

Form 5.10 Court of Appeal—application for leave to appeal out of time from final judgment

Court Procedures Rules 2006

(see r 5332 (Appeals to Court of Appeal—application for leave to appeal out of time))

In the Supreme Court of the Australian Capital Territory

Court of Appeal

No ACTCA of (year)

Appeal from *[Justice (*name of judge*)/Associate Judge (*name of associate judge*)]

(No SC of (year))

(*name*)

Applicant

(*name*)

Respondent

Take notice that the Court of Appeal will hear an application by the applicant (*state name of applicant*) on (*date*), at (*time*) (or as soon after that as this application can be heard), to make the following orders:

1. That the applicant be given leave to appeal out of time against the judgment of *[Justice (*name of judge*)/Associate Judge (*name of associate judge*)] given on (*date*).

Filed for the applicant by:

(the applicant's address for service and telephone number or, if the applicant is represented by a solicitor who is the agent of another solicitor, the name and place of business of the other solicitor)

2. Any other orders that the *[Court/Court of Appeal] considers appropriate.

(if r 5332 (3) applies)

*[The applicant wants to present the applicant's case in writing.]

Supporting affidavit

This application is supported by the affidavit of (*name*) *[sworn/affirmed] on (*date*).

(The affidavit that you intend to rely on must be filed in the Court with the application (see r 5332).)

(You must, not later than 3 days after the application is filed, serve the following on each person who was a party to, or given leave to intervene in, the proceeding in which the order appealed from was made:

- (a) a sealed copy of the application;*
- (b) a stamped copy of the accompanying affidavit;*
- (c) a stamped copy of the draft notice of appeal (see r 5335).)*

Applicant's address for service of documents

(set out applicant's address for service)

(if represented by a solicitor the following information may be given)

*Document exchange box no:

(if postal address different from address for service)

*Postal address:

*Fax:

*Email address:

Date:

(signature of applicant/applicant's solicitor)

(name of applicant/ applicant's solicitor)

Notice to respondent

To: *(respondent's name and address)*

Before taking any other step in this proceeding, you must file a notice of intention to respond in the Court and serve a sealed copy of it on the appellant.

If you want to present evidence, you must file affidavits in the Court, and serve stamped copies of them on the appellant, not later than 14 days after the day the application is served on you.

**omit if, or whichever is, inapplicable*