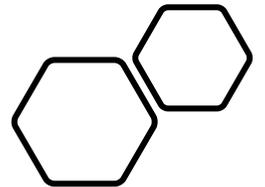


CARIBBEAN ASSC



# Case and Case Flow Management II

**Session Five: 13 April 2022**



**Sir Dennis Byron, Consultant, Past CCJ President**  
**The Hon. Adrian Saunders, President of the CCJ**  
**The Hon. Peter Jamadar, Judge of the CCJ, Chair of CAJO**

# **Case and Case flow Management – Part 1**

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**Costs in the CPR**

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**By the end of the session the participants will be able to:**

- a. Relate the Issue of Costs to :**
  - i. The overriding objective**
  - ii. The role of the Judge to actively manage cases**
  - iii. Ensuring the just and proportionate disposition of disputes**
  
- b. Discuss the relevant issues impacting costs, including quantification, taxation, powers of the Registrar**
  
- c. Discuss fixed costs, prescribed costs, powers of review**



# The Overriding Objective

## CPR 1.1

- (1) The overriding objective of these Rules is to **enable the court to deal with cases justly** and at proportionate cost.
  
- (2) Dealing justly with a case includes, so far as is practicable:
  - (a) ensuring that the parties are on an **equal footing**;
  - (b) **saving expense**;
  - (c) dealing with the case in **ways which are proportionate to**
    - (i) the **amount of money** involved;
    - (ii) the **importance of the case**;
    - (iii) the **complexity of the issues**; and
    - (iv) the **financial position** of each party;
  - (d) ensuring that it is **dealt with expeditiously and fairly**;
  - (e) allotting to it **an appropriate share of the court's resources**, while taking into account the need to allot resources to other cases; and
  - (f) enforcing **compliance with rules, practice directions and orders**.

An ideal costs regime provides incentives to give effect to the overriding objective

The cost regime reduces costs to litigants and the public by giving incentives for applying the overriding objective by greater use of ADR and Case management practices for narrowing issues and encouraging settlements

Sir Brian invited comments on the system and I will address whether the effect of the regimen could be enhanced by a more effective system of quantifying costs?

# Principles for the Quantification of costs



Litigant – winner or loser- should not be expected to pay more than the reasonable cost of the litigation



Lawyer should be adequately remunerated



System should include incentives to encourage efficiency and to limit inefficient lawyer being paid more than their efficient counterpart



Costs regime should include sanctions to ensure compliance with good practice, rules and orders of the court



Litigant should know with reasonable certainty the potential liability for costs – win or lose



Successful litigant who has conducted litigation in a reasonable manner should not be left to bear significant part of own costs

# The General Rule Part 71.5

The general rule is that the unsuccessful party will be ordered to pay the costs of the successful party but the court may make a different order including for a party to pay



Part only of another party's costs

Cost incurred during a particular period including before commencement of proceedings

Costs relating to a distinct issue or event in the proceedings.

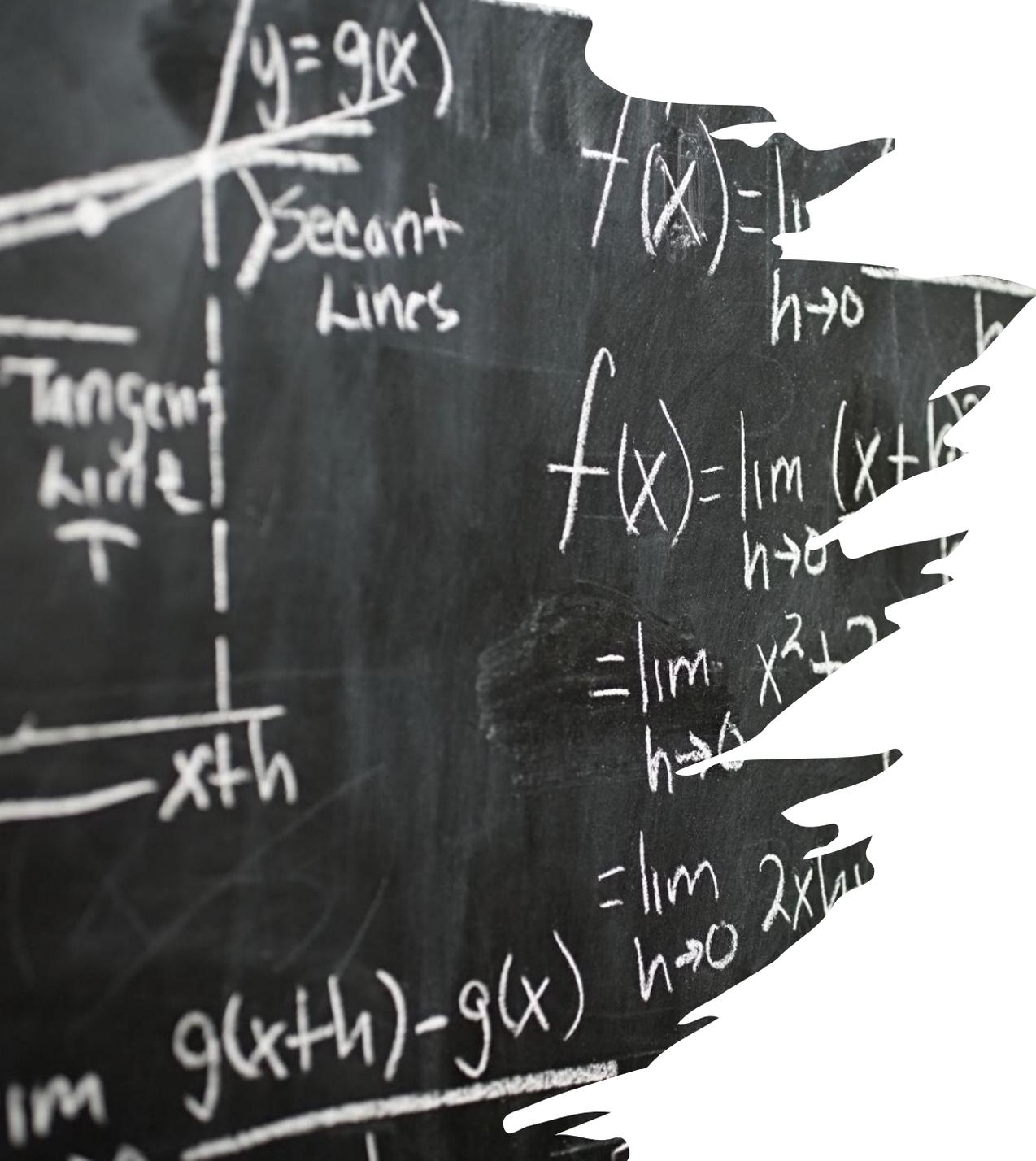
Interest on cost from or until a certain date including before judgment

