

CARIBBEAN COURT OF JUSTICE
APPELLATE JURISDICTION RULES
2015

In exercise of the powers conferred on the President of the Caribbean Court of Justice pursuant to Article 21 of the Agreement Establishing the Caribbean Court of Justice, The Caribbean Court of Justice Rules 2015 are hereby made.

The Caribbean Court of Justice (Appellate Jurisdiction) Rules 2005, The Caribbean Court of Justice (Appellate Jurisdiction) (Amendment) Rules 2008 and The Caribbean Court of Justice (Appellate Jurisdiction) (Amendment) Rules 2010 are hereby revoked.

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Citation and Commencement

- 1.1 (1) These Rules may be cited as the Caribbean Court of Justice (Appellate Jurisdiction) Rules, 2015.
- (2) These Rules shall come into force on the 16th day of April, 2015.

Interpretation

- 1.2 (1) In these Rules, unless the context otherwise requires-
- “**Agreement**” means the Agreement Establishing the Caribbean Court of Justice signed in Bridgetown, Barbados on the 14th February 2001 as amended from time to time;
- “**appeal**” means an appeal to the Court;
- “**appellant**” means the party appealing from a judgment of the court below;
- “**applicant**” means a person applying to the Court for an order or directions under Part 9;
- “**attorney-at-law**” means an attorney-at-law, a legal practitioner or advocate duly admitted to practise law in the courts of a Contracting Party;
- “**Contracting Party**” has the meaning assigned to it by Article 1 of the Agreement;
- “**Court**” means the Caribbean Court of Justice in the exercise of its appellate jurisdiction as set out in Part III of the Agreement;
- “**court below**” means the court of a Contracting Party from which an appeal is brought to the Court;
- “**Deputy Registrar**” means a person appointed to, and serving in, the post of Deputy Registrar of the Court but does not include a proper officer;

“document” includes papers relating to an appeal, proceedings, evidence and judgments required by these Rules to be filed or laid before the Court on the hearing of an appeal and includes documents in electronic form;

“exhibit” means a document, record or other tangible object introduced into evidence in the course of an oral hearing or by means of an affidavit;

“file” means to file in the Registry or a sub- Registry in accordance with these Rules, and includes transmission thereto by electronic or any other prescribed means;

“Gazette” means the Gazette published in a Contracting Party by authority of the Government of that Contracting Party and includes any supplement thereto and any extraordinary Gazette so published;

“Headquarters Agreement” means the Agreement Establishing the Seat of the Caribbean Court of Justice and the Offices of the Regional Judicial and Legal Services Commission between the Government of Trinidad and Tobago and the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission dated the 23rd February 2005;

“Judge” means a Judge of the Court and includes the President;

“judgment” includes an order, ruling or final decision of the Court;

“overriding objective” means the objective set out in rule 1.3;

“party” means any party to an appeal;

“pending appeal” means an appeal in relation to which a notice of appeal has been filed but which has not yet been determined by the Court;

“President” means the President of the Court;

“proper officer” means the Registrar of the court below;

“Protocol” means the Protocol on the Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission signed on the 4th July 2003;

“Registrar” means the Registrar of the Court and includes any other officer for the time being discharging the duties of the Registrar;

“Registry” means the Registry of the Court;

“relevant Contracting Party” means the Contracting Party in which the proceedings which gave rise to an appeal were instituted;

“respondent” means a party against whom an appeal is filed or a person against whom an order is sought by an application made under Part 9, as the context indicates;

“Seat of the Court” means the principal premises occupied by the Court for its official use; and

“sub-Registry” means the Registry or court office of a Contracting Party designated by the President as a sub-Registry of the Court.

Overriding objective

- 1.3 The overriding objective of these Rules is to ensure that the Court is accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged.

Application of Rules

- 1.4 (1) Any matter within the appellate jurisdiction of the Court under the Agreement shall be commenced, proceeded with and disposed of by the Court in accordance with these Rules.
- (2) Nothing in these Rules shall limit or otherwise affect the inherent power of the Court to make such orders as may be necessary to meet the ends of justice or to prevent abuse of the process of the Court.

PART 2

ORGANISATION OF COURT AND REGISTRY

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Seniority of Judges

- 2.1 Except for the President, who shall rank first, Judges shall rank equally in status and seniority shall be determined by reference to the dates on which or the order in which they were sworn in.

Composition and powers of the Court

- 2.2 Except for the purpose of hearing an interlocutory application, the Court shall be constituted by not less than three Judges, being an uneven number.

Powers of President

- 2.3 (1) The President shall direct the judicial business and the administration of the Court.
- (2) The President may issue to the Registrar from time to time such instructions as may be necessary for the proper administration of these Rules.

Register of Appeals

- 2.4 (1) There shall be a register of appeals under the control of the Registrar in which a note shall be made of-
- (a) the filing of an application for special leave to appeal (where applicable);
 - (b) the filing of the notice of appeal and any supporting documents;
 - (c) the making of any interlocutory order;
 - (d) the receipt of the record of appeal;
 - (e) the delivery of judgment by the Court; and
 - (f) the filing of all other documents in each appeal.
- (2) The register of appeals may be kept in electronic form.

- (3) When a document has been filed, the Registrar shall endorse a note to that effect on the original and, if a party so requests, on any copy submitted for the purpose.
- (4) Entries in the register shall, in the absence of evidence to the contrary, be accepted as proof of the events which they purport to record.
- (5) Rules for keeping the register shall be included in the instructions to the Registrar referred to in rule 2.3(2).
- (6) A party to an appeal may on payment of the appropriate fee obtain from the Registrar a copy of or an excerpt from the register in so far as it relates to that appeal.

Right to inspect

- 2.5
- (1) On payment of the prescribed fee, a person may during office hours request, inspect and be provided with a copy of any of the following-
 - (a) a notice of appeal;
 - (b) a notice of cross-appeal;
 - (c) a judgment; and
 - (d) any other document with the permission of the Court.
 - (2) The Court may make an order granting permission under sub-rule (1)(d) on an application made *ex parte*.
 - (3) Subject to rule 14.4(3), nothing in sub-rule (1) shall be construed so as to prevent a party to any appeal from searching for, inspecting or taking a copy of any document filed in that appeal.

Fees

- 2.6
- (1) The fees payable under these Rules shall be those stipulated in Schedule 1 and the fees specified in column 2 of Schedule 1 shall be payable in respect of the matters set out in column 1 of the Schedule.
 - (2) The Registrar may, with the approval of the President, amend Schedule 1 from time to time.

Powers and duties of the Registrar

- 2.7
- (1) The Registrar shall be responsible for-
 - (a) the acceptance, transmission and custody of documents in court matters;
 - (b) keeping the register referred to in rule 2.4(1);
 - (c) having custody of the seal and stamps of the Court and of the archives of the Court relating to appeals to the Court;
 - (d) stamping all documents, and affixing the official seal of the Court to all

- (e) notices of appeal filed at the Registry and to all judgments of the Court;
 - (e) maintaining indexes of all the notices of appeal filed;
 - (f) keeping, in such form as may be prescribed by the President, a list of all appeals entered and numbered in the order in which all the relevant notices of appeal were filed;
 - (g) making arrangements for such interpretations or verification of translations into the Court's official language as the Court may require in connection with proceedings before the Court;
 - (h) signing all orders of the Court;
 - (i) the publication of the Court's judgments, and such other documents as the Court or these Rules may present;
 - (j) responding to inquiries concerning the Court and its work;
 - (k) performing the functions of taxing master;
 - (l) giving instructions to the proper officers where necessary about the procedure for performing their duties under these Rules; and
 - (m) giving directions in matters before the Court as prescribed by these Rules.
- (2) The Registrar shall assist the Court, the President and the Judges in the discharge of their official functions.
- (3) Communication about matters before the Court, including requests made by a party to the Court under these Rules shall, unless otherwise stated, be addressed to the Registrar.
- (4) A Deputy Registrar may, subject to the direction of the Registrar, exercise and perform all or any of the powers and duties of the Registrar.
- (5) For the purpose of proceedings before the Court, oaths may be administered by-
- (a) Registrar or Deputy Registrars; or
 - (b) in any Contracting Party, any person duly authorised by the law of that Contracting Party to perform like functions for the purpose of proceedings in a superior court.

Powers, duties and responsibilities of proper officers

- 2.8 (1) Proper officers shall have the power and duty to-
- (a) receive, indorse, stamp and seal documents presented for filing;
 - (b) receive fees payable to the Court;
 - (c) forward immediately to the Registrar by electronic means all documents filed;
 - (d) forward to the Registrar as soon as possible the original of all documents filed in the sub-Registry together with a certificate of the receipt thereof;
 - (e) keep records of all documents forwarded to the Registrar;
 - (f) publish notices and other information on the direction of the Registrar;
 - (g) transmit all fees received to the Registrar in a timely manner;
 - (h) notify the Registrar by electronic means in a timely manner when service of

- a document has been effected;
 - (i) liaise with the Registrar in making arrangements for the Court to sit in the territory of a Contracting Party;
 - (j) provide the Registrar from time to time with a list of attorneys-at-law admitted to practice in the courts of the local jurisdiction and to inform the Registrar in a timely manner of the death or disqualification from practice by disbarment, suspension or otherwise, of any attorney-at-law who was prior thereto entitled to practice in the courts of the local jurisdiction;
 - (k) assist with protocol, travel and other arrangements for the Court and its officers;
 - (l) assist in the enforcement of judgments of the Court;
 - (l) verify and, where necessary, certify the signatures of the Registrar, Deputy Registrars and other proper officers; and
 - (n) do such other acts as may be reasonably required to facilitate the exercise by the Court of its appellate jurisdiction.
- (2) In this Rule the expression “the local jurisdiction” means the jurisdiction of the Superior Court of which the proper officer is the Registrar.

PART 3

SITTINGS OF THE COURT

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Sittings of the Court

- 3.1 (1) General sittings of the Court shall be held at such times and in such places as the President may direct.
- (2) Where the President considers it necessary, he may direct that sittings of the Court (to be known as special sittings) be held at any time of the year other than during a general sitting.
- (3) The Court may sit in a Contracting Party other than that in which the Court has its Seat.
- (4) Notice of each sitting of the Court shall be published by the Registrar on the Court's website.
- (5) At the discretion of the Registrar, publication of a notice of the sitting of the Court may be made in the print media as follows-
- (a) in the case of general sittings, in at least one local newspaper of general circulation at least two weeks before the date appointed for the commencement of the general sitting; and
 - (b) in the case of special sittings, in at least one local newspaper of general circulation at least twenty-four (24) hours before the time appointed for the commencement of the special sitting, unless the urgency of the case prevents such publication of the notice.
- (6) Publication in the print media pursuant to sub-rule (5) is to be made in the Contracting Party in which the Seat of the Court is located and in any other relevant Contracting Parties which have accepted the appellate jurisdiction of the Court.
- (7) Except in cases of emergency, the Court shall not sit-
- (a) on Saturdays and Sundays;
 - (b) in the territory of a Contracting Party, on any day that is a public holiday in that territory; or
 - (c) on such other days as the President may direct.

Terms

- 3.2 The Court shall have three terms as follows-
- (a) from the first Monday in October to the 17th December;
 - (b) from the 10th January to the Friday before Good Friday; and
 - (c) from the Monday after Easter Monday to the 31st July.

Hearings in vacations

- 3.3 (1) In urgent cases a party may apply for a matter to be heard during the vacation.
- (2) An application under sub-rule (1) may be determined by a single Judge of the Court.
- (3) During vacation the Court shall hear only such matters as it determines to be urgent or to require prompt attention.
- (4) For the purpose of this Rule “vacation” means a period between the end of one term and the beginning of the next.

