



## CARIBBEAN COURT OF JUSTICE

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### **MEDIA RELEASE**

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### **CCJ RULES THAT APPELLANTS CANNOT BYPASS THE COURT OF APPEAL**

The Caribbean Court of Justice (CCJ) has ruled that, in its appellate jurisdiction, it can only hear appeals from judgments delivered by the Court of Appeal. The Court's judgment was handed down in *Knox v Deane and others*, a dispute that has a long history in the courts of Barbados. In this latest round of litigation, a judge had made an order against Ms Knox, who passed away and is now represented by her son, Mr Knox. The order, made in the High Court by Worrell J, was to seize dividends from Kingsland Estates Limited that were payable to the mother's estate. Mr Knox appealed to the Court of Appeal. That court reserved its decision in 2016 and to date has not given its judgment. Mr Knox took the view that the failure to date of the Court of Appeal to give a decision should be treated as if it were a dismissal of his appeal. It was on this basis, that Mr Knox believed the CCJ should give him permission to appeal Justice Worrell's order. In effect, Mr Knox was seeking to bypass the Court of Appeal and take his case straight to the CCJ from the High Court.

The CCJ disagreed with this approach. In its judgment, the Court stated that unless the Parliament of Barbados provides otherwise, the CCJ has jurisdiction only to hear appeals from decisions of the Court of Appeal. The Court also hastened to acknowledge that "justice delayed is justice denied. A delay of over four years in a case that turns on whether a judge was right or wrong in making a garnishee (order to seize assets) borders on the intolerable. Mr Knox is not without remedy for any such denial. Under section 24(1) of the Constitution, he may make an application for such constitutional redress as he considers himself to be entitled." The CCJ, therefore, dismissed Mr Knox's application for permission to appeal.

This matter was heard by the Honourable Mr Justice Adrian Saunders, President and Messrs. Justice Wit and Anderson and the judgment delivered by the President. The applicants were represented by Mr Philip A McWatt and Mr Alair P Shepherd. The second respondent was represented by Ms Doria M Moore, Mr Leslie F Haynes QC represented the ninth respondent and Mr Barry L V Gale QC and Ms Laura Harvey-Read represented the tenth respondent.

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#### About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, four states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica and Guyana. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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