# Factors which the court must consider part 71.5 (3/4)

- The conduct of all the parties
  - The reasonableness for raising, pursuing or contesting an allegation or issue
  - Manner of pursuing or defending a case or an issue
  - Whether a successful claimant exaggerated the claim
  - Unreasonable conduct in relation to inclusion or exclusion of documents or authorities
- Whether a party has succeeded partially even if not wholly successful
- Payments into court or offers to settle
- Power to order payment on account before costs are assessed
- Power to make orders setting off

Costs against a  
person who is  
not a party  
71.6

**Court may make an order for a person who is not a party to pay the costs of some other person on application supported by affidavit and after giving notice and opportunity to be heard.**



Costs must be assessed on standard basis unless stated to be on indemnity basis and must not be unreasonably incurred or unreasonable in amount

**Part 72.13**

**On Standard Basis** there shall be allowed such costs as are proportionate to the matters in issue: and any doubts must be resolved in favour of the paying party.

**On Indemnity Basis** (being more generous basis) there shall be allowed a reasonable amount in respect of all costs reasonably incurred: and any doubts must be resolved in favour of the receiving party.



# Factors for deciding amount of costs

## 71.8

- Conduct of parties before and during the proceedings including efforts to settle
- The value and importance of the matter in dispute
- Complexity, novelty, of questions and skill and specialized knowledge involved
- Time spent on the case
- Care, speed and economy with which the case was prepared
- In case of costs with own client:
  - Existence or absence of agreement on fee structures

# General Rule: Summary Assessment

## Part 71.9

**A judge hearing an application or conducting a trial will summarily assess the costs immediately or as soon as practicable after disposal**

**But, instead, the judge may order detailed assessment and indicate what the Registrar shall take into account in relation to the assessment**



## **Time for complying with order for costs**

### **71.11 & 12**

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A party must comply with a costs order within 21 days

Where an order for costs is made against a party in the course of proceedings and that party fails to pay the court may strike out that party's claim or defence as the case may be and make such other order as it thinks fit



Where party or attorney fails to comply with rule or order or behaved in unreasonable or improper manner, Court may disallow all or part of costs being assessed or order party at fault to pay costs which other party has been caused to incur



Where an attorney has caused costs to be incurred without reasonable cause or to be wasted by undue delay, negligence or other omission or default, court may disallow costs between attorney and own client or direct attorney to repay client money paid on account to costs



Court may act on own initiative after giving attorney opportunity to be heard

# Courts powers in relation to misconduct

## Part 71.18 & 19

Cases where  
there is no need  
for assessment:

See Appendix to  
Part 71.20 and  
annexed tables

A party is entitled to the fixed costs set out in column 3 of the tables in the appendix for Costs endorsed on claim for specified sum of money, attachment of debt proceedings; or action for recovery of land; for a default judgment or judgment on admissions for a specified sum of money; enforcement of judgment proceedings.

Court has power to order assessed costs in unusual circumstances

# Cost capping order

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Part 72.18

An exceptional type of order is a cost capping order which limits the amount of future costs which a party may recover pursuant to an order for costs subsequently made.

# Rules confer power to make detailed assessment of costs on the Registrar Part 72



Registrar has power to assess costs in any matter, arising in Court or pursuant to Arbitration



Examine witnesses and documents



Issue interim certificates for part of costs that are assessed



Where party to be paid is also liable to pay may make orders on basis of set-off



Fix bill of costs comprised in an account



Fix certain fees payable to conveyancing counsel appointed by court

# Procedure for taxation of costs

## Part 72.7

- A person entitled to have costs assessed must apply within 12 weeks: producing the judicial order and the bill of costs showing how it was calculated and containing specified particulars
- Any party who files an acknowledgment of service is entitled to 7 days notice of hearing
- Bill of costs must be in form specified by practice direction
- Drafting bill of costs could be specialized it is an antiquated skill and requires onerous and sometimes costly keeping of records of time spent.

# Relationship to Lawyers costs to own client

## Apply Overriding Objective

Better off: Parties can afford to spend more money and take expenditure risks for perceived advantages.

Case management must maintain level-playing field: e.g. court has power to make better off applicant pay the other party costs whatever the result .

