

SCHEDULE 5

PART 52

APPEALS

Respondent's notice

52.5.—(1) A respondent may file and serve a respondent's notice.

(2) A respondent who—

- (a) is seeking permission to appeal from the appeal court; or
- (b) wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court,

must file a respondent's notice.

(3) Where the respondent seeks permission from the appeal court it must be requested in the respondent's notice.

(4) A respondent's notice must be filed within—

- (a) such period as may be directed by the lower court; or
- (b) where the court makes no such direction, 14 days after the date in paragraph (5).

(5) The date referred to in paragraph (4) is—

- (a) the date the respondent is served with the appellant's notice where—
 - (i) permission to appeal was given by the lower court; or
 - (ii) permission to appeal is not required;
- (b) the date the respondent is served with notification that the appeal court has given the appellant permission to appeal; or
- (c) the date the respondent is served with notification that the application for permission to appeal and the appeal itself are to be heard together.

(6) Unless the appeal court orders otherwise a respondent's notice must be served on the appellant and any other respondent—

- (a) as soon as practicable; and
- (b) in any event not later than 7 days,

after it is filed.