

Caribbean Court of Justice

Cap. 117.

**CARIBBEAN COURT OF JUSTICE
(APPELLATE JURISDICTION) RULES, 2005**

2005/76.

Authority: These Rules were made on 17th June, 2005 by the President in consultation with 5 Judges of the Caribbean Court of Justice pursuant to section 26(1) of the *Caribbean Court of Justice Act*, Cap. 117 and under Article XXV of the Agreement Establishing the Caribbean Court of Justice.

Commencement: 24th June, 2005

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PART 1**CITATION, INTERPRETATION AND APPLICATION***Citation and Commencement*

- 1.1 (1) These Rules may be cited as the *Caribbean Court of Justice (Appellate Jurisdiction) Rules, 2005*.
- (2) These Rules shall come into force on the 24th June 2005.

Interpretation

- 1.2 (1) In these Rules, unless the context otherwise requires –

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

"appeal" means an appeal to the Court;

"appellant" means the party appealing from a judgment of the court below;

"applicant" means a person applying to the Court for an order or directions under Part 9;

"attorney-at-law" means an attorney-at-law, a legal practitioner or advocate duly admitted to practise law in the courts of a Contracting Party;

"Community" means the Caribbean Community including the CARICOM Single Market and Economy;

"Contracting Party" has the meaning assigned to it by Article I of the Agreement;

"Court" means the Caribbean Court of Justice in the exercise of its appellate jurisdiction as set out in Part III of the Agreement;

"court below" means the court of a Contracting Party from which an appeal is brought to the Court;

"Deputy Registrar" means a person appointed to, and serving in, the post of Deputy Registrar of the Court but does not include a proper officer;

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

"enactment", in relation to appeals from a Contracting Party, means a written law of that Contracting Party;

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

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

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

"Headquarters Agreement" means the Agreement establishing the Seat of the Caribbean Court of Justice and the Offices of the Regional Judicial and Legal Services Commission made between the Government of Trinidad and Tobago and the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission;

"Judge" means a Judge of the Court and includes the President;

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

"overriding objective" means the objective set out in rule 1.3;

"party" means any party to an appeal;

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

"President" means the President of the Court;

"proper officer" means the Registrar of the court below;

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

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

"Registry" means the Registry of the Court;

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

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

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

"sub-Registry" means the Registry or court office of a Contracting Party designated by the President or an enactment, as a sub-Registry of the Court.

Overriding objective

- 1.3 The overriding objective of these Rules is to enable the Court to deal with cases fairly and expeditiously so as to ensure a just result.

Application of rules

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

PART 2

ORGANISATION OF COURT AND REGISTRY

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Seniority of Judges

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

Composition and powers of the Court

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

Powers of the President

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

Register of Appeals

- 2.4 (1) There shall be a register of appeals under the control of the Registrar in which a note shall be made of -
- (a) the filing of an application for special leave to appeal (where applicable);
 - (b) the filing of the notice of appeal and any supporting documents;
 - (c) the making of any interlocutory order;
 - (d) the receipt of the record of appeal;
 - (e) the delivery of judgment by the Court; and
 - (f) the filing of all other documents in each appeal.
- (2) The register of appeals may be kept in electronic form.
- (3) When a document has been filed, the Registrar shall endorse a note to that effect on the original and, if a party so requests, on any copy submitted for the purpose.

- (4) Entries in the register shall in the absence of evidence to the contrary, be accepted as proof of the events which they purport to record.
- (5) Rules for keeping the register shall be included in the instructions to the Registrar referred to in rule 2.3(2).
- (6) A party to an appeal may on payment of the appropriate fee obtain from the Registrar a copy of or an excerpt from the register in so far as it relates to that appeal.

Right to inspect documents

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

Fees

- 2.6 (1) The fees payable under these Rules shall be those stipulated in Schedule 1 and the fees specified in columns 2, 3 and 4 of Schedule 1 shall be payable in respect of the matters set out in column 1 of the Schedule.

- (2) The Registrar may, with the approval of the President, amend Schedule 1 from time to time.

Powers and duties of the Registrar

- 2.7 (1) The Registrar shall be responsible for -
- (a) the acceptance, transmission and custody of documents in court matters;
 - (b) keeping the register referred to in rule 2.4(1);
 - (c) having custody of the Seal and stamps of the Court and of the archives of the Court relating to appeals to the Court;
 - (d) stamping all documents, and affixing the official Seal of the Court to all notices of appeal filed at the Registry and to all judgments of the Court;
 - (e) maintaining indexes of all the notices of appeals filed;
 - (f) keeping, in such form as may be prescribed by the President, a list of all appeals entered and numbered in the order in which the relevant notices of appeal were filed;
 - (g) making arrangements for such interpretations or verification of translations into the Court's official language as the Court may require in connection with proceedings before the Court;
 - (h) signing all orders of the Court;
 - (i) the publication of the Court's judgments, and such other documents as the Court or these Rules may present;
 - (j) responding to inquiries concerning the Court and its work;
 - (k) performing the functions of taxing master;

- ### **Powers and duties of proper officers**

- 2.8 (1) Proper officers shall have the power and duty to –
- (a) receive, indorse, stamp and seal documents presented for filing;
 - (b) receive fees payable to the Court;
 - (c) forward immediately to the Registrar by electronic means all documents filed;

- (d) forward to the Registrar as soon as possible the original of all documents filed in the sub-Registry, together with a certificate of the receipt thereof;
- (e) keep records of all documents forwarded to the Registrar;
- (f) publish notices and other information on the direction of the Registrar;
- (g) transmit all fees received to the Registrar in a timely manner;
- (h) notify the Registrar by electronic means in a timely manner when service of a document has been effected;
- (i) liaise with the Registrar in making arrangements for the Court to sit in the territory of a Contracting Party;
- (j) provide the Registrar from time to time with a list of attorneys-at-law admitted to practice in the courts of the local jurisdiction and [to] inform the Registrar in a timely manner of the death or disqualification from practice by disbarment, suspension or otherwise, of any attorney-at-law who was prior thereto entitled to practice in the courts of the local jurisdiction;
- (k) assist with protocol, travel and other arrangements for the Court and its officers;
- (l) assist in the enforcement of judgments of the Court;
- (m) verify and, where necessary, certify the signatures of the Registrar, Deputy Registrars and other proper officers, and
- (n) do such other acts as may be reasonably required to facilitate the exercise by the Court of its appellate jurisdiction.

