



CARIBBEAN COURT OF JUSTICE

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CCJ DISMISSES APPEAL BY ATTORNEY GENERAL OF GUYANA

The Caribbean Court of Justice (CCJ) today dismissed an appeal by the Attorney General of Guyana in a matter stemming from a multi-million-dollar contractual dispute between the Attorney General and Dipcon Engineering Ltd.

The State appealed to the CCJ after the Court of Appeal of Guyana declined the State's application to extend the time in which to appeal the decision of the Supreme Court. The application to the Court of Appeal was made more than six months after the legally prescribed time to do so. The State blamed this extended delay on the fact that the previous Government had engaged private counsel to conduct the case and when the Government changed after general elections in May 2015 the new Attorney General and staff were unaware of the case or the judgment. In their approach to the CCJ, the State alleged that the Court of Appeal did not properly consider the reasons for delay in filing the appeal and the potential merits of the case.

The CCJ determined that since the appeal concerned a procedural issue it did not fall under the umbrella of section 6 of the Guyana CCJ Act. The correct procedure was for the State to apply for and obtain special leave to appeal from the CCJ under section 8 of the Act. Further, the State would also have needed to apply for an extension of time to apply for special leave since the CCJ rules require such an application to be made within 42 days of the Court of Appeal judgment. Since this was not done, the CCJ found that it had no jurisdiction to allow the appeal against the Court of Appeal's refusal to grant an extension of time.

However, the CCJ acknowledged that it may, in a proper case, grant an extension of time to comply with its rules to prevent a clear miscarriage of justice. The Court found the reasons offered by the State for failing to appeal the Supreme Court's judgment within the prescribed period to be unacceptable. Further, there was nothing before the Court that indicated it needed to exercise its extraordinary jurisdiction to prevent an apparent miscarriage of justice. The Court dismissed the appeal and awarded costs to Dipcon Engineering Ltd.

The judgment of the Court and a Judgment Summary are available on the CCJ's website at www.ccj.org.

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