

CARIBBEAN COURT OF JUSTICE

APPELLATE JURISDICTION RULES

2021

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 2021 are hereby made.

The Caribbean Court of Justice (Appellate Jurisdiction) Rules 2021 amends and replaces the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2019.

Approved by the President on 11 October 2021

Table of Contents

PART 1	
CITATION, INTERPRETATION AND APPLICATION	7
1.1 Citation and Commencement	7
1.2 Interpretation	7
1.3 Overriding objective	9
1.4 Application of Rules.....	9
PART 2	
ORGANISATION OF COURT AND REGISTRY	10
2.1 Composition of the Court	10
2.2 Powers of President.....	10
2.3 Record of Applications and Appeals	10
2.4 Right to request documents.....	11
2.5 Fees	11
2.6 Powers and duties of the Registrar.....	11
2.7 Powers, duties and responsibilities of proper officers	13
PART 3	
SITTINGS OF THE COURT	14
3.1 Sittings of the Court.....	14
3.2 Terms	15
3.3 Hearings in vacations.....	15
PART 4	
REPRESENTATION	16
4.1 Representation.....	16
4.2 Rights of attorneys-at-law	16
4.3 Proof of status.....	16
4.4 Grant of privileges and immunities in the interest of proceedings.....	17
4.5 Exclusion of attorneys-at-law for misconduct	17
4.6 Change of attorney-at-law.....	17
4.7 Application by a party to have name of attorney-at-law removed from record	17
4.8 Application by attorney-at-law to be removed from the record on ceasing to act.....	18
4.9 Effective time of notice or order	18
4.10 Notice of disbarment.....	19
PART 5	
TIME AND DOCUMENTS	20
5.1 Court to state calendar date.....	20
5.2 Computation of time	20
5.3 Time during the vacation	21
5.4 Exceptions to time-limits	21

5.5 Documents	21
5.6 Forms	22
5.7 Sealing of documents issued by Court.....	22
PART 6	
FILING AND SERVICE.....	24
6.1 Submission and filing of documents	24
6.2 Electronic submission of documents	25
6.3 Address for service.....	27
6.4 Service of documents	27
6.5 Electronic Service of documents.....	27
6.6 Electronic service by the Court or party	29
6.7 Court may order service by specified method.....	29
6.8 Proof of service.....	29
PART 7	
AFFIDAVITS.....	30
7.1 Affidavit evidence.....	30
7.2 Making of affidavits.....	30
PART 8	
CASE MANAGEMENT.....	31
8 The Court’s general powers of management.....	31
PART 9	
APPLICATIONS	33
9.1 Making of application.....	33
9.2 Powers of a single Judge.....	34
9.3 Evidence in support of application.....	34
9.4 Service of notice of application	34
9.5 Affidavit in Opposition and Notice of non-opposition	35
9.6 Notice to parties of hearing of application.....	35
9.7 Applications which may be dealt with without hearing	35
9.8 Requirements where order is made <i>without notice</i>	35
9.9 Power of Court to proceed in the absence of party.....	36
9.10 Application to set aside or vary order made with notice.....	36
9.11 Withdrawal of application	36
9.12 Relief from sanctions	36
9.13 Amendment of documents.....	36
9.14 Applications made by consent of the parties	37
PART 10	
LEAVE TO APPEAL.....	38
10.1 Commencement of appeal	38

10.2 Applications for leave to appeal.....	38
10.3 Applications to the court below for leave to appeal	39
10.4 Service of notice of application to the court below and notice of hearing.....	39
10.5 Grant of leave to appeal by the court below	40
10.6 Conditions for leave in criminal appeals.....	40
10.7 Conditions for leave in non-criminal appeals	40
10.8 Manner and form of security	41
10.9 Stay of execution	41
10.10 Issue of certificate of compliance.....	41
10.11 Issue of certificate of non-compliance	41
10.12 Substitution of parties before notice of appeal filed	42
10.13 Special leave to appeal to the Court	42
10.14 Applications to the Court for special leave to appeal	42
10.15 Filing and service of documents in connection with applications for special leave.....	42
10.16 Orders on applications for special leave	43
10.17 Liaison between proper officer and the Registrar	44
10.18 Applications for waiver of fees/security for costs in non-criminal appeals	44
PART 11	
NOTICE OF APPEAL	45
11.1 Time for filing notice of appeal.....	45
11.2 Notice of appeal.....	45
11.3 Contents of notice of appeal	45
11.4 How to file notice of appeal	46
11.5 Service of notice of appeal.....	46
PART 12	
ACKNOWLEDGEMENT OF SERVICE AND FILING OF CROSS-APPEAL.....	47
12.1 Filing of acknowledgement of service.....	47
12.2 Failure to file acknowledgement of service.....	47
12.3 Notice of cross-appeal	47
12.4 Contents of notice of cross-appeal	47
12.5 Filing and service of notice of cross-appeal	48
Part 12A	
ADDITION OF RESPONDENTS, INTERVENTION AND AMICUS CURIAE	49
12A.1 Addition of Respondents	49
12A.2 Procedure for addition of Respondents.....	49
12A.3 Intervention	50
12A.4 Invitation to assist as amicus curiae	51
12A.5 Proposal of amicus curiae by the Court.....	51

12A.6 How to apply to be amicus curiae	51
12A.7 Procedure to permit amicus curiae	51
PART 13	
RECORD OF APPEAL.....	53
13.1 Action by appellant and respondent on filing of notice of appeal	53
13.2 Special Case	54
PART 14	
HEARING OF APPEALS.....	55
14.1 Directions upon filing of notice of appeal	55
14.2 Case management conference	55
14.3 Directions	56
14.4 Written submissions.....	56
14.5 Notice of hearing	57
14.6 Special Leave Application as substantive appeal	57
14.7 Alternative Dispute Resolution	57
PART 15	
JUDGMENTS	58
15.1 Delivery of judgment	58
15.2 Publication of judgment	58
15.3 Correction of errors	59
15.4 Drawing up of order	59
15.5 Consent orders	59
PART 16	
TERMINATION OF APPEAL.....	60
16.1 Withdrawal of appeal where appellant has not served notice of appeal.....	60
16.2 Withdrawal of appeal where appellant has served notice of appeal	60
16.3 Non-prosecution of appeal.....	60
PART 17	
COSTS	62
17.1 Definitions and application	63
17.2 Orders for costs	63
17.3 Recovery of costs	63
17.4 Successful party generally entitled to costs.....	63
17.5 Two or more parties having the same interest	65
17.6 Duty of attorney-at-law to notify client.....	65
17.7 Costs where money is payable by or to a party who lacks legal capacity	65
17.8 Wasted costs orders	66
17.9 Procedure for wasted costs orders.....	66
17.10 Basis of quantification	67

17.11 Ways in which costs are quantified	68
17.12 Procedure for quantifying costs.....	68
17.13 Assessed costs – interim and special leave applications.....	69
17.14 Summary assessment of costs.....	69
17.15 Standard costs	70
17.16 Application to value appeal.....	70
17.17 What is included in standard costs	70
17.18 Certificate of costs.....	70
17.19 Time for complying with an order for costs	71
17.20 Currency of payment.....	71
17.21 Appeals against assessment or certification of costs	71
17.22 Appeal procedure.....	71
17.23 Powers of the Court on appeal.....	72
PART 18	
PRACTICE DIRECTIONS	73
18.1 Issuance of practice directions	73
18.2 Effective date of practice directions	73
18.3 Effective revocation of earlier practice directions	73
18.4 Publication of practice directions	73
PART 19	
TRANSITIONAL.....	74
19.1 Appeals in existence at the commencement date.....	74
19.2 Appeals from judgments already delivered.....	74
SCHEDULE 1	
COURT FEES	76
SCHEDULE 2	
FEES PAYABLE TO A PARTY IN AN APPEAL	77
SCHEDULE 3	
NET WORTH QUALIFICATION FOR WAIVER OF FEES/SECURITY FOR COSTS.....	78
SCHEDULE 4	
LIMIT ON SECURITY FOR COSTS	79
SCHEDULE 5	
FORMS.....	80
FORM 1	
Notice of Application – Rule 9.1(1).....	80
FORM 2	
Notice of Appeal – Rule 11.1	82
FORM 2A	
Certificate of Compliance – Rule 10.10(1)	84

FORM 2B	
Certificate of Non-Compliance – Rule 10.11(1)	85
FORM 3	
Acknowledgement of Service – Rule 12.1	86
FORM 4	
Default Costs Certificate – Rule 17.24(1)(b)	87
FORM 5	
Interim Costs Certificate – Rule 17.27(1)(a)	88
FORM 6	
Final Costs Certificate – Rule 17.28(1)	89
FORM 7	
Notice of Appointment – Rule 4.6(a)	90
FORM 8	
Notice of Withdrawal – Rule 9.11(1)/Rule 16.1	92
FORM 9	
Notice of Withdrawal – Rule 21.12	94
PRACTICE DIRECTION NO 1 OF 2021	
CITATION OF JUDGMENTS AND REPORTED CASES	96
PRACTICE DIRECTION NO 2 OF 2021	
CONDUCT OF ONLINE HEARINGS	99

PART 1
CITATION, INTERPRETATION AND APPLICATION

Contents of this Part

Citation and Commencement	Rule 1.1
Interpretation	Rule 1.2
Overriding objective	Rule 1.3
Application of Rules	Rule 1.4

1.1 Citation and Commencement¹

- (1) These Rules may be cited as the Caribbean Court of Justice (Appellate Jurisdiction) Rules, 2021.
- (2) These Rules shall come into force on 11 October 2021.

1.2 Interpretation

In these Rules, unless the context otherwise requires –

“**ADR**” means any procedure for alternative dispute resolution;²

“**Agreement**” means the Agreement Establishing the Caribbean Court of Justice signed in Bridgetown, Barbados on 14 February 2001 as amended from time to time;

“**amicus curiae**” means a person or entity permitted to assist the Court on application to it or invitation by it;³

“**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;

“**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;

¹ Amended on 11 October 2021.

² Inserted on 11 October 2021.

³ Inserted on 11 October 2021.

“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” means information of any description as recorded in any form whether electronic or otherwise;

“e-filed document” means a document filed using the Court’s e-filing portal;

“exhibit” means a document or other tangible object adduced into evidence;⁴

“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 23 February 2005, incorporated in the Schedule to the Caribbean Court of Justice (Headquarters) Act Chap. 6:05 of the laws of the Republic of Trinidad and Tobago;

“intervener” means a person or entity whose application to intervene has been granted;

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

“judgment” means a final decision of the Court at the end of the entire proceedings, including a decision granting or refusing special leave under Rule 10.16, other than a decision on costs;⁵

“order” means a decision of the Court, other than a judgment, which may include reasons;⁶

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

⁴ Amended on 11 October 2021.

⁵ Amended on 11 October 2021.

⁶ Inserted on 11 October 2021.