- (2) In this rule the expression “the local jurisdiction” means the jurisdiction of the superior court of which the proper officer is the Registrar.

PART 3

SITTINGS OF THE COURT

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Sittings of the Court

- 3.1 (1) General sittings of the Court shall be held at such times and in such places as the President may direct.
- (2) Where the President considers it necessary, he may direct that sittings of the Court (to be known as special sittings) be held at any time of the year other than during a general sitting.
- (3) The Court may sit in a Contracting Party other than that in which the Court has its Seat.
- (4) Notice of each sitting of the Court shall be published by the Registrar on the Court’s website and—
- (a) in the case of general sittings, in at least one local newspaper of general circulation at least two weeks before the date appointed for the commencement of the sitting; and

- (b) in the case of special sittings, by any public medium at least twenty-four hours before the time appointed for the commencement of the sitting, unless the urgency of the case prevents such publication of the notice (in which case a shorter notice shall be deemed to satisfy the requirement of this sub-rule),

in the Contracting Parties which have accepted the appellate jurisdiction of the Court and in the Contracting Party in which the Seat of the Court is located.

- (5) The Registrar shall also make every effort to have notice of every sitting published in the Gazette of the Contracting Parties which have accepted the appellate jurisdiction of the Court and in the Contracting Party in which the Seat of the Court is located.
- (6) Except in cases of emergency, the Court shall not sit –
 - (a) on Saturdays and Sundays;
 - (b) in the territory of a Contracting Party on any day that is a public holiday in that territory; or
 - (c) on such other days as the President may direct.

Terms

3.2 The Court shall have three terms as follows: -

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

Hearings in vacations

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

PART 4

REPRESENTATION

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Representation

- 4.1 (1) In all proceedings before the Court a party shall have an attorney-at-law on the record.
- (2) A party may appear at any hearing in person or by an attorney-at-law.

Rights of attorneys-at-law

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

Proof of status

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

Grant of privileges and immunities in the interest of proceedings

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

Exclusion of attorneys-at-law for misconduct

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

Change of attorney-at-law

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

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

4.7 (1) Where –

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

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

(2) An application under this rule shall be –

- (a) supported by evidence on affidavit; and
- (b) served on the attorney-at-law if practicable and personally on his client.

(3) An order made pursuant to sub-rule (1) shall be served by the applicant on the attorney-at-law in question if practicable and personally on his client.

(4) Upon service of the order in accordance with sub-rule (3), the applicant shall file an affidavit of service of the order.

(5) An order made under sub-rule (1) in respect of an attorney-at-law shall not affect the validity of any step taken in the proceedings by that attorney-at-law before the order was served in accordance with that sub-rule.

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

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

Effective time of notice or order

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

Notice of disbarment

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

PART 5**DOCUMENTS, TIME***Contents of this Part*

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Court to state calendar date

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

Computation of time

- 5.2 (1) For the purpose of this rule “Registry” means the registry at the Seat of the Court.
- (2) 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.
- (3) A period of time expressed as a number of days shall be computed as clear days.

5.3 (1) Any time-limit prescribed under these Rules may be extended.

(2) No right shall be prejudiced in consequence of the expiry of a time-limit if the party in default proves that his default was due to the existence of unforeseeable circumstances.

Documents

- 5.4 (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 inch (2.5cm) must be left at the top and bottom and of 1.5 inches (3.5cm) at the left side and 1 inch (2.5cm) at the right side.
- (2) Where a document is required to be signed, the full name of the signatory shall be set out legibly below the signature.
- (3) The President may by practice direction –
- (a) require any document filed or to be used at Court to be in such a format as he may prescribe to facilitate electronic recording or filing of that document;
 - (b) prescribe the conditions under which documents may be served or filed electronically; and
 - (c) provide for documents to be sealed or signed by electronic means.
- (4) Every document to be filed shall –
- (a) be headed with the
 - (i) full title of the proceedings; and
 - (ii) title of the document;
 - (b) state the
 - (i) name;
 - (ii) bar number or other means of identification (if any);
 - (iii) business address;
 - (iv) telephone number;

- (v) fax number, and
- (vi) e-mail address, (if any)
of the person filing it;
- (c) contain its date;
- (d) except in the case of an affidavit, be signed by the
person filing; or
- (e) in the case of internet filing, carry an electronic
signature.

Forms

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

Sealing of documents issued by the Court

- 5.6 (1) The following documents are required to be sealed with the Seal of the Court on issue –
- (a) notice of appeal; and
 - (b) judgments, orders and directions of the Court.

- (2) The Court may place the Seal on a document by –
- (a) hand, or
 - (b) printing a facsimile of the Seal on the document electronically or by any other means.
- (3) All judgments and directions of the Court shall be signed by the Registrar.
- (4) A document purporting to bear the Seal of the Court shall be admissible in evidence without further proof.

PART 6

FILING AND SERVICE

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Submission and filing of documents

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

Filing by facsimile

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

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

Internet filing

- 6.3 (1) A party may file a document through the internet by accessing the Court's website, on which a link to the Court's e-filing system is displayed.
- (2) In order to utilise this method of filing, an attorney-at-law must first register with the Court through its website for this purpose.
- (3) On registration, the Court will issue to the attorney-at-law a confidential and unique electronic identifier, which shall be used when filing documents pursuant to this rule.
- (4) The attorney-at-law filing by this method shall complete the following information on the online form of the Court's e-filing system:
- (a) the name, address, telephone number and e-mail address of the sender;
 - (b) the facsimile number of the sender (if any);

- (c) the date and time of transmission;
 - (d) the total number of pages included in the document being transmitted;
 - (e) the address identified as the e-mail address of the sender to which e-mail may be sent; and
 - (f) the name and telephone number of a person to contact if problems occur in transmission.
- (5) Documents to be filed under this rule shall conform to the Court's approved standard of 8.5 inches by 11 inches; supporting documents and exhibits that do not conform with this requirement shall be scanned in this size and attached as scanned documents.
- (6) The fee for filing by this method shall be paid via the Court's online credit card facility.
- (7) A digital signature of the attorney-at-law filing by this method shall be affixed to documents filed.
- (8) A document shall be deemed to have been filed by this method when an electronic acknowledgment of receipt issued by the Court's e-filing system is returned to the attorney-at-law filing.

