Commonwealth of The Bahamas

In the Court of Appeal

Practice Direction No. 1 of 2021

Modified Operation of the Court of Appeal

Amendment to the Court of Appeal Rules

By virtue of the *Court of Appeal (Amendment) Rules, 2020 Rule 4(1)(a)* of the Court of Appeal Rules has been amended to facilitate the hearing of appeals by video conferencing.

Filing

The Registry of the Court of Appeal will be open to receive documents on Monday to Friday during the hours of 9:30 a.m. to 4:00 p.m.

Persons filing documents in the Registry in relation to matters before the Court will be required to provide the Court with:

a) the paper documents; and
b) an electronic version of the said documents as provided below.

For the convenience of those resident in Grand Bahama, documents may be filed, and the associated fees paid, at the Registry of the Supreme Court in Freeport, Grand Bahama. For the avoidance of doubt parties filing paper documents in Grand Bahama are still required to provide an electronic version of the documents as provided below.

Payment of Court Fees

In New Providence, court fees may now be paid by cash, cheque, credit and/or debit card.

Skeleton Arguments in the Court of Appeal

Reference is made to Practice Direction No. 1 of 1996 which provides, inter alia:

> *"Skeleton arguments for the appellant must be lodged with the Court and delivered to the other side at least 4 days before the date of hearing fixed in the cause list or otherwise notified by the Registrar. This direction applies mutatis mutandis to the skeleton arguments for the respondent, save that the applicable period for lodgment and delivery is 2 days before the date of hearing."*

Further, Practice Direction No. 1 of 1999 provides, inter alia:

> *"There appears in Practice Direction No. 1 of 1996, the injunction that no counsel should seek to commence argument at bar without compliance with the said Direction. Observance of the Practice Direction was intended to be literal. Recent cases of non-compliance on the part of counsel have been visited by a denial of audience while the default continued. However, it has become necessary to strengthen the sanction of non-compliance. A forewarning is now given that counsel in civil appeals may be made personally liable to pay costs thrown away through any adjournment occasioned by default in observing the time frame for submission of skeleton arguments.*
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> *It is intended to enforce the applicable rule of court with immediate effect."*

Litigants should be guided accordingly.

Electronic submission of filed documents

The filed electronic version of all documents, inclusive of Notices, Submissions inclusive of authorities or any other document, must be paginated and delivered to the Court by sending them via email, in PDF

format, to the Court of Appeal's email address at **submissions@courtofappeal.org.bs**. The electronic copy ***must*** be sent by email on the day of filing. Included in this email should be a telephone number and any other email address(es), if any, by which Counsel or the litigant can be contacted relative to their matters before the Court.

Hearings

Hearings of appeals, Case Management and all other applications will take place by video conferencing, unless otherwise advised. Hearings of any Summons to Settle the Record and Taxations will take place using video conferencing, unless otherwise advised.

Matters to be heard by the Court and the date and time on which they will be heard will continue to be posted on the Court's website as per the Rules.

Parties should be logged in at least half an hour prior to the scheduled time of their hearing. Parties are further advised that, depending on the business of the Court, the starting time of their matter may be brought forward or pushed back. If there is a change in time the parties will be notified by the Court Clerks or by the Registry.

Remote hearings will be conducted using the Zoom video conferencing platform. In this regard the Court will provide an invitation via email to the parties within 48 hours of the date of the hearing. In the event that an invitation is not received contact should be made of Mr. Jermain Dames at jermain.dames@courtofappeal.org.bs or Ms. Beverley Pilgrim at beverley.pilgrim@courtofappeal.org.bs as to the status of their matter.

All hearings by way of video conferencing shall be conducted in the same manner as if the hearing was being conducted in-person in the court at Claughton House. As such, the parties are not permitted to record any part of the proceedings and should set a plain background for the duration of the hearing.

Appropriate Dress

Counsel and their clients are required to be properly attired as if at Claughton House save that justices, counsel and clerks of court will not be required to wear robes, but will be required to wear bands, wing collars and sober colours.

The Honourable Sir Michael Barnett
President of the Court of Appeal
30th April, 2021