“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 4 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 application or appeal is filed or a person against whom an order or directions is sought by an application;

“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.

1.3 Overriding objective

- (1) 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.
- (2) Nothing in these Rules shall limit or otherwise affect the inherent power of the Court to actively manage cases and make such orders as may be necessary to meet the ends of justice or to prevent abuse of the process of the Court.

1.4 Application of Rules

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.

PART 2
ORGANISATION OF COURT AND REGISTRY

Contents of this Part⁷

Composition of the Court	Rule 2.1
Powers of President	Rule 2.2
Record of applications and appeals	Rule 2.3
Right to request documents	Rule 2.4
Fees	Rule 2.5
Powers and duties of the Registrar	Rule 2.6
Powers, duties and responsibilities of proper officers	Rule 2.7

2.1 Composition of the Court⁸

Except as otherwise provided for in these Rules, the Court shall be constituted by an uneven number no fewer than three Judges.

2.2 Powers of President

- (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.

2.3 Record of Applications and Appeals

- (1) There shall be kept a record of applications and appeals under the control of the Registrar which shall include all pleadings and documents related thereto together with the date and time of filing.
- (2) The record may be kept in electronic form.
- (3) Entries in the record shall, in the absence of evidence to the contrary, be accepted as proof of the events which they purport to record.
- (4) When a document has been filed, the Registrar shall endorse a note to that effect on the document filed.

⁷ Amended on 11 October 2021 by removal of the previous Rule 2.1.

⁸ Amended on 11 October 2021.

- (5) A party to an appeal may, on payment of the appropriate fee, obtain from the Registrar a copy of the record in so far as it relates to that appeal.

2.4 Right to request documents

- (1) On payment of the prescribed fee, a person may during office hours request and shall be given a copy whether physical or electronic of any of the following:
- (a) a notice of appeal;
 - (b) a notice of cross-appeal;
 - (c) a judgment;
 - (d) written submissions related to cases that have been completed; and
 - (e) any other document or class of documents with the permission of the Court.
- (2) The Court may make an order granting permission under sub-Rule (1)(e) on an application made *without notice*.
- (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 inspecting or obtaining a copy of any document filed in that appeal.

2.5 Fees

- (1) The fees payable under these Rules 2.3(5) and 2.4(1) shall be those stipulated in Table 2 of Schedule 1.⁹
- (2) The Registrar may, with the approval of the President, amend Schedule 1 from time to time.

2.6 Powers and duties of the Registrar

- (1) The Registrar shall be responsible for –
- (a) the acceptance, transmission, and custody of documents in court matters;
 - (b) keeping the record referred to in Rule 2.3(1);
 - (c) having custody of the seal and stamps of the Court and of the archives of the Court relating to appeals and applications filed;¹⁰
 - (d) stamping and electronic certification of all documents, the application of electronic signatures and affixing the official seal of the Court to all notices

⁹ Amended on 11 October 2021.

¹⁰ Amended on 11 October 2021.

of appeal filed at the Registry and to all judgments of the Court whether manually or in electronic form;

- (e) maintaining indexes of all the notices of appeal and applications filed;
 - (f) maintaining a chronological record of all appeals and applications filed;
 - (g) making arrangements for such interpretations or verification of translations into English¹¹ 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) assessing and certifying costs in accordance with Part 17;¹²
 - (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) the 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.

¹¹ Amended on 11 October 2021.

¹² Amended on 11 October 2021.

2.7 Powers, duties and responsibilities of proper officers

- (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) keep records of all documents forwarded to the Registrar;
 - (e) publish notices and other information on the direction of the Registrar;
 - (f) transmit all fees received to the Registrar in a timely manner;
 - (g) notify the Registrar by electronic means in a timely manner when service of a document has been effected;
 - (h) liaise with the Registrar in making arrangements for the Court to sit in the territory of a Contracting Party;
 - (i) provide the Registrar from time to time with a list of attorneys-at-law admitted to practise 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;
 - (j) assist with protocol, travel and other arrangements for the Court and its officers;
 - (k) assist in the enforcement of judgments of the Court;
 - (l) verify and, where necessary, certify the signatures of the other proper officers as well as the Registrar and the Deputy Registrar;
 - (m) 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

Contents of this Part

Sittings of the Court	Rule 3.1
Terms	Rule 3.2
Hearings in vacations	Rule 3.3

3.1 Sittings of the Court

- (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 at least three (3) days before the date appointed for the commencement of the sitting.
- (5) At the discretion of the Registrar, publication of a notice of the sitting of the Court may be made in the print media, social media or otherwise in all Contracting Parties.
- (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.

3.2 Terms

The Court shall have three terms as follows –

- (a) from the first Monday in October to 17 December;
- (b) from 10 January to the Friday before Good Friday; and
- (c) from the Monday after Easter Monday to 31 July.

3.3 Hearings in vacations

- (1) In urgent cases a party may apply for a matter to be heard during a vacation.
- (2) An application under sub-Rule (1) may be determined by a single Judge of the Court.
- (3) During vacations, the Court shall only sit to hear such matters as it determines to be urgent or to require prompt attention, or to deliver a judgment.
- (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

Contents of this Part

Representation	Rule 4.1
Rights of attorneys-at-law	Rule 4.2
Proof of status	Rule 4.3
Grant of privileges and immunities in the interest of proceedings	Rule 4.4
Exclusion of attorneys-at-law for misconduct	Rule 4.5
Change of attorney-at-law	Rule 4.6
Application by a party to have name of attorney-at-law removed from record	Rule 4.7
Application by attorney-at-law to be removed from the record on ceasing to act	Rule 4.8
Effective time of notice or order	Rule 4.9
Notice of disbarment	Rule 4.10

4.1 Representation

- (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.

4.2 Rights of attorneys-at-law

Attorneys-at-law appearing in proceedings before the Court shall, in the performance of their functions connected with such proceedings, enjoy the privileges, immunities and facilities specified in the Protocol while they are present in a Contracting Party and in those specified in the Headquarters Agreement while present in Trinidad and Tobago.

4.3 Proof of status

In order to qualify for the privileges, immunities and facilities referred to in Rule 4.2, an attorney-at-law shall furnish proof of their 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.

4.4 Grant of privileges and immunities in the interest of proceedings

- (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 the President's opinion the enjoyment of them would impede the course of justice and they may be waived without prejudice to the interests of the Court.

4.5 Exclusion of attorneys-at-law for misconduct

- (1) Attorneys-at-law whose conduct towards the Court, a Judge or the Registrar is incompatible with the dignity of the Court, or who use their 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 they have 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.

4.6 Change of attorney-at-law

Where there is a change in the attorney-at-law on the record, the new attorney-at-law shall forthwith¹³ –

- (a) file a notice of appointment stating their business name, address, telephone number and email address;
- (b) serve a copy of the notice on every other party and the attorney-at-law who is being replaced; and
- (c) file an affidavit of service.

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

- (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

¹³ Amended on 11 October 2021.

- (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 the 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 the 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.

4.8 Application by attorney-at-law to be removed from the record on ceasing to act

- (1) Upon an attorney-at-law on the record ceasing to act for a party and not being replaced by another attorney-at-law, they shall forthwith¹⁴ make an application to the Court for an order that they 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.

4.9 Effective time of notice or order

- (1) A notice under Rule 4.6 shall not take effect unless it is served in accordance with sub-Rule (b) of that Rule.

¹⁴ Amended on 11 October 2021.

- (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.

4.10 Notice of disbarment

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
TIME AND DOCUMENTS

Contents of this Part

Court to state calendar date	Rule 5.1
Computation of time	Rule 5.2
Time during the vacation	Rule 5.3
Exceptions to time-limits	Rule 5.4
Documents	Rule 5.5
Forms	Rule 5.6
Sealing of documents issued by Court	Rule 5.7

5.1 Court to state calendar date

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.

5.2 Computation of time

- (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 4:00 p.m. on the next business day in the country in which it is to be done.

5.3 Time during the vacation

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.

5.4 Exceptions to time-limits

Any time-limit prescribed under these Rules may be extended for good and substantial reasons.

5.5 Documents

- (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 may be prescribed 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) Before any document can be filed it shall –
 - (a) be headed with the –
 - (i) full title of the proceedings, and
 - (ii) title of the document;

- (b) state the¹⁵ –
 - (i) name;
 - (ii) bar number or other means of identification (if any);
 - (iii) address for service;
 - (iv) telephone number; and
 - (v) email address,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.

5.6 Forms

- (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.

5.7 Sealing of documents issued by Court

- (1) All documents accepted for filing are sealed with the seal of the Court.
- (2) Judgments, orders and directions of the Court are also required to be sealed with the seal of the Court on issue.
- (3) The Court may place the seal on a document by –
 - (a) hand; or

¹⁵ Amended on 11 October 2021 by removal of the previous sub-paragraph (v).

- (b) printing a facsimile of the seal on the document electronically or by any other means.
- (4) All orders of the Court shall be signed by the Registrar or the presiding Judge.¹⁶
- (5) A document purporting to bear the seal of the Court shall be admissible in evidence without further proof.

¹⁶ Amended on 11 October 2021.

PART 6 FILING AND SERVICE

Contents of this Part¹⁷

Submission and filing of documents	Rule 6.1
Electronic submission of documents	Rule 6.2
Address for service	Rule 6.3
Service of documents	Rule 6.4
Electronic service of documents	Rule 6.5
Electronic service by the court or party	Rule 6.6
Court may order service by specified method	Rule 6.7
Proof of service	Rule 6.8

6.1 Submission and filing of documents

- (1) A document shall be submitted for filing by the method described in Rule 6.2 or any other electronic means approved by or under these Rules.
- (2) In exceptional cases 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; or
 - (b) sending it by email to the email address designated for that purpose by the Registrar;¹⁸
- (3) If a document submitted for filing in accordance with sub-Rule (2)(b) 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) Upon the filing of an application for special leave or a notice of appeal, the applicant or appellant is required to pay the appropriate fee as identified in Table 1 of Schedule 1, but –
 - (a) the Registrar may accept the document for filing upon an undertaking to pay the appropriate fee;

¹⁷ Amended on 11 October 2021 by removal of the previous Rules 6.2 and 6.10.

¹⁸ Amended on 11 October 2021.

- (b) in exceptional circumstances, an application may be made for the Registrar to vary the fees payable.

