

be set out in detail.

The Commissioner of the Westray Inquiry brought an application in the Supreme Court seeking a certificate under s. 7 of the **Interprovincial Subpoena Act**, S.N.S. 1996, c. 1 and an order for a letter of request for the examination of the appellants in Toronto. In support of his application he filed an affidavit of Jocelyn C. Campbell. Paragraph 6 of that affidavit states in part:

...staff of the Inquiry have acquired documents relevant to the terms of reference from various sources including Westray Coal ("Westray"), a division of Curragh Inc. (formerly Curragh Resources Inc.), Curragh Inc. ("Curragh"), the Provincial and Federal governments and the R.C.M.P.

Counsel for the appellants forwarded to the Commissioner a notice to produce for inspection requiring production of, **inter alia**:

(c) other "acquired documents relevant to the terms of reference from various sources" referred to in paragraph 6 of the said Affidavit in the possession, power or control of the Deponent or the Commissioner.

Counsel also requests that the Commissioner submit Ms. Campbell for examination for discovery upon her affidavit.

The morning of the hearing before a chambers judge of the Supreme Court, on September 4, 1996, the Commissioner produced certain documents referred to in the appellants' notice to produce but declined to produce those documents referred to in paragraph (c) of the notice. He also declined to make

Ms. Campbell available for examination for discovery.

The appellants then applied to the chambers judge for **inter alia**, an order requiring production of those documents and an order requiring Ms. Campbell to attend for examination for discovery.

After hearing counsel the chambers judge rendered orally what is entitled an "Unofficial Decision". No order was taken out.

The appellants now appeal from that decision.

Appeals to this Court from judgments in civil matters are regulated by **Civil Procedure Rule 62**. By **Civil Procedure Rule 62.01(f)**:

(f) "judgment" means the formal disposition of an appeal by the Court and includes an order for judgment, and, when referring to a judgment appealed from, means the judgment, decision, verdict, order, finding, direction, determination or award of the court appealed from;

An "unofficial decision" is not mentioned in the **Civil Procedure Rules** and in our opinion is not included in this definition of "judgment".

In consequence we conclude that there is no appeal to this Court from such a document.

We dismiss the appeal but without costs.

Matthews, J.A.

Concurred in:

Clarke, C.J.N.S.

Chipman, J.A.