PART 4 REPRESENTATION

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Representation

- 4.1 (1) In all proceedings before the Court a party shall be on the record either by an attorney-at-law or in person.
- (2) A person is regarded as being on the record upon the first filing by that person of a document with the Registry.
- (3) A party may appear at any hearing in person or by an attorney-at-law.

Rights of attorneys-at-law

- 4.2 An attorney-at-law appearing in proceedings before the Court shall in the performance of his functions connected with such proceedings, enjoy the privileges, immunities and facilities specified in the Protocol while he is present in a Contracting Party and in those specified in the Headquarters Agreement while present in Trinidad and Tobago.

Proof of status

- 4.3 In order to qualify for the privileges, immunities and facilities referred to in rule 4.2, an attorney-at-law shall furnish proof of his status by producing a certificate signed by the Registrar. The validity of the certificate shall be limited to a specified period which may be varied by the Registrar according to the length of the proceedings.

Grant of privileges and immunities in the interest of proceedings

- 4.4 (1) The privileges, immunities and facilities specified in rule 4.2 are granted exclusively in the interest of the proper conduct of proceedings.
- (2) Such privileges, immunities and facilities may be waived by the President in accordance with Article XI of the Protocol and Article XI of the Headquarters Agreement whenever in his opinion the enjoyment of them would impede the course of justice and they may be waived without prejudice to the interests of the Court.

Exclusion of attorneys-at-law for misconduct

- 4.5. (1) An attorney-at-law whose conduct towards the Court, a Judge or the Registrar is incompatible with the dignity of the Court, or who uses his rights for purposes other than those for which they are granted, may at any time be excluded from the proceedings by an order of the Court after he has been given an opportunity to be heard.
- (2) An order issued under this Rule shall have immediate effect.
- (3) Where an attorney-at-law is excluded from the proceedings, the proceedings shall be suspended for a period fixed by the Court in order to allow the party affected to appoint another attorney-at-law.
- (4) Orders made under this Rule may be rescinded by the Court.

Change of attorney-at-law

- 4.6 Where there is a change in the attorney-at-law on the record, the new attorney-at-law shall-
- (a) file a notice of appointment stating his business name, address and telephone number as well as his facsimile number and email address, if applicable;
- (b) serve a copy of the notice on every other party and the attorney-at-law whom he is replacing; and
- (c) file an affidavit of service.

Application by a party to have name of attorney-at-law removed from record

- 4.7 (1) Where-
- (a) an attorney-at-law on record for a party has ceased to be entitled to practise law in the superior courts of any of the Contracting Parties; and
- (b) notice of the appointment of a new attorney-at-law under rule 4.6 has not been received,

the Court may, on the application of any party, make an order declaring that the attorney-at-law in question has ceased to act.

- (2) An application under this Rule shall be-
 - (a) supported by evidence on affidavit; and
 - (b) served on the attorney-at-law (if practicable) and personally on his client.
- (3) An order made pursuant to sub-rule (1) shall be served by the applicant on the attorney-at-law in question (if practicable) and personally on his client.
- (4) Upon service of the order in accordance with sub-rule (3), the applicant shall file an affidavit of service of the order.
- (5) An order made under sub-rule (1) in respect of an attorney-at-law shall not affect the validity of any step taken in the proceedings by that attorney-at-law before the order was served.

Application by attorney-at-law to be removed from the record

- 4.8
- (1) The Court may, on the application of an attorney-at-law who wishes to cease to act for a party to an appeal, order that he be removed from the record as that party's attorney-at-law.
 - (2) The application shall be-
 - (a) served on the client and all other parties; and
 - (b) supported by evidence on affidavit which shall be served on the client.
 - (3) Any order made shall be served by the applicant on the other parties and personally on the former client.
 - (4) The applicant shall file an affidavit of service of the order.

Effective time of notice or order

- 4.9
- (1) A notice under rule 4.6 shall not take effect unless it is served in accordance with sub-rule (b) of that Rule.
 - (2) An order made pursuant to rule 4.7 or rule 4.8 shall not take effect unless served in accordance with the respective Rules.

Notice of disbarment

- 4.10
- Where an attorney-at-law has ceased to be entitled to practise law in the superior courts of any of the Contracting Parties, the official with responsibility for maintaining the Roll of attorneys-at-law in that Contracting Party shall promptly notify the Registrar in writing.

PART 5

DOCUMENTS AND TIME

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Court to state calendar date

- 5.1 When giving a judgment or direction which imposes a time limit for doing any act, the Court shall wherever practicable state the calendar date and the time of day by which the act is required to be done.

Computation of time

- 5.2 (1) A period of time by which any act is required to be done shall be determined in accordance with these Rules, practice directions and judgments of the Court.
- (2) A period of time expressed as a number of days shall be computed as clear days.
- (3) In this Rule, “clear days” does not include-
- (a) the day on which a period begins or ends; and
 - (b) if the end of a period is defined by reference to an event, the day on which that event occurs or should occur.
- (4) Where the period within which an act must be done at the Registry or a sub-Registry-
- (a) is seven (7) days or less, Saturday, Sunday or any other day on which the Registry or sub-Registry, as the case may be, is closed shall not be counted;
 - (b) ends on a day on which the Registry or the sub-Registry, as the case may be, is closed, the act shall be deemed to have been done in time if done before close of business on the next day on which the Registry or sub-Registry, as the case may be, is open.
- (5) Where an act is required to be done somewhere other than in the Registry or a sub-Registry, and the period within which the act is required to be done ends on a Saturday, Sunday or public holiday, the time for doing that act shall be deemed to end at 4 p.m. on the next business day in the country in which it is to be done.

Time during the vacation

- 5.3 For the removal of doubt, wherever a Rule sets out a time frame within which a particular action is to be taken, time continues to run during the vacation.

Exceptions to time-limits

- 5.4 (1) Any time-limit prescribed under these Rules may be extended.
- (2) No right shall be prejudiced in consequence of the expiry of a time-limit if the party in default proves that his default was due to the existence of unforeseeable circumstances.

Documents

- 5.5 (1) Every document prepared for use in the Court must be on “letter sized” paper approximately 11 inches (28cm) long by 8.5 inches (21.5cm) wide. Margins of 1.5 inches (3.5cm) must be left at the top and bottom and of 1.5 inches (3.5cm) at the left side and 1 inch (2.5cm) at the right side.
- (2) Where a document is required to be signed, the full name of the signatory shall be set out legibly below the signature.
- (3) The President may by practice direction-
- (a) require any document filed or to be used at Court to be in such a format as he may prescribe to facilitate electronic recording or filing of that document;
 - (b) prescribe the conditions under which documents may be served or filed electronically; and
 - (c) provide for documents to be sealed or signed by electronic means.
- (4) Every document to be filed shall-
- (a) be headed with the-
 - (i) full title of the proceedings, and
 - (ii) title of the document;
 - (b) state the-
 - (i) name;
 - (ii) bar number or other means of identification (if any);
 - (iii) address for service;
 - (iv) telephone number;
 - (v) fax number, (if prepared to accept service by same); and
 - (vi) e-mail address, (if any)of the person filing it;
 - (c) contain its date; and
 - (d) except in the case of a sworn statement, where required to be signed-
 - (i) be signed by the person filing it; or

- (ii) in the case of electronic filing, be signed electronically.

Forms

- 5.6 (1) The forms in Schedule 3 to these Rules and, where appropriate, forms prescribed by practice directions shall be used in the cases to which they apply.
- (2) A form may be varied if the variation is required by the circumstances of a particular case.
- (3) A form shall not be varied so as to omit any information or guidance which the form is intended to give to the recipient.
- (4) A form marked with the word 'Seal' shall bear the seal of the Court.

Sealing of documents issued by Court

- 5.7 (1) The following documents are required to be sealed with the seal of the Court on issue-
 - (a) notice of appeal; and
 - (b) judgments, orders and directions of the Court.
- (2) The Court may place the seal on a document by-
 - (a) hand; or
 - (b) printing a facsimile of the seal on the document electronically or by any other means.
- (3) All judgments and directions of the Court shall be signed by the Registrar.
- (4) A document purporting to bear the seal of the Court shall be admissible in evidence without further proof.

PART 6

FILING AND SERVICE

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| Filing by facsimile | Rule 6.2 |
| Electronic submission of documents | Rule 6.3 |
| Address for service | Rule 6.4 |
| Service of documents | Rule 6.5 |
| Court may order service by specified method | Rule 6.6 |
| Proof of service | Rule 6.7 |
| Service by facsimile | Rule 6.8 |
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Submission and filing of documents

- 6.1 (1) A document may be submitted for filing by-
- (a) delivering it at the Registry or a sub-Registry to a person authorised to receive it at a time when the Registry or sub-Registry, as the case may be, is open;
 - (b) posting it to the Registry;
 - (c) sending it by facsimile to the number designated for the purpose by the Registrar; or
 - (d) the method of electronic filing described in rule 6.3 or any other electronic means approved by or under these Rules.
- (2) Subject to sub-rule (3), a document is filed on the day on which it is received at the Registry or sub-Registry in accordance with sub-rule (1).
- (3) If a document submitted for filing in accordance with sub-rules (1) (b) or (c) is received at the Registry when the Registry is closed, the document is deemed to be filed as soon as the Registry is next open.
- (4) Notwithstanding sub-rules (2) and (3), where a fee is to be paid, a document is not to be treated as filed until-
- (a) the fee is paid; or
 - (b) an undertaking to pay the fee acceptable to the Registrar is received.

Filing by facsimile

- 6.2 (1) In addition to satisfying any conditions contained in a practice direction, a party filing any document by facsimile transmission shall include a cover page stating-
- (i) the name, address, telephone number and facsimile number of

- the sender;
 - (ii) the facsimile number of the sender to which documents may be sent;
 - (iii) the date and time of transmission;
 - (iv) the total number of pages transmitted, including the cover page; and
 - (v) the name and telephone number of a person to contact if problems occur in transmission.
- (2) Where a document is sent by facsimile transmission, the original shall be submitted promptly to the Registry.
- (2) The Registrar shall send an acknowledgement of receipt to the sender as soon as practicable after receiving a document filed by facsimile.

Electronic submission of documents

- 6.3 (1) A document may be submitted for filing electronically by e-mail addressed to a dedicated Registry inbox named efile@caribbeancourtsofjustice.org.
- (2) Any document so submitted when the Registry is closed will be filed on the date on which it was received as indicated by the date in the above inbox, and will be registered and distributed during the next working day.
- (3) A document that does not comply with the Rules may be returned to a party for correction to secure compliance.
- (4) Upon receipt of a duly submitted document the designated officer in the Registry shall register the document. Each document submitted will be paginated sequentially based on the case number under which the document is filed, stamped, dated and signed by the designated officer electronically. A copy of the document with the electronic Registry markings shall forthwith be returned to the submitter and sent to the relevant sub-Registry.
- (5) Documents to be filed under this Rule shall conform to the Court's approved standard of eight (8.5) inches by eleven (11) inches; supporting documents and exhibits that do not conform with this requirement, shall be scanned in this size and attached as scanned documents.

Address for service

- 6.4 (1) Every document filed shall contain-
- (a) an address for service in the Contracting Party where the Seat of the Court is located or in the relevant Contracting Party;

- (b) a facsimile number for service, if service is being accepted by facsimile when provision has been made for service by facsimile under rules 6.8; or
 - (c) an e-mail address for service, if service is being accepted by e-mail under rule 6.9.
- (2) A party who changes his address for service shall immediately notify the Registrar and all the parties of the change.
 - (3) A document is regarded as validly served when it is sent to the original address before any notice of change of address for service has been received by the party serving the document.

Service of documents

- 6.5 (1) Subject to sub-rule (2), all documents shall be served by leaving them at or transmitting them to the address for service within the meaning of rule 6.4.
- (2) A notice of appeal shall be served by the appellant at the respondent's address for service in the court below.

