

COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

PRACTICE NOTE – NO. 1 of 1999

Despite the issue and re-issue of the Practice Direction which compulsorily requires the lodgment and delivery of skeleton arguments by appellants or applicants and respondents, 4 days and 2 days respectively before the date of hearing of an appeal or an application in the Court of Appeal, cases continue to occur of counsel disregarding the 4 day and 2 day time frame, or even not submitting skeleton arguments at all.

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 though any adjournment occasioned by default in observing the time frame for submission of skeleton arguments.

It is intended to enforce the applicable rule of court with immediate effect.

Sir Joaquim Gonsalves-Sabola
President of The Court of Appeal
February 15, 1999