6.2 Electronic submission of documents

- (1) A document may be submitted for filing electronically by using the Court’s e-filing portal at <http://www.ccj.org/e-filing-portal> to –
 - (a) register a new account or log into an existing account;
 - (b) enter details of a new case or use particulars of an existing case;
 - (c) upload the document(s) associated with that case;
 - (d) make payment or give an undertaking to pay the appropriate fee; and
 - (e) submit the document(s).
- (2) Documents submitted electronically shall not be password protected and shall be prepared electronically using any word processor in .doc, .docx, .rtf or .pdf formats.¹⁹
- (3) Where the document is not a text document and –
 - (a) is an original document prepared for the matter before the Court, the document shall be in a readable pdf format to enable electronic searching without difficulty;²⁰
 - (b) is not an original document prepared for the matter before the Court, the document shall be scanned using an image resolution of at least 300 dots per inch.
- (4) Documents submitted through the e-filing portal shall comply with the requirements specified in Rule 5.5(1) and –
 - (a) the aggregate size of a document cannot exceed 100 megabytes for one submission;
 - (b) where the aggregate size of a document exceeds 100 megabytes the document shall be divided into multiple smaller documents not exceeding 100 megabytes each. Thereafter, each document shall be submitted as one part of the whole, e.g., “part 1 of 3”, “part 2 of 3”, “part 3 of 3” and so on;
 - (c) affidavits shall be uploaded and submitted separately from the corresponding principal document;

¹⁹ Amended on 11 October 2021.

²⁰ Amended on 11 October 2021.

- (d) exhibits shall be uploaded and submitted separately from the corresponding principal document;
 - (e) each exhibit shall be uploaded separately with a concise description of the document e.g., cheque dated the 1 January 2015; and
 - (f) each document shall be uploaded with a name that corresponds with the document type and the name should not contain special characters (characters other than numerals or letters of the alphabet).
- (5) Documents filed using the e-filing portal that are subscribed by a registered user are not required to bear the electronic image of the handwritten signature of the user but may be signed in the following manner using the registered user's login and password:

/s/ MARY WHITE

email: marywhite@gmail.com

Bar Number 12345

Attorney for (Applicant/Respondent)

ABC Law Firm

123 Broad Street, Bridgetown

Barbados

Telephone: (246) 123-4567

- (6) (a) Any document submitted through the e-filing portal for filing outside business hours (8:00 a.m. to 4:00 p.m. Mondays to Fridays) or on a public holiday, or any other period during which the Registry is closed, will be deemed filed as soon as the Registry is next open.
 - (b) All other Rules relating to holidays and computation of time apply to e-filed documents.
- (7) (a) A document submitted using the e-filing portal that complies with these Rules shall be filed.
- (b) A document submitted for filing that does not comply with these Rules shall be returned to the filing party along with a notice of the reason(s) for non-acceptance and may be amended and resubmitted for filing.

- (8) (a) The Registrar shall stamp, date and paginate sequentially each document filed based on the existing case number or an assigned case number if it is a new case.
- (b) The Registrar shall apply an electronic certificate to all documents duly filed in the Registry using the e-filing portal.
- (9) An electronic confirmation of filing will be sent to the account of the registered user to confirm that the document submitted by the registered user has been filed and the date and time of filing.

6.3 Address for service

- (1) Every document filed shall contain²¹ –
 - (a) an address and telephone number for service in the Contracting Party where the Seat of the Court is located or in the relevant Contracting Party; and
 - (b) an email address for service, if service is being accepted by email under Rule 6.5.
- (2) Parties who change their address, telephone number or email 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.

6.4 Service of documents

- (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 6.3.
- (2) A notice of appeal shall be served by the appellant at the respondent's address for service in the court below.

6.5 Electronic Service of documents

- (1) Unless the Court or the Rules otherwise require, any e-filed document that is required to be served shall be served by the relevant party and not the Court.
- (2) Electronic service of e-filed documents may be effected through the electronic service address of a party which includes:
 - (a) an account at an electronic legal service provider; or

²¹ Amended on 11 October 2021 by removal of the previous sub-paragraph (b).

- (b) an electronic mail (email) address.
- (3) A party specifically consents to accept electronic service by:
- (a) serving and filing a notice or written consent on any other party, that the party accepts electronic service. The electronic service address at which the party agrees to accept service must be stated in the notice or written consent;
 - (b) electronically filing any document or acknowledging service of any document electronically. The party is deemed to agree to accept service at the electronic service address from which the electronic filing or acknowledgment is made, provided that self-represented parties must affirmatively consent to electronic service as provided under sub-paragraph (a);
 - (c) including an electronic service address in the address for service of a document filed pursuant to Rule 5.5(4)(b)(v), provided that self-represented parties must affirmatively consent to electronic service as provided under sub-paragraph (a); or
 - (d) registering an account on the e-filing portal. The email address provided during registration shall be the electronic service address for the registered party.
- (4) An electronic service address is presumed valid for a party if the party files electronic documents with the court from that address and has not filed and served notice that the address is no longer valid.
- (5) A party that has consented to electronic service under sub-Rule (3) must promptly notify the Court and other parties electronically of any change in their electronic service address.
- (6) A party that receives a document that is served electronically and is unable to view or download the document must promptly notify the serving party and the Court and the serving party shall take all reasonable steps to ensure that the document can be viewed and downloaded.
- (7) A document served at an electronic service address is considered served on the date and time that it is sent.

6.6 Electronic service by the Court or party²²

The Court may electronically serve any notice, order, judgment, or other document issued by the Court on a party to a case by delivering same to the electronic service address of that party.

6.7 Court may order service by specified method

- (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 *without notice* 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.

6.8 Proof of service

- (1) Service may be proved by an affidavit made by the person who served the Document.
- (2) Electronic confirmation of delivery shall serve as proof of service for all documents served electronically provided that if any dispute arises as to whether service occurred, it shall be resolved by the Registrar or a single Judge pursuant to Rule 9.2(1)(h).
- (3) Electronic confirmation of delivery includes –
 - (a) email delivery or read receipt;
 - (b) confirmation from an electronic legal service provider that the document was delivered to the recipient party's account at that service provider;
 - (c) confirmation that an imbedded hyperlink in the message envelope was accessed;
 - (d) acknowledgement of receipt by the recipient party, counsel or paralegal; or
 - (e) other means sufficient to satisfy the Court that the document(s) came to the notice of the recipient party.

²² Amended on 11 October 2021 by removal of the previous paragraph (2).

**PART 7
AFFIDAVITS**

Contents of this Part

Affidavit evidence	Rule 7.1
Making of affidavits	Rule 7.2

7.1 Affidavit evidence

- (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 applications²³ made in connection with an appeal.

7.2 Making of affidavits

- (1) An affidavit shall be admissible if it is dated and 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, subject to proof to the contrary, 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.

²³ Amended on 11 October 2021 by removal of ‘interlocutory’ in reference to ‘applications’.

PART 8
CASE MANAGEMENT

Contents of the Part

The Court's general powers of management Rule 8

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 or on the basis of written submissions;²⁴
 - (g) hear appeals either at the Seat of the Court, in the relevant Contracting Party and/or by video conference;
 - (h) consolidate appeals or applications for special leave;
 - (i) refer parties to an alternative form of dispute resolution considered by the Court appropriate in the circumstances;
 - (j) issue directions as to checklists;
 - (k) direct that a case management conference be held in any application or appeal filed;
 - (l) give directions to expedite an appeal or application;

²⁴ Amended on 11 October 2021.

- (m) impose page limits with respect to written submissions and time limits with respect to oral submission; and
 - (n) take any other step, give any other direction or make any other order for the purpose of managing any application or appeal and furthering the overriding objective.²⁵
- (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.

²⁵ Amended on 11 October 2021.

PART 9 APPLICATIONS

Contents of this Part

Making of application	Rule 9.1
Powers of a single Judge	Rule 9.2
Evidence in support of application	Rule 9.3
Service of notice of application	Rule 9.4
Affidavit in opposition and Notice of non-opposition	Rule 9.5
Notice to parties of hearing of application	Rule 9.6
Applications which may be dealt with without hearing	Rule 9.7
Requirements where order is made <i>without notice</i>	Rule 9.8
Power of Court to proceed in the absence of party	Rule 9.9
Application to set aside or vary order made with notice	Rule 9.10
Withdrawal of application	Rule 9.11
Relief from sanctions	Rule 9.12
Amendment of documents	Rule 9.13
Applications made by consent of the parties	Rule 9.14

9.1 Making of application

- (1) An application to the Court for an order²⁶ 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.

²⁶ Amended on 11 October 2021 by removal of ‘interlocutory’ in reference to ‘orders’.

- (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.

9.2 Powers of a single Judge

- (1) A single Judge may make orders –
- (a) for a stay of execution of a judgment or order against which an appeal, or an application for special leave to appeal, has been made, pending the determination of the appeal or application;²⁷
 - (b) for such injunction as may be necessary to preserve the rights of any party pending the determination of the appeal or application;²⁸
 - (c) granting leave to withdraw an appeal or cross-appeal or application;²⁹
 - (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 authorised to do so by any other Rule or by a practice direction.
- (2) An order made by a single Judge may upon an application made within seven (7) days thereof, be varied or discharged by a full Court comprising no fewer 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 no fewer than three Judges.

9.3 Evidence in support of application

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

9.4 Service of notice of application

- (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.

²⁷ Amended on 11 October 2021.

²⁸ Amended on 11 October 2021.

²⁹ Amended on 11 October 2021.

- (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.

9.5 Affidavit in Opposition and Notice of non-opposition³⁰

- (1) 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.
- (2) A respondent who does not oppose the application may file a notice to that effect.

9.6 Notice to parties of hearing of application

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.

9.7 Applications which may be dealt with without hearing

The Court may deal with an application without a hearing if –

- (a) no notice of application is required;
- (b) the Court considers it appropriate to do so;
- (c) the Court does not consider that a hearing would be necessary;
- (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.

9.8 Requirements where order is made *without notice*³¹

- (1) Where the Court disposes of an application made *without notice*, the order 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 with notice to the other side.
- (2) 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.

³⁰ Amended on 11 October 2021, including by insertion of Notice of non-opposition.

³¹ Amended on 11 October 2021.

9.9 Power of Court to proceed in the absence of party

- (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 them of any order made on the application for such order to be set aside or varied or for the application to be heard with notice to the other side.

9.10 Application to set aside or vary order made with notice

- (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 the party 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 the Applicant’s absence from the hearing; and
 - (b) that it is likely that had the applicant attended, some other order would have been made.

9.11 Withdrawal of application

- (1) An applicant who wishes to withdraw their application shall file a notice of withdrawal and serve it on each respondent who was served with notice of the application.³²
- (2) Where notice of the application was served, the respondent shall, subject to any agreement between the parties to the contrary, be entitled to their costs unless the Court otherwise orders.

9.12 Relief from sanctions

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.

9.13 Amendment of documents

- (1) Any document filed in connection with an appeal or application may be amended at any time before it has been served on any other party.

³² Amended on 11 October 2021.

- (2) If the appeal or application has been served, a party may amend it only –
 - (a) with the written consent of all the other parties; or
 - (b) by making an application to the Registrar.
- (3) Where an application is made under sub-Rule (2)(b), the Registrar may –
 - (a) invite submissions from other parties before reaching a decision; or
 - (b) if the Registrar is of the opinion that such an application should be dealt with by a single Judge pursuant to Rule 9.2(1)(f), direct the applicant to file and serve the opposing party with a notice of the application to the Court for leave to amend.
- (4) Any party aggrieved by the decision of the Registrar may appeal that decision to a single Judge within seven (7) days of the date of the decision.

