

Amendment to the Rules of Court – Stay of Proceedings

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 sub-clause (i), deleting the period at the end of sub-clause (ii) and substituting a comma and the word “or”, and adding immediately after sub-clause (ii) the following:

(c) a party seeks to appeal an order that has been made by the Supreme Court, Trial Division regarding the stay of an order pending appeal.

2. Rule 57.10(2) of the *Rules of the Supreme Court, 1986* is repealed and the following substituted: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.

3. Rule 57.10(5) of the *Rules of the Supreme Court, 1986* is repealed and the following substituted: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.

4. These amendments to the *Rules of the Supreme Court, 1986* shall

(1) come into force upon publication in the Gazette, and

(2) apply where the order in respect of which a stay is being sought was made after these amendments come into force.

Approved by Resolution of
The Rules Committee of the
Newfoundland and Labrador
Court of Appeal on April 24, 2014:

J. Derek Green
Chief Justice