Commonwealth of The Bahamas
In the Court of Appeal
Practice Direction No. 2 of 2026

Application for the reopening of concluded appeals

1. As is well known this Court's Jurisdiction to reopen a concluded appeal is limited to the need to do so to avoid or cure any injustice to a litigant. It follows that the discretion inherent in the Court should only be exercised in exceptional circumstances.
2. It has been the practice that applications for the re-opening of concluded appeals once received are listed for hearing before a panel of three Judges.
3. The experience of this Court has shown that the majority of applications are without merit and occupy valuable court time and the resources of judicial panels.

Hearing of the Application

4. For the foregoing reasons, I have determined that these applications shall, in the first instance, be considered on the papers. All Applicants must therefore provide written details as to the merits of their claim.

Notification of Decision

5. Upon consideration of the written materials provided in paragraph 4, where the Court determines that the application discloses no merit, the Applicant will be notified in writing that leave to reopen the appeal has been refused on the basis that there is no real risk that a miscarriage of justice has occurred.
6. Conversely, the Court will if satisfied, that there is an arguable claim that an injustice may have arisen, notify the Applicant and the Crown and the matter will be listed for an oral hearing before a panel of the Court.

The Honourable Mr. Justice Milton A. Evans
President of the Court of Appeal
21st May, 2026