Address for service

- 6.4 (1) Every document filed shall contain –
- (a) an address for service in the Contracting Party where the Seat of the Court is located or in the relevant Contracting Party;
 - (b) when provision has been made by practice direction under rules 6.8 and 6.9 for service by facsimile or e-mail, as the case may be,
 - (i) a facsimile number for service, if service is being accepted by facsimile; and

- (ii) an e-mail address for service, if service is being accepted by e-mail.
- (2) A party who changes his address for service shall immediately notify the Registrar and all the parties of the change.
- (3) A document is regarded as validly served when it is sent to the original address before any notice of change of address for service has been received by the party serving the document.

Service of documents

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

The Court may order service by specified method

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

Proof of service

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

Service by facsimile

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

Service by e-mail

- 6.9 The President may issue a practice direction for the service of documents by e-mail.

PART 7

AFFIDAVITS

Contents of this Part

Affidavit evidence	rule 7.1
Making of affidavits	rule 7.2

Affidavit evidence

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

Making of affidavits

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

PART 8**CASE MANAGEMENT****The Court's general powers of management**

- 8.1 (1) The list of powers in this rule is in addition to any powers given to the Court by any enactment or other rule.
- (2) Except where these Rules otherwise provide the Court may –
- (a) extend or abridge the time for compliance with any order or direction of the Court;
 - (b) adjourn or bring forward a hearing to a specific date;
 - (c) decide the order in which issues are to be heard;
 - (d) dismiss or give judgment on an appeal after a decision on a preliminary issue;
 - (e) direct that notice of any appeal or application be given to any person;

- (f) deal with any application by audio conference or video conference;
 - (g) hear appeals either at the Seat of the Court or in the relevant Contracting Party;
 - (h) consolidate appeals; and
 - (i) take any other step, give any other direction or make any other order for the purpose of managing the appeal and furthering the overriding objective.
- (3) Where a party fails to comply with any order or direction made or given by the Court, the Court may impose any sanction, including dismissal of an appeal or cross-appeal, that the justice of the case requires.

PART 9

APPLICATIONS

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
Notice to parties of hearing of application	rule 9.5
Applications which may be dealt with without hearing	rule 9.6
Service of application where order made <i>ex parte</i>	rule 9.7
Power of the Court to proceed in the absence of party	rule 9.8
Application to set aside or vary order made with notice	rule 9.9

Withdrawal of application	rule 9.10
Relief from sanctions	rule 9.11
Amendment of documents	rule 9.12

Making of application

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

Powers of a single Judge

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

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

Evidence in support of application

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

Service of notice of application

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

Notice to parties of hearing of application

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

Applications which may be dealt with without hearing

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

Service of application where order made *ex parte*

- 9.7 (1) After the Court has disposed of an application made *ex parte*, the applicant shall promptly notify all other parties of the order made and serve on them a copy of the application and any evidence in support.

- (2) An order made on an *ex parte* application shall contain a statement informing the respondent of the right to make an application under this rule for the order to be set aside or varied or for the application to be heard *inter partes*.

Power of the Court to proceed in the absence of party

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

Application to set aside or vary order made with notice

- 9.9 (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 after the service of the order on him, for any order made on the application to be set aside or varied.
- (2) An application to set aside or vary the order shall be supported by evidence on affidavit showing –
- (a) good reason for his absence from the hearing; and
 - (b) that it is likely that, had the applicant attended, some other order would have been made.

Withdrawal of application

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

Relief from sanctions

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

Amendment of documents

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

PART 10

APPEALS

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
Special leave to appeal to the Court	rule 10.4
Applications to the Court for special leave to appeal	rule 10.5
Application for special leave to appeal as a poor person	rule 10.6
Copies of application to be filed together with affidavits in support	rule 10.7
Orders on applications for leave	rule 10.8

Commencement of appeal

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

Applications for leave to appeal

- 10.2 No notice of appeal shall be filed unless –
- (a) leave to appeal to the Court has been granted by the court below in cases in which there is an appeal as of right to the Court;
 - (b) leave to appeal to the Court has been granted by the court below in other cases; or
 - (c) special leave to appeal has been granted by the Court.

Applications to the court below for leave to appeal

- 10.3 (1) An application for leave to appeal pursuant to rule 10.2 (a) and (b) shall be made to the court below in writing within thirty (30) days of the date of the judgment from which leave to appeal is sought, or within such other time as may be prescribed by an enactment.
- (2) An application made under rule 10.2(a) shall –
- (a) state succinctly all facts as may be necessary in order to satisfy the court below that the applicant has a right of appeal to the Court; and
 - (b) be signed by the applicant or his attorney-at-law.
- (3) An application to the court below for leave to appeal pursuant to rule 10.2(b) shall –
- (a) state succinctly all facts as may be necessary in order to enable the court below to determine whether such leave ought to be granted;
 - (b) state the points of law which the applicant wishes the Court to determine; and
 - (c) be signed by the applicant or his attorney-at-law.

Special leave to appeal to the Court

- 10.4 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 is refused by the court below, within twenty-one (21) days of such refusal.

Applications to the Court for special leave to appeal

- 10.5 (1) The application for special leave to appeal shall –
- (a) state succinctly all such facts as may be necessary in order to enable the Court to determine whether special leave ought to be granted;
 - (b) explain the grounds of appeal which it is proposed to argue; and
 - (c) be signed by the applicant or his attorney-at-law.
- (2) An application for special leave to appeal may include a request for special leave to appeal as a poor person.