Problem: lawyer recovers court awarded costs and charges client a substantial additional bill? What is role of court?

Suggestions: Lawyer should not recover from own client sums in excess of interparte costs unless there is written fee agreement and Other rules could be managed by the Bar Association



# Registrar can assess Costs payable by own client

## Part 72.14

Generally rule is that all costs shall be allowed except unreasonable in amount or have been unreasonably incurred.

Where client has granted approval court will imply that the expenses was reasonably incurred.

Unusual costs will be presumed to have been unreasonably incurred unless client expressly informed before they were incurred.

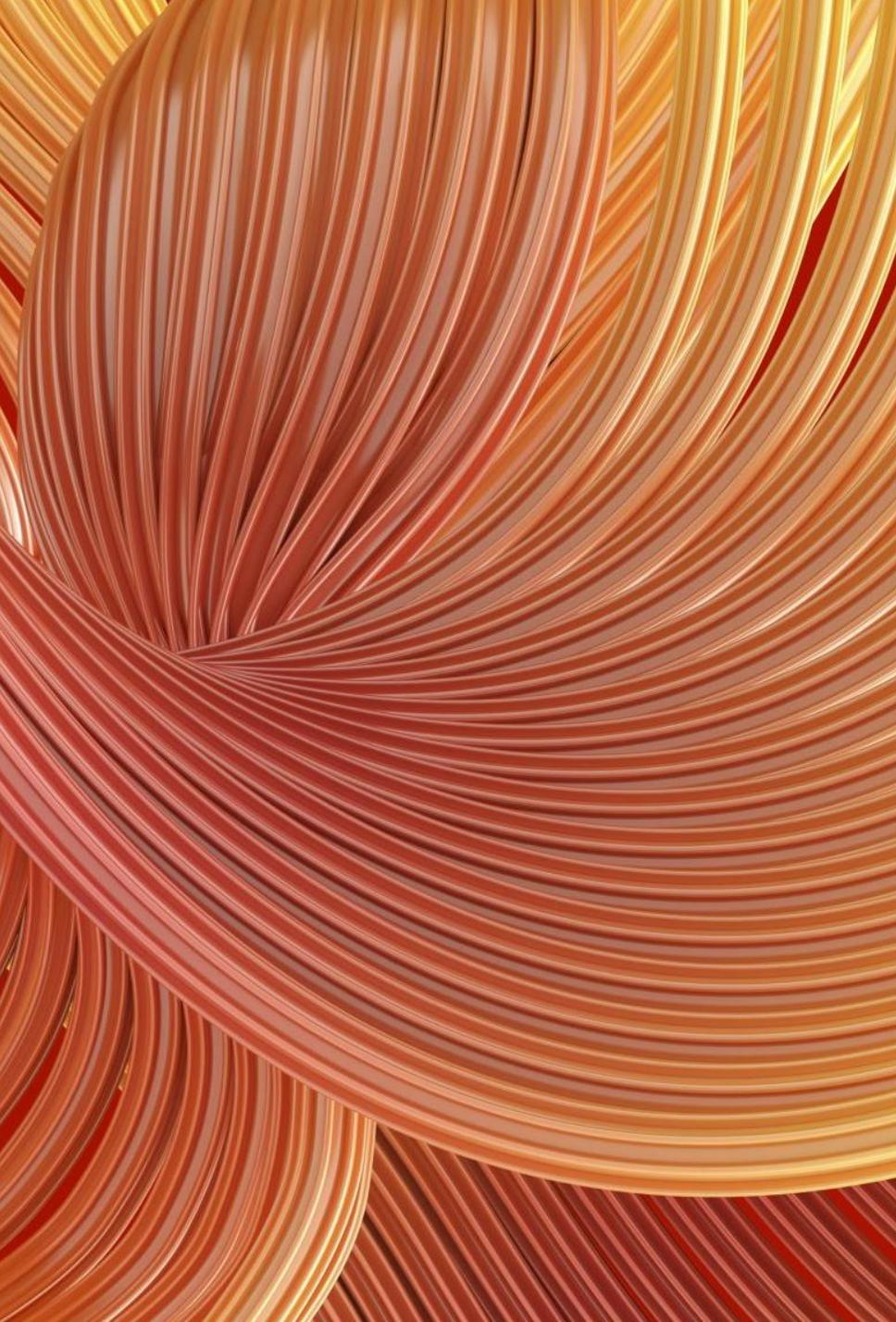
Nb special rules in 72.15/16 re costs payable where money recovered on behalf infant or as trustee out of trust fund



# Power of judge to review

## Part 72.17

**Any party dissatisfied with assessment of costs may apply to judge for review.**



# Should taxation of costs be marginalized ?

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I would like to accept the invitation of Sir Brian Moree to comment on possible modifications to the costs regime

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Suggest that the taxation system is too cumbersome and out of date

