETH THE SECOND, by the Grace of God of the
United Kingdom, Canada and Her Other Realms and Territories
QUEEN, Head of the Commonwealth, Defender of the Faith.*

FRANK F. FAGAN
Lieutenant Governor

JUDY MANNING
Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS under the authority of section 57 of the *Elections Act, 1991* (the "Act"), and pursuant to section 54 of the *House of Assembly Act*, upon the occurrence of a vacancy by resignation of the sitting member on the 5th day of September, 2014, we are directed to issue a Writ of Election for the election of a Member to the House of Assembly;

AND WHEREAS it is Our will and pleasure that a Writ of Election be issued for the Election of One Member to serve in the House of Assembly of Our Province of Newfoundland and Labrador for the Electoral District of Trinity – Bay De Verde;

NOW KNOW YE that We do by this Our Proclamation direct that a Writ of Election for the Electoral District of Trinity – Bay De Verde be issued;

AND WE DO further direct

1. That the date set to be the last day for nomination of candidates for the Election is Saturday, the 15th day of November, 2014, at 2:00 p.m.;
2. That the place for the nomination of candidates is located at the Sea Arch Efficiency Units, Building No. 1, Main Street, Burnt Point, A0A 1M0;
3. That the day of polling for the Election is Tuesday, the 25th day of November, 2014; and
4. That the Writ of Election shall be issued on Monday, the 3rd day of November, 2014 and be returnable at the time and in the manner prescribed by Division E of the Act, together with the return of the person to whom the writ is directed endorsed thereon, and all other documents and other things required to be transmitted to the Chief Electoral Officer by virtue thereof.

IN WITNESS WHEREOF we have caused the Great Seal of Our province to be hereunto affixed.

WITNESS: Our trusty and well-beloved the
Honourable Frank F. Fagan, Member of the Order
of Canada, 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 3rd day of November,
in the year of Our Lord two thousand and fourteen
in the sixty-third year of Our Reign.

BY COMMAND,

COLLEEN JANES
Registrar General



NEWFOUNDLAND AND LABRADOR REGULATION 90/14

Rules of the Supreme Court, 1986 (Amendment)
under the
Judicature Act

(Filed November 5, 2014)

Under the authority of section 55 of the *Judicature Act*, the Rules Committee of the Court of Appeal makes the following rules.

Dated at St. John's, April 24, 2014.

J. Derek Green
Chairperson, Rules Committee

RULES

Analysis

- | | |
|------------------------------------|--|
| 1. Rule 57.01 Amdt.
Definitions | 4. Rule 57.06.1 Added
Alternative to transcript |
| 2. Rule 57.03 Amdt.
Appeals | 5. Rule 57.14Amdt.
Appeal books |
| 3. Rule 57.06 R&S
Transcripts | 6. Transitional |

1. (1) Rule 57.01 of the *Rules of the Supreme Court, 1986* is amended by adding immediately after paragraph (e) the following:

(e.1) "electronic version" means an electronic version in a format acceptable to the Court;

(2) Rule 57.01 of the rules is amended by deleting the word "and" at the end of paragraph (l), by deleting the period at the end of paragraph (m) and substituting a semi-colon and the word "and" and by adding immediately after paragraph (m) the following:

- (n) "written transcript" means a printed transcript of the evidence but does not include submissions to the Court made by a party unless those submissions are necessary to enable an issue raised on appeal to be determined.

2. Rules 57.03(5), (6) and (7) of the rules are repealed.

3. Rule 57.06 of the rules is repealed and the following substituted:

Transcripts

57.06 (1) An appellant shall not file the written transcript in its entirety unless the whole of the transcript is necessary to enable the issues on appeal to be determined.

(2) Together with the factum, the appellant, or the first appellant where there is more than one appellant, shall file with the Court

- (a) 4 copies of the portion of the written transcript that is necessary to enable the issues on appeal to be determined; and

(b) a certificate in Form 57.06A

- (i) stating that the appellant is satisfied that the portions of the written 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 written 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 written 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 rule 57.06(2) shall apply with the necessary changes.

(4) Where a respondent is satisfied that an appellant has not filed a portion of the written transcript that is necessary to enable the issues on appeal or on a cross-appeal to be determined, the respondent may file additional portions of the transcript, and the requirements of rule 57.06(2) shall apply with the necessary changes.

(5) Not later than 5 clear days before the hearing of the appeal, additional portions of the written 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 rule 57.06(2) shall apply with the necessary changes.

(6) Upon filing a notice of appeal, the appellant, or the first appellant where there is more than one appellant, shall forthwith obtain a copy of the audio recording of the evidence from the court appealed from and shall deliver a copy to each party.

(7) The appellant, or the first appellant where there is more than one appellant, shall,

- (a) without delay, arrange for preparation of a written transcript of the portion of evidence necessary for preparation of the factum; and
- (b) forthwith advise each party what arrangement has been made and the date when the written transcript is expected to be completed.

(8) If the appellant fails to comply with rule 57.06(7), the respondent 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.

(9) In addition to the portion of the written transcript required to be filed under paragraphs 57.06(1) to (4), the appellant, or the first appellant where there is more than one appellant, shall file with the Court

- (a) where the entire written transcript of the evidence has been prepared, one electronic version of the transcript; or

(b) where the entire written transcript of the evidence has not been prepared,

(i) one electronic version of the portion of the written transcript that has been prepared, and

(ii) one electronic version of the entire audio recording of the evidence.