Application for special leave to appeal as a poor person

- 10.6 (1) An applicant who seeks special leave to appeal as a poor person shall file, together with his application –
- (a) an affidavit stating –
 - (i) that apart from his interest in the subject matter of the appeal the applicant's net worth is less than EC \$5,000. or its equivalent in the currency of the relevant Contracting Party; and
 - (ii) that he is unable to provide sureties; and
 - (b) a certificate signed by his attorney-at-law that the applicant has reasonable grounds of appeal.
- (2) A person who has been granted special leave to appeal as a poor person shall not be required to provide security for costs or to pay any of the Court fees set out in Schedule 1.

Copies of application to be filed together with affidavits in support

- 10.7 An applicant for special leave to appeal shall file for the use of the Court –
- (a) six (6) copies of the application and of the judgment from which special leave to appeal is sought;
 - (b) an affidavit in support of the application; and
 - (c) an affidavit of service of the application upon every person likely to be directly affected by the appeal.

Orders on applications for leave

- 10.8 Where either the Court or the court below grants special leave to appeal or leave to appeal, as the case may be, it –
- (a) shall determine whether the applicant should provide security for costs and, if so, shall specify the amount of such security and the form in which and the time by which it should be provided;
 - (b) shall provide for the transmission of the record by the proper officer to the Registrar; and
 - (c) may impose such other conditions or make such order or give such directions as it considers necessary.

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
Where to file notice of appeal	rule 11.4
Service of notice of appeal	rule 11.5

Time for filing notice of appeal

- 11.1 A notice of appeal shall be filed within twenty-one (21) days of the grant of leave to appeal by the court below or of special leave by the Court.

Notice of appeal

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

Contents of notice of appeal

- 11.3 (1) The notice of appeal shall –
- (a) set forth concisely and under distinct heads numbered consecutively the grounds of appeal upon which the appellant intends to rely;

- (b) state whether the appeal relates to the whole or part only of the judgment of the court below and, in the latter case, specify such part;
 - (c) state the nature of the relief sought;
 - (d) state the names and addresses of all parties directly affected by the appeal;
 - (e) be signed by the appellant or his attorney-at-law; and
 - (f) follow Form 2 in Schedule 3.
- (2) No ground of appeal which is vague or general in terms shall be permitted except for the general ground that the judgment is against the weight of the evidence.
- (3) The appellant shall not without leave of the Court be heard in support of any ground not mentioned in the notice of appeal, but the Court may in its discretion allow the appellant to amend the grounds of appeal upon such terms as the Court may consider just.
- (4) The Court in deciding the appeal shall not –
 - (a) be confined to the grounds set forth by the appellant; or
 - (b) base its decision on any ground to which a party affected has not had a sufficient opportunity of responding.
- (5) An interim order or ruling from which there has been no appeal shall not operate to bar or inhibit the Court in disposing of the appeal from giving such decision as may be just.

Where to file notice of appeal

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

Service of notice of appeal

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

PART 12

**ACKNOWLEDGMENT OF SERVICE AND
FILING OF CROSS-APPEAL**

Contents of this Part

Filing of acknowledgment of service	rule 12.1
Failure to file acknowledgment 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

Filing of acknowledgment of service

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

Failure to file acknowledgment of service

- 12.2 A respondent who has not filed an acknowledgment of service within the prescribed time shall not be entitled to –
- (a) receive from the Registrar any notice relating to the appeal save and except a notice of date of hearing of the appeal; or
 - (b) participate in the settling of the record; or

- (c) take any step in the proceedings without leave of the Court.

Notice of cross-appeal

12.3 A respondent who –

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

Contents of notice of cross-appeal

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

Filing and service of notice of cross-appeal

- 12.5 (1) A notice of cross-appeal shall be filed in the Registry or sub-Registry in the relevant Contracting Party within twenty-one (21) days of service of the notice of appeal.
- (2) The party filing a notice of cross-appeal shall serve a copy on each person who was a party to the proceedings in the court below and shall file an affidavit of service within seven (7) days thereafter.

Contents of this Part

Action by Registry on receipt of notice of appeal

- 13.1 (1) As soon as is practicable after a notice of appeal has been filed, the proper officer shall proceed to settle the record of appeal in consultation with the appellant and any respondent who has filed an acknowledgment of service or their respective attorneys-at-law.
- (2) The proper officer shall certify the documents to be included in the record of appeal.
- (3) The following documents shall be included in the record –
- (a) the notice of appeal and any notice of cross-appeal that has been served on the appellant;
 - (b) the order granting leave or special leave to appeal, as the case may be;
 - (c) the documents which comprised the record in the court below;
 - (d) the judgment of the court below; and
 - (e) an index to the record.

- (4) Where a party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and another party nevertheless insists upon its inclusion, the document shall be included, and the index shall include an indication of the objection to its inclusion and the party who made it.
- (5) The proper officer shall at the expense of the appellant transmit to the Registrar of the Court in a sealed container one copy of the record certified to be correct and affix thereto the seal of the court below.

Entitlement to copies of record

- 13.2 (1) Each respondent who has filed an acknowledgment of service shall be entitled to one copy of the record at the cost of the appellant.
- (2) A respondent may request additional copies of the record at his own expense and shall communicate such request to the proper officer.
 - (3) The appellant shall inform the proper officer of the number of copies required for his purposes.
 - (4) The proper officer shall inform the Registrar of the total number of copies required and indicate at whose cost each is to be produced.
 - (5) The Registrar shall notify the proper officer of the individual and overall cost of reproducing and binding the required number of copies of the record.
 - (6) The proper officer shall notify each party of the amount payable by such party in respect of the copies produced at his expense.
 - (7) Payment for copies of the record shall be made by the parties to the proper officer within seven (7) days of their being notified of the amounts payable by them respectively.

- (8) The proper officer shall transmit all such payments to the Registrar.