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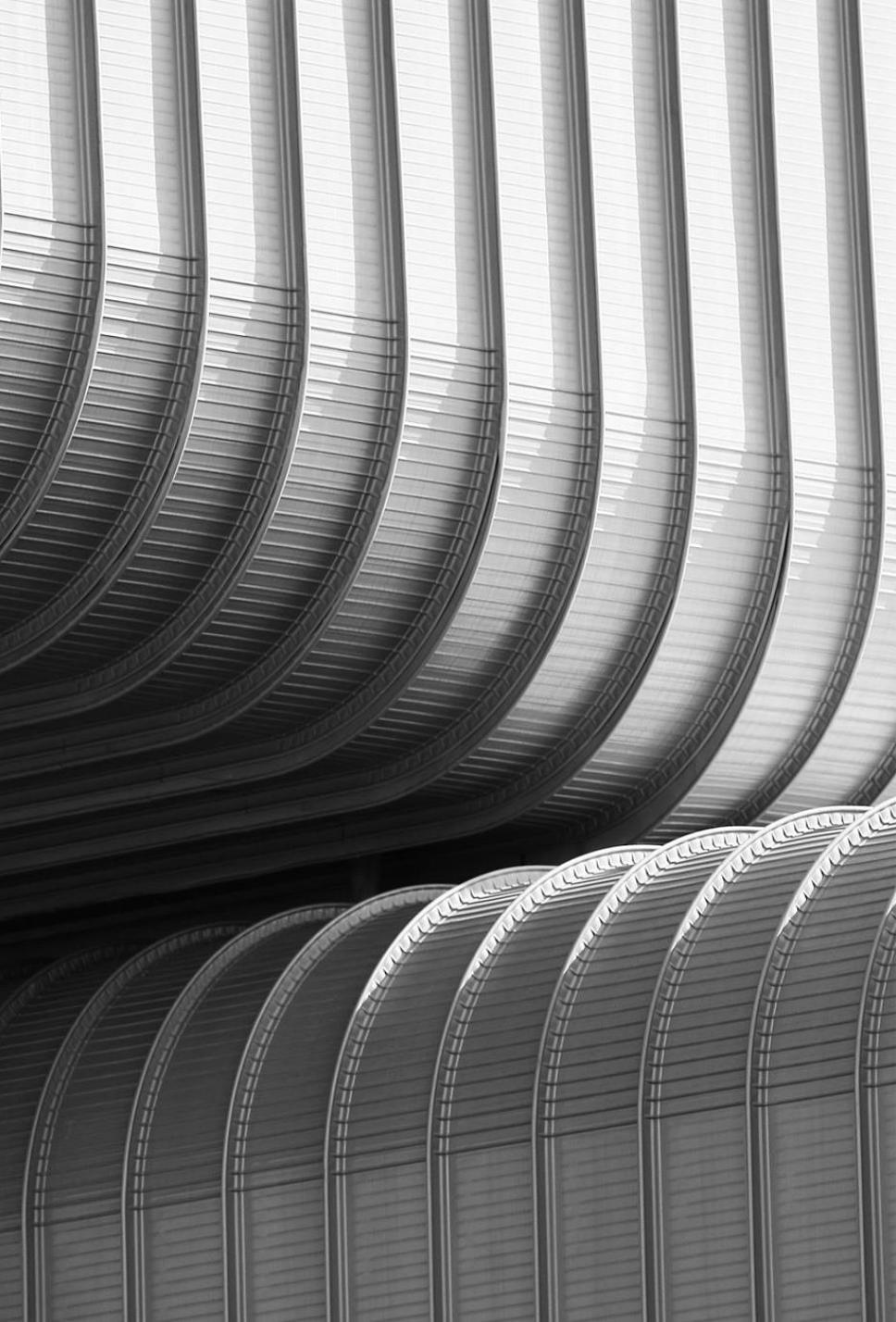
Invite consideration of Prescribed costs and Budgeted costs

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Results will include improvement of active case management and high percentage of quantified costs orders made at same time judgment is delivered

# Prescribed Costs

- Look at the ECSC where prescribed costs are essential part of the CPR
- The prescribed cost is an extension of the fixed fee rule in part 71.18 without the subject matter limitation
- The fee is based on percentage of the value of the case, with the scale tapering down as the value increases e.g. from 15% for claims not exceeding 100,000 to .05% for claims exceeding 2.5M
- Non monetary claims are either fixed at 50,000 or such figure as court orders
- Application of these rules can be managed at Case management as discussed in earlier sessions
- Easier to apply than either summary or detailed assessment
- Enables the judgment to include costs in approximately 90% of cases



# Budgeted costs

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**Where prescribed costs may not be appropriate because of complexity or other reasons the parties could apply to the court for budgeted costs to apply**

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**Each party could prepare a budget for the costs of the case to be presented at a Case Management conference. Must be done with the agreement of the parties**

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**Decision would be made whether reasonable to have a budget higher or lower than prescribed costs and if so as to appropriate budget for the case. The successful party would not be able to recover costs in excess of the budget unless able to show unforeseen and unforeseeable problems**

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**Addressing costs at CMC provides additional management options for trial**

# Making Choices – Why the CPR needs Prescribed and Budgeted Costs

The ease of computation

It improves the options at case management

Facilitates settlement

Enhances certainty, costs information is available at an early stage in the proceedings

Saves time and costs

Saves human resources

It allows the quantified costs to be ordered at the same time that judgment is delivered

Admits of flexibility



**ANY**

***QUESTIONS?***

# **Case and Case flow Management – Part 2**

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**E-filing**



# **Court Electronic Case Management (Virtual Platform)**



**By the end of the session the participants will be able to:**

**a. Relate the Issue of E-filing to :**

- i. The overriding objective**
- ii. The role of the Judge to actively manage cases**
- iii. Ensuring the just and proportionate disposition of disputes**

**b. Discuss Court Electronic Case Management, and its benefits**

**c. Discuss possible interim options**

# Benefits

Process  
Automation

Security  
Access and  
Control

Access  
Anywhere,  
Anytime

Electronic  
Filing

Notification  
and  
Messaging

Document  
Processing

Audit Logs

Performance  
Reporting  
and Statistics

Cost Savings

Timeliness  
Enhanced

Efficient  
Workflow

Less Human  
Resource  
Required

Access to  
Justice  
Improved

# Registration and Account Management

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Access facilitated by user registration