9.14 Applications made by consent of the parties

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

Contents of this Part

Commencement of appeal	Rule 10.1
Applications for leave to appeal	Rule 10.2
Applications to the court below for leave to appeal	Rule 10.3
Service of notice of application to the court below and notice of hearing	Rule 10.4
Grant of leave to appeal to the court below	Rule 10.5
Conditions for leave in criminal appeals	Rule 10.6
Conditions for leave in non-criminal appeals	Rule 10.7
Manner and form of security	Rule 10.8
Stay of execution	Rule 10.9
Issue of certificate of compliance	Rule 10.10
Issue of certificate of non-compliance	Rule 10.11
Substitution of parties before notice of appeal filed	Rule 10.12
Special leave to appeal to the Court	Rule 10.13
Applications to the Court for special leave to appeal	Rule 10.14
Filing and service of documents in connection with applications for special leave	Rule 10.15
Orders on applications for special leave	Rule 10.16
Liaison between proper officer and the Registrar	Rule 10.17
Applications for waiver of fees/security for costs in non-criminal appeals	Rule 10.18

10.1 Commencement of appeal

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

10.2 Applications for leave to appeal

A notice of appeal shall not 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 10.10; or
- (b) special leave to appeal has been granted by the Court.

10.3 Applications to the court below for leave to appeal

- (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 and no extension of time shall be granted by that court.
- (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 the applicant’s 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 the applicant’s attorney-at-law.

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

- (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 the respondent on the applicant within

fourteen (14) days of service on the respondent of the application for leave to appeal.

- (5) Every document prepared for use at the hearing shall comply with Rule 5.5 as if the document had been prepared for use or been filed in the Court.
- (6) If an applicant wishes to withdraw their application to the court below for leave to appeal, Rule 9.11 shall apply with the substitution of “the court below” for “the Court”.³³

10.5 Grant of leave to appeal by the court below

- (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 10.10.

10.6 Conditions for leave in criminal appeals³⁴

- (1) In the case of proceedings that are criminal in nature, there shall be no requirement to –
 - (a) provide security for costs; or
 - (b) pay any Court fees.
- (2) A party in such proceedings is therefore not required to file an application for waiver of fees security for costs.

10.7 Conditions for leave in non-criminal appeals

- (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 10.18(2), 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.

³³ Amended on 11 October 2021.

³⁴ Inserted on 11 October 2021.

- (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.

10.8 Manner and form of security

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.

10.9 Stay of execution

- (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.

10.10 Issue of certificate of compliance³⁵

- (1) Where the applicant 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 applicant and the respondent and notify the Registrar.

10.11 Issue of certificate of non-compliance³⁶

- (1) Where the applicant 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.

³⁵ Amended on 11 October 2021 by removal of references to 'intended' appellants and respondents.

³⁶ Amended on 11 October 2021 by removal of references to 'intended' appellants.

- (2) Within seven (7) days after issue of the certificate of non-compliance the proper officer shall serve copies of the certificate on the applicant and the respondent.
- (3) On an application made by the applicant within seven (7) days of the service upon them 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 applicant 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 their costs assessed and paid by the applicant.

10.12 Substitution of parties before notice of appeal filed

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.

10.13 Special leave to appeal to the Court

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.

10.14 Applications to the Court for special leave to appeal

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 the applicant's attorney-at-law.

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

- (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 or of the transcript in the case of an oral judgment from which special leave to appeal is sought;³⁷
 - (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 their 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, or a notice of non-opposition³⁸, shall be filed and served by the respondent on the applicant within fourteen (14) days of service upon the respondent of the application for special leave.
- (4) A respondent who has not filed an affidavit in opposition within the prescribed time shall not be entitled, without leave of the Court, to –
 - (a) receive from the Registrar any notice relating to the application save and except a notice of the date of hearing of the application, if any;
 - (b) take any step in the proceedings.
- (5) Where the Court decides to have a hearing of the application for special leave, the Registrar shall give the parties at least fourteen (14) days' notice of the date and time fixed for the hearing.³⁹
- (6) A respondent to whom sub-Rule (4) applies may file an application for such leave at least seven (7) days before the date fixed for the hearing, if any.⁴⁰

10.16 Orders on applications for special leave

- (1) 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.
- (2) Where the Court refuses special leave to appeal, the Court shall give reasons for its decision, which shall be embodied either in the Order of the Court or in the form of a reasoned judgment.⁴¹

³⁷ Amended on 11 October 2021.

³⁸ Amended on 11 October 2021.

³⁹ Amended on 11 October 2021.

⁴⁰ Inserted on 11 October 2021.

⁴¹ Inserted on 11 October 2021.

10.17 Liaison between proper officer and the Registrar

- (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 10.16(1), the Registrar shall within seven (7) days of the order being issued send a copy of it to the proper officer.

10.18 Applications for waiver of fees/security for costs in non-criminal appeals⁴²

- (1) An applicant who wishes to obtain a waiver of fees/security for costs shall file an application for such a waiver together with their application to the court below for leave to appeal or with their application to the Court for special leave to appeal, as the case may be, and shall be required to satisfy the court to which they apply, by affidavit or otherwise, that –
 - (a) (i) apart from their interest in the subject-matter of the appeal, the applicant's net worth is less than the amount specified in Schedule 4; and
 - (ii) the applicant is unable to provide sureties; and
 - (b) the applicant has an arguable ground of appeal.
- (2) An applicant to whom such a waiver has been granted shall not be required to provide security for costs or to pay any Court fees.

⁴² Amended on 11 October 2021, including the removal of the previous paragraph (2).

PART 11
NOTICE OF APPEAL

Contents of this Part

Time for filing notice of appeal	Rule 11.1
Notice of appeal	Rule 11.2
Contents of notice of appeal	Rule 11.3
How to file notice of appeal	Rule 11.4
Service of notice of appeal	Rule 11.5

11.1 Time for filing notice of appeal

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 applicant⁴³ of a certificate of compliance or of the grant of special leave by the Court.

11.2 Notice of appeal

Wherever practicable there shall be filed with the notice of appeal –

- (a) a copy of the order granting leave or special leave to appeal;
- (b) a copy of the list of documents submitted to obtain the certificate of compliance; and
- (c) a copy of the judgment appealed from or of the transcript of the oral judgment.⁴⁴

11.3 Contents of notice of appeal

- (1) The notice of appeal shall⁴⁵ –
 - (a) state whether the appeal relates to the whole or part only of the judgment of the court below and, in the latter case, specify but not reproduce such part;
 - (b) set forth concisely and under distinct heads numbered consecutively the grounds of appeal upon which the appellant intends to rely;
 - (c) state the nature of the relief sought;

⁴³ Amended on 11 October 2021 by removal of reference to ‘intended appellant’.

⁴⁴ Amended on 11 October 2021.

⁴⁵ Amended on 11 October 2021 by removal of the previous sub-paragraph (f).

- (d) state the names, email and postal addresses of all parties directly affected by the appeal; and
 - (e) be signed by the appellant or the appellant's attorney-at-law.
- (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.

11.4 How to file notice of appeal⁴⁶

The notice of appeal shall be filed in accordance with Rule 6.1.

11.5 Service of notice of appeal

The appellant shall, after filing the 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.

⁴⁶ Amended on 11 October 2021.

PART 12
ACKNOWLEDGEMENT OF SERVICE AND FILING OF CROSS-APPEAL

Contents of this Part

Filing of acknowledgement of service	Rule 12.1
Failure to file acknowledgement of service	Rule 12.2
Notice of cross-appeal	Rule 12.3
Contents of notice of cross-appeal	Rule 12.4
Filing and service of notice of cross-appeal	Rule 12.5

12.1 Filing of acknowledgement of service

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 accordance with Rule 6.1.⁴⁷

12.2 Failure to file acknowledgement of service

A respondent who has not filed an acknowledgement of service within the prescribed time shall not be entitled to⁴⁸ –

- (a) receive from the Registrar any notice relating to the appeal save and except a notice of date of hearing of the appeal; or
- (b) take any step in the proceedings without leave of the Court.

12.3 Notice of cross-appeal

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.

12.4 Contents of notice of cross-appeal

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

⁴⁷ Amended on 11 October 2021.

⁴⁸ Amended on 11 October 2021 by removal of the previous sub-paragraph (b).

12.5 Filing and service of notice of cross-appeal

- (1) A notice of cross-appeal shall be filed in accordance with Rule 6.1 within twenty-one (21) days of service of the notice of appeal.⁴⁹
- (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 cross-appeal, the party filing a notice of cross-appeal shall file an affidavit of service.

⁴⁹ Amended on 11 October 2021.

Part 12A
ADDITION OF RESPONDENTS, INTERVENTION AND AMICUS CURIAE⁵⁰

Contents of this Part

Addition of Respondents	Rule 12A.1
Procedure for addition of Respondents	Rule 12A.2
Intervention	Rule 12A.3
Invitation to assist as amicus curiae	Rule 12A.4
Proposal of amicus curiae by the Court	Rule 12A.5
How to apply to be amicus curiae	Rule 12A.6
Procedure to permit amicus curiae	Rule 12A.7

12A.1 Addition of Respondents

After a notice of appeal has been filed, the Court may, of its own volition or upon a party applying for leave, add a new respondent on either of the following grounds –

- (a) it is desirable to add the new respondent so that the Court can resolve all the matters in dispute in the proceedings; or
- (b) there is an issue involving the new respondent which is connected to the matters in dispute in the proceedings and it is desirable to add the new respondent so that the Court can resolve that issue.

12A.2 Procedure for addition of Respondents

- (1) An application for leave for the addition of a new respondent under Rule 12A.1 shall be filed no later than fourteen (14) days after the filing of the record of appeal.
- (2) Where a party applies for such leave, its application shall include –
 - (a) a statement of the grounds for the application; and
 - (b) the facts on which it is based.

⁵⁰ Inserted on 11 October 2021.

- (3) The Registrar shall serve the application on all parties to the appeal and on the proposed new respondent and invite written responses to the application from those parties.
- (4) Where the Court is considering adding a new respondent under Rule 12A.1, it shall notify the parties and the proposed new respondent of its proposal and brief reasons for the proposal, and it shall invite written responses to the proposal from those parties.
- (5) The Court may hold a case management conference to determine whether a proposed new respondent under Rule 12A.1 should be added to the appeal.
- (6) Where the parties consent in writing to the addition of the proposed new respondent, the Court may dispense with the case management conference.
- (7) Where the Court makes an order for the addition of a new respondent –
 - (a) the Registrar shall serve this order on all parties to the appeal and the new respondent;
 - (b) shall serve the documents already filed in the appeal on the new respondent; and
 - (c) the Court may give consequential directions for the further conduct of the appeal.