(10) The Court may at any time, upon application or of its own motion, order the filing of all or part of the written transcript.

(11) A written transcript shall be prepared in accordance with the *Recording of Evidence Act* and the Transcript Standards Manual of the Court Reporters' Office.

(12) Where possible a key word index shall be included at the end of the written transcript.

(13) A party disputing the accuracy of a transcript may make an application to the Court for directions.

(14) A Court determining the issues on appeal or cross-appeal may make an appropriate order as to costs if it is of the opinion that an appellant or respondent failed to comply with this rule.

(15) Together with a factum, one copy of each document filed with the Court shall be delivered to each party to the appeal.

(16) The cover of the written transcript shall be grey, and the transcript may be filed

(a) in a format in which 4 pages of the transcript are printed on a single page; and

(b) with the pages double-sided.

(17) Where the portion of the written transcript considered to be necessary to enable the issues on appeal or on cross-appeal to be determined is voluminous, a party may provide, or the Court may require a party to provide, a book of excerpts where that would be convenient for presentation of submissions at the oral hearing.

(18) The parties may, by agreement, apply to the Court for an order and directions to permit the use of an electronic rather than a paper version of the written transcript.

(19) Upon application, or of its own motion, the Court may at any time dispense with the preparation and filing of a written transcript and order that the appeal proceed using an audio recording of the proceedings in the court or tribunal from which the appeal is taken, and the Court may give such directions as may be appropriate.

4. The rules are amended by adding immediately after rule 57.06 the following:

Alternative to
transcript

57.06.1In lieu of the written transcript, an agreed statement of facts may be filed with the appellant's factum along with a certificate signed on behalf of all parties indicating their agreement.

5. (1) Rule 57.14(2) of the rules is repealed.

(2) Rule 57.14(3)(b)(iv) of the rules is repealed.

(3) Rule 57.14(3)(b)(vi) of the rules is repealed.

(4) Rule 57.14(4) of the rules is repealed and the following substituted:

(4) In a tribunal appeal an appeal book shall be prepared so far as possible as prescribed by rule 57.14(3) but, if necessary, the appellant may apply to the Court for directions regarding the form and content of the appeal book.

(5) Rule 57.14(5) of the rules is repealed and the following substituted:

(5) The parties may by agreement omit any exhibits or documents which would normally be included in an appeal book in order to avoid the filing of material not necessary to enable the issues raised on appeal to be determined.

(5.1) Where the matter under appeal proceeded by way of an agreed statement of facts, the agreed statement of facts shall be filed as part of the appeal book.

(6) Rule 57.14(7) of the rules is repealed.

Transitional

6. These amendments shall apply where the order under appeal was made after these amendments come into force.

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NEWFOUNDLAND AND LABRADOR REGULATION 91/14

Rules of the Supreme Court, 1986 (Amendment)
under the
Judicature Act

(Filed November 5, 2014)

Under the authority of section 55 of the *Judicature Act*, the Rules Committee of the Court of Appeal makes the following rules.

Dated at St. John's, April 24, 2014.

J. Derek Green
Chairperson, Rules Committee

RULES

Analysis

- | | |
|--|-----------------------------|
| 1. Rule 57.02 Amdt.
Leave to appeal | 2. Rule 57.10 Amdt.
Stay |
| | 3. Transitional |

1. Rule 57.02(1)(b) of the *Rules of the Supreme Court, 1986* is amended by deleting the word "or" after the comma in subparagraph (i), deleting the period at the end of subparagraph (ii) and substituting a comma and the word "or", and adding immediately after subparagraph (ii) the following:

- (iii) made by the Supreme Court, Trial Division regarding the stay of an order pending appeal.

2. (1) Rule 57.10(2) of the rules is repealed and the following substituted:

- (2) On application of a party, the Court may
 - (a) stay an order appealed from pending disposition of the appeal; and
 - (b) in respect of an order by a tribunal that has been the subject of judicial review or a statutory appeal, stay the order of the tribunal pending disposition of the appeal.

(2) Rule 57.10(5) of the rules is repealed and the following substituted:

(5) Where the Supreme Court, Trial Division has made an order regarding the stay of an order pending appeal, that order may be appealed to the Court of Appeal only with leave.

(6) Where no application to stay an order pending appeal has been made in the Supreme Court, Trial Division, an application to stay the order pending appeal may be made to the Court of Appeal.

Transitional

3. These amendments to the rules shall apply where the order in respect of which a stay is being sought was made after these amendments come into force.

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Index

PART I

Corporations Act – Notice	401
Judicature Act – Notices	402
Trustee Act – Notices	405

PART II

CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
Elections Act, 1991 and House of Assembly Act			
Proclamation Re: By-Election for the Electoral District of Humber East	NLR 88/14	New Extraordinary Gazette Nov 4/14	Nov 7/14 p. 677
Proclamation Re: By-Election for the Electoral District of Trinity - Bay De Verde	NLR 89/14	New Extraordinary Gazette Nov 4/14	Nov 7/14 p. 679
Judicature Act			
Rules of the Supreme Court, 1986 (Amdt.)	NLR 90/14	Rule 57.01 Amdt. Rule 57.03 Amdt. Rule 57.06 R&S Rule 57.06.1 Added Rule 57.14 Amdt.	Nov 7/14 p. 681
Rules of the Supreme Court, 1986 (Amdt.)	NLR 91/14	Amends Rule 57.02 Rule 57.10	Nov 7/14 p. 687

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