Failure to make payment for copies

- 13.3 Failure by the appellant to make payment in accordance with rule 13.2(7) shall render the appeal liable to be struck out.

Reproduction of record

- 13.4 (1) The Registrar shall within thirty (30) days after receipt of payment –
- (a) reproduce and bind the record in the requisite number of copies;
 - (b) transmit to the proper officer as many copies as are required for delivery to parties whose address for service is not in the Contracting Party in which the Seat of the Court is located; and
 - (c) deliver the appropriate number of copies of the record to each party who has provided an address for service within the Contracting Party in which the Seat of the Court is located.
- (2) The proper officer shall within seven (7) days of receiving the copies transmitted by the Registrar deliver them to the parties for whom they are intended.

Special case

- 13.5 (1) Whenever a decision of a matter on appeal is likely to turn exclusively on a question of law, the Registrar may at the request of the parties submit such a question to the Court in the form of a special case and reproduce such parts only of the record as may be necessary to enable the question to be argued.

- (2) Nothing contained in sub-rule (1) shall prevent the Court from ordering full argument on the whole case, if it thinks fit.

PART 14

HEARING OF APPEALS

Contents of this Part

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

Assignment of case for directions

- 14.1 (1) As soon as practicable after the record has been received at the Registry, the Registrar shall, after consultation with the President or a Judge designated by him, assign the appeal to one or more Judges for directions.

Case management conference

- 14.2 (1) The Judge or Judges to whom an appeal is assigned shall decide whether or not a case management conference should be held.
- (2) Where a case management conference is to be held the Registrar shall, in consultation with the Judge or Judges to whom the appeal has been assigned, fix a date, time and place for the holding of the conference.
- (3) The Registrar shall give all parties not less than fourteen (14) days notice of the date, time and place of the case management conference.

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

Directions

- 14.3 (1) The Judge or Judges to whom the appeal is assigned may give directions for the proper conduct of the appeal.
- (2) The directions referred to in sub-rule (1) may be given either without the holding of a case management conference or in the course of or at the conclusion of such a conference.
- (3) These directions shall –
- (a) stipulate whether written submissions shall be filed and, if so, shall fix the dates for the filing and exchange of those submissions; and
- (b) fix a date and place for the hearing of the appeal.
- (4) The directions given pursuant to sub-rule (1) may also include directions as to –
- (a) the number of attorneys-at-law to be heard on either side;
- (b) the order and length of the oral submissions;
- (c) the preparation of a chronology of events;
- (d) the submission of lists and copies of authorities; and
- (e) the total time to be allowed for the hearing and how that time shall be allocated as between the parties.

- (5) The Judge or Judges who have given directions under this rule shall wherever practicable be members of the Court hearing the appeal.

Written submissions

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

Notice of hearing

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

PART 15

JUDGMENTS

Contents of this Part

Notice to parties of date fixed for delivery of judgment	rule 15.1
Correction of errors	rule 15.2
Drawing up of order	rule 15.3
Consent orders	rule 15.4

Notice to parties of date fixed for delivery of judgment

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

Correction of errors

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

Drawing up of order

- 15.3 Every order made pursuant to a judgment shall be drawn up by the Court unless –
- (a) the Court directs a party to draft and file the order;

- (b) the Court dispenses with the need to draw up the order; or
- (c) it is a consent order.

Consent orders

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

PART 16

TERMINATION OF APPEAL

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

Withdrawal of appeal where appellant has not served notice of appeal

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

Withdrawal of appeal where appellant has served notice of appeal

- 16.2 (1) When an appellant who has served a notice of appeal on any respondent wishes to withdraw his appeal, he shall file a notice of application for leave to withdraw the appeal and shall serve such notice on every respondent who has been served with the notice of appeal.

- (2) On the hearing of any such application a respondent who has filed an acknowledgment of service shall, subject to any agreement between him and the appellant to the contrary, be entitled to apply to the Court for his costs.
- (3) The provisions of sub-rule (1) and (2) shall apply *mutatis mutandis* to withdrawal of a cross-appeal.

Non-prosecution of appeal or cross-appeal

- 16.3
- (1) Where an appellant fails to take any step required of him by these Rules or by a practice direction within the time therein prescribed, the Registrar may issue a notice to the appellant to show cause why the appeal should not be dismissed for non-prosecution.
 - (2) A notice issued under sub-rule (1) shall specify the method by which and the time and place at which the appellant shall show cause.
 - (3) Sub-rules (1) and (2) shall apply *mutatis mutandis* to a respondent who has filed a cross-appeal.
 - (4) Any respondent who has been served with a notice of appeal shall be sent a copy of the notice to show cause and if he has filed an acknowledgment of service shall be entitled to be heard as to the order to be made.
 - (5) If the Court is satisfied by the appellant that in all the circumstances the appeal should not be dismissed, the Court shall give directions for the further conduct of the appeal and may make such other order as it considers just.
 - (6) If not so satisfied, the Court shall order the appeal to stand dismissed and may make an order for costs against the appellant.

PART 17

PRACTICE DIRECTIONS

Contents of this Part

Issuance of practice directions	rule 17.1
Effective date of practice directions	rule 17.2
Publication of practice directions	rule 17.3

Issuance of practice directions

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

Effective date of practice directions

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

Publication of practice directions

- 17.3 (1) A practice direction shall as soon as practicable after it is issued be –
- (a) posted on the Court’s website; and
 - (b) published in at least one newspaper in regular circulation in each Contracting Party which has accepted the appellate jurisdiction of the Court and in the Contracting Party in which the Seat of the Court is located.

- (2) The Registrar shall also endeavour to have practice directions published in the Gazettes of all Contracting Parties.