12A.3 Intervention

- (1) Within fourteen (14) days of the filing of a notice of appeal, a person claiming to have a substantial interest in an appeal may apply to the Court for leave to intervene.
- (2) The application shall set out –
 - (a) the details of the substantial interest claimed by the applicant;
 - (b) how the applicant may be affected by a decision of the Court; and
 - (c) a summary of the contentions which the applicant wishes to put forward.
- (3) After an application has been filed the Registrar shall serve the application on all parties to the proceedings and invite them and the applicant(s) to file written submissions on the application within seven (7) days of such service.
- (4) The Court may also permit the parties to make oral submissions at the first case management conference as to whether and why the applicant should or should not be permitted to intervene.

- (5) Where the Court grants the applicant leave to intervene, it shall allow the intervener to file submissions simultaneously with the respondents and give directions as to any oral submissions at the hearing of the appeal.

12A.4 Invitation to assist as amicus curiae

- (1) In any appeal, the Court may issue a notice inviting any person or body with significant information of relevance to the appeal to file an application to assist the Court as an amicus curiae.
- (2) Such a notice shall indicate the date of the next case management conference and call for applications to be filed at least seven (7) days before that date.

12A.5 Proposal of amicus curiae by the Court

- (1) In addition, or in the alternative, the Court may identify a specific person or body to assist it as amicus curiae if it considers that this will be helpful, especially where the appeal involves questions requiring some technical expertise.
- (2) In such an instance, the Court shall, at least seven (7) days before the next case management conference, notify the parties to the proceedings of the identity of the proposed amicus and the justification for having such assistance and hear any submissions in this regard at the case management conference.

12A.6 How to apply to be amicus curiae

An application in response to the notice in Rule 12A.4(1) above shall be intituled in the same manner as the proceedings sought to be assisted and shall set out –

- (a) particulars of the applicant, including an address for service;
- (b) an outline of the significant information relevant to the proceedings that is intended to be provided, unless full information can forthwith be provided; and
- (c) an explanation of why such information is significant and relevant to the proceedings.

12A.7 Procedure to permit amicus curiae

- (1) After an application has been filed the Registrar shall serve the application on all parties to the proceedings and invite them and the applicant(s) to make submissions at the next case management conference as to whether and why the applicant should or should not be permitted to become an amicus curiae.
- (2) After hearing submissions from the parties, as well as from the applicant(s) and/or any proposed amicus curiae under Rule 12A.5(1) above, the Court shall determine

whether permission will be granted for any of the persons or bodies to assist the Court.

- (3) Where the parties consent in writing to the participation of the amicus curiae, the Court may dispense with the case management conference.
- (4) Where the Court permits any amicus curiae to assist in the appeal, it shall allow the amicus curiae to file submissions simultaneously with the Appellants.
- (5) The Court may also permit the amicus curiae to address the Court at the hearing of the appeal.

PART 13
RECORD OF APPEAL

Contents of this Part

Action by appellant and respondent on filing of notice of appeal	Rule 13.1
Special case	Rule 13.2

13.1 Action by appellant and respondent on filing of notice of appeal

- (1) As soon as is practicable but no later than twenty-one (21) days after a notice of appeal has been filed and served, the appellant shall file and serve the record of appeal which shall include the documents referred to in the list of documents submitted to obtain the certificate of compliance and, in any event, the documents stated under sub-Rule (4) unless previously filed in this appeal.⁵¹
- (2) Where a document stated under sub-Rule (4) has already been filed in this appeal, it shall not be included in the record of appeal. However, the index to the record of appeal shall refer to that document and indicate the page numbers assigned to it upon its filing.⁵²
- (3) The respondent shall, within fourteen (14) days of service of the record under sub-Rule (1), file additional documents, if any, to be included in the record of appeal.
- (4) Subject to sub-Rules (2) and (6), the following documents shall be included in the record, along with an index to the record⁵³ –
 - (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, or a transcript in the case of an oral judgment, of the court below;⁵⁴
 - (e) the notice of appeal to the court below and any notice of cross-appeal;

⁵¹ Amended on 11 October 2021.

⁵² Inserted on 11 October 2021.

⁵³ Amended on 11 October 2021 including by the removal of sub-paragraph (k).

⁵⁴ Amended on 11 October 2021.

- (f) the judgment, or a transcript in the case of an oral judgment, of the court of first instance;⁵⁵
 - (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; and
 - (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.
- (5) Where a party objects to the inclusion of a document, that objection shall be determined by the Court at a case management conference or otherwise.
- (6) If the judgment of the court below or any other document to be included in the record is not available, the appellant shall use their best endeavours to provide the judgment or such other document as soon as the same becomes available.

13.2 Special Case

- (1) Whenever a decision of a matter on appeal is likely to turn exclusively on a question of law, the Court on the application of the appellant may direct that the record be restricted to such documents 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.

⁵⁵ Amended on 11 October 2021.

PART 14

HEARING OF APPEALS

Contents of this Part

Assignment of case for directions	Rule 14.1
Case management conference	Rule 14.2
Directions	Rule 14.3
Written submissions	Rule 14.4
Notice of hearing	Rule 14.5
Special Leave Application as substantive appeal	Rule 14.6
Alternative Dispute Resolution	Rule 14.7

14.1 Directions upon filing of notice of appeal⁵⁶

As soon as practicable after the notice of appeal has been filed, the Judges to whom the appeal has been assigned shall give preliminary directions as to the conduct of the appeal. Such directions shall include whether –

- (a) a case management conference is to be held; or
- (b) a checklist is to be issued to the parties with the proposed directions for the conduct of the appeal pursuant to Rule 14.3(3).

14.2 Case management conference⁵⁷

- (1) Where a case management conference is to be held the Registrar shall, in consultation with the Judges to whom the appeal has been assigned, fix a date, time, mode and place of hearing of the conference.
- (2) 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.
- (3) Notwithstanding sub-Rule (2), the Registrar may, with or without an application, direct that shorter notice be given –
 - (a) if the parties consent; or
 - (b) in urgent cases.

⁵⁶ Amended on 11 October 2021.

⁵⁷ Amended on 11 October 2021 by removal of the previous paragraph (1).

- (4) A case management conference may be adjourned from time to time to a fixed date.

14.3 Directions⁵⁸

- (1) The Judges to whom the appeal is assigned shall give directions for the proper conduct of the appeal.
- (2) The directions referred to in sub-Rule (1) may be given either in a checklist or in the course or at the conclusion of a case management conference.⁵⁹
- (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 unless directing that the appeal is to be determined on the basis of the written submissions without any hearing.
- (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 and written submissions;⁶⁰
 - (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.

14.4 Written submissions

- (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 intends to rely; and

⁵⁸ Amended on 11 October 2021 by removal of the previous paragraph (5).

⁵⁹ Amended on 11 October 2021.

⁶⁰ Amended on 11 October 2021.

- (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 in a pending case, 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 the party's written submission within the time or times specified by the Court, they shall not be heard at the hearing of the appeal except with the leave of the Court.

14.5 Notice of hearing

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

14.6 Special Leave Application as substantive appeal

The Court may, in exceptional circumstances, such as in cases of urgency, and on giving prior notice to the parties, treat the hearing of an application for Special Leave as the hearing of the substantive appeal.⁶¹

14.7 Alternative Dispute Resolution⁶²

- (1) Where, at a case management conference or at a hearing, the Court is of the opinion that the parties should be able to settle the matter in an amicable manner, either through negotiations or with the assistance of an alternative dispute resolution (ADR) procedure, the Court may adjourn the case management conference or hearing to a suitable date and time to enable the completion of such negotiations or ADR procedure.
- (2) Where the case management conference or hearing is adjourned under sub-Rule (1), each party shall notify the Registrar promptly if the claim has been settled.
- (3) Where the parties fail to settle the claim by the date set by the Court, the Court may give directions as to the further conduct of the matter.

⁶¹ Amended on 11 October 2021.

⁶² Inserted on 11 October 2021.

PART 15 JUDGMENTS

Contents of this Part

Delivery of judgment	Rule 15.1
Publication of judgment	Rule 15.2
Correction of errors	Rule 15.3
Drawing up of order	Rule 15.4
Consent orders	Rule 15.5

15.1 Delivery of judgment⁶³

- (1) Where the Court reserves judgment after hearing an appeal, or determines an appeal on the basis of written submissions, it may –
 - (a) sit to deliver the judgment; or
 - (b) issue its judgment without a sitting, in which case the publication of the judgment by the Registrar shall be deemed to be the delivery of the judgment of the Court.
- (2) The Registrar shall notify the parties and the public of the date, time and place or manner appointed for the delivery of the judgment.

15.2 Publication of judgment⁶⁴

- (1) Immediately upon the delivery of the judgment, the Registrar shall cause the judgment to be published.
- (2) The judgment shall be deemed to be published upon being placed on the Court's website.
- (3) In cases of an oral judgment, the Registrar shall certify as authentic a true copy of the transcript of the judgment delivered and this certified copy shall be published as the judgment of the Court.

⁶³ Amended on 11 October 2021.

⁶⁴ Inserted on 11 October 2021.

15.3 Correction of errors

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.

15.4 Drawing up of order

Every order made pursuant to a judgment shall be drawn up by the Court.

15.5 Consent orders

- (1) A consent order may be made by the Court where –
 - (a) all the relevant parties agree to 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 and evidenced to the satisfaction of the Court;
 - (b) expressed as being “By Consent”; and
 - (c) filed.
- (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

Contents of this Part

Withdrawal of appeal where appellant has not served notice of appeal	Rule 16.1
Withdrawal of appeal where appellant has served notice of appeal	Rule 16.2
Non-prosecution of appeal	Rule 16.3

16.1 Withdrawal of appeal where appellant has not served notice of appeal

- (1) An appellant who has not served the notice of appeal on any respondent and wishes to withdraw the appeal 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.

16.2 Withdrawal of appeal where appellant has served notice of appeal⁶⁵

- (1) An appellant who has served a notice of appeal on any respondent and wishes to withdraw the appeal shall –
 - (c) file a notice of application for leave to withdraw their appeal;
 - (d) within seven (7) days, serve such a notice on every respondent who has been served with the notice of appeal; and
 - (e) file an affidavit of service within two (2) days of such service.
- (2) Within seven (7) days of being served with such an application, any respondent who has filed an acknowledgement of service shall, subject to any agreement between the respondent and the appellant to the contrary, be entitled to apply to the Court for their costs.
- (3) The provisions of sub-Rules (1) and (2) shall apply, with such changes as may be necessary, to withdrawal of a cross-appeal.

16.3 Non-prosecution of appeal

- (1) Where an appellant fails to take any step required by these Rules or by a practice direction within the time therein prescribed, the Registrar may issue a notice to the

⁶⁵ Amended on 11 October 2021.

