

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.