

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MRS JUSTICE P WILLIAMS JA
THE HON MISS JUSTICE DUNBAR GREEN JA
THE HON MRS JUSTICE G FRASER JA (AG)**

MISCELLANEOUS APPEAL NO COA2023MS00008

APPLICATION NO COA2024APP00117

BETWEEN	THE GENERAL LEGAL COUNCIL	APPLICANT
AND	GARTH LYTTLE	RESPONDENT

Lemar Neale for the applicant

Respondent appearing in person

30 September 2024

Endorsement as read by Dunbar Green JA

[1] On 31 July 2023, the Disciplinary Committee of the General Legal Council (‘the Committee’) found Garth Lyttle, an attorney-at-law practising in Jamaica, guilty of professional misconduct for breaching Canons 1(b), 1V(r) and 1V(s) of the Legal Profession (Canons of Professional Ethics) Rules. This was pursuant to a complaint filed by Marsha Smith. On 4 October 2023, the Committee ordered that he be reprimanded and fined \$100,000.00 with costs to the complainant. On 13 November 2023, Mr Lyttle filed a notice of appeal against the decision and orders of the Committee. An amended notice of appeal followed on 4 January 2024.

[2] The General Legal Council, the applicant herein, has applied to strike out the notice and grounds of appeal on the basis (among others) that the appeal is an abuse of process. It contends that the appeal is out of time, no extension of time has been applied for or obtained, and the appeal is, therefore, a nullity.

[3] Having considered the submissions of counsel for the applicant (the respondent/appellant having been served and having failed to respond) and the authorities relied on, we formed the view that the appeal is a nullity and should be struck out. The appeal was filed outside the 28-day period limited by section 16(1) of the Legal Profession Act, and Rule 5(1) of the Disciplinary Committee (Appeal Rules), 1972, and no leave was applied for or obtained to extend time. The appeal should have been filed by the latest 1 November 2023. Non-compliance with the statutory provisions applicable to bringing an appeal makes the notice of appeal filed a nullity and of no legal effect. Non-compliance with the statutory requirements goes to the jurisdiction of the court to hear the appeal (see **Eileen Crosbie Salmon v The General Legal Council** [2013] JMCA App 33, **Humphrey Lee McPherson v The General Legal Council** [2016] App 19, and section 9(b) of the Judicature (Appellate Jurisdiction) Act.

[4] In the result, we make the following orders:

1. The notice of appeal and amended notice of appeal filed 13 November 2023 and 4 January 2024, respectively, are struck out.
2. Costs to the applicant to be agreed or taxed.