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User able to update contact details  
and modify password

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User account linked to cases to  
facilitate notifications

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User account managed based on  
accessibility requirements

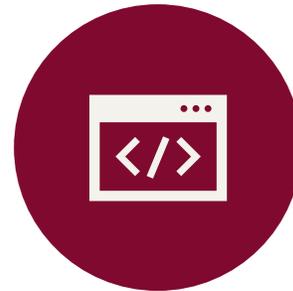
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Audit trail for each user

# e-Filing



Uses an electronic filing module built into the platform



The platform itself is created as a computer application or web-based application (browser)



Accessible from anywhere and at any time using an internet connection and device that supports the platform



Supports upload of typical document file types (.doc, .docx, .rtf, .pdf)

# E-Filing continued

Submission and filing of a new case generates a new electronic casefile

Parties can then upload subsequent documents for filing in existing cases

Data entry in casefiles done by external and internal users

Document processing occurs during filing. Electronic Court stamp or seal placed on document along with pagination

System sends a notification upon filing and the user can retrieve the filed document for electronic or physical service

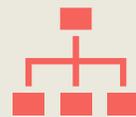
# Document Management



System designed to allow Court to function entirely paperless



Documents reside in electronic casefiles centrally located on servers hosting the platform and are multi-access (more than one user performing tasks in casefiles at any point in time)



All user access to casefiles, documents, and performing tasks on platform managed by an internal user(s) with administrative privileges

# Rules of Court and Electronic Case Management

Platform built with regard to particular Rules of Court and deliver prompts (pop-up notifications or emails) to users to perform specific tasks when certain milestones along the lifetime of a case are met, including:

- Timelines for filing documents
- Allowed document types, size (dimensions) and file size
- Invoicing based on schedule of fees
- Scheduling of case management conferences and hearings

# Calendar, Scheduling and Virtual Hearing

- Region specific calendar built into Platform
- Scheduling of case management conferences and hearings done through calendar
- Scheduling an event linked with a casefile allows all users involved in a case to be notified of the event
- Platform may have a built-in module to conduct virtual hearings or may link users to external applications to conduct same
- All users with access to the calendar are able to see the upcoming schedule of the Court

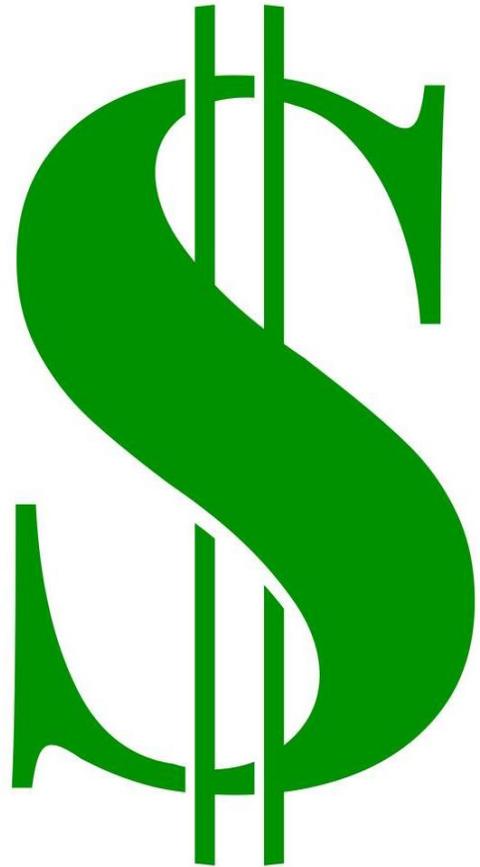


# Template Management

- Typical documents produced by the Court throughout the lifetime of a case include letters, notices, orders and judgments.
- These can be made into templates and stored on the platform.
- They are generated on-demand within casefiles and draw from the case details stored within.
- The template typically inserts from the casefile, amongst other details, the jurisdiction, case number and title, date, coram, counsel for the parties and addresses.



# Court Fees and Reporting



Platform includes module to invoice parties from the casefile and integrates electronic payment systems for collection of fees.

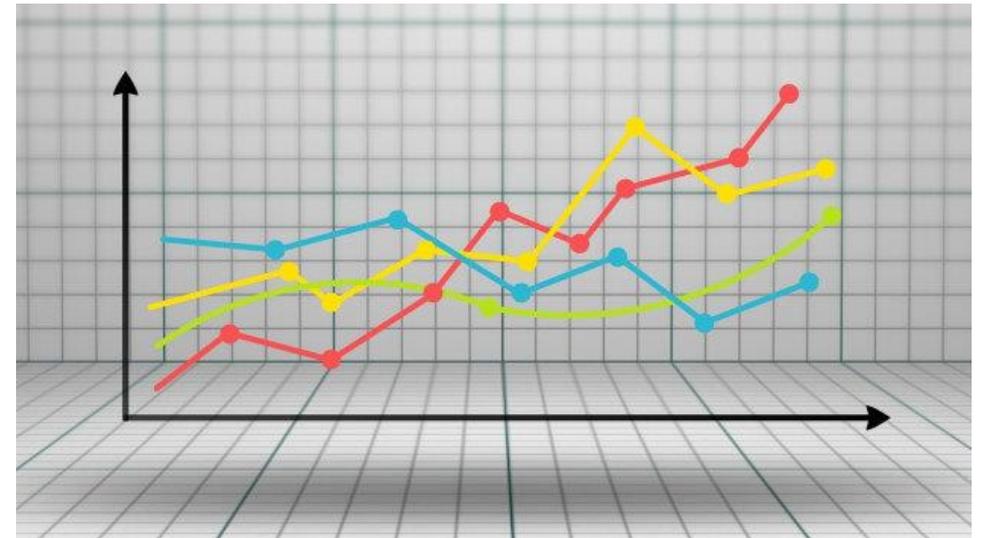
These may include direct payment using a visa debit or credit cards or top-up accounts where funds can be deposited and drawn from.

