

**COMMONWEALTH OF THE BAHAMAS
IN THE COURT OF APPEAL
SCCivApp. No. 75 of 2021**

B E T W E E N

**BELGRAVIA INTERNATIONAL BANK & TRUST COMPANY LIMITED
BRETTON WOODS CORPORATION
Intended Appellants**

AND

**SIGMA MANAGEMENT BAHAMAS LTD.
Intended First Respondent**

AND

**FRANK R. FORBES
Intended Second Respondent**

**BEFORE: The Honourable Sir Michael Barnett, P
The Honourable Mr. Justice Isaacs, JA
The Honourable Madam Justice Bethell, JA**

**APPEARANCES: Mr. N. Leroy Smith with Mrs. Tara Cooper-Burnside and Mr.
Jonathan Deal, Counsel for the Intended Appellants**

**Mr. Raynard Rigby, QC with Ms. Asha Lewis, Counsel for the
Intended First Respondent**

No appearance by the Intended Second Respondent

DATES: 5 January 2022

DECISION ON COSTS

Delivered by the Honourable Sir Michael Barnett, P:

1. By majority judgment dated 18 October 2021 this Court refused the intended appellants' application for an extension of time within which to appeal and ordered that written

submissions on the costs of the application were to be provided by 22 October 2021. Those submissions on costs were duly filed by the parties.

2. However, following the delivery of the 18 October 2021 judgment, the intended appellants, by Notice of Motion dated 21 October 2021, applied to the Court for a reconsideration of the 18 October 2021 judgment.
3. By judgment dated 9 December 2021 the Court acceded to the intended appellants' application for reconsideration and granted the intended appellants an extension of time within which to appeal. The costs of the application for reconsideration were ordered to be costs in the cause.
4. In these circumstances, the Court is of the view that, relative to the extension of time application, the proper costs order is costs in the cause.

The Honourable Sir Michael Barnett, P

The Honourable Mr. Justice Isaacs, JA

The Honourable Madam Justice Bethell, JA