

**Note for the Bills Committee on the
District Court (Amendment) Bill**

**Appeals from District Court :
Time for Appeals**

Purpose

The purpose of this note is to respond further to Members' views on the time for appeals from the District Court under the new Rules of the District Court.

Background

2. In considering the Administration's paper on "Appeals from District Court – Application for leave to appeal" at the Bills Committee meeting on 27 March, Members requested the Administration to reconsider the proposal to reduce the period within which a person can appeal against a DC judge's refusal to grant leave to appeal to Court of Appeal from 14 days to 7 days.

Time for appeals

3. The objectives of our proposal are to avoid delays as far as possible, and to bring the leave period in line with that under the O. 59, r.14(3) of the Rules of the High Court(RHC). Members expressed the concern that a litigant acting in person might instruct a legal representative to make an application for leave to the Court of Appeal after his application for leave of appeal is refused by the District Judge. The proposed 7 days might be too short for such scenario. In the light of Members' concern, we decide to retain the period of 14 days as at present under the District Court Ordinance.

4. We have also taken the opportunity to review the time for appeals from decisions of District Court Registrar and masters to a District Judge. In our earlier paper CB(2)1314/99-00(03), we propose that the relevant time limit should follow that in O.58, R.1 of the RHC (ie. 5 days). The latest development is that the High Court Rules Committee has endorsed the extension of the time period in the relevant rule from 5 days to 14 days to allow more time for litigants to prepare their cases. We therefore propose that the same time period should be adopted in the District Court for similar

applications.

Way Forward

5. We shall incorporate the further changes to the time for appeals set out in paragraphs 3 and 4 above in the draft Rules of the District Court.