Court may order service by specified method

- 6.6 (1) The Court may, on an application made in that behalf, order that a notice of appeal or other document be served by a specified method.
- (2) An application for an order for service by a specified method may be made *ex parte* on affidavit.
- (3) An affidavit under sub-rule (2) shall-
- (a) specify the method of service proposed; and
 - (b) show that that method of service is likely to enable the person to be served to ascertain the contents of the document.

Proof of service

- 6.7 Service is proved by an affidavit made by the person who served the document showing that the terms of this Part have been complied with.

Service by facsimile

- 6.8 The President may issue a practice direction for the service of documents by facsimile.

Electronic service of documents

- 6.9 (1) Any document required to be served may be served electronically.
- (2) Electronic confirmation of delivery shall serve as proof of service for all documents served electronically.

PART 7

AFFIDAVITS

Contents of this Part

Affidavit evidence

Rule 7.1

Making of affidavits

Rule 7.2

Affidavit evidence

- 7.1 (1) An affidavit shall not be filed for use at the hearing of an appeal without the leave of the Court.
- (2) Affidavits may be filed and used in support of or in opposition to interlocutory applications made in connection with an appeal.

Making of affidavits

- 7.2 (1) An affidavit shall be admissible if it is sworn or affirmed before a person having the authority to administer oaths and affirmations in the country in which the affidavit is made.
- (2) An affidavit which purports to have been sworn or affirmed in accordance with the law and procedure of any place outside the jurisdiction of a Contracting Party shall be presumed to have been so sworn or affirmed.
- (3) Any affidavit to be used in any proceedings, application or other matter pending before the Court may be sworn or affirmed before the Registrar.

PART 8

CASE MANAGEMENT

Contents of the Part

The Court's general powers of management

Rule 8

The Court's general powers of management

- (1) The list of powers in this Rule is in addition to any powers given to the Court by any enactment or other Rule.
- (2) Except where these Rules otherwise provide, the Court may-
 - (a) extend or abridge the time for compliance with any order or direction of the Court;
 - (b) adjourn or bring forward a hearing to a specific date;
 - (c) decide the order in which issues are to be heard;
 - (d) dismiss or give judgment on an appeal after a decision on a preliminary issue;
 - (e) direct that notice of any appeal or application be given to any person;
 - (f) deal with any application by audio conference or video conference;
 - (g) hear appeals either at the Seat of the Court, in the relevant Contracting Party or by video conference;
 - (h) consolidate appeals;
 - (i) refer parties to an alternative form of dispute resolution considered by the Court appropriate in the circumstances; and
 - (j) take any other step, give any other direction or make any other order for the purpose of managing the appeal and furthering the overriding objective.
- (3) Where a party fails to comply with any order or direction made or given by the Court, the Court may impose any sanction including dismissal of an appeal or cross-appeal that the justice of the case requires.

PART 9

APPLICATIONS

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Making of application

- 9.1 (1) An application to the Court for an interlocutory order shall be made by a notice in writing which contains a statement of the order sought and the grounds relied upon and conforms with Form 1 in Schedule 3.
- (2) Notwithstanding sub-rule (1) an application may be made orally if-
- (a) permitted by a Rule or practice direction; or
 - (b) the Court dispenses with the requirement for the application to be made in writing.
- (3) Where an application is to be made by notice in writing within a specified period, it is so made if the notice is filed in the Registry or a sub-Registry within that period.

Powers of a single Judge

- 9.2. (1) A single Judge may make orders-
- (a) for a stay of execution of a judgment or order against which an appeal has been made, pending the determination of the appeal;
 - (b) for such injunction as may be necessary to preserve the rights of any party pending the determination of the appeal;
 - (c) granting leave to withdraw an appeal or cross-appeal;
 - (d) determining whether an appeal should be dismissed for non-prosecution;

- (e) granting relief from a sanction imposed for failure to comply with a Rule, order or direction;
 - (f) granting leave to amend a document;
 - (g) on any other procedural application; and
 - (h) whenever authorized to do so by any other Rule or by a practice direction.
- (2) An order made by a single Judge may be varied or discharged by a full Court comprising not less than three Judges.
- (3) The President may direct that an application for an order mentioned in sub-rule (1) shall be heard in the first instance by a full Court comprising not less than three Judges.

Evidence in support of application

- 9.3 Evidence in support of an application shall be contained in an affidavit unless a Rule, practice direction or a Court order otherwise provides.

Service of notice of application

- 9.4 (1) A notice of application shall be served by the applicant on each respondent within seven (7) days after the notice is filed or within such other period as may be specified by any other Rule, practice direction or order of the Court.
- (2) The applicant shall within forty-eight (48) hours of the service of the notice of application on each respondent notify the Registrar of such service.

Affidavit in Opposition

- 9.5 The respondent may file and serve an affidavit in opposition within fourteen (14) days of service on the respondent of the notice of application or within such other time as the Court may direct, stating any facts or matters upon which the respondent intends to rely at the hearing.

Notice to parties of hearing of application

- 9.6 The Registrar shall give all parties concerned at least seven (7) days' notice of the date and time fixed for hearing of an application provided that the period of notice may be abridged by the Court either on application of a party or of its own motion.

Applications which may be dealt with without hearing

- 9.7 The Court may deal with an application without a hearing if-
- (a) no notice of application is required;
 - (b) the Court considers that the application can be dealt with over the telephone or by other means of communication;
 - (c) the Court does not consider that a hearing would be appropriate;
 - (d) the parties agree; or
 - (e) the parties have agreed to the terms of an order-
 - (i) other than an order to vary a date which the Court has fixed or the time the Court has fixed for doing any act; and
 - (ii) the attorneys-at-law for all parties to the application have indicated in writing their consent to the order being made without a hearing.

Service of application where order made *ex parte*

- 9.8 (1) After the Court has disposed of an application made *ex parte*, the applicant shall promptly notify all other parties of the order made and serve on them a copy of the application and any evidence in support.
- (2) An order made on an *ex parte* application shall be endorsed with a statement informing the respondent of the right to make an application under this Rule for the order to be set aside or varied or for the application to be heard *inter partes*.

Power of Court to proceed in the absence of party

- 9.9 (1) Where the applicant or any person on whom the notice of application has been served fails to attend the hearing of the application, the Court may proceed in the absence of that party.
- (2) A respondent to whom notice of an application was not given may apply to the Court within fourteen (14) days of the service on him of any order made on the application for such order to be set aside or varied or for the application to be heard *inter partes*.

Application to set aside or vary order made with notice

- 9.10 (1) A party who having been served with notice of the application was not present when an order was made may apply not later than fourteen (14) days of the service of the order on him for any order made on the application to be set aside or varied.
- (2) An application to set aside or vary the order shall be supported by evidence on affidavit showing-

- (a) good reason for his absence from the hearing; and
- (b) that it is likely that had the applicant attended, some other order might have been made.

Withdrawal of application

- 9.11 (1) An applicant who wishes to withdraw his application shall give notice in writing to that effect to the Registrar and to each respondent who was served with notice of the application.
- (2) Where notice of the application was served, the respondent shall, subject to any agreement between the parties to the contrary, be entitled to his costs unless the Court otherwise orders.

Relief from sanctions

- 9.12 The Court may, on an application made by a party promptly and supported by evidence on affidavit, relieve that party from any sanction imposed for a failure to comply with any Rule, order or direction.

Amendment of documents

- 9.13 (1) Any document filed in connection with an appeal may be amended with leave of the Registrar.
- (2) If the Registrar is of the opinion that an application for leave to amend should be dealt with by the Court, the Registrar may direct the applicant to file and serve the opposing party with a notice of the application to the Court for leave to amend.

Applications made by consent of the parties

- 9.14 The Registrar shall have power to make orders by consent on such applications as the parties thereto may agree to refer to the Registrar.

PART 10

LEAVE TO APPEAL

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Commencement of appeal

10.1 An appeal shall commence with the filing of a notice of appeal.

Applications for leave to appeal

10.2 No notice of appeal shall be filed unless either-

- (a) i) leave to appeal to the Court has been granted by the court below; and
- ii) a certificate of compliance has been issued pursuant to rule 10.9; or

(b) special leave to appeal has been granted by the Court.

Applications to the court below for leave to appeal

10.3 (1) An application to the court below for leave to appeal shall be made by notice in writing within forty-two (42) days of the date of the judgment from which leave to appeal is sought.

(2) An application to the court below for leave to appeal in cases in which the appeal is claimed to be as of right shall-

- (a) identify precisely the constitutional or statutory provision under

- which the right of appeal is claimed;
 - (b) state succinctly such facts as may be necessary in order to demonstrate that the applicant is entitled to appeal under the provision so identified; and
 - (c) be signed by the applicant or his attorney-at-law.
- (3) An application to the court below for leave to appeal in cases in which the appeal is not claimed to be as of right, shall-
 - (a) state the point of law which the applicant wishes the Court to determine;
 - (b) state succinctly such facts as may be necessary in order to enable the court below to determine whether leave ought to be granted; and
 - (c) be signed by the applicant or his attorney-at-law.

Service of notice of application to the court below and notice of hearing

- 10.4 (1) A notice of application to the court below for leave to appeal shall be served by the applicant upon each respondent within seven (7) days after the notice is filed or within such further period as the court below may allow.
- (2) The applicant shall within two (2) days of service of such notice file an affidavit of service.
- (3) The proper officer shall give all parties at least fourteen (14) days' notice of the date and time fixed for hearing of the application.
- (4) Any affidavit or other document which a respondent wishes to use in opposition to an application shall be filed and served by him on the applicant within fourteen (14) days of service on him of the application for leave to appeal.
- (5) Every document prepared for use at the hearing shall comply with rule 5.4 as if the document had been prepared for use or been filed in the Court.
- (6) If an applicant wishes to withdraw his application to the court below for leave to appeal, rule 9.10 shall apply with the substitution of "the proper officer" for "the Registrar" and "the court below" for "the Court".

Grant of leave to appeal by the court below

- 10.5 (1) In making an order granting leave to appeal, the court below shall indicate under what constitutional or statutory provision such leave is granted.
- (2) Where an order is made granting leave to appeal subject to conditions, the

leave so granted may only be relied upon when the proper officer has issued a certificate of compliance pursuant to rule 10.9.

Conditions for leave in non-criminal appeals

- 10.6 (1) This Rule applies only to proceedings that are not criminal in nature.
- (2) Where the court below makes an order granting leave to appeal it shall, subject to rule 10.17(3), require the applicant to satisfy the following two conditions-
- (a) that the applicant within a period not exceeding ninety (90) days provide security for costs which the applicant may become liable or be ordered to pay in an amount not exceeding that specified in Schedule 5; and
 - (b) that the applicant provide to the proper officer within a period not exceeding ninety (90) days a list of the documents which he proposes should be included in the record of appeal.
- (3) Where the court below grants leave to appeal in a case where the appeal is not as of right, it may, in addition to the conditions mentioned in sub-rule (2), impose such other conditions as the justice of the case may require.
- (4) Unless the Court otherwise orders, a party whose appeal succeeds shall be entitled, without further order, to recover any security for costs provided.

Manner and form of security

- 10.7 A person may provide security for costs by a deposit of money or a banker's guarantee or by such other means as the court below may approve.

Stay of execution

- 10.8 (1) Where the judgment appealed from requires the applicant to pay money or do any act, the court below may when granting leave to appeal-
- (a) direct that the judgment be carried into execution;
 - (b) order that any liquidated sum payable under the judgment be paid into court and invested by the proper officer in an interest bearing account pending the determination of the appeal; or
 - (c) stay execution of the whole or part of the judgment pending appeal.
- (2) Where the court below directs that the judgment be carried into execution, the person in whose favour the judgment was given shall prior to execution provide sufficient security to the court's satisfaction for the due

performance of such order as the Court may make.