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, with such changes as may be necessary, 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 they have 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 COSTS⁶⁶

Contents of this Part

Definitions and application	Rule 17.1
Orders for costs	Rule 17.2
Recovery of costs	Rule 17.3
Successful party generally entitled to costs	Rule 17.4
Two or more parties having the same interest	Rule 17.5
Duty of attorney-at-law to notify client	Rule 17.6
Costs where money is payable by or to a party who lacks legal capacity	Rule 17.7
Wasted costs orders	Rule 17.8
Procedure for wasted costs orders	Rule 17.9
Basis of quantification	Rule 17.10
Ways in which costs are quantified	Rule 17.11
Procedure for quantifying costs	Rule 17.12
Assessed costs – interim and special leave applications	Rule 17.13
Summary assessment of costs	Rule 17.14
Standard costs	Rule 17.15
Application to value appeal	Rule 17.16
What is included in standard costs	Rule 17.17
Certificate of costs	Rule 17.18
Time for complying with an order for costs	Rule 17.19
Appeals against assessment or certification of costs	Rule 17.20
Appeal procedure	Rule 17.21
Powers of the Court on appeal	Rule 17.22

⁶⁶ Amended on 11 October 2021.

17.1 Definitions and application

- (1) In this Part, unless the context otherwise requires

“**assessment**” means the procedure by which the Court or the Registrar quantifies the amount of costs payable under these Rules;

“**certificate of costs**” means a certificate signed by the Registrar stating the amount of costs recoverable by the receiving party as summarily assessed costs or as standard costs under Rules 17.13, 17.14 or 17.15;

“**costs**” includes an attorney-at-law’s charges and disbursements, summarily assessed costs, standard costs and disbursements;

“**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 17.13 instead of standard costs;

- (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.

17.2 Orders for costs

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

17.3 Recovery of costs

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.

17.4 Successful party generally entitled to costs

- (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 their appeal, exaggerated their 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; and
 - (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 assessed.

- (7) Where a party entitled to costs is also liable to pay costs, the Registrar may assess the costs which that party is liable to pay and either –
- (a) set off the amount assessed 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.

17.5 Two or more parties having the same interest

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.

17.6 Duty of attorney-at-law to notify client

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 their client in writing of the costs order no later than seven (7) days after the attorney receives notice of the order.

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

- (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 an assessment of the costs payable to the party's attorney-at-law by any party who lacks legal capacity.
- (3) On an assessment under sub-Rule (2), the Registrar shall also assess any costs payable to that party in the proceedings, unless the Registrar has issued a costs certificate in relation to those costs under Rule 17.18.
- (4) Where –
 - (a) an appellant lacks legal capacity; and
 - (b) an assessment has taken place under sub-Rule (2),

the only amount payable by that appellant to the appellant's attorney-at-law is the amount which the Registrar certifies as payable.

17.8 Wasted costs orders

- (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) Costs may be considered as wasted costs where they are 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 (1) is hereafter referred to as a “wasted costs order”.

17.9 Procedure for wasted costs orders

- (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) The Registrar shall give seven (7) days’ notice of a wasted costs hearing to the attorney-at-law against whom the order is sought and to all parties to the proceedings under sub-Rule (1).
- (3) 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.
- (4) A notice under sub-Rule (3) 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.
- (5) The attorney-at-law and all other parties to the proceedings shall be given at least seven (7) days’ notice of the date on which the Court is minded to make the order under sub-Rule (3).

17.10 Basis of quantification

- (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 assessed are claimed by an attorney-at-law from their 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 their 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 specialised knowledge;
 - (f) the degree of responsibility accepted by the attorney-at-law;
 - (g) the care, speed, and economy with which the matter was prepared; and
 - (h) the novelty, weight, and complexity of the matter.

- (4) In the case of costs charged by an attorney-at-law to their 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) An attorney at law who claims costs pursuant to sub-Rules (2) and (4) may apply to the Registrar to assess those costs by filing and serving on the client a bill of costs containing sufficient detail to justify the amount claimed including the basis of the claim.
- (6) The bill of costs shall notify the client of the need to serve within twenty-one (21) days of service of the bill of costs, points of dispute stating what items the client disputes, the reasons for disputing and the amount that the client considers should be allowed on the assessment.
- (7) Where the client serves points of dispute the Registrar shall notify the attorney-at-law and the client of the hearing to assess the bill of costs. If the client fails to serve points of dispute within the time stipulated in sub-Rule (6) above the Registrar may proceed with the assessment without hearing the client.
- (8) The Registrar on assessment of costs payable by the client may not generally allow an attorney-at-law less than the rates set out in Schedule 2.

17.11 Ways in which costs are quantified

In all cases where, having regard to rule 17.4, the Court orders a party to pay all or any part of the costs of another party, the costs are to be quantified on a summary assessment under Rule 17.13 or Rule 17.14 or as standard costs in accordance with Rule 17.15.

17.12 Procedure for quantifying costs

- (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 17.14; or
 - (b) make an order for standard costs to be certified by the Registrar,unless any Rule, practice direction or enactment provides otherwise.
- (2) On making any order for costs, the Court may order that the paying party pay a specified sum on account of costs by such date as the Court may order.

17.13 Assessed costs – interim and special leave applications

- (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 17.14; 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 17.4 (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 9.12,the Court shall order the applicant to pay the costs of the respondent unless there are special circumstances.
- (4) Where the application is for special leave to appeal and that application is granted or treated as the hearing of the appeal, the costs shall be included in the costs of the appeal. Where the application is refused, costs shall be calculated at one tenth of the percentage stated in Schedule 2, unless the Court otherwise orders.

17.14 Summary assessment of costs

- (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 rate of standard costs set out in Schedule 2.

17.15 Standard costs

- (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 shall be entitled to recover standard costs to be determined in accordance with Schedule 2 and paragraphs (2) to (3) of this rule.
- (2) The general rule is that the amount of costs to be paid is to be calculated in accordance with the percentages specified in Schedule 2 against the appropriate value.
- (3) The 'value' of an appeal shall, in the case of the appellant or respondent—
 - (a) be the amount agreed or ordered to be paid or stipulated by the Court as the value of the appeal; or
 - (b) if the appeal is not for a monetary sum, be \$150,000, unless a party had previously applied under 17.16(a) for the value to be determined.

17.16 Application to value appeal

A party may apply to the Court at any time before the hearing of an appeal –

- (a) to determine the value of an appeal which has no monetary value; or
- (b) where the value or likely value is known, to direct that the standard costs be calculated on the basis of some higher or lower value.

17.17 What is included in standard costs

Standard costs include all work that is required to prepare the appeal for hearing including normal disbursements but does not include value added tax and travel and accommodation costs of attending a hearing.

17.18 Certificate of costs

- (1) A receiving party may file a certificate of costs certifying how such costs are payable and serve the certificate on the paying party.
- (2) 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 and reasonable travel and accommodation costs of attending the hearing.
- (3) 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.

- (4) The Registrar may direct that the receiving and paying parties make representations to or attend before the Registrar, in which case the certificate of costs may not be enforced until confirmed or amended by the Registrar.
- (5) The Registrar shall sign the certificate when satisfied that the certificate includes only such items as are appropriate.

17.19 Time for complying with an order for costs

A party shall comply with an order for 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 17.15, the date of the certificate which states the amount.

17.20 Currency of payment

- (1) All fees to be paid to the Court shall be paid in the currency of the Contracting Party from which the application or appeal originated or in the currency specified in Schedule 1.
- (2) All fees to be paid by one party to another shall be paid in the currency of the Contracting Party from which the application or appeal originated or in the currency specified in Schedule 2.
- (3) Any sum due from the cashier of the Court shall be paid in the currency of the Contracting Party in which the Seat of the Court is located or in the currency specified in Schedule 1.
- (4) Conversions of currency shall be made at the market exchange rate prevailing on the day of payment in the Contracting Party from which the application or appeal originated.

17.21 Appeals against assessment or certification of costs

- (1) A party aggrieved by a decision of the Registrar in assessing or certifying costs may appeal to the Court.
- (2) Such an appeal may be heard by a single Judge nominated by the President, whose decision shall be final.

17.22 Appeal procedure

- (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 assessment 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 assessment at least fourteen (14) days before the hearing of the appeal.

17.23 Powers of the Court on appeal

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 18 PRACTICE DIRECTIONS

Contents of this Part

Issuance of practice directions	Rule 18.1
Effective date of practice directions	Rule 18.2
Effective revocation of earlier practice directions	Rule 18.3
Publication of practice directions	Rule 18.4

18.1 Issuance of practice directions

- (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.

18.2 Effective date of practice directions

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

18.3 Effective revocation of earlier practice directions⁶⁷

Where a subsequent Rule or practice direction affects an earlier practice direction, the subsequent Rule or practice direction shall prevail.

18.4 Publication of practice directions

- (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 the Contracting Parties whose final appeals are heard by the Court, for circulation within the relevant jurisdiction.
- (2) The Registrar shall also endeavour to have practice directions published in the Gazettes of all Contracting Parties whose final appeals are heard by the Court.

⁶⁷ Inserted on 11 October 2021.

PART 19
TRANSITIONAL

Contents of this Part

Appeals in existence at the commencement date	Rule 19.1
Appeals from judgments already delivered	Rule 19.2

19.1 Appeals in existence at the commencement date

- (1) Unless the Court directs otherwise, these Rules shall apply to all applications, appeals and other proceedings in existence at the commencement date of these Rules.
- (2) In this Part, “commencement date” means the date on which these Rules come into force.

19.2 Appeals from judgments already delivered⁶⁸

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 be computed in accordance with these Rules.

⁶⁸ Amended on 11 October 2021 by removal of the previous paragraph (2).

*Made by the President in consultation with six Judges of the Caribbean Court of Justice
this 11th day of October 2021.*

/sg/ A Saunders

*The Honourable Mr Justice A Saunders
President*

/sg/ J Wit

*The Honourable Mr Justice J Wit
Judge*

/sg/ W Anderson

*The Honourable Mr Justice W Anderson
Judge*

/sg/ M Rajnauth-Lee

*The Honourable Mme Justice M Rajnauth-Lee
Judge*

/sg/ D Barrow

*The Honourable Mr Justice D Barrow
Judge*

/sg/ A Burgess

*The Honourable Mr Justice A Burgess
Judge*

/sg/ P Jamadar

*The Honourable Mr Justice P Jamadar
Judge*

**SCHEDULE 1
COURT FEES⁶⁹**

Table 1: The following are the fees payable for the types of matters identified:

Application/Appeal Type	Description	Fee/USD
Special Leave Application	–	250
Grade C Appeal	Less than 1000 pages	250
Grade B Appeal	1000 – 2000 pages	750
Grade A Appeal	More than 2000 pages	1200

NOTE:

1. The Fees in *Table 1* are the **TOTAL** fees payable for each of the matters identified. No fees will be required for the filing of individual documents.
2. Special Leave Applications shall be treated as discrete matters.
3. For Appeals –
 - (a) the Grade is assigned solely on the basis of the **total number of pages** filed in the case when the matter is determined to be fit for hearing (hereafter the “Fee Determination Stage”);
 - (b) the Appellant is initially required to pay the amount identified for a Grade C Appeal;
 - (c) if the matter is determined to be a Grade C Appeal at the Fee Determination Stage, no further fee shall be payable;
 - (d) if the matter is determined to be a Grade B or a Grade A Appeal at the Fee Determination Stage, the relevant difference in fees shall immediately become payable;
4. Where there are multiple Applicants or Appellants, the fees payable will be billed to the first-named party.
5. An Applicant may apply for a waiver of the fees payable pursuant to Rule 10.18.
6. **NO FEE** shall be payable in an application for special leave or appeal **in a criminal matter**.

