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COMMONWEALTH OF THE BAHAMAS
IN THE COURT OF APPEAL
SCCIVAPP & CAIS NO. 81 OF 2012

HENRY H. THURSTON

INTENDED APPELLANT

AND

MORNETTE MCKENZIE

INTENDED RESPONDENT

(APPLICATION)

BEFORE: THE HON MRS JUSTICE ALLEN, PRESIDENT
THE HON MR JUSTICE JOHN, JA
THE HON MR JUSTICE ADDERLEY, JA

MS RAMONA FARQUHARSON-SEYMOUR, WITH
MS CANDICE HEPBURN, COUNSEL FOR INTENDED APPELLANT
MRS CLARITA LOCKHART, WITH MR EDMUND RUSSELL,
MR KAREEM HIGGINS MS KEYANDRA THOMPSON AND
MS SHATARAH ANDREWS, COUNSEL FOR INTENDED
RESPONDENT

14 MARCH 2013

1 THE ORAL JUDGMENT OF THE COURT WAS DELIVERED BY

2 ALLEN, P:

3 HAVING HEARD ARGUMENTS ON THE QUESTION OF THE GRANT
4 OF A CERTIFICATE CERTIFYING THAT A POINT RAISED IN THE PRESENT
5 APPEAL IS A POINT OF LAW OF GENERAL PUBLIC IMPORTANCE, WE HAVE
6 NO DOUBT THAT THE MAGISTRATE HAS JURISDICTION TO MAKE AN ORDER
7 FOR THE PAYMENT OF SCHOOL FEES AT A PRIVATE INSTITUTION.

8 THE LAW IS VERY CLEAR THAT THE MAGISTRATE MAY MAKE
9 AN ORDER FOR MAINTENANCE OF A CHILD AND IN DOING SO IS
10 REQUIRED TO HAVE REGARD TO THE FACTORS SET OUT IN THE
11 CHILD PROTECTION ACT. THE FACTS HERE DISCLOSE THAT THE CHILD
12 PREVIOUSLY ATTENDED A PRIVATE SCHOOL WITH THE INTENDED
13 APPELLANT'S CONSENT AND HAVING CONSIDERED THE EVIDENCE, THE
14 MAGISTRATE INCLUDED THE PROVISION OF PRIVATE EDUCATION IN THE
15 MAINTENANCE ORDER.

16 THERE IS NO NEW PRINCIPLE OF LAW INVOLVED IN THE
17 APPEAL AND NO ELUCIDATION, THEREFORE, OF THE LAW IS REQUIRED;
18 NEITHER DOES THE POINT, AS INDICATED BY COUNSEL FOR THE
19 INTENDED APPELLANT, AFFECT THE DUE ADMINISTRATION OF JUSTICE.
20 IN THE CIRCUMSTANCES, WE REFUSE THE GRANTING OF A CERTIFICATE
21 UNDER SECTION 21 OF THE COURT OF APPEAL ACT.

22 HAVING CONSIDERED THE SUBMISSIONS RELATIVE TO THE
23 ISSUE OF COSTS, WE ORDER THAT EACH PARTY IS TO PAY ITS OWN

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1 COSTS OF THE APPLICATION.

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DATED THIS 14TH DAY OF MARCH, 2013

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ALLEN, P

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