Issue of certificate of compliance

- 10.9 (1) Where the intended appellant has complied with the conditions on which leave to appeal was granted by the court below, the proper officer shall forthwith issue a certificate of compliance in conformity with Form 2A in Schedule 3.
- (2) Within seven (7) days of the issue of the certificate of compliance the proper officer shall serve copies of the certificate on the intended appellant and the intended respondent and notify the Registrar.

Issue of certificate of non-compliance

- 10.10 (1) Where the intended appellant has not complied with the conditions on which leave to appeal was granted, the proper officer shall forthwith issue a certificate of non-compliance in conformity with Form 2B in Schedule 3.
- (2) Within seven (7) days after issue of the certificate of non-compliance the proper officer shall serve copies of the certificate on the intended appellant and the respondent.
- (3) On an application made by the intended appellant within seven (7) days of the service upon him of a certificate of non-compliance, the court below may, if satisfied that the certificate of non-compliance was wrongly issued by the proper officer, make an order setting aside that certificate and direct the proper officer to issue in its place a certificate of compliance.
- (4) Where a certificate of non-compliance is issued and no application to set it aside is made within seven (7) days of it being served on the intended appellant or such an application having been made is dismissed, the leave to appeal granted shall be deemed to have been rescinded and the respondent shall be entitled without further order to have his costs taxed and paid by the intended appellant.

Substitution of parties before notice of appeal filed

- 10.11 Where a party to an application for leave to appeal dies or changes status after the application was made but before a notice of appeal is filed, the court below may upon application by a party or an interested person substitute or add the person considered by it to be the proper person to be substituted or entered on the record in lieu of, or in addition to, the party who died or whose status has changed.

Special leave to appeal to the Court

- 10.12 An application for special leave to appeal may be made to the Court in writing within forty-two (42) days of the date of the judgment from which special leave to appeal is sought, or in cases in which leave to appeal has been sought from the court below, within twenty-one (21) days of the refusal or rescission of such leave.

Applications to the Court for special leave to appeal

- 10.13 The application for special leave to appeal shall-
- (a) set out the grounds of appeal which it is proposed to argue;
 - (b) state succinctly all such facts as may be necessary in order to enable the Court to determine whether special leave ought to be granted; and
 - (c) be signed by the applicant or his attorney-at-law.

Filing and service of documents in connection with applications for special leave

- 10.14 (1) An applicant for special leave to appeal shall file for the use of the Court-
- (a) a copy of the application and of the judgment from which special leave to appeal is sought;
 - (b) an affidavit in support of the application with relevant exhibits; and
 - (c) in the case of a criminal appeal, a copy of the judge's summation, if available.
- (2) The applicant shall serve his application and supporting affidavit upon the respondent within seven (7) days after the application is filed or within such other period as the Court may allow and within two (2) days of such service, file an affidavit of service.
- (3) Any affidavit in opposition shall be filed and served by the respondent on the applicant within fourteen (14) days of service upon him of the application for special leave.
- (4) The Registrar shall give the parties at least fourteen (14) days' notice of the date and time fixed for the hearing.

Orders on applications for special leave

- 10.15 Where the Court grants special leave to appeal, it may impose such conditions and make such orders and give such directions as it considers necessary or expedient.

Liaison between proper officer and the Registrar

- 10.16 (1) When leave to appeal has been granted by the court below, the proper officer shall within seven (7) days of the order being entered, send a copy of it to the Registrar.
- (2) When special leave has been granted by the Court under rule 10.15, the Registrar shall within seven (7) days of the order being entered send a copy of it to the proper officer.

Applications for leave to appeal or defend an appeal as a poor person

- 10.17 (1) An applicant who wishes to obtain leave to appeal as a poor person shall file an application for such leave together with his application to the court below for leave to appeal or with his application to the Court for special leave to appeal, as the case may be, and shall be required to satisfy the court to which he applies, by affidavit or otherwise, that-
- (a) (i) apart from his interest in the subject-matter of the appeal, his net worth is less than the amount specified in Schedule 4; and
 - (ii) he is unable to provide sureties; and
 - (b) he has an arguable ground of appeal.
- (2) A respondent who wishes to obtain leave to defend an appeal as a poor person shall apply for such leave to the court below if application for leave to appeal is made to that court or to the Court if special leave to appeal is applied for, and shall be required to satisfy the court to which he applies that his net worth, apart from his interest in the matter in dispute, is less than the amount specified in Schedule 4.
- (3) A party to whom leave has been granted to appeal or to defend an appeal as a poor person shall not be required to provide security for costs or to pay any Court fees.

PART 11 NOTICE OF APPEAL

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Time for filing notice of appeal

- 11.1 A notice of appeal in the manner set out in Form 2 in Schedule 3 shall be filed within twenty-one (21) days of service on the intended appellant of a certificate of compliance or of the grant of special leave by the Court.

Notice of appeal

- 11.2 Wherever practicable there shall be filed with the notice of appeal-
- (a) a copy of the order granting leave or special leave to appeal; and
 - (b) a copy of the judgment appealed from.

Contents of notice of appeal

- 11.3 (1) The notice of appeal shall-
- (a) set forth concisely and under distinct heads numbered consecutively the grounds of appeal upon which the appellant intends to rely;
 - (b) state whether the appeal relates to the whole or part only of the judgment of the court below and, in the latter case, specify such part;
 - (c) state the nature of the relief sought;
 - (d) state the names and addresses of all parties directly affected by the appeal;
 - (e) be signed by the appellant or his attorney-at-law; and
 - (f) follow Form 2 in Schedule 3.
- (2) No ground of appeal which is vague or general in terms shall be permitted except for the general ground that the judgment is against the weight of the evidence.
- (3) The appellant shall not, without leave of the Court, be heard in support of any ground not mentioned in the notice of appeal but the Court may in its discretion allow the appellant to amend the grounds of appeal upon such terms as the Court may consider just.

- (4) The Court in deciding the appeal shall not-
 - (a) be confined to the grounds set forth by the appellant; or
 - (b) base its decision on any ground to which a party affected has not had a sufficient opportunity of responding.

- (5) An interim order or ruling from which there has been no appeal shall not operate to bar or inhibit the Court in disposing of the appeal by giving such decision as may be just.

Where to file notice of appeal

- 11.4 The notice of appeal shall be filed in the Registry or in the sub-Registry in the relevant Contracting Party.

Service of notice of appeal

- 11.5 The appellant shall after filing his notice of appeal serve a copy on each respondent within fourteen (14) days of the date of filing and shall file an affidavit of service within seven (7) days thereafter.

PART 12

ACKNOWLEDGEMENT OF SERVICE AND FILING OF CROSS-APPEAL

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| Filing of acknowledgement of service | Rule 12.1 |
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| Contents of notice of cross-appeal | Rule 12.4 |
| Filing and service of notice of cross-appeal | Rule 12.5 |

Filing of acknowledgement of service

- 12.1 A respondent shall within fourteen (14) days of being served with the notice of appeal file an acknowledgement of service in Form 3 in Schedule 3 in the Registry or in the sub-Registry in the relevant Contracting Party.

Failure to file acknowledgement of service

- 12.2 A respondent who has not filed an acknowledgement of service within the prescribed time shall not be entitled to-
- (a) receive from the Registrar any notice relating to the appeal save and except a notice of date of hearing of the appeal;
 - (b) participate in the settling of the record; or
 - (c) take any step in the proceedings without leave of the Court.

Notice of cross-appeal

- 12.3 A respondent who-
- (a) wishes the Court to affirm the whole or part of the judgment of the court below on grounds other than those relied on by the court below; or
 - (b) wishes to appeal against the whole or part of the judgment of the court below
- shall file a notice of cross-appeal.

Contents of notice of cross-appeal

- 12.4 The provisions of rule 11.3 shall apply to a notice of cross-appeal.

Filing and service of notice of cross-appeal

- 12.5 (1) A notice of cross-appeal shall be filed in the Registry or sub-Registry in the relevant Contracting Party within twenty-one (21) days of service of the notice of appeal.

- (2) Within seven (7) days after filing a notice of cross-appeal, a party shall serve a filed copy of the notice of cross appeal on each person who was a party to the proceedings below.
- (3) Within seven (7) days after serving the notice of appeal, the party filing a notice of cross-appeal shall file an affidavit of service.

PART 13 RECORD OF APPEAL

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| Action by Registry on receipt of notice of appeal | Rule 13.1 |
| Copies of record | Rule 13.2 |
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| Reproduction of the record | Rule 13.4 |
| Special case | Rule 13.5 |

Action by Registry on receipt of notice of appeal

- 13.1 (1) As soon as is practicable but no later than six (6) weeks after a notice of appeal has been filed and served, the proper officer shall proceed to settle the record of appeal in consultation with the appellant and any respondent who has filed an acknowledgement of service or their respective attorneys-at-law.
- (2) The proper officer shall certify the list of documents to be included in the record of appeal.
- (3) The following documents shall be included in the record-
- (a) the notice of appeal and any notice of cross-appeal that has been served on the appellant;
 - (b) the order granting leave or special leave to appeal, as the case may be;
 - (c) the certificate of compliance in cases in which leave to appeal was granted by the court below;
 - (d) the judgment of the court below;
 - (e) the notice of appeal to the court below and any notice of cross-appeal;
 - (f) the judgment of the court of first instance;
 - (g) the writ, motion, petition, summons, indictment or other process by which the proceedings were initiated;
 - (h) in civil cases, all pleadings delivered;
 - (i) in criminal cases, the judge's summing-up, if any;
 - (j) any written submissions (without copies of the authorities relied on) made to the court below that are relevant to any issue to be decided by the Court; and
 - (k) an index to the record.
- (4) The only other documents which shall be included in the record are those which will be helpful to the Court in disposing of the appeal given the issues raised by the notice of appeal and any notice of cross appeal, and the parties shall co-operate with the proper officer in limiting as far as possible the size of the record.
- (5) Where a party objects to the inclusion of a document and another party nevertheless insists upon its inclusion, the document shall be included and the

index shall include an indication of the objection to its inclusion and the party who made it.

- (6) Once the proper officer has certified the list of documents to be included in the record pursuant to sub-rule (2), the appellant shall within fourteen (14) days thereafter submit to the proper officer a record compiled in accordance with the certificate of the proper officer and these Rules.
- (7) If the judgment of the court below or any other document to be included in the record as settled is not available, the proper officer may dispense with its inclusion in the record, subject to the appellant undertaking to provide the judgment or such other document for inclusion in a supplemental record as soon as the same becomes available.
- (8) The proper officer shall certify one copy of the record to be correct and, affix thereto the seal of the court below. At his own expense the appellant shall transmit the record to the Registrar electronically or in a sealed container.
- (9) The proper officer shall deal with any supplemental record submitted by an appellant in the manner prescribed by sub-rule (8) and the appellant shall transmit the same to the Registrar as prescribed in sub-rule (8).
- (10) The proper officer shall cause to be remedied any defects in the record which the Registrar may draw to the attention of the proper officer.

Copies of record

- 13.2
- (1) The appellant shall bear the cost of producing-
 - (a) one (1) copy of the record for the use of the Court;
 - (b) one (1) copy of the record for the respondent; and
 - (c) all copies of the record requested by the appellant.
 - (2) The respondent may request from the Registrar additional copies of the record but these shall be prepared at the respondent's expense.
 - (3) The Registrar shall notify each party of the amount payable in respect of the copies produced at the party's expense.
 - (4) Payment for copies of the record shall be made by the parties to the proper officer or the Registrar within seven (7) days of their being notified of the amounts payable by them respectively.
 - (5) The provisions of this Rule do not apply where the record of appeal has been filed electronically.

Failure to make payment for copies

- 13.3 Failure by the appellant to make payment or to provide a satisfactory undertaking to pay in accordance with rule 13.2(5) shall render the appeal liable to be stayed until further order.