Table 2: The following are other fees payable for the provision of the service identified:

Service	Fee/USD
Inspection of the record	20
Certification of any document as an office copy	20
Provision of certificate of funds in Court	15
Provision of a photographic copy of a page of any document whether or not issued as an office copy	1
Perusal and allowance by a Judge, Registrar or Deputy Registrar of a bond	100
Scan of a page of any document whether any other fees apply	3

⁶⁹ Amended on 11 October 2021.

SCHEDULE 2
FEES PAYABLE TO A PARTY IN AN APPEAL⁷⁰

Value of Claim (USD)	Percentage
Not exceeding \$300,000	15%
Exceeding \$300,000 but not exceeding \$500,000	12.5%
Exceeding \$500,000 but not exceeding \$750,000	7.5%
Exceeding \$750,000 but not exceeding \$1,000,000	5%
Exceeding \$1,000,000 but not exceeding \$2,500,000	2%
Exceeding \$2,500,000 but not exceeding \$5m	0.5%
Exceeding \$5,000,000	0.25%

NOTE: The above Schedule is best understood in relation to the following example.

Example

Claim for \$5,000,000	
First \$300,000	\$45,000
Next \$200,000	\$25,000
Next \$250,000	\$18,750
Next \$250,000	\$12,500
Next \$1,500,000	\$ 30,000
Next \$2,500,000	\$12,500
Total	\$143,750

⁷⁰ Amended on 11 October 2021.

SCHEDULE 3
NET WORTH QUALIFICATION FOR WAIVER OF FEES/SECURITY FOR COSTS⁷¹

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

⁷¹ Amended on 11 October 2021.

SCHEDULE 4
LIMIT ON SECURITY FOR COSTS⁷²

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\$7,500.00	
Belize	BZ\$7,500.00	
Dominica	EC\$7,500.00	
Grenada	EC\$	
Guyana	GY\$500,000.00	
Jamaica	JM\$	
Saint Kitts and Nevis	EC\$	
Saint Lucia	EC\$	
Saint Vincent and the Grenadines	EC\$	
Suriname	SR\$	
Trinidad and Tobago	TT\$	

⁷² Amended on 11 October 2021.

SCHEDULE 5⁷³
FORMS

FORM 1
Notice of Application – Rule 9.1(1)

Filing Attorney(s): xxxxxx
Bar No;
Address:
Telephone #;
Email address:

Advocate: xxxxxx
Bar No;
Address:
Telephone #;
Email address:

IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction

On Appeal from the Court of Appeal of (**Country/Jurisdiction**)

CCJ Application/Appeal No.

Between

XXXXX

Applicant(s)/Appellant(s)

And

YYYY

Respondent(s)

NOTICE OF APPLICATION

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

A draft of the order that I seek is attached.

The grounds of the application are –

⁷³ Amended on 11 October 2021.

- 1.
- 2.

Dated the xxx 20xx (mm/dd/yy)

.....
Attorney-at-Law's Signature
Attorney-at-Law for the xxxx (Applicant(s)/Appellant(s)/Respondent(s))

This Notice was electronically filed at the Caribbean Court of Justice e-filing portal by **xxxx** (Attorney-at-Law's Name) in association with **xxxxxx** (Attorney-at-Law's name(s)) of **xxxx** (Address) on behalf of the **xxxxx**(Applicant(s)/Appellant(s)/Respondent(s) whose address for service is **xxxx** (Address). Service may also be effected by email address to **xxxx**

- N.B. 1. 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.**
- 2. Affidavit in Opposition should be filed by the Respondent within fourteen days of service of the Notice of application**

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

To: *The Registrar of The Caribbean Court of Justice*
And To: *The Registrar of the Supreme Court (Jurisdiction of the Court of Origin)*
And To: *(Applicant(s)/Appellant(s)/ Respondent(s) Attorney(s)-at-Law (where applicable)*

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-623-2225, 624-2256. Email address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court's e-filing portal which can be accessed at <http://www.ccj.org/e-filing-portal>.

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(s): xxxxxx
Bar No;
Address:
Telephone #;
Email address:

Advocate: xxxxxx
Bar No;
Address:
Telephone #;
Email address:

IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction

On Appeal from the Court of Appeal of (**Country/Jurisdiction**)

CCJ Application/Appeal No.

Between

XXXXX *Appellant(s)*

And

YYYY *Respondent(s)*

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 xxx 20xx (mm/dd/yy)

.....
Attorney-at-Law's Signature

Attorney-at-Law for the xxx (Applicant(s)/Appellant(s)/Respondent(s))

This Notice was electronically filed at the Caribbean Court of Justice e-filing portal by **xxxx** (Attorney-at-Law's Name) in association with **xxxxx** (Attorney-at-Law's name(s)) of **xxxx** (Address) on behalf of the xxxxx(Applicant(s)/Appellant(s)/Respondent(s) whose address for service is **xxxx** (Address). Service may also be effected by email address to **xxxx**

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).

To: *The Registrar of The Caribbean Court of Justice*
And To: *The Registrar of the Supreme Court (Jurisdiction of the Court of Origin)*
And To: *(Applicant(s)/Appellant(s)/ Respondent(s) Attorney(s)-at-Law (where applicable)*

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-623-2225, 624-2256. Email address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court's e-filing portal which can be accessed at <http://www.ccj.org/e-filing-portal>.

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

FORM 2A
Certificate of Compliance – Rule 10.10(1)

[Heading of Matter]

[No. of Matter]

Between

XXXXX *Applicant(s)*

And

YYYY *Respondent(s)*

CERTIFICATE OF COMPLIANCE

WHEREAS by an order of the Court of Appeal made on the day of,
.... ('the said order'), the Applicant 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) the Applicant provide within days security for costs in the sum of \$....., and
- (b) the Applicant provide to the Registrar within days a list of the documents which
the Applicant proposes should be included in the record of appeal

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

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

Dated the xxx 20xx (mm/dd/yy)

.....

Attorney-at-Law's Signature

Attorney-at-Law for the xxxx (Applicant(s)/Appellant(s)/Respondent(s))

To: *The Registrar of The Caribbean Court of Justice*

And To: *The Applicant*
(address for service of the Applicant)

And To: *The Respondent*
(address for service of the Respondent)

FORM 2B
Certificate of Non-Compliance – Rule 10.11(1)

[Heading of Matter]

[No. of Matter]

Between

XXXXX *Applicant(s)*

And

YYYY *Respondent(s)*

CERTIFICATE OF NON-COMPLIANCE

WHEREAS by an order of the Court of Appeal made on the day of,
.... ('the said order'), the Applicant 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) the Applicant provide within days security for costs in the sum of \$....., and
- (b) the Applicant provide to the Registrar within days a list of the documents which
the Applicant proposes should be included in the record of appeal

AND WHEREAS the Applicant has not within the time prescribed provided the said security
for costs and/or the said list of documents in accordance with the said order
I HEREBY CERTIFY that the Applicant has failed to comply with the conditions on which
the Applicant was granted leave to appeal to the Caribbean Court of Justice.

Dated the xxx 20xx (mm/dd/yy)

.....
Attorney-at-Law's Signature
Attorney-at-Law for the xxxx (Applicant(s)/Appellant(s)/Respondent(s))

To: *The Registrar of The Caribbean Court of Justice*
And To: *The Applicant*
(address for service of the Applicant)
And To: *The Respondent*
(address for service of the Respondent)

FORM 3
Acknowledgement of Service – Rule 12.1

(Heading as in Form 2)

ACKNOWLEDGEMENT OF SERVICE

I/We hereby acknowledge service and enter appearance on behalf of CD the Respondent in the above appeal.

Dated the xxx 20xx (mm/dd/yy)

.....
Attorney-at-Law's Signature

Attorney-at-Law for the xxxx (Applicant(s)/Appellant(s)/Respondent(s))

This acknowledgement of service was electronically filed at the Caribbean Court of Justice e-filing portal by **xxxx** (Attorney-at-Law's Name) in association with **xxxxx** (Attorney-at-Law's name(s)) of **xxxx** (Address) on behalf of the **xxxxx**(Applicant(s)/Appellant(s)/Respondent(s) whose address for service is **xxxx** (Address). Service may also be effected by email address to **xxxx**

To: *The Registrar of The Caribbean Court of Justice*
And To: *The Registrar of the Supreme Court (Jurisdiction of the Court of Origin)*
And To: *(Applicant(s)/Appellant(s)/ Respondent(s) Attorney(s)-at-Law (where applicable)*

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-623-2225, 624-2256. Email address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court's e-filing portal which can be accessed at <http://www.ccj.org/e-filing-portal>.

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

FORM 4
Default Costs Certificate – Rule 17.24(1)(b)

(Heading as in Form 2)

DEFAULT COSTS CERTIFICATE

The [Appellant] [Respondent] not having filed points of dispute, is hereby ordered to pay costs in the sum of to the [Appellant] [Respondent].

This amount must be paid to the [Appellant] [Respondent] [within 14 days from the date of this order] or on or before [].

The date from which any entitlement to interest under this certificate commences is [].

Dated the xxx 20xx (mm/dd/yy)

.....
Registrar
Caribbean Court of Justice

To: *The [Applicant(s)/Appellant(s)/Respondent(s)]*
 [Name and address of the Attorney(s)-at-Law for the paying party]

Take Notice that if you do not pay in accordance with this order enforcement proceedings may be taken against you.

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-623-2225, 624-2256. Email address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court’s e-filing portal which can be accessed at <http://www.ccj.org/e-filing-portal>.

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

FORM 5
Interim Costs Certificate – Rule 17.27(1)(a)

(Heading as in Form 2)

INTERIM COSTS CERTIFICATE

The [Appellant] [Respondent] is hereby ordered to pay costs in the sum of
to the [Appellant] [Respondent].

This amount must be paid to the [Appellant] [Respondent] [within 14 days from the date of
this order] or on or before [].

The date from which any entitlement to interest under this certificate commences is [].