PART 18

COSTS

Contents of this Part

Definitions and application	rule 18.1
Orders for costs	rule 18.2
Recovery of costs	rule 18.3
Successful party generally entitled to costs	rule 18.4
Two or more parties having the same interest	rule 18.5
Duty of attorney-at-law to notify client	rule 18.6
Costs where money is payable by or to a party who lacks legal capacity	rule 18.7
Wasted costs orders	rule 18.8
Procedure for wasted costs orders	rule 18.9
Basis of quantification	rule 18.10
Ways in which costs are quantified	rule 18.11
Procedure for quantifying costs	rule 18.12
Assessed costs – interim applications and enforcement	rule 18.13
Summary assessment of costs	rule 18.14
Basic Costs	rule 18.15
Attendance of more than two attorneys-at-law at hearing	rule 18.16
Time for complying with an order for costs	rule 18.17

"costs" include an attorney-at-law's charges and disbursements, basic costs, summarily assessed costs and taxed costs;

"Court" includes the Registrar;

"paying party" means a party liable to pay costs;

"receiving party" means a party entitled to be paid costs;

"summary assessment" means the procedure by which the Court when making an order about costs, orders payment of a sum of money under rule 18.13 instead of taxation; and

"taxation" means the procedure by which the amount of costs is decided by the Registrar in accordance with this Part.

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

Orders for costs

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

Recovery of costs

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

Successful party generally entitled to costs

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

-
- (4) This rule gives the Court power in particular to order a party to pay –
- (a) costs from or until a certain date only;
 - (b) costs relating only to a distinct part of the appeal;
 - (c) only a specified proportion of another party's costs, 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 taxed.
- (7) Where a party entitled to costs is also liable to pay costs, the Registrar may tax the costs which that party is liable to pay and either –
- (a) set off the amount taxed against the amount the party is entitled to be paid and direct the payment of any balance; or
 - (b) delay the issue of a certificate for the costs to which the party is entitled until the amount which that party is liable to pay is paid.

Two or more parties having the same interest

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

Duty of attorney-at-law to notify client

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

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

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

Wasted costs orders

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

Procedure for wasted costs orders

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

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

Basis of quantification

- 18.10 (1) Where the Court has a discretion as to the amount of costs to be allowed to a party, the sum to be allowed is the amount –
- (a) that the Court deems to be reasonable; and
 - (b) which appears to the Court to be fair, both to the person paying and the person receiving such costs.
- (2) Where the costs to be taxed are claimed by an attorney-at-law from his client, these costs are to be presumed –
- (a) to have been reasonably incurred if they were incurred with the express or implied consent of the client;
 - (b) to be reasonable in amount if their amount was expressly or impliedly approved by the client; and
 - (c) to have been unreasonably incurred if –
 - (i) of an unusual nature or amount; or
 - (ii) the attorney-at-law did not inform his client that the client might not recover them all from the other party.

- (3) In deciding what would be reasonable, the Court shall take into account all the circumstances, including –
- (a) any orders that have already been made;
 - (b) the conduct of the parties before as well as during the proceedings;
 - (c) the importance of the matter to the parties;
 - (d) the time reasonably spent on the matter;
 - (e) whether the cause or matter or the particular item is appropriate for a senior attorney-at-law or an attorney-at-law of specialized knowledge;
 - (f) the degree of responsibility accepted by the attorney-at-law;
 - (g) the care, speed and economy with which the matter was prepared; and
 - (h) the novelty, weight and complexity of the matter.
- (4) In the case of costs charged by an attorney-at-law to his client, the Court shall also take into account –
- (a) any agreement that may have been made as to the basis of charging;
 - (b) any agreement about the seniority of the attorney-at-law who should carry out the work; and
 - (c) whether the attorney-at-law advised the client and took the client's instructions before taking any unusual step or one which was unusually expensive having regard to the nature of the matter.
- (5) The Registrar on taxation may not allow an attorney-at-law less than the rates set out in Schedule 2.

QUANTIFICATION – GENERAL

Ways in which costs are quantified

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

Procedure for quantifying costs

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

Assessed costs – interim applications and enforcement

- 18.13 (1) On determining any interim application, the Court shall decide which party, if any, should pay the costs of that application, and may –
- (a) summarily assess the amount of such costs in accordance with rule 18.14; and

- (b) direct when such costs are to be paid.
- (2) In deciding what party, if any, should pay the costs of the application the Court shall take account of all the circumstances including the factors set out in rule 18.4 (3).
- (3) Where the application is –
 - (a) one that could reasonably have been made at a case management conference;
 - (b) to extend the time specified for doing any act under these Rules or an order or direction of the Court;
 - (c) to amend a notice of appeal or application; or
 - (d) for relief from sanctions under rule 9.11,the Court shall order the applicant to pay the costs of the respondent unless there are special circumstances.

Summary assessment of costs

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

Basic Costs

- 18.15 (1) Where a Court has made an order for costs in favour of a party and has not summarily assessed those costs, the receiving party may, instead of seeking a taxation of those costs, elect to recover basic costs in accordance with this rule.
- (2) A receiving party who elects to recover basic costs may file a certificate of costs certifying how such costs are payable in accordance with Schedule 2.
- (3) The certificate may include value added tax on legal fees which the Registrar is satisfied the receiving party has paid or is liable to pay in a Contracting Party.
- (4) The Registrar shall sign the certificate if satisfied that the certificate includes only such items as are appropriate.
- (5) If the Registrar is not satisfied in accordance with sub-rule (4), the Registrar must direct that the receiving party –
- (a) attend before the Registrar; or
- (b) commence taxation proceedings in accordance with rule 18.21.
- (6) The paying party may, within fourteen (14) days of service of the certificate of costs under this rule, apply to the Registrar to amend the certificate, stating the grounds for such amendment.
- (7) The Registrar may direct that –
- (a) receiving and paying parties attend before the Registrar, in which case the certificate of costs may not be enforced until confirmed or amended by the Registrar; or

- (b) the receiving party commence taxation proceedings, in which case the Registrar must revoke the certificate of costs.

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

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

Time for complying with an order for costs

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

Taxation – general

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

TAXATION PROCEDURE

Scope

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

"receiving party" means the attorney-at-law; and

"paying party" means the client.