Reproduction of record

- 13.4 (1) The Registrar shall within thirty (30) days after receipt of payment from the appellant-
- (a) reproduce and bind the record in the requisite number of copies; and
 - (b) (i) deliver to each party the appropriate number of copies of the record for which payment has been received; or
 - (ii) in the case of a party whose address for service is not in the Contracting Party in which the Seat of the Court is located, transmit to the proper officer as many copies as are required for delivery to such party.
- (6) The proper officer shall within seven (7) days of receiving the copies transmitted by the Registrar deliver them to the parties for whom they are intended.
- (7) The provisions of this Rule do not apply where the record of appeal has been filed electronically.

Special case

- 13.5 (1) Whenever a decision of a matter on appeal is likely to turn exclusively on a question of law, the Registrar may at the request of the parties submit such a question to the Court in the form of a special case and reproduce such parts only of the record as may be necessary to enable the question to be argued.
- (2) Nothing contained in sub-rule (1) shall prevent the Court from ordering full argument on the whole case if it thinks fit.

PART 14

HEARING OF APPEALS

Contents of this Part

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| Case management conference | Rule 14.2 |
| Directions | Rule 14.3 |
| Written submissions | Rule 14.4 |
| Notice of hearing | Rule 14.5 |

Assignment of case for directions

- 14.1 As soon as practicable after the notice of appeal has been filed, the Registrar shall, after consultation with the President or a Judge designated by him, assign the appeal to one or more Judges for directions.

Case management conference

- 14.2 (1) The Judge or Judges to whom an appeal is assigned shall decide whether or not a case management conference should be held.
- (2) Where a case management conference is to be held the Registrar shall in consultation with the Judge or Judges to whom the appeal has been assigned, fix a date, time, mode and place of hearing of the conference.
- (3) The Registrar shall give all parties not less than fourteen (14) days' notice of the date, time, mode and place of the case management conference.
- (4) Notwithstanding sub-rule (3), the Registrar may, with or without an Application, direct that shorter notice be given-
- (a) if the parties consent; or
 - (b) in urgent cases.
- (5) A case management conference may be adjourned from time to time to a fixed date.

Directions

- 14.3 (1) The Judge or Judges to whom the appeal is assigned may give directions for the proper conduct of the appeal.
- (2) The directions referred to in sub-rule (1) may be given either without the holding of a case management conference or in the course or at the conclusion of such a conference.
- (3) These directions shall-

- (a) stipulate whether written submissions shall be filed and, if so, shall fix the dates for the filing and exchange of those submissions; and
 - (b) fix a date, mode and place for the hearing of the appeal.
- (4) The directions given pursuant to sub-rule (1) may also include directions as to-
- (a) the number of attorneys-at-law to be heard on either side;
 - (b) the order and length of the oral submissions;
 - (c) the preparation of a chronology of events;
 - (d) the submission of lists and copies of authorities; and
 - (e) the total time to be allowed for the hearing and how that time shall be allocated as between the parties.
- (5) The Judge or Judges who have given directions under this Rule shall wherever practicable be members of the Court hearing the appeal.

Written submissions

- 14.4 (1) A written submission shall-
- (a) consist of paragraphs numbered consecutively;
 - (b) state as concisely as possible-
 - (i) the circumstances out of which the appeal arises;
 - (ii) the issues raised by the appeal;
 - (iii) the contentions on which the party making the submission intends to rely; and
 - (iv) the reasons why the Court should make the order sought; and
 - (c) as far as practicable, contain in the margin references by page and line to the relevant portions of the record; and
 - (d) avoid as far as possible the recital of long extracts from the record.
- (2) The parties shall file and exchange written submissions in accordance with the directions of the Court.
- (3) A written submission which has been filed shall not be copied or inspected by anyone except with the permission of the Registrar and the consent of the party which filed the written submissions.
- (4) Where a party has not filed and offered to exchange his written submission within the time or times specified by the Court, he shall not be heard at the hearing of the appeal except with the leave of the Court.

Notice of hearing

- 14.5 The Registrar shall notify the appellant and each respondent, (whether or not he has filed an acknowledgement of service), of the date and place fixed for the hearing of the appeal.

PART 15 JUDGMENTS

Contents of this Part

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| Drawing up of order | Rule 15.3 |
| Consent orders | Rule 15.4 |

Notice to parties of date fixed for delivery of judgment

- 15.1 Where the Court after hearing an appeal reserves judgment, the Registrar shall in due course notify the parties of the date, time and place appointed for the delivery of the judgment.

Correction of errors

- 15.2 The correction of clerical mistakes, errors or omissions in a judgment or order may at any time be authorised by the Judge or Judges who delivered the judgment or made the order.

Drawing up of order

- 15.3 Every order made pursuant to a judgment shall be drawn up by the Court unless-
- (a) the Court directs a party to draft and file the order;
 - (b) the Court dispenses with the need to draw up the order; or
 - (c) it is a consent order.

Consent orders

- 15.4 (1) A consent order may be made by the Court where-
- (a) all the relevant parties agree the terms of the proposed order; and
 - (b) none of these Rules prevents the proposed order being made by the consent of the parties.
- (2) A consent order shall be-
- (a) drawn up in the terms agreed;
 - (b) expressed as being “By Consent”;
 - (c) signed by each party to whom the order relates or his attorney-at-law; and
 - (d) filed for sealing.
- (3) A consent order may not be made where-
- (a) a party lacks legal capacity; or

- (b) the making of such an order would result in the variation of any hearing date fixed by the Court.

PART 16

TERMINATION OF APPEAL

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| Withdrawal of appeal where appellant has served notice of appeal | Rule 16.2 |
| Non-prosecution of appeal | Rule 16.3 |

Withdrawal of appeal where appellant has not served notice of appeal

- 16.1 (1) Where an appellant who has not served his notice of appeal on any respondent wishes to withdraw his appeal, he may file a notice of withdrawal.
- (2) Upon the filing of such a notice, the appeal shall stand dismissed without further order and the Registrar shall forthwith in writing notify the proper officer that the appeal has been withdrawn.

Withdrawal of appeal where appellant has served notice of appeal

- 16.2 (1) When an appellant who has served a notice of appeal on any respondent wishes to withdraw his appeal, he shall file a notice of application for leave to withdraw the appeal and shall serve such notice on every respondent who has been served with the notice of appeal.
- (2) On the hearing of any such application a respondent who has filed an acknowledgement of service shall, subject to any agreement between him and the appellant to the contrary, be entitled to apply to the Court for his costs.
- (3) The provisions of sub-rules (1) and (2) shall apply *mutatis mutandis* to withdrawal of a cross-appeal.

Non-prosecution of appeal

- 16.3 (1) Where an appellant fails to take any step required of him by these Rules or by a practice direction within the time therein prescribed, the Registrar may issue a notice to the appellant to show cause, within fourteen (14) days of receipt of the notice, why the appeal should not be dismissed for non-prosecution.
- (2) A notice issued under sub-rule (1) shall specify the method by which and the time and place at which the appellant shall show cause.

- (3) Sub-rules (1) and (2) shall apply *mutatis mutandis* to a respondent who has filed a cross-appeal.
- (4) Any respondent who has been served with a notice of appeal shall be sent a copy of the notice to show cause and if he has filed an acknowledgement of service, shall be entitled to be heard as to the order to be made.
- (5) If the Court is satisfied by the appellant that in all the circumstances the appeal should not be dismissed, the Court shall give directions for the further conduct of the appeal and may make such other order as it considers just.
- (6) If not so satisfied, the Court shall order the appeal to stand dismissed and may make an order for costs against the appellant.

PART 17

PRACTICE DIRECTIONS

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Issuance of practice directions

- 17.1 (1) The President may issue practice directions prescribing the practice and procedure to be followed in the Court in so far as the same is not expressly dealt with by these Rules.
- (2) The authority of the President to issue practice directions is not limited to those cases in which provision for the issue of such directions is expressly made in these Rules.

Effective date of practice directions

- 17.2 A practice direction shall state the date from which it is to take effect and shall be effective from that date.

Publication of practice directions

- 17.3 (1) A practice direction shall as soon as practicable after it is issued be-
- (a) posted on the Court's website; and
 - (b) made available to the proper officers in each Contracting Party for circulation within the relevant jurisdiction.
- (2) The Registrar shall also endeavour to have practice directions published in the Gazettes of all Contracting Parties.

PART 18

COSTS

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Definitions and application

- 18.1 (1) In this Part, unless the context otherwise requires
“**basic costs**” has the meaning assigned to it by rule 18.15;
“**certificate of costs**” means a certificate signed by the Registrar stating the amount of costs recoverable by the receiving party who elects to receive basic costs under rule 18.15 or has costs taxed under rule 18.18;

“**costs**” includes an attorney-at-law’s charges and disbursements, basic costs, summarily assessed costs and taxed costs;
“**Court**” includes the Registrar;
“**paying party**” means a party liable to pay costs;
“**receiving party**” means a party entitled to be paid costs;
“**summary assessment**” means the procedure by which the Court when making an order about costs orders payment of a sum of money under rule 18.13 instead of taxation; and
“**taxation**” means the procedure by which the amount of costs is decided by the Registrar in accordance with this Part.

- (2) Orders for the payment of costs may be enforced in the same way as a judgment or order for the payment of a sum of money.

Orders for costs

- 18.2 The Court may make orders for costs of the proceedings giving rise to the appeal as well as the costs of the appeal.

Recovery of costs

- 18.3 A person may not recover the costs relating to an appeal from any other party or person except by virtue of-
 - (a) an order of the Court;
 - (b) a provision of these Rules; or
 - (c) an agreement between the parties.

Successful party generally entitled to costs

- 18.4 (1) If the Court decides to make an order for the costs of any proceedings, it shall order the unsuccessful party to pay the costs of the successful party.
- (2) The Court may notwithstanding sub-rule (1) order a successful party to pay all or part of the costs of an unsuccessful party or may make no order as to costs.
- (3) In deciding who should be liable to pay costs, the Court shall have regard to all the circumstances and in particular the Court shall have regard to-
 - (a) the conduct of the parties both before and during the proceedings;
 - (b) whether a party has succeeded on particular issues, even if that party has not been wholly successful in the appeal or proceedings;
 - (c) any offer to settle made by a party drawn to the Court’s attention;
 - (d) whether it was reasonable for a party
 - (i) to pursue a ground of appeal;
 - (ii) to raise a particular issue;
 - (e) the manner in which a party has pursued-

- (i) the appeal;
 - (ii) a ground of appeal;
 - (iii) a particular issue;
 - (f) whether an appellant who has succeeded in his appeal, exaggerated his claim.
- (4) This Rule gives the Court power, in particular, to order a party to pay-
- (a) costs from or until a certain date only;
 - (b) costs relating only to a distinct part of the appeal;
 - (c) only a specified proportion of another party's costs;
 - (d) interest on costs from or until a certain date, including a date before judgment.
- (5) The Court may not make an order under sub-rule (4)(a) or (b) unless it is satisfied that an order under sub-rule (4)(c) would not be more practicable.
- (6) Where the Court orders a party to pay costs, it may make an interim order requiring the paying party to pay a fixed sum on account by a date stated in the order before the costs are taxed.
- (7) Where a party entitled to costs is also liable to pay costs, the Registrar may tax the costs which that party is liable to pay and either-
- (a) set off the amount taxed against the amount the party is entitled to be paid and direct the payment of any balance; or
 - (b) delay the issue of a certificate for the costs to which the party is entitled until the amount which that party is liable to pay is paid.

Two or more parties having the same interest

- 18.5 Where two or more parties having the same interest in relation to proceedings are separately represented, the Court may disallow more than one set of costs.

