

SCHEDULE 1

RSC ORDER 59

APPEALS TO THE COURT OF APPEAL

**Appeal against decree nisi**

**Rule 16.**—(1) The following provisions of this rule shall apply to any appeal to the Court of Appeal in a matrimonial cause against a decree nisi of divorce or nullity of marriage.

(2) The period of 4 weeks specified in rule 4 shall be calculated from the date on which the decree was pronounced and rule 15 shall not apply in relation to that period.

(2A) The notice of appeal shall be served on the appropriate district judge as well as on the party or parties required to be served under rule 3.

(3) The appellant must, within the period mentioned in paragraph (2) and after service of the notice of appeal, file with the Court a copy of that decree and two copies of the notice of appeal (one of which shall be indorsed with the amount of the fee paid and the other indorsed with a certificate of the date of service of the notice); and the appeal shall not be competent unless this paragraph has been complied with.

(4) For the purposes of rule 5 the leaving of the said copies shall be sufficient for the setting down of the appeal and rule 5 (1) shall not apply.

(5) A party who intends to apply without notice being served on any other party to the Court of Appeal to extend the period referred to in paragraphs (2) and (3) must give notice of his intention to the appropriate district judge before the application is made; and where any order is made by the Court of Appeal extending the said period, it shall be the duty of the registrar of civil appeals forthwith to give notice of the making of the order and of the terms thereof to the appropriate district judge.

(6) In this rule “the appropriate district judge” means—

- (a) in relation to a cause pending in a county court, the district judge of that court,
- (b) in relation to a cause proceeding in the principal registry of the Family Division, the senior district judge of that Division, and
- (c) in relation to a cause proceeding in a district registry, the district judge of that registry.