The Platform, for internal audit purposes, can generate revenue reports generally or per case, and for specific periods.

# Performance statistics and reporting

All cases add to pool of data stored on databases that a part of the platform.

The platform has data manipulation capability and can be used to generate reports on typical measures of Court performance (time to disposition, case clearance rate age of pending cases, etc.) or enable users to generate tailored reports based on statistical needs.



# Immediate Opportunities - Transitional Options - Scattered Solutions

- **Filing by E-mail**
- **Electronic Communication for managing matters**
- **Use of other available electronic platforms, e.g. cloud based solutions to share and receive documents**
- **Use of video conferencing platforms**
- **Use of recordings to capture proceedings and judgments**
- **And ...**



**Questions**



# Case and Case flow Management – Part 3

- Appeals Addressed in the CPR
- Interlocutory Appeals to the CA

**By the end of the session the participants will be able to:**

- a. Describe the three types of appeals addressed under the CPR**
- b. Discuss Interlocutory Appeals to the Court of Appeal**



# 3 Types of Appeals to the Supreme Court

By Case Stated: from the Magistrate's Court, and Ministers and Tribunals (Part 57)

Appeals from the Registrar (Part 58)

Appeals and Applications under various Acts (Part 66.1)

# Appeals by Case Stated – Magistrates Courts Act – General

- **Section 59**, Magistrates Court Act Ch 54-27 states: ‘In all cases of appeal by way of special case the appellant shall’ ... and goes on to state a 14-day limitation period after the magistrate gave their decision to ‘**apply to such magistrate to state a special case for the purposes of the appeal**’, setting out the relevant facts and grounds on which the proceeding is questioned.
- **Section 60**, Magistrates Court Act explains that a ‘magistrate may **refuse to state a case** if he considers the matter is frivolous and shall on request deliver to the appellant a certificate of refusal, and thereupon the appellant may apply to the Supreme Court for an order requiring the **case to be stated**: Provided that the magistrate shall not refuse **to state a case** where the application for that purpose is made to him by or under the direction of the Attorney-General.
- An appeal operates as a stay: Section 56 Magistrates Court Act

# Appeals by Case Stated – Magistrates Courts Act – General

Section 67 of the Magistrates Court Act also states:

On appeal by special case the court *shall only entertain such appeal on the ground that the decision of the magistrate was erroneous in point of law, or in excess of jurisdiction, and only upon the facts stated and the evidence mentioned in the special case*. And the court may remit the case to the magistrate for amendment if necessary

## Appeals by Case Stated – Part 57 – Magistrates Courts

It appears that in the Bahamas, a special case is an appeal by way of case stated and such an appeal is one based on law and not fact: S67 Magistrates Court Act. Generally, an appeal by way of case stated is one concerning law and not fact, but the CPR Bahamas is not explicit on this point.

Sections 60 and 61 of the Magistrates Court Act appears to use the terms ‘special case’ and ‘case stated’ interchangeably.

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**Appeals from a Magistrate’s court by way of Case Stated and shall be heard and determined by a judge of the Supreme Court: CPR Rule 57.1(1)**

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**6 MONTH LIMITATION** - All appeals by way of case stated must be filed prior to the expiration of 6 months from the date of judgment, order or decision in respect of which the case was stated unless the delay is accounted for to the satisfaction of a judge of the Supreme Court: CPR 57.1(3).

## Appeals by Case Stated – Part 57 – Magistrates Courts

**SERVICE ON AG** - An appeal from a magistrate's court by case stated shall not be set down for hearing unless and until the case and a copy of the judgment, order or decision in respect of which the case has been stated have been served on the office of the Attorney-General: CPR 57.1 (2).

**FORM AND CONTENT** - All the relevant facts found by that court and the questions of law to be determined by the Supreme Court shall be sufficiently stated: CPR 57.2.

**SERVICE ON RESPONDENT** - Within 4 days after an appeal from the magistrate's court by case stated is filed the appellant must serve notice of the appeal on the respondent: 57.3.

Appeals by Case  
Stated – Part 57  
– Magistrates  
Courts

AFFILIATION PROCEEDINGS

Appeals from the magistrate's court by case stated which relate to affiliation proceedings shall be heard and determined by a judge of the Supreme Court: CPR 57.4

# Appeals by Case Stated – Part 57.5 – Ministers and Tribunals

The jurisdiction of the Supreme Court under any enactment to hear and determine (i) a case stated or (ii) a question of law referred to that court by:

- a. a Minister of the Crown,
- b. government department,
- c. tribunal, or
- d. other person,

shall be exercised by a judge of the supreme court.