Duty of attorney-at-law to notify client

- 18.6 Where-
- (a) the Court makes an order for costs against a party; and
 - (b) the party is not present when the order is made,
- that party's attorney-at-law must notify his client in writing of the costs order no later than seven (7) days after the attorney receives notice of the order.

Costs where money is payable by or to a party who lacks legal capacity

- 18.7 (1) This Rule applies to any proceedings where a party lacks legal capacity and-

- (a) money is ordered or agreed to be paid to, or for the benefit of, that party; or
 - (b) money is ordered to be paid by or on behalf of that party.
- (2) The Court shall order a taxation of the costs payable to his attorney-at-law by any party who lacks legal capacity.
- (3) On a taxation under sub-rule (2), the Registrar shall also tax any costs payable to that party in the proceedings, unless the Registrar has issued a default costs certificate in relation to those costs under rule 18.24.
- (4) Where -
- (a) an appellant lacks legal capacity; and
 - (b) a taxation has taken place under sub-rule (2),
- the only amount payable by that appellant to his attorney-at-law is the amount which the Registrar certifies as payable.

Wasted costs orders

- 18.8 (1) In any proceedings the Court may by order -
- (a) direct the attorney-at-law to pay; or
 - (b) disallow as against the attorney-at-law's client the whole or part of any wasted costs.
- (2) **“Wasted costs”** means any costs incurred by a party -
- (a) as a result of any improper, unreasonable or negligent act or omission on the part of any attorney-at-law or any employee of such attorney-at-law; or
 - (b) which in the light of any act or omission occurring after they were incurred, the Court considers it unreasonable to expect that party to pay.
- (3) An order made under sub-rule (2) is hereinafter referred to as a **“wasted costs order”**

Procedure for wasted costs orders

- 18.9 (1) An application by a party for a wasted costs order shall-
- (a) be supported by evidence on affidavit setting out the grounds on which the application is made; and
 - (b) be served on the attorney-at-law against whom the order is sought.
- (2) Where the Court is minded to make a wasted costs order without an application, the Court shall notify the attorney-at-law to that effect.
- (3) A notice under sub-rule (2) shall state-

- (a) the grounds on which the Court is minded to make the order;
and
 - (b) the date, time and place at which the attorney-at-law may attend to show cause why an order should not be made.
- (4) The Registrar shall give seven (7) days' notice of the hearing of the application to the attorney-at-law against whom the order is sought and to all parties to the proceedings.

Basis of quantification

- 18.10 (1) Where the Court has a discretion as to the amount of costs to be allowed to a party, the sum to be allowed is the amount-
- (a) that the Court deems to be reasonable; and
 - (b) which appears to the Court to be fair, both to the person paying and the person receiving such costs.
- (2) Where the costs to be taxed are claimed by an attorney-at-law from his client, these costs are to be presumed-
- (a) to have been reasonably incurred if they were incurred with the express or implied consent of the client;
 - (b) to be reasonable in amount if their amount was expressly or impliedly approved by the client; and
 - (c) to have been unreasonably incurred if-
 - (i) of an unusual nature or amount; and
 - (ii) the attorney-at-law did not inform his client that the client might not recover them all from the other party.
- (3) In deciding what would be reasonable, the Court shall take into account all the circumstances, including-
- (a) any orders that have already been made;
 - (b) the conduct of the parties before as well as during the proceedings;
 - (c) the importance of the matter to the parties;
 - (d) the time reasonably spent on the matter;
 - (e) whether the cause or matter or the particular item is appropriate for a senior attorney-at-law or an attorney-at-law of specialized knowledge;
 - (f) the degree of responsibility accepted by the attorney-at-law;
 - (g) the care, speed and economy with which the matter was prepared;
 - (h) the novelty, weight and complexity of the matter.
- (4) In the case of costs charged by an attorney-at-law to his client, the Court shall also take into account-
- (a) any agreement that may have been made as to the basis of charging;

- (b) any agreement about the seniority of the attorney-at-law who should carry out the work;
 - (c) whether the attorney-at-law advised the client and took the client's instructions before taking any unusual step or one which was unusually expensive having regard to the nature of the matter.
- (5) The Registrar on taxation may not allow an attorney-at-law less than the rates set out in Schedule 2.

QUANTIFICATION - GENERAL

Ways in which costs are quantified

- 18.11 In all cases where having regard to rule 18.4 the Court orders a party to pay all or any part of the costs of another party, the costs are to be taxed in accordance with rule 18.18 unless-
- (a) those costs have been summarily assessed under rule 18.13 or rule 18.14; and
 - (b) the receiving party has elected to receive basic costs under rule 18.15.

Procedure for quantifying costs

- 18.12 (1) Where the Court orders a party to pay costs to another party it may either-
- (a) make a summary assessment of the costs under rule 18.14; or
 - (b) order that the costs be taxed by the Registrar,
- unless any Rule, practice direction or enactment provides otherwise.
- (2) On making an order for costs to be taxed, the Court may order that the paying party pay a specified sum on account of costs by such date as the Court may order.

Assessed costs – interim applications and enforcement

- 18.13 (1) On determining any interim application, the Court shall decide which party, if any, should pay the costs of that application and may-
- (a) summarily assess the amount of such costs in accordance with rule 18.14; and
 - (b) direct when such costs are to be paid.
- (2) In deciding what party, if any, should pay the costs of the application the Court shall take account of all the circumstances including the factors set out in rule 18.4 (3).
- (3) Where the application is-
- (a) one that could reasonably have been made at a case management

- conference;
 - (b) to extend the time specified for doing any act under these Rules or an order or direction of the Court;
 - (c) to amend a notice of appeal or application; or
 - (d) for relief from sanctions under rule 9.11,
- the Court shall order the applicant to pay the costs of the respondent unless there are special circumstances.

Summary assessment of costs

- 18.14 (1) In summarily assessing the amount of costs to be paid by any party the Court shall take into account any representations as to the time that was reasonably spent in making the application and preparing for and attending the hearing or otherwise dealing with the matter in respect of which costs are to be assessed and must allow such sum as it considers fair and reasonable.
- (2) A party seeking assessed costs shall supply to the Court and to all other parties a brief statement showing-
- (a) the disbursements incurred; and
 - (b) the basis on which the costs of that party's attorney-at-law are calculated.
- (3) In summarily assessing the costs the Court may take into account the basic costs set out in Schedule 2.

Basic costs

- 18.15 (1) Where a Court has made an order for costs in favour of a party and has not summarily assessed those costs, the receiving party may, instead of seeking a taxation of those costs, elect to recover basic costs in accordance with this Rule.
- (2) A receiving party who elects to recover basic costs may file a certificate of costs certifying how such costs are payable in accordance with Schedule 2.
- (3) The certificate may include value added tax on legal fees which the Registrar is satisfied the receiving party has paid or is liable to pay in a Contracting Party.
- (4) The Registrar shall sign the certificate if satisfied that the certificate includes only such items as are appropriate.
- (5) If the Registrar is not satisfied in accordance with sub-rule (4), the Registrar must direct that the receiving party-
- (a) attend before the Registrar; or

- (b) commence taxation proceedings in accordance with rule 18.21.
- (6) The paying party may, within fourteen (14) days of service of the certificate of costs under this Rule, apply to the Registrar to amend the certificate, stating the grounds for such amendment.
- (7) The Registrar may direct that-
 - (a) receiving and paying parties attend before the Registrar, in which case the certificate of costs may not be enforced until confirmed or amended by the Registrar; or
 - (b) the receiving party commences taxation proceedings, in which case the Registrar must revoke the certificate of costs.

Attendance of more than two attorneys-at-law at hearing

- 18.16 On assessing the amount of basic costs under rule 18.15 or taxing a bill of costs under rule 18.18, no fee may be allowed for the attendance at the hearing of more than two attorneys-at-law unless the Registrar is satisfied that it would be reasonable having regard to the matters set out in rule 18.10 to allow such fee.

Time for complying with an order for costs

- 18.17 A party shall comply with an order for the payment of costs within fourteen (14) days of-
- (a) the date of the judgment or order if it states the amount of those costs; or
 - (b) if the amount of those costs (or part of them) is determined in accordance with rule 18.15 (basic costs) or rule 18.18 (taxation - general), the date of the certificate which states the amount.

Taxation – general

- 18.18 Where an order for costs has been made and-
- (a) such costs have not been summarily assessed under rule 18.13 or rule 18.14; and
 - (b) the receiving party's attorney-at-law has not elected to receive basic costs under rule 18.15,
- such costs shall be taxed in accordance with this Part.

TAXATION PROCEDURE

Scope

- 18.19 On a taxation of costs payable by a client to his attorney-at-law the expression-

“receiving party” means the attorney-at-law; and
“paying party” means the client.

Time when taxation may be carried out

18.20 The costs of any appeal or any part of such an appeal may not be taxed prior to the conclusion of the appeal except as may be ordered by the Court.

Commencement of taxation proceedings

- 18.21 (1) Taxation proceedings are commenced by the receiving party filing the bill of costs.
- (2) The bill of costs shall be filed and served not more than thirty (30) days after the date of the order or event entitling the receiving party to costs.
- (3) A bill of costs need not be in any particular form but shall contain a general description of the work done in relation to which the costs are claimed and-
- (a) contain sufficient detail and information to justify the amount being claimed by the receiving party; and
- (b) indicate the total amount being claimed by the receiving party.
- (4) A bill of costs may-
- (a) indicate the time spent by the receiving party’s attorney(s)-at-law on each item or category of work and the hourly rate claimed; or
- (b) indicate that the total sum claimed in the bill of costs or any part of the bill is a stated multiple of a sum indicated in Schedule 2 on the basis of one or more of the factors set out in rule 18.10(3).
- (5) The bill of costs served on the paying party or parties shall contain or have attached to it a notice notifying the paying party of the need to serve points of dispute under rule 18.23 and the consequences of not doing so.

Consequences of failure to commence taxation proceedings in time

- 18.22 (1) Where the receiving party fails to commence taxation proceedings in accordance with rule 18.21(2), the paying party may apply for an order requiring the receiving party to commence taxation proceedings within such time as the Registrar may specify.
- (2) On an application under sub-rule (1), the Registrar may direct that, unless the receiving party commences taxation proceedings by a date specified by the Registrar, all or part of the costs to which the receiving party would otherwise be entitled shall be disallowed.

- (3) Whether or not an order is made under sub-rule (2), the Registrar may disallow-
 - (a) all or part of any interest on the costs in respect of any period of delay;
 - (b) all or part of the costs of taxation that might otherwise be awarded to the receiving party.

Points of dispute and consequence of not serving

- 18.23 (1) The paying party and any other party to the taxation proceedings may dispute any item in the bill of costs by filing points of dispute and serving a copy on the receiving party and every other party to the taxation proceedings.
- (2) Points of dispute shall-
 - (a) identify each item in the bill of costs which is disputed;
 - (b) state the reasons for the objection; and
 - (c) state the amount (if any) which the party serving the points of dispute considers should be allowed on taxation in respect of that item.
- (3) The period for filing and serving points of dispute is twenty-one (21) days after the date of service of the copy in accordance with sub-rule (1).
- (4) If a party files and serves points of dispute after the period set out in sub-rule (3), that party may not be heard further in the taxation proceedings unless the Registrar so orders.
- (5) The receiving party may file a request for a default costs certificate if-
 - (a) the period set out in sub-rule (3) for serving points of dispute has expired; and
 - (b) no points of dispute have been served on the receiving party.
- (6) If any party (including the paying party) serves points of dispute before the issue of a default costs certificate, the Registrar may not issue the default costs certificate.

How to obtain default costs certificate

- 18.24 (1) A receiving party who is permitted by rule 18.23 (5) to obtain a default costs certificate shall file-
 - (a) an affidavit proving-
 - (i) service of the copy bill of costs; and
 - (ii) that no points of dispute have been received by the receiving party; and

- (b) a default costs certificate in Form 4 in Schedule 3 for signature by the Registrar.
- (2) A default costs certificate shall include an order to pay the costs to which it relates.

