

# NOTICE

## COURT OF QUEEN'S BENCH

### RE: AMENDMENTS TO RULE 62 (APPEALS TO A JUDGE)

This rule has been amended to provide that with respect to appeals from a master to a judge, the parties may not adduce further evidence (except with leave of the judge hearing the appeal). Previously, further evidence was permitted. With respect to appeals from a registrar or assessment officer, further evidence is still permitted. With respect to all appeals, there is no change in the stipulation that the appeal hearing is to be a fresh hearing.

The Statutory Rules Committee was of the opinion that the same evidentiary material should be presented to the judge as was before the master so that both the judge and the master are adjudicating upon the same facts; otherwise there would be a tendency for a certain degree of futility in the proceedings before the master (which had been borne out by experience). The amendment was passed after consultation with the Bench and the Bar.

The amendment was made on September 27, 2006; was registered on October 6, 2006 as Manitoba Regulation 199/2006; and will be published in *The Manitoba Gazette* on October 21, 2006.

Please note that the amendment applies only with respect to a motion or application filed on or after January 1, 2007. So the profession should keep in mind that motions or applications filed after that date will be subject to the amendment and that all of the relevant evidence proposed to be adduced will have to be filed in the proceedings before the master and will not be permitted on an appeal.

#### ISSUED BY:

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**The Honourable Mr. Justice G.O. Jewers**  
**Chairperson, Queen's Bench Rules Committee**  
**(Manitoba)**

**DATE: October 20, 2006**