Time when taxation may be carried out

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

Commencement of taxation proceedings

- 18.21 (1) Taxation proceedings are commenced by the receiving party filing the bill of costs.
- (2) The bill of costs shall be filed and served not more than thirty (30) days after the date of the order or event entitling the receiving party to costs.
- (3) A bill of costs need not be in any particular form but shall contain a general description of the work done in relation to which the costs are claimed and –
- (a) contain sufficient detail and information to justify the amount being claimed by the receiving party; and
- (b) indicate the total amount being claimed by the receiving party.

- (4) A bill of costs may –
- (a) indicate the time spent by the receiving party's attorney(s)-at-law on each item or category of work and the hourly rate claimed; or
 - (b) indicate that the total sum claimed in the bill of costs or any part of the bill is a stated multiple of a sum indicated in Schedule 2 on the basis of one or more of the factors set out in rule 18.10 (3).
- (5) The bill of costs served on the paying party or parties shall contain or have attached to it a notice notifying the paying party of the need to serve points of dispute under rule 18.23 and the consequences of not doing so.

Consequences of failure to commence taxation proceedings in time

- 18.22 (1) Where the receiving party fails to commence taxation proceedings in accordance with rule 18.21(2) the paying party may apply for an order requiring the receiving party to commence taxation proceedings within such time as the Registrar may specify.
- (2) On an application under sub-rule (1), the Registrar may direct that, unless the receiving party commences taxation proceedings by a date specified by the Registrar, all or part of the costs to which the receiving party would otherwise be entitled shall be disallowed.
- (3) Whether or not an order is made under sub-rule (2), the Registrar may disallow –
- (a) all or part of any interest on the costs in respect of any period of delay; or
 - (b) all or part of the costs of taxation that might otherwise be awarded to the receiving party.

Points of dispute and consequence of not serving

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

How to obtain default costs certificate

- 18.24 (1) A receiving party who is permitted by rule 18.23 (5) to obtain a default costs certificate shall file –
- (a) an affidavit proving –
 - (i) service of the copy of the bill of costs; and
 - (ii) that no points of dispute have been received by the receiving party; and
 - (b) a default costs certificate in Form 4 for signature by the Registrar.
- (2) A default costs certificate shall include an order to pay the costs to which it relates.

Setting aside default costs certificate

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

Taxation hearing

- 18.26 (1) Where points of dispute are served, the receiving party may within fourteen (14) days of the service of the points of dispute apply for a taxation hearing by filing a notice of taxation.
- (2) The receiving party shall do so within three (3) months of the service of the points of dispute.
- (3) Where the receiving party fails to so apply –
- (a) the paying party may apply for an order that unless the receiving party applies for a taxation hearing by a specified date the Registrar may disallow all or part of the costs which the receiving party would otherwise be entitled to receive; and

- (b) the Registrar may disallow all or part of the costs of taxation and any interest that the receiving party would otherwise have been entitled to receive on the costs.
- (4) The receiving party must serve notice of the taxation hearing on each paying party who has served points of dispute under rule 18.23 not less than fourteen (14) days before the taxation hearing.
- (5) Only items specified in the points of dispute may be raised at the taxation hearing unless the Registrar gives permission.

Interim costs certificate

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

Final costs certificate

- 18.28 (1) The receiving party shall file a final costs certificate in Form 6 at the time of or within fourteen (14) days after the end of the taxation hearing.
- (2) If the final costs certificate is in order, the Registrar shall sign and issue it to the receiving party.

- (3) Sub-rule (2) is subject to any order made by the Court that a certificate is not to be issued until other costs have been paid.

Appeals against taxation

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

Court to hear appeal

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

Appeal procedure

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

Powers of the Court on appeal

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

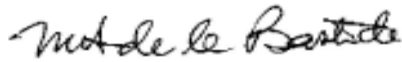
PART 19

TRANSITIONAL

Appeals from judgments already delivered

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

*Made by the President in consultation with five Judges of
the Caribbean Court of Justice this 17th day of June, 2005.*



**The Right Honourable Mr. Justice Michael de la Bastide, TC
President**



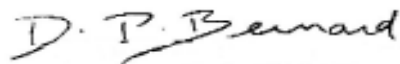
**The Honourable Mr. Justice Rolston Nelson
Judge**



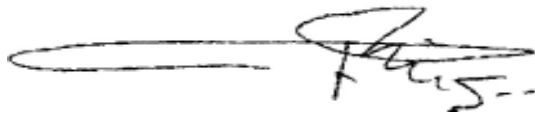
**The Honourable Mr. Justice Duke E.E. Pollard
Judge**



**The Honourable Mr. Justice Adrian Saunders
Judge**



**The Honourable Mme. Justice Desiree Bernard, CCH, OR.
Judge**



**The Honourable Mr. Justice Jacob Wit
Judge**

SCHEDULE 1**FEES PAYABLE TO THE COURT**

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

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

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

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

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

FILING FEES	ECD	TTD	USD
Acknowledgment of service [for each respondent]	27	63	10
Notice of appeal	162	378	60
Notice of cross appeal	108	252	40
Amended notice of appeal	41	225	15
Special case	135	315	50
Notice of application for special leave to appeal	81	189	30
Any other notice of application	41	95	15
Affidavit of service	27	63	10
Notice of appointment of attorney-at-law	27	63	10
Order determining appeal	108	252	40
Interlocutory order	54	126	20
Notice of withdrawal of appeal	54	126	20
Request for the issue of a costs certificate	54	126	20
Default costs certificate	54	126	20

FILING FEES	ECD	TTD	USD
Final costs certificate	54	126	20
Bill of costs	162	378	60
Any other document not provided for	41	95	15

OTHER FEES	ECD	TTD	USD
On every inspection of the register	54	126	20
On certifying any document as an office copy	54	126	20
On every certificate of funds in Court	41	95	15
For a photographic copy of all or any part of a document whether or not issued as an office copy -- for each page	3	6	1
On perusing and allowing by a Judge, Registrar or Deputy Registrar of any bond	270	630	100