Setting aside default costs certificate

18.25 The Registrar, on application of the paying party, shall set aside the default costs certificate where the receiving party was not entitled to it.

Taxation hearing

- 18.26 (1) Where points of dispute are served, the receiving party may within fourteen (14) days of the service of the points of dispute apply for a taxation hearing by filing a notice of taxation.
- (2) The receiving party shall do so within three (3) months of the service of the points of dispute.
- (3) Where the receiving party fails to so apply-
- (a) the paying party may apply for an order that unless the receiving party applies for a taxation hearing by a specified date the Registrar may disallow all or part of the costs which the receiving party would otherwise be entitled to receive; and
 - (b) the Registrar may disallow all or part of the costs of taxation and any interest that the receiving party would otherwise have been entitled to receive on the costs.
- (4) The receiving party must serve notice of the taxation hearing on each paying party who has served points of dispute under rule 18.23 not less than fourteen (14) days before the taxation hearing.
- (5) Only items specified in the points of dispute may be raised at the taxation hearing unless the Registrar gives permission.

Interim costs certificate

- 18.27 (1) The Registrar may at any time after the receiving party has applied for a taxation hearing-
- (a) issue an interim costs certificate in Form 5 in Schedule 3 for such sum as the Registrar considers appropriate; or
 - (b) amend or cancel an interim costs certificate.
- (2) An interim costs certificate will include an order to pay the sum certified in the certificate.

- (3) The Registrar may order the sum certified in the certificate to be paid into Court.

Final costs certificate

- 18.28 (1) The receiving party shall file a final costs certificate in Form 6 in Schedule 3 at the time of or within fourteen (14) days after the end of the taxation hearing.
- (2) If the final costs certificate is in order, the Registrar shall sign and issue it to the receiving party.
 - (3) Sub-rule (2) is subject to any order made by the Court that a certificate is not to be issued until other costs have been paid.

Appeals against taxation

- 18.29 A party aggrieved by a decision of the Registrar in the taxation proceedings may appeal to the Court.

Court to hear appeal

- 18.30 An appeal against a decision of the Registrar on taxation may be heard by a single Judge nominated by the President, whose decision shall be final.

Appeal procedure

- 18.31 (1) The appellant shall file an appeal notice within fourteen (14) days after the date of the decision to be appealed against.
- (2) The appeal notice shall-
 - (a) specify each item in the taxation which is appealed; and
 - (b) state the grounds of appeal in respect of each item.
 - (3) On receipt of the appeal notice, the Registrar shall fix a date, time and place for the hearing of the appeal.
 - (4) The appellant shall serve a copy of the appeal notice showing the date, time and place of the hearing of the appeal on all parties to the taxation at least fourteen (14) days before the hearing of the appeal.

Powers of the Court on appeal

- 18.32 On an appeal from the Registrar the Court shall-

- (a) re-hear the proceedings which gave rise to the decision appealed against so far as is necessary to deal with the items specified in the appeal notice; and
- (b) make any order or give any directions as it considers appropriate.

PART 19
TRANSITIONAL

Contents of this Part

Appeals from judgments already delivered

Rule 19

Appeals from judgments already delivered

19. In the case of appeals from judgments delivered before the coming into force of these Rules the time for doing any act required by these Rules shall not begin to run until the day after that on which these Rules come into force.

Made by the President in consultation with five Judges of the Caribbean Court of Justice this 12th day of January, 2015.

/s/ Dennis Byron

*The Right Honourable Sir Charles Michael Dennis Byron
President*

/s/ R F Nelson

*The Honourable Mr. Justice Rolston Nelson
Judge*

/s/ A Saunders

*The Honourable Mr. Justice Adrian Saunders
Judge*

/s/ J Wit

*The Honourable Mr. Justice Jacob Wit
Judge*

/s/ D Hayton

The Honourable Mr. Justice David Hayton

/s/ W Anderson

*The Honourable Mr. Justice Winston Anderson
Judge*

SCHEDULE 1

FEES PAYABLE TO THE COURT

The fees set out in this Schedule may be paid to the Court in any one of the currencies stated below.

If paid in ECD the amounts set out in column 2 shall be payable to the Registrar for the items set out in column 1.

If paid in TTD the amounts set out in column 3 shall be payable to the Registrar for the items set out in column 1.

If paid in USD the amounts set out in column 4 shall be payable to the Registrar for the items set out in column 1.

Notwithstanding the above no fee shall be payable in a criminal appeal.

| FILING FEES | ECD | TTD | USD |
|---|-----|-----|-----|
| Acknowledgement of service [for each respondent] | 27 | 63 | 10 |
| Notice of appeal | 162 | 378 | 60 |
| Notice of cross appeal | 108 | 252 | 40 |
| Amended notice of appeal | 41 | 95 | 15 |
| Special case | 135 | 315 | 50 |
| Notice of application for special leave to appeal | 81 | 189 | 30 |
| Any other notice of application | 41 | 95 | 15 |
| Affidavit of service | 27 | 63 | 10 |
| Notice of appointment of attorney-at-law | 27 | 63 | 10 |
| Order determining appeal | 108 | 252 | 40 |
| Interlocutory order | 54 | 126 | 20 |
| Notice of withdrawal of appeal | 54 | 126 | 20 |
| Request for the issue of a costs certificate | 54 | 126 | 20 |
| Default costs certificate | 54 | 126 | 20 |
| Final costs certificate | 54 | 126 | 20 |
| Bill of costs | 162 | 378 | 60 |
| Any other document not provided for | 41 | 95 | 15 |

| OTHER FEES | ECD | TTD | USD |
|--|-----|-----|-----|
| On every inspection of the register | 54 | 126 | 20 |
| On certifying any document as an office copy | 54 | 126 | 20 |
| On every certificate of funds in Court | 41 | 95 | 15 |
| For a photographic copy of all or any part of a document whether or not issued as an office copy—for | 3 | 6 | 1 |

| | | | |
|--|-----|-----|-----|
| each page | | | |
| On perusing and allowing by a Judge, Registrar or Deputy Registrar of any bond | 270 | 630 | 100 |

SCHEDULE 2

FEES PAYABLE TO A PARTY

PART A

FEES PAYABLE TO A PARTY IN AN APPEAL FROM THE COURT OF APPEAL OF BARBADOS

Table of Basic Costs

| | Barbados dollars |
|--|------------------|
| In the case of an appellant, from the notice of appeal up to and including the first day of hearing | 40,000 |
| plus – for each additional day of the hearing | 4,000 |
| In the case of a respondent who has filed a notice of cross appeal from the notice of appeal up to and including the first day of hearing | 30,000 |
| plus -- for each additional day of the hearing | 4,000 |
| In the case of any other respondent from the notice of appeal up to and including the first day of hearing | 24,000 |
| plus – for each additional day of the hearing | 4,000 |
| In the case of an appellant when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing | 60,000 |
| plus – for each additional day of the hearing | 8,000 |
| In the case of a respondent who filed a notice of cross appeal, when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing | 45,000 |
| plus – for each additional day of the hearing | 8,000 |
| In the case of any other respondent when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing | 36,000 |
| plus – for each additional day of the hearing | 8,000 |
| For appearance in Court on application for special leave to appeal | 4,000 |
| For appearance in Court at case management conference | 2,400 |
| For an appearance in Court on any other application | 2,000 |
| For an appearance in Court where appeal adjourned without a hearing on the application of the other party or on the Court's own motion | 1,000 |
| For an appearance in Court where application adjourned without a hearing | 900 |

| | |
|---|-------|
| For attendance before the Registrar on an application | 1,000 |
| For preparing costs certificate | 200 |
| For delivery of reserved judgment | 2,400 |
| From issue of notice of appeal to withdrawal of appeal after service of notice of appeal | 2,000 |
| From issue of notice of appeal to withdrawal of appeal before service of notice of appeal | 1,400 |

PART B

FEES PAYABLE TO A PARTY IN AN APPEAL FROM THE COURT OF APPEAL OF THE CO-OPERATIVE REPUBLIC OF GUYANA

Table of Basic Costs

| | Guyana dollars |
|--|----------------|
| In the case of an appellant, from the notice of appeal up to and including the first day of hearing | 1,795,000 |
| plus – for each additional day of the hearing | 269,250 |
| In the case of a respondent who has filed a notice of cross appeal from the notice of appeal up to and including the first day of hearing | 1,346,250 |
| plus - for each additional day of the hearing | 269,250 |
| In the case of any other respondent from the notice of appeal up to and including the first day of hearing | 897,500 |
| plus – for each additional day of the hearing | 269,250 |
| In the case of an appellant when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing | 2,692,500 |
| plus – for each additional day of the hearing | 448,750 |
| In the case of a respondent who filed a notice of cross appeal, when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing | 2,154,000 |
| plus – for each additional day of the hearing | 448,750 |
| In the case of any other respondent when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing | 1,705,250 |
| plus – for each additional day of the hearing | 448,750 |
| For appearance in Court on application for special leave to appeal | 179,500 |
| For appearance in Court at case management conference | 125,650 |
| For an appearance in Court on any other application | 89,750 |

| | |
|--|---------|
| For an appearance in Court where appeal adjourned without a hearing on the application of the other party or on the Court's own motion | 89,750 |
| For an appearance in Court where application adjourned without a hearing | 80,775 |
| For attendance before the Registrar on an application | 89,750 |
| For preparing costs certificate | 17,950 |
| For delivery of reserved judgment | 143,600 |
| From issue of notice of appeal to withdrawal of appeal after service of notice of appeal | 179,500 |
| From issue of notice of appeal to withdrawal of appeal before service of notice of appeal | 125,650 |

PART C

FEES PAYABLE TO A PARTY IN AN APPEAL FROM THE COURT OF APPEAL OF BELIZE

Table of Basic Costs

| | Belize dollars |
|--|----------------|
| In the case of an appellant, from the notice of appeal up to and including the first day of hearing | 40,000 |
| plus – for each additional day of the hearing | 4,000 |
| In the case of a respondent who has filed a notice of cross appeal from the notice of appeal up to and including the first day of hearing | 30,000 |
| plus -- for each additional day of the hearing | 4,000 |
| In the case of any other respondent from the notice of appeal up to and including the first day of hearing | 24,000 |
| plus – for each additional day of the hearing | 4,000 |
| In the case of an appellant when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing | 60,000 |
| plus – for each additional day of the hearing | 8,000 |
| In the case of a respondent who filed a notice of cross appeal, when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing | 45,000 |
| plus – for each additional day of the hearing | 8,000 |
| In the case of any other respondent when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing | 36,000 |

| | |
|--|-------|
| plus – for each additional day of the hearing | 8,000 |
| For appearance in Court on application for special leave to appeal | 4,000 |
| For appearance in Court at case management conference | 2,400 |
| For an appearance in Court on any other application | 2,000 |
| For an appearance in Court where appeal adjourned without a hearing on the application of the other party or on the Court's own motion | 1,000 |
| For an appearance in Court where application adjourned without a hearing | 900 |
| For attendance before the Registrar on an application | 1,000 |
| For preparing costs certificate | 200 |
| For delivery of reserved judgment | 2,400 |
| From issue of notice of appeal to withdrawal of appeal after service of notice of appeal | 2,000 |
| From issue of notice of appeal to withdrawal of appeal before service of notice of appeal | 1,400 |

SCHEDULE 3

FORMS

| | | |
|----------|-------------------------------|------------|
| Form 1 | Notice of Application | Rule 9.1 |
| Form 2 | Notice of Appeal | Rule 11.1 |
| Form 2 A | Certificate of Compliance | Rule 10.9 |
| Form 2 B | Certificate of Non-Compliance | Rule 10.10 |
| Form 3 | Acknowledgement of Service | Rule 12.1 |
| Form 4 | Default Costs Certificate | Rule 18.24 |
| Form 5 | Interim Costs Certificate | Rule 18.27 |
| Form 6 | Final Costs Certificate | Rule 18.28 |

FORM 1: Notice of Application Rule 9.1(1)

Filing Attorney: (Name of Attorney)(Bar no.)
(Name of firm, if any)
(Address)
(tel no., fax no., email address, if any)

Advocate: (Name of advocate) (Bar no.)
(tel no., fax no., email address, if any)

**IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction**

ON APPEAL FROM THE COURT OF APPEAL OF

CCJ [Appeal or Application] No. of 20

Between

AB INTENDED APPLICANT

And

CD INTENDED RESPONDENT

Notice of Application

The Intended Appellant/ Applicant applies to the Court for an order that-

A draft of the order that I seek is attached.