**The jurisdiction of the Supreme Court under any enactment to hear and determine an application for an order directing such a Minister or department or tribunal or other person to state a case for determination by the Supreme Court, or to refer a question of law to that Court by way of case stated, shall be exercised by a judge of the Supreme Court.**

**CPR 57.5 (1) and (2)**

# Appeals by Case Stated – Part 57.5 – Ministers and Tribunals

CPR 57.5 provides that that the following CPR rules shall apply to these applications:

## **CPR 57.6** – Applications for Orders to State a Case

- a. An application to the Court for an order directing a Minister, tribunal or other person to state a case for determination by the Court or to refer a question of law to the Court by way of case stated **must be made by originating application** (CPR 57.6 (1); 57.8 (2)).
- b. The originating application must **state the grounds** of the application, **the question of law** on which it is sought to have the case stated and **any reasons** given by the Minister, tribunal or other person for his or its refusal to state a case (CPR 57.6(2); 57.8(3)).
- c. The application must **be set down for hearing, and the notice thereof served, within 14 days** after receipt by the applicant of notice of the refusal of his request to state a case (CPR 57.7 (3)).

**CPR 57.7** – Requirements in relation to a case stated by a Tribunal.

# Appeals by Case Stated – Part 57.5 – Ministers and Tribunals

CPR 57.5 provides that that the following CPR rules shall apply to these applications:

## **CPR 57.8**

- a. Proceedings for the determination by the Supreme Court of a case stated, or a question of law referred by way of case stated, by a Minister, tribunal, arbitrator or other person must be **begun by originating application** (CPR 57.8 (1)).
- b. The originating application must **set out the applicant's contentions** on the question of law to which the case stated relates (CPR 57.8 (3)).
- c. The originating application must be **set down for hearing**, and the notice thereof served, within **14 days** after the case stated was served on the applicant (CPR 57.8 (4)).
- d. The Minister is entitled to appear and be heard (CPR 57.10).

# Appeals from the Registrar – Part 58 (1) – Judge in Chambers

- An appeal shall lie to a judge in chambers from any judgment, order or decision of the Registrar (CPR 58.1 (1) – except as per 58.2.
- A Notice of Appeal has to be **filed and served** on every party to the proceedings and a notice to attend before the judge.
- **5-day limitation** for filing of appeals:
  - a. within 5 working days after the judgment, order or decision in the case of a party who was present or represented when the judgment, order or decision of the Registrar was given
  - b. within 5 working days after receipt by the party of notice of the judgment, order or decision in the case of a party who was not present or represented when the judgment, order or decision of the Registrar was given.

An Appeal shall **not operate as a stay** of proceedings (CPR 58.1(4)).

# Appeals from the Registrar – Part 58 (2) – Court of Appeal

**An appeal shall lie to the court of appeal from any judgment, order or decision of the Registrar other than an interlocutory judgment, order or decision (CPR 58.2 (1)):**

- (a) on the **hearing or determination of any cause, matter, question or issue tried before or referred to him** ; or
- (b) on an **assessment of damages** under Part 16 or otherwise; or
- (c) on the hearing or determination of any proceedings under Part 45 or Part 49; or
- (d) on the hearing or determination of any other proceedings whereby such an appeal is provided for in any enactment, provision or Practice Direction.

**The time within which the notice of appeal must be filed and served shall be the same as in the case of an appeal from an interlocutory order (CPR 58.2 (2))**

**CA Rules – S11 (1)(a) - 14 days**

# Appeals to the Supreme Court Under Various Acts – Part 66

This part governs appeals to the Supreme Court under various statutory provisions (CPR 66.1)

Appeals must be brought by originating application which must be **filed and served within 28 days of the date on which the decision was given** to the appellant (CPR 66.5).

Every originating application by which such an appeal is brought must attach a document entitled **“Grounds of Appeal”** which set out:

- a. the details of the decision against which the appeal is made;
- b. the name of the tribunal or person whose decision is under appeal;
- c. the enactment and section enabling an appeal to be made to the court;
- d. the facts found by that tribunal or person; and
- e. the ground on which it is contended the decision should be reversed, varied or set aside, identifying:
  - i. any finding of fact; and
  - ii. and finding of law,

which the appellant seeks to challenge (CPR 66.2).

# Appeals to the Supreme Court Under Various Acts – Part 66

The appellant must serve the originating application and grounds of appeal on (CPR 66.4):

- (a) the clerk to the tribunal, minister or other person by whom the decision appealed against was made; and
- (b) every other party to the proceedings in which the decision was made.

An **appeal does not operate as a stay** of proceedings on the decision against which the appeal is brought unless:

- a. the court; or
  - b. the tribunal or person whose decision is under appeal,
- so orders (CPR 66.3).

# Hearing

Generally speaking, and unless directed otherwise, the date fixed for the first hearing must not be less than 28 days nor more than 56 days after the issue of the originating application (CPR 66.7).



# Appeals to the Court of Appeal

- Appeals to the Court of Appeal seem to be governed by the Court of Appeal Act, Ch 52-3 and the Court of Appeal Rules.
- **Section 10 of the Court of Appeal Act codifies the Court of Appeal's power to hear and determine appeals from any judgment or order of the Supreme Court given or made in civil proceedings.**
- **The Court of Appeal shall have all the powers, authority and jurisdiction of the Supreme Court.**

# Appeals to the Court of Appeal

**No appeal shall lie to the Court of Appeal** in respect of any of the following matters (Section 11 Court of Appeal Act):

- a. from any order allowing an extension of time for appealing from a judgment or order;
- b. from an order of a Justice of the Supreme Court giving unconditional leave to defend an action;
- c. from any decision of the Supreme Court where it is provided by the Constitution that such decision is to be final;
- d. from any order absolute for the dissolution or nullity of marriage in favour of any party who, having had time and opportunity to appeal from the decree nisi on which the order was founded, has not appealed from that decree, except upon some point which would not have been available to such party on such appeal;
- e. without the leave of the Supreme Court or of the court, from an order made with the consent of the parties or as to costs only where such costs are by law left to the discretion of the Supreme Court;