SCHEDULE 2**FEES PAYABLE TO A PARTY****PART A****FEES PAYABLE TO A PARTY IN AN APPEAL FROM THE COURT
OF APPEAL OF BARBADOS****Table of Basic Costs**

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

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

PART B**FEES PAYABLE TO A PARTY IN AN APPEAL FROM THE COURT OF
APPEAL OF THE CO-OPERATIVE REPUBLIC OF GUYANA****Table of Basic Costs**

	Guyana dollars
In the case of an appellant, from the notice of appeal up to and including the first day of hearing	1,795,000
plus – for each additional day of the hearing	269,250
In the case of a respondent who has filed a notice of cross appeal from the notice of appeal up to and including the first day of hearing	1,346,250
plus — for each additional day of the hearing	269,250
In the case of any other respondent from the notice of appeal up to and including the first day of hearing	897,500
plus – for each additional day of the hearing	269,250
In the case of an appellant when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing	2,692,500
plus – for each additional day of the hearing	448,750
In the case of a respondent who filed a notice of cross appeal, when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing	2,154,000
plus – for each additional day of the hearing	448,750
In the case of any other respondent when two attorneys-at-law appeared, from the notice of appeal up to and including the first day of hearing	1,705,250
plus – for each additional day of the hearing	448,750

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

SCHEDULE 3**FORMS**

Form 1	Notice of Application	Rule 9.1
Form 2	Notice of Appeal	Rule 11.1
Form 3	Acknowledgment of Service	Rule 12.1
Form 4	Default Costs Certificate	Rule 18.24
Form 5	Interim Costs Certificate	Rule 18.27
Form 6	Final Costs Certificate	Rule 18.28

FORM 1: Notice of Application Rule 9.1(1)

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

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

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

ON APPEAL FROM THE COURT OF APPEAL OF

CCJ [Appeal or Application] No. of 2005

Between

AB APPLICANT

And

CD RESPONDENT

Notice of Application

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

A draft of the order that I seek is attached.

The grounds of the application are -

- 1.
- 2.

Dated the day of 20

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

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

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

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

To: The Registrar of the CCJ

And To: The Respondent
Address

(OR To: XXXXXXXX
Attorney-at-law for the Respondent
Address)

The Registry is at
Level 5
Unit Trust Corporation Financial Centre,
82 Independence Square,
Port of Spain,
Republic of Trinidad and Tobago.

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

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

FORM 2: Notice of Appeal**Rule 11.1**

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

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

IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction

ON APPEAL FROM THE COURT OF APPEAL OF

CCJ Appeal No. of 2005

Between

AB

APPLICANT

And

CD

RESPONDENT

Notice of Appeal

TAKE NOTICE that the appellant hereby appeals to the Caribbean Court of Justice against the judgment of the Court of Appeal of..... delivered on theday of20..... . A true copy of the said judgment is attached hereto [together with a copy of the order of the Court of Appeal of dated granting leave to appeal **or** together with a copy of the order of the Caribbean Court of Justice dated 2005 granting special leave to appeal].

1. The details of 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)
3. The relief sought is:
4. The details of all parties directly affected by the appeal are:
Name of party affected *Address for service of party affected*
- Dated the day of 20_____

Signature

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

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

To: The Registrar of the Caribbean Court of Justice

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

The Registry is at
Level 5
Unit Trust Corporation Financial Centre,
82 Independence Square,
Port of Spain,
Republic of Trinidad and Tobago.

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

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

FORM 3: Acknowledgement of Service Rule 12.1

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

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

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

ON APPEAL FROM THE COURT OF APPEAL OF

CCJ Appeal No. of 2005

Between

AB APPLICANT

And

CD RESPONDENT

Acknowledgment of Service

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

Dated the day of 20

.....
Signature
Attorney-at-law for the Respondent

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

To: The Registrar of the CCJ

And To: Attorney-at-law for the Appellant
Address

The Registry is at
Level 5
Unit Trust Corporation Financial Centre,
82 Independence Square,
Port of Spain,
Republic of Trinidad and Tobago.

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

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

FORM 4: Default Costs Certificate

Rule 18.24(1)(b)

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

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

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

ON APPEAL FROM THE COURT OF APPEAL OF

CCJ Appeal No. of 2005

Between

AB

APPLICANT

And

CD

RESPONDENT

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 day of 20

.....
Registrar
Caribbean Court of Justice

To: The [Appellant] [Respondent] (state here the name and address of the attorney-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 at Level 5
Unit Trust Corporation Financial Centre,
82 Independence Square,
Port of Spain,
Republic of Trinidad and Tobago.
Telephone Voice: 868-623-2225, 624-2256. Facsimile: 868-623-0527.
The Registry is open between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except
Public Holidays and Court Holidays.

FORM 5: **Interim Costs Certificate** **Rule 18.27(1)(a)**

IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction

ON APPEAL FROM THE COURT OF APPEAL OF

CCJ Appeal No. of 2005

Between

AB APPLICANT

And

CD RESPONDENT

Interim Costs Certificate

The [Appellant] [Respondent] is hereby ordered to pay costs in the sum of EC\$..... 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 day of 20

.....
Registrar
Caribbean Court of Justice

To: The [Appellant] [Respondent] (state here the name and address of the attorney-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 at

Level 5

Unit Trust Corporation Financial Centre,

82 Independence Square,

Port of Spain,

Republic of Trinidad and Tobago.

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

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

FORM 6:

Final Costs Certificate

Rule 18.28(1)

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

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

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

ON APPEAL FROM THE COURT OF APPEAL OF

CCJ Appeal No. of 2005

Between

AB

APPLICANT

And

CD

RESPONDENT

Final Costs Certificate

I HEREBY certify that on the day of20.., costs were taxed in the
sum of EC\$..... 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 day of 20

.....
Registrar
Caribbean Court of Justice

To: The [Appellant] [Respondent] (state here the name and address of the attorney-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 at

Level 5

Unit Trust Corporation Financial Centre,

82 Independence Square,

Port of Spain,

Republic of Trinidad and Tobago.

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

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