



## CARIBBEAN COURT OF JUSTICE

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### **Sandy Lane Hotel Case Sent Back To Court Of Appeal**

**Port of Spain, Trinidad.** The Caribbean Court of Justice (CCJ) today ordered that a case concerning the firing of three employees of Sandy Lane Co. Ltd be returned to the Barbados Court of Appeal for an expedited hearing of the appeal lodged by the employees. The employees had first challenged their dismissal in the Magistrate's Court on the basis that the termination was in breach of the procedures outlined in their contracts.

The Magistrate had determined, on 24th September 2014, that the manner in which the employees were terminated violated the terms of their contract. On the same day, Sandy Lane, through its attorney, verbally informed the Magistrate of its intention to appeal the decision on 1<sup>st</sup> October 2014. The attorney followed this up by handing to the Clerk a letter addressed to the Magistrate informing her that he was appealing and requesting the court's reasons for its decision.

When the appeal came on for hearing before the Court of Appeal, the court considered whether it could hear the matter at all in light of the time limit of 7 days, imposed by the Magistrate's Court Act, for lodging appeals from a Magistrate's decision. The Court of Appeal held that it had no jurisdiction to hear the appeal because the Magistrate's Court Act required notice of appeal to be given within the 7-day period to the Clerk, not the Magistrate, and this was not done. The Court of Appeal rejected the letter of 1<sup>st</sup> October 2014 by Sandy Lane's attorney since it was addressed to the Magistrate and not the Clerk.

Before the CCJ, Sandy Lane argued that its appeal to the Court of Appeal was filed in time since the applicable rules governing appeals to the Court of Appeal are found in the Civil Procedure Rules which provide for a time limit of 28 days to appeal. Sandy Lane also argued that it had given verbal, and written notices, within the 7-day period which would have satisfied the time limit under the Magistrate's Court Act.

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The CCJ determined that Sandy Lane had in fact given “immediate, public notice of its intention to appeal” which was subsequently followed by a notice in writing, and both were within the 7-day time period prescribed by the Magistrate’s Court Act. Therefore, the CCJ concluded, the appellant had complied with the notice requirements under the Magistrate’s Court Act.

The CCJ went on to take the view that the current state of the law in Barbados provides two methods of appealing decisions from Magistrates. One method is contained in the Magistrate’s Court Act and the other in Part 62 of the Civil Procedure Rules. Legislative intervention is required to harmonize the two methods given the circumstance that the Civil Procedure Rules are acknowledged as being more convenient for appellants and provide a longer time period for bringing appeals than is currently contained in the Magistrate’s Court Act.

The CCJ allowed the appeal and ordered that Sandy Lane’s appeal to the Court of Appeal be restored and heard on an expedited basis. The judgment of the full decision of the Court, and a judgment summary, can be accessed via the CCJ’s website at [www.ccj.org](http://www.ccj.org).

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