

## **PART 37 Change Of Legal Representative**

### **PART 37**

#### **Legal representative acting for a party 37.1 - 37.2**

##### **37.1**

Where the address for **service** of a party is the business address of his **legal representative** , the legal representative will be considered to be acting for that party until the provisions of this Part have been complied with.

##### **37.2**

A legal representative appointed to represent a party only as an advocate at a hearing will not be considered to be acting for that party within the meaning of this Part.

#### **Change of legal representative — Duty to give notice 37.3 - 37.10**

##### **37.3**

Rules 37.4 to 37.10 apply where:

- (1) a party for whom a legal representative is acting wants to change his legal representative ;
- (2) a party, after having conducted the claim in person, appoints a legal representative to act on his behalf (except where the legal representative is appointed only to act as an advocate for a hearing);  
or
- (3) a party, after having conducted the claim by a legal representative , intends to act in person.

##### **37.4**

Where Rules 37.3 to 37.10 apply, the party or his legal representative (where one is acting) must:

- (1) file notice of the change; and
- (2) serve notice of the change on every other party and, where Rule 37.3(1) or 37.3(3) applies, on the former legal representative .

**37.5**

The notice must state the party's new address for service .

**37.6**

The notice filed at Court must state that notice has been served as required by paragraph 37.4(2).

**37.7**

Where a party has changed his legal representative or intends to act in person, the former legal representative will be considered to be the party's legal representative unless and until:

(1) notice is filed and served in accordance with paragraph 37.4; or

(2) the Court makes an order under Rules 37.11 to 37.13 and the order is served as required by Rule 37.13.

**37.8**

In addition, where a party or legal representative changes his address for service , a notice of that change should be filed and served on every party.

**37.9**

A party who, having conducted a claim by a legal representative , intends to act in person must give in his notice an address for service that is within the jurisdiction .

**37.10**

Form P37/01 should be used to give notice of any change.

**Order that a legal representative has ceased to act 37.11 - 37.13****37.11**

A legal representative may apply for an order declaring that he has ceased to be the legal representative acting for a party.

**37.12**

Where an application is made under Rule 37.11:

- (1) the application should be made in accordance with Part 23;
- (2) notice of the application must be given to the party for whom the legal representative is acting, unless the Court directs otherwise; and
- (3) the application must be supported by evidence.

**37.13**

Where the Court makes an order that a legal representative has ceased to act:

- (1) a copy of the order must be served on every party to the proceedings;
- (2) if it is served by a party or the legal representative, the party or the legal representative (as the case may be) must file a certificate of service in Form P37/01; and
- (3) the order takes effect when it is served.

**Removal of legal representative who has ceased to act on application of another party 37.14 - 37.16****37.14**

Where:

- (1) a legal representative who has acted for a party:
  - (a) has died;
  - (b) has become bankrupt;
  - (c) has ceased to practice; or
  - (d) cannot be found; and
- (2) the party has not given notice of a change of legal representative or notice of intention to act in person as required by Rule 37.4;

any other party may apply for an order declaring that the legal representative has ceased to be the legal representative acting for the other party in the case.

**37.15**

Where an application is made under Rule 37.14:

- (1) the application should be made in accordance with Part 23;
- (2) notice of the application must be given to the party to whose legal representative the application relates, unless the Court directs otherwise; and
- (3) the application must be supported by evidence.

**37.16**

Where the Court makes an order made under Rule 37.14:

- (1) a copy of the order must be served on every other party to the proceedings;
- (2) where it is served by a party, that party must file a certificate of service Form P37/01; and
- (3) the order takes effect when it is served.

**New address for service where order made under Rules 37.11 or 37.14 37.17****37.17**

Where the Court has made an order under Rule 37.11 that a legal representative has ceased to act or under Rule 37.14 declaring that a legal representative has ceased to be the legal representative for a party, the party for whom the legal representative was acting must give a new address for service to comply with Rule 9.15.