The grounds of the application are-

- 1.
- 2.

Dated the day of 20

Signature

.....
Attorney-at-law for the Applicant

This notice of application was filed [*in the sub-Registry/ Registry,*] by [state attorney-at-law's name, his firm (if any) and his business address or that of his firm], Attorney(s)-at-law for the Intended Appellant/Applicant whose address for service is (state an address in the Seat of the Court or in the Contracting Party where the appeal originates). Service may also be effected by facsimile transmission to facsimile number xxxxxx or by e-mail to zzzzzzz [or by facsimile transmission or e-mail to the number and address of the filing attorney-at-law stated above].

N.B. This notice of application must be served on the Respondent to the application within seven days of the date of filing of this notice or within such other period as may be specified.

If you the Respondent do not attend this hearing an order may be made in your absence.

To: The Registrar of the CCJ
And To: The Respondent
Address
**(OR To: XXXXXXXX
Attorney-at-law for the Respondent
Address)**

The Registry is located at
134 Henry Street
Port of Spain,
Republic of Trinidad and Tobago.

TELEPHONE Voice: 868-623-2225, 624-2256. Facsimile: 868-623-0527.

The Registry is open between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except Public Holidays and Court Holidays.

FORM 2 Notice of Appeal Rule 11.1

Filing Attorney: (Name of Attorney)(Bar no.)
(Name of firm, if any)
(Address)
(tel no., fax no., email address, if any)

Advocate: (Name of advocate) (Bar no.)
(tel no, fax no., email address, if any)

**IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction**

ON APPEAL FROM THE COURT OF APPEAL OF

CCJ Appeal No. of 20

Between

AB

APPELLANT

And

CD

RESPONDENT

Notice of Appeal

TAKE NOTICE that the appellant hereby appeals to the Caribbean Court of Justice against the judgment of the Court of Appeal of..... delivered on theday of20.. . A true copy of the said judgment is attached hereto [together with a copy of the order of the Court of Appeal of dated granting leave to appeal and a copy of the certificate of compliance dated the **or** together with a copy of the order of the Caribbean Court of Justice dated 20... granting special leave to appeal].

1. The details of the order appealed against are:
(State whether the appeal relates to the whole or part only of the judgment of the court below and in the latter case, specifying such part)
2. The grounds of appeal are:
(a)
(b)
(c)
3. The relief sought is:
4. The details of all parties directly affected by the appeal are:

Name of party affected

Address for service of party affected

Dated the day of

20

Signature

.....
Name of Appellant or Attorney-at-law for the Appellant

This notice of appeal was filed [*in the sub-Registry/ Registry,*] by [state attorney-at-law's name, his firm (if any) and his business address or that of his firm], Attorney(s)-at-law for the Appellant whose address for service is [state an address in the Seat of the Court or in the Contracting Party where the appeal originates]. Service may also be effected by facsimile transmission to facsimile number xxxxxx or by e-mail to zzzzzzz [or by facsimile transmission or e-mail to the number or address of the filing attorney-at-law stated above].

To: The Registrar of the Caribbean Court of Justice

And To: The Respondent
[here state the address for service of the Respondent in the court below]

NOTICE TO THE RESPONDENT

The Respondent must file an acknowledgement of service of the notice of appeal within 14 days of being served (Rule 12.1) and in default, he cannot take further steps without the leave of the Court (Rule 12.2).

The Registry is located at
134, Henry Street
Port of Spain,
Republic of Trinidad and Tobago.

Telephone Voice: 868-623-2225, 624-2256. Facsimile: 868-623-0527.

The Registry is open between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except Public Holidays and Court Holidays.

[Heading of Matter]

[No. of Matter]

Between

AB

Intended Appellant

And

CD

Intended Respondent

CERTIFICATE OF COMPLIANCE

WHEREAS by an order of the Court of Appeal made on the day of, ('the said order'), the Intended Appellant was granted leave to appeal to the Caribbean Court of Justice against the judgment or order of the Court of Appeal dated the day of, 20 , on condition that-

- (a) he provide within days security for costs in the sum of \$..... , and
- (b) he provide to the Registrar within days a list of the documents which he proposes should be included in the record of appeal

AND WHEREAS the Intended Appellant has provided security for costs and a list of documents in accordance with the said order

I HEREBY CERTIFY that the Intended Appellant has complied with the conditions on which he was granted leave to appeal to the Caribbean Court of Justice.

Dated this day of 20

Signature

.....
Registrar of the Supreme Court

To: The Registrar of the CCJ

To: The Intended Appellant
[here state the address for service of the Appellant]

To: The Intended Respondent
[here state the address for service of the Respondent]

FORM 2B Certificate of Non-Compliance Rule 10.10(1)

[Heading of Matter]

[No. of Matter]

Between

AB Intended Appellant

And

CD Intended Respondent

CERTIFICATE OF NON-COMPLIANCE

WHEREAS by an order of the Court of Appeal made on the day of, ('the said order'), the Intended Appellant was granted leave to appeal to the Caribbean Court of Justice against the judgment or order of the Court of Appeal dated the day of 20.., on condition that-

- (c) he provide within days security for costs in the sum of \$....., and
- (d) he provide to the Registrar within days a list of the documents which he proposes should be included in the record of appeal

AND WHEREAS the Intended Appellant has not within the time prescribed provided the said security for costs/the said list of documents/either the said security for costs or the said list of documents [as the case may be]

I HEREBY CERTIFY that the Intended Appellant has failed to comply with the conditions on which he was granted leave to appeal to the Caribbean Court of Justice.

Dated this day of 20.....

Signature

.....
Registrar of the Supreme Court

To: The Registrar of the CCJ

To: The Intended Appellant
[here state the address for service of the Appellant]

To: The Intended Respondent
[here state the address for service of the Respondent]

SCHEDULE 4

NET WORTH QUALIFICATION FOR LEAVE TO APPEAL AS A POOR PERSON

| COUNTRY | MAXIMUM NET WORTH |
|--------------------------------|--------------------------|
| Antigua and Barbuda | EC\$ |
| Barbados | BB\$10,000.00 |
| Belize | BZ\$10,000.00 |
| Dominica | EC\$ |
| Grenada | EC\$ |
| Guyana | GY\$250,000.00 |
| Jamaica | JM\$ |
| St. Kitts and Nevis | EC\$ |
| Saint Lucia | EC\$ |
| St. Vincent and the Grenadines | EC\$ |
| Suriname | SR\$ |
| Trinidad and Tobago | TT\$ |

SCHEDULE 5

LIMIT ON SECURITY FOR COSTS

In appeals emanating from a country listed in the first column, the maximum amount of security for costs that a party may be ordered to provide, is the amount shown for that country in the second column.

| COUNTRY | AMOUNT OF SECURITY |
|--------------------------------|---------------------------|
| Antigua and Barbuda | EC\$ |
| Barbados | BB\$15,000.00 |
| Belize | BZ\$15,000.00 |
| Dominica | EC\$ |
| Grenada | EC\$ |
| Guyana | GY\$1,000,000.00 |
| Jamaica | JM\$ |
| St. Kitts and Nevis | EC\$ |
| Saint Lucia | EC\$ |
| St. Vincent and the Grenadines | EC\$ |
| Suriname | SR\$ |
| Trinidad and Tobago | TT\$ |

CARIBBEAN COURT OF JUSTICE

PRACTICE DIRECTION

Citation of Judgments and Reported Cases

This practice direction has to do with:

- I. the identification and citation of judgments delivered by the Court; and
- II. the citation of reported cases to the Court.

I. **IDENTIFICATION AND CITATION OF JUDGMENTS OF THE COURT**

1. Judgments delivered by the Court shall be identified and cited in the following manner:
 - (a) the names (in italics) of the parties, followed by
 - (b) the year in which the judgment was delivered in square brackets, followed by
 - (c) the letters 'CCJ', followed by
 - (d) the number assigned to the judgment indicative of the place which the judgment occupies in the sequence, according to time of delivery, of judgments delivered by the Court in both jurisdictions in that year, followed by
 - (e) the letters 'AJ' or 'OJ' in round brackets depending on whether the judgment was delivered in the Court's appellate jurisdiction '(AJ)' or in its original jurisdiction '(OJ)'.

The following is an illustration of the results of applying the above directions to an imaginary case – *Smith v Jones* [2007] CCJ 28 (AJ)

2. The Registrar shall assign the appropriate number in keeping with paragraph 1 (d) above, to all judgments delivered by the Court in 2005 and 2006 as well as subsequently, and the form of neutral citation described above shall be used for all such judgments.

3. When a judgment of the Court which has been reported, is cited, the reference to the law report shall be preceded by the neutral citation of the judgment, but that citation need not be repeated if the judgment is referred to again in the same document.

4. In future when judgments are prepared for delivery or are issued as approved judgments, the pages of the judgments will not be numbered but the judgments shall be divided into numbered paragraphs. The numbering of these paragraphs will be continuous from the beginning of the first judgment to the end of the last, if there is more than one judgment. The paragraph numbers will be printed in the margin in square brackets. Not every indented paragraph, however, need be given a number, so that more than one indented paragraph may be treated as part of the same numbered paragraph.

5. When passages from judgments of the Court are referred to, they shall be identified by the number or numbers in square brackets of the relevant paragraph or paragraphs in which they occur. Accordingly, a reference to a passage in a judgment in the imaginary case used above by way of illustration, would read:

Smith v. Jones [2007] CCJ 28 (AJ) at [62]

II. CITATION OF REPORTED CASES TO THE COURT

The following instructions relate to the citation of cases in proceedings before the Court and the provision of copies of cases for use by the Court:

1. Where a case is reported in the West Indian Reports, the reference to the case in that series of law reports should always be given and copies of the case in those reports should be provided to the Court.
2. Where the case is also reported in the official Law Reports produced by the Incorporated Council of Law Reporting of England and Wales ('the official Law Reports'), then the reference to the case in that series of law

reports should also be given, but copies of the case in those reports need not be provided to the Court.

3. Where a case is reported both in the West Indian Reports and in some other series of law reports other than the official Law Reports, then no reference should be made to that other series of law reports and no copies of the case as reported in it need be provided to the Court.
4. Where a case is not reported in the West Indian Reports, but is reported in more than one series of law reports, then reference should be made to only one series of law reports and copies of the case in that series alone should be provided to the Court. The series of law reports to be used for reference and copying, shall be chosen in accordance with the following order of preference (in descending order):
 - (i) The official Law Reports.
 - (ii) The recognised law reports of the jurisdiction in which the case was decided.
 - (iii) The Law Reports of the Commonwealth.
 - (iv) The Weekly Law Reports.
 - (v) The All England Reports and
 - (vi) Other series of law reports.

This practice direction shall take effect from the date on which it is issued.

Issued by the President of the Caribbean Court of Justice pursuant to Part 17.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2005 and Part 6.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2006 on this 14th day of March 2007.

M. A. de la Bastide
President