# Appeals to the Court of Appeal

**No appeal shall lie to the Court of Appeal** in respect of any of the following matters (Section 11 Court of Appeal Act):

**f. without the leave of the Supreme Court or of the court from any interlocutory order or interlocutory judgment made or given by a Justice of the Supreme Court except:**

- i. where the liberty of the subject or the custody of infants is in question;
- ii. where an injunction or the appointment of a receiver is granted or refused;
- iii. in the case of a decree nisi in a matrimonial cause or a judgment or order in an Admiralty action determining liability;
- iv. in the case of an order in a special case stated under the Arbitration Act;
- v. in the case of a decision determining the claim of any creditor or the liability of any contributory or the liability of any director or other officer under the Companies Act in respect of misfeasance or otherwise; or
- vi. in such other cases to be prescribed as are in the opinion of the authority having power to make rules of court, of the nature of final decisions.

**NOTE: The jurisprudence on the distinctions between final and interlocutory orders remains, it seems.**

# Appeals to the Court of Appeal

➤ In the case of an appeal:

- (i) from an **interlocutory order** the Notice of Appeal shall be filed and served in **fourteen days**; and
- (ii) in any other case, in six weeks.

Rule 11(1) Court of Appeal Rules.

➤ An appeal **does not operate as stay** of proceedings or of the order of the court below; no intermediate act or proceeding shall be invalidated by an appeal.

Rule 12 Court of Appeal Rules.

# Appeals to the Court of Appeal

In relation to an appeal, the court of appeal shall have **all the powers and duties as to amendment of the Supreme Court**. The Court of Appeal shall have **full discretionary power to receive further evidence** on matters occurring after the date of trial upon questions of fact, either by oral examination in court, by affidavit evidence or by deposition. Matters which occurred prior to hearing shall not be admitted except on special grounds. The Court of Appeal has the **power to draw inferences of fact and to give any judgment and make any order which ought to have been given or made, and to make such further or other order as the case may require.**

Rule 24 Court of Appeal Rules.

# Appeals to the Court of Appeal

On the **hearing of any appeal** the court may, if it thinks fit, **make any such order as could be made in pursuance of** an application for a **new trial** or to **set aside a verdict, finding or judgment** of the court below.

Rule 25 Court of Appeal Rules.

If a **respondent fails to appear** when an appeal is called on for hearing the court **may proceed** to hear the appeal in his absence - Rule 32 Court of Appeal Rules, and where the appellant fails to appear, the **appeal may be struck out or dismissed** with costs - Rule 31 Court of Appeal Rules.

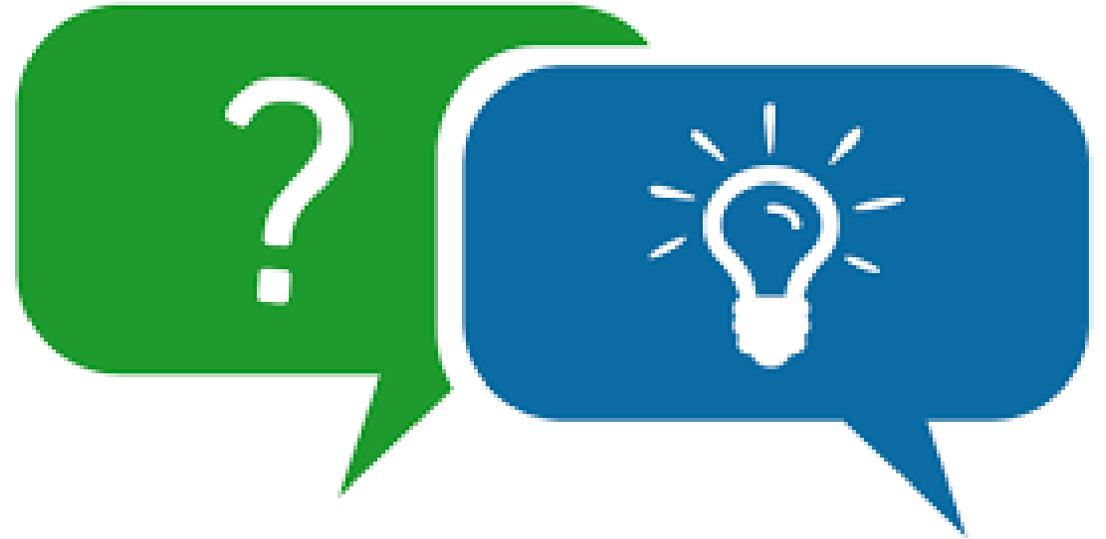
# Appeals to the Court of Appeal

## Dismissal in Default:

- The Registrar shall upon an appeal being filed, and with not less than seven days notice, summon the parties ... (a) to settle the list of documents which shall comprise the record (CA Rules, 13 (1) (a))
- The appellant shall within such time as the Registrar directs (a) prepare and file the record of appeal; (b) deposit such sum or enter into such bond as the Registrar shall have fixed ... (CA Rules, 13 (3))
- **If the appellant fails to comply with any of the requirements of rule 13(3), the Registrar shall certify such fact to a judge who shall thereupon order that the appeal stands dismissed** either with or without costs ... (CA Rules, 14 (1))



# Discussion





**Thank you!**