

COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

PRACTICE NOTE – NO. 1 of 1998

The attention of counsel and attorneys is drawn to the amendments made to the Court of Appeal Act, Chapter 40, by the Court of Appeal (Amendment) Act, 1996 whereby section 11 (1) and section 12 of the principal Act were repealed and replaced by new provisions. The new section 11(1) and section 12 A (1) provide the specific and exclusive grounds on which appeals in criminal cases may be brought from the Supreme Court and Magistrates Courts respectively, to the Court of Appeal.

When framing grounds of appeal to the Court of Appeal counsel and attorneys need to confine themselves to the specific statutory grounds and refrain from including what are not statutory grounds of appeal.

Section 12 A (1) of the Court of Appeal Act enlarges the jurisdiction of the Court of Appeal, by allowing an appeal to be brought directly from a magisterial court to the Court of Appeal in cases where the appellant is liable to imprisonment for a period of

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one year or more. All other appeals directly from a magisterial court in criminal matters that do not fall within section 12 A (1) are not within the jurisdiction of the Court of Appeal. It is therefore of the first importance for counsel and attorneys to satisfy themselves as to the court to which they seek to appeal and to inititule their notices of appeal "INI THE COURT OF APPEAL" if the Court of Appeal is the court whose jurisdiction they intend to invoke.

Sir Joaquim Gonsalves-Sabola
President of the Court of Appeal
February 9,1998