Dated the xxx 20xx (mm/dd/yy)

.....
Registrar
Caribbean Court of Justice

To: *The [Applicant(s)/Appellant(s)/Respondent(s)]*
 [Name and address of the Attorney(s)-at-Law for the paying party]

**Take Notice that if you do not pay in accordance with this order enforcement
proceedings may be taken against you.**

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and
Tobago Telephone Voice: 868-623-2225, 624-2256. Email address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court’s e-filing portal which can
be accessed at <http://www.ccj.org/e-filing-portal>.

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

FORM 6
Final Costs Certificate – Rule 17.28(1)

(Heading as in Form 2)

FINAL COSTS CERTIFICATE

I HEREBY certify that on the day of 20...., costs were quantified in the sum of and the [Appellant] [Respondent] is hereby ordered to pay that sum to the [Appellant] [Respondent].

The date from which any entitlement to interest under this certificate commences is [].

Dated the xxx 20xx (mm/dd/yy)

.....
Registrar
Caribbean Court of Justice

To: *The [Applicant(s)/Appellant(s)/Respondent(s)]*
 [Name and address of the Attorney(s)-at-Law for the paying party]

Take Notice that if you do not pay in accordance with this order enforcement proceedings may be taken against you.

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-623-2225, 624-2256. Email address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court’s e-filing portal which can be accessed at <http://www.ccj.org/e-filing-portal>.

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

FORM 7⁷⁴
Notice of Appointment – Rule 4.6(a)

Filing Attorney(s): xxxxxx
Bar No;
Address:
Telephone #:
Email address:

IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction

On Appeal from the Court of Appeal of (**Country/Jurisdiction**)

CCJ Application/Appeal No.

Between

XXXXX

Applicant(s)/Appellant(s)

And

YYYY

Respondent(s)

NOTICE OF APPOINTMENT

TAKE NOTICE that xxx has/have been authorised to act on behalf of xxxx in this Application/Appeal.

Dated the xxx 20xx (mm/dd/yy)

.....
Attorney-at-Law's Signature

Attorney-at-Law for the xxxx (Applicant(s)/Appellant(s)/Respondent(s))

This Notice was electronically filed at the Caribbean Court of Justice e-filing portal by **xxxx** (Attorney-at-Law's Name) in association with **xxxxxx** (Attorney-at-Law's name(s)) of **xxxxx** (Address) on behalf of the xxxxx(Applicant(s)/Appellant(s)/Respondent(s) whose address for service is **xxxxx** (Address). Service may also be effected by email address to **xxxxx**

⁷⁴ Inserted on 11 October 2021.

To: *The Registrar of The Caribbean Court of Justice*
And To: *The Registrar of the Supreme Court (Jurisdiction of the Court of Origin)*
And To: *(Applicant(s)/Appellant(s)/ Respondent(s) Attorney(s)-at-Law (where applicable)*

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-623-2225, 624-2256. Email address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court's e-filing portal which can be accessed at <http://www.ccj.org/e-filing-portal>.

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

FORM 8
Notice of Withdrawal – Rule 9.11(1)/Rule 16.1⁷⁵

Filing Attorney(s): xxxxxx
Bar No;
Address:
Telephone #;
Email address:

IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction

On Appeal from the Court of Appeal of (**Country/Jurisdiction**)

CCJ Application/Appeal No.

Between

XXXXX

Applicant(s)/Appellant(s)

And

YYYY

Respondent(s)

NOTICE OF WITHDRAWAL

TAKE NOTICE that the Applicant(s)/Appellant(s)/Respondent(s) has/have instructed me to withdraw the application/appeal at caption.

Dated the xxx 20xx (mm/dd/yy)

.....
Attorney-at-Law's Signature
Attorney-at-Law for the xxxx (Applicant(s)/Appellant(s)/Respondent(s))

*This Notice was electronically filed at the Caribbean Court of Justice e-filing portal by **xxxx** (Attorney-at-Law's Name) in association with **xxxxx** (Attorney-at-Law's name(s)) of **xxxx***

⁷⁵ Inserted on 11 October 2021.

(Address) on behalf of the xxxxx(Applicant(s)/Appellant(s)/Respondent(s) whose address for service is xxxx (Address) Service may also be effected by email to xxxx

To: *The Registrar of The Caribbean Court of Justice*
And To: *The Registrar of the Supreme Court (Jurisdiction of the Court of Origin)*
And To: *(Applicant(s)/Appellant(s)/ Respondent(s) Attorney(s)-at-Law (where applicable)*

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-623-2225, 624-2256. Email address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court's e-filing portal which can be accessed at <http://www.ccj.org/e-filing-portal>.

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

FORM 9
Notice of Withdrawal – Rule 21.12⁷⁶

Filing Attorney(s): xxxxxx
Bar No;
Address:
Telephone #;
Email address:

IN THE CARIBBEAN COURT OF JUSTICE
Original Jurisdiction

CCJ Application No.

Between

XXXXX

Applicant(s)/Claimant(s)

And

YYYY

Respondent(s)/Defendant(s)
Intervener(s)/Third Party

NOTICE OF WITHDRAWAL

TAKE NOTICE that the Applicant(s)/Respondent(s) or Claimant(s)/Defendant(s) /Intervener(s) has/have instructed me to withdraw the application at caption.

Dated the xxx 20xx (mm/dd/yy)

.....
Attorney-at-Law's Signature
Attorney-at-Law for the xxxx (Applicant(s)/Respondent(s))
(Defendant(s)/Intervener(s))

*This Notice was electronically filed at the Caribbean Court of Justice e-filing portal by **xxxx** (Attorney-at-Law's Name) in association with **xxxxx** (Attorney-at-Law's name(s)) of **xxxx**(Address) on behalf of the xxxxx(Applicant(s)/Respondent(s))/(Defendant(s)/Intervener(s))*

⁷⁶ Inserted on 11 October 2021.

whose address for service is **xxxx** (Address) Service may also be effected by facsimile number (optional) **xxxx** or email address to **xxxx**

To: *The Registrar of The Caribbean Court of Justice*
And To: *The Registrar of the Supreme Court (Jurisdiction of the Court of Origin)*
And To: *(Applicant(s)/Claimant(s)/ Respondent(s)/Defendant(s)/Intervener(s)
Attorney(s)-at-Law (where applicable)*

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-623-2225, 624-2256. Email address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court's e-filing portal which can be accessed at <http://www.ccj.org/e-filing-portal>.

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

PRACTICE DIRECTION NO 1 OF 2021
CITATION OF JUDGMENTS AND REPORTED CASES
(Re-Issue)

This Practice Direction concerns:

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

The Practice Direction on the Citation of Judgments and Reported Cases issued on 14 March 2007 is revoked and replaced by this Practice Direction.

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 of the parties or case title, as appropriate, (in italics) 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)’; and
 - (f) for judgments in the appellate jurisdiction, the ‘(AJ)’ shall be followed by a 2-letter abbreviation, both uppercase, of the State from which the case originated (that is, the international alpha-2 country code).

The following are illustrations of the results of applying the above directions to imaginary cases, the first an original jurisdiction judgment and the second an appellate jurisdiction judgment from Belize –

- (i) *The State of X v The Caribbean Community* [2020] CCJ 21 (OJ)
- (ii) *Smith v Jones* [2021] CCJ 28 (AJ) BZ

2. When citing a judgment delivered by the Court in the appellate jurisdiction prior to 14 May 2020, include the country code in round brackets after ‘AJ’.
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. 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 cases used above by way of illustration, would read:

(i) *The State of X v The Caribbean Community* [2020] CCJ 21 (OJ) at [20] – [25]

(ii) *Smith v Jones* [2021] CCJ 28 (AJ) BZ 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):
 - (a) The official Law Reports.
 - (b) The recognised law reports of the jurisdiction in which the case was decided.
 - (c) The Law Reports of the Commonwealth.
 - (d) The Weekly Law Reports.
 - (e) The All England Reports and
 - (f) 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 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2021 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2021 on 11 October 2021.

Adrian Saunders

President

PRACTICE DIRECTION NO 2 OF 2021
CONDUCT OF ONLINE HEARINGS

This Practice Direction is made in support of the Court’s powers of case management under Rules 8(2)(f), (g) and (n) and 8.1(o) and (aa) of the Caribbean Court of Justice (Appellate Jurisdiction) Rules and the Caribbean Court of Justice (Original Jurisdiction) Rules, respectively, and it concerns:

- I. the circumstances in which the Court will conduct online hearings; and
- II. requirements of parties participating in online hearings.

For the purpose of this Practice Direction,

A hearing includes:

1. hearing of an appeal or application;
2. a case management conference;
3. delivery of a judgment.

Parties include:

1. attorneys-at law;
2. litigants;
3. witnesses; and
4. other persons required or specifically allowed to attend a hearing.

I. PROVISIONS FOR ONLINE HEARINGS

1. The need for an online hearing may arise where one or more of the parties is unable to attend the hearing at the Seat of the Court owing to –
 - (a) a public health, safety or security situation; or
 - (b) the urgency of the matter; or
 - (c) some other circumstance.

2. Where the Court determines that an online hearing is necessary –
 - (a) the Registrar shall notify the parties and ensure that the necessary arrangements are made for the parties to be able to attend the hearing; and
 - (b) the Court may permit one or more parties to physically attend the hearing at the Seat of the Court, in which case the Registrar shall also ensure that the necessary arrangements are made.

II. REQUIREMENTS OF PARTIES

Where the Court holds an online hearing, there are several protocols that parties are required to observe. Each party should:

5. Choose an appropriate location, that –
 - (a) is well-lit and without any disturbing lighting effects so that the person speaking can clearly be seen; and
 - (b) has a work-appropriate background (preferably plain), that should not be untidy or distracting.
6. Test the camera and microphone prior to the hearing. Each party is encouraged to conduct their own self-test, but where possible the Court will arrange a test for the parties, in which case parties are required to attend.
7. Frame the camera so that the face of the person speaking is fully captured in the video.
8. Wear appropriate clothing, suitable for court appearances. It is not advisable for a person to only wear a suitable top, as they may have cause to stand suddenly.
9. Be present. If a party is unable to attend, that party shall give advance notice to the Court and shall make arrangements for alternative representation, where appropriate.
10. Be punctual. Parties are required to log in at least fifteen (15) minutes before the time at which the hearing is scheduled to begin, which will also allow for any connectivity or other issues to be addressed in a timely fashion.
11. Reduce or eliminate background noises, including turning off music or videos, silencing cellphone sounds and otherwise ensuring as quiet an environment as possible so that their contributions can be clear.
12. Mute their microphone when not speaking, to avoid sounds from their microphones interrupting other speakers.
13. Remember that their camera is on, to avoid distractions and embarrassment.
14. Identify themselves by name when speaking, at least initially, especially if the device they are using does not have a camera.

15. Avoid cross-talking or interruption of other speakers, to allow for proper and effective communication.

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 2021 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2021 on 11 October 2021.

Adrian Saunders

President