

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MR JUSTICE BROOKS P
THE HON MR JUSTICE F WILLIAMS JA
THE HON MRS JUSTICE SHELLY-WILLIAMS JA (AG)**

SUPREME COURT APPLICATION NO COA2023APP00279

BETWEEN	JOY PATRICIA HARRISON	APPLICANT
AND	THE COUNCIL OF THE CARIBBEAN MARITIME UNIVERSITY	RESPONDENT

Douglas Leys KC instructed by Hay and Johnson for the appellant

Ms Ashley Mair instructed by Mayhew Law for the respondent

8 March 2024

Endorsement read by Brooks P

[1] On 17 January 2024 this court heard an application for leave to appeal in this case and reserved its decision.

[2] Due to a misunderstanding of the submissions made during the hearing, the court prepared and delivered, on 12 February 2024, a judgment granting leave to appeal and dismissing the appeal.

[3] Counsel for the applicant brought the error to the attention of the court before the certificate of result was issued.

[4] Although counsel for the respondent contended that the slip rule could be applied to correct the error, we cannot agree as the judgment was based on an incorrect premise.

[5] As a result of that error, and since the judgment was based on an incorrect premise, the panel is obliged to retract the judgment and the orders made therein, and set a date for the hearing of the application for leave to appeal before a different panel.

[6] The orders are:

1. The judgment and orders handed down on 12 February 2024 are vacated.
2. The application for leave to appeal is set for hearing before a different panel on 17 June 2024.
3. No order as to costs.
4. The applicant's attorneys-at-law shall prepare, file and serve the formal order hereof on or before 15 March 2024.