

PRACTICE DIRECTION NO 3 OF 2024
ISSUANCE OF ADVANCE COPIES OF JUDGMENTS

This Practice Direction concerns:

- I. the issuance of advance copies of judgments to Counsel prior to the judgment being delivered by the Court, in preparation for their delivery and publication; and
- II. the requirement for compliance by Counsel with the condition of strict confidentiality upon receipt of the advance copies of judgments.

For the purposes of this Practice Direction, ‘judgment’ includes:

- (a) a written decision of the Court at the end of proceedings, including a reasoned judgment refusing special leave under Rule 10.16 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024;
- (b) a reasoned decision of the Court at the end of proceedings, including proceedings under Part 10A, other than an advisory opinion under Rule 10A.3, a determination under Rule 10A.4, and a decision on costs delivered or issued in accordance with the Caribbean Court of Justice (Original Jurisdiction) Rules 2024.

I. PURPOSE

The purpose of providing advance copies of judgments is for:

1. The identification of clerical mistakes, errors and omissions in the judgment;
2. The giving of notice to Counsel of the judgment to better enable them to address the consequences of the judgment; and
3. Where appropriate, to facilitate the determination of costs.

II. PROVISION OF ADVANCE COPY OF JUDGMENT

1. Where a judgment is reserved or written reasons are to follow, parties shall be notified of the delivery or issuance of the judgment in accordance with Part 15.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 28.2 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024.
2. The Court may provide an advance copy of the judgment to Counsel by 4.00pm on the working day before the judgment is delivered or issued, or at such other time as the Court may direct.
3. Advance copies are provided to Counsel, in confidence, on the condition that –

- (a) Save as otherwise directed, neither the advance copy of the judgment nor its substance is disclosed to any other person, or used or published in the public domain before the judgment is delivered by the Court;
- (b) No step is taken in pursuance of the judgment except as authorised in this Practice Direction; and
- (c) Recipients of the advance copy of the judgment are limited to those attorneys who are associated with the fulfilment of the objective of the issuance of the advance copy of the judgment.

III. IDENTIFICATION OF ERRORS AND CORRECTIONS

1. It is the duty of Counsel to identify any clerical mistakes, errors or omissions in the advance copy of the judgment.
2. In the case of apparent error or ambiguity in the advance copy of the judgment, Counsel are requested to inform the Court of any proposed corrections as soon as possible, or by the time stipulated by the Court. This shall be done by email to the Court's Registry.
3. The correction of errors will be authorised by the Presiding Judge.

IV. CONFIDENTIALITY & SUSPECTED BREACH

1. Counsel and other recipients of the advance copy of the judgment are responsible for ensuring compliance with the directions set out in Section II, paragraph 3 of this Practice Direction.
2. Where there is non-compliance or suspected non-compliance with the directions or restrictions in Section II, paragraph 3 Counsel shall make every effort to –
 - (a) investigate the non-compliance or suspected non-compliance with care and urgency and immediately notify the Court and all other Counsel in the matter; and
 - (b) immediately provide the Court and all other Counsel with all relevant information of the non-compliance or suspected non-compliance; and
 - (c) where possible, take reasonable steps to address the non-compliance or suspected non-compliance and mitigate its consequences.
3. Failure to comply with the directions in Section II, paragraph 3 and/or to take reasonable steps under Section IV, paragraph 2 of this Practice Direction may amount to contempt of court.

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 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 on 24 May 2024.

Adrian Saunders

President