



THE  
**JAMAICA GAZETTE**  
**SUPPLEMENT**

**PROCLAMATIONS, RULES AND REGULATIONS**

6601

Vol. CXLIII

WEDNESDAY, JUNE 17, 2020

No. 106B

No. 127B

**THE JUDICATURE (RULES OF COURT) ACT**

**THE JAMAICA COURT OF APPEAL RULES (AMENDMENT), 2020**

In exercise of the powers conferred upon the Rules Committee of the Supreme Court by section 4 of the Judicature (Rules of Court) Act, the following Rules are made:—

1. *Citation*

These Rules may be cited as the Jamaica Court of Appeal Rules (Amendment) 2020 and shall be read and construed as one with the Jamaica Court of Appeal Rules 2002 ("the Appeal Rules"), and all amendments thereto.

2. *Commencement*

These rules shall come into effect on August 1, 2020.

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### 3. *Amendment of Rule 1.8*

Rule 1.8 of the Appeal Rules is amended by inserting next after paragraph (8)(b) as paragraph (8)(c) the following—

- “(c) direct that the hearing of the application for permission to appeal be treated as the hearing of the appeal.”

### 4. *Amendment of Rule 1.14*

Rule 1.14 of the Appeal Rules is amended by inserting next after paragraph (1) as paragraph (2) the following—

- “(2) On the recommendation of the registrar, a single judge may dispense with any procedural requirement if satisfied that such an order should be made.”

### 5. *Amendment of Rule 1.18*

Rule 1.18 of the Appeal Rules is amended at paragraph (4) by deleting the following—

“, 65.8(3)”

### 6. *Amendment of Rule 2.5*

Rule 2.5 of the Appeal Rules is amended at paragraph (1)(a) by deleting “a single judge” and substituting the following—

“the court”

### 7. *Amendment of Rule 2.4*

Rule 2.4 of the Appeal Rules is amended—

- (a) at paragraph (2) by deleting the words “the notice of appeal” and substituting the following—

“the appellant’s submissions”; and

- (b) at paragraph (7) by deleting the following—

“in keeping with the Practice Direction No. 1 of 2014 issued by the President of the Court of Appeal on 27th May, 2014.”

### 8. *Amendment of Rule 2.9*

Rule 2.9 of the Appeal Rules is amended—

- (a) at paragraph (1) by inserting after the word “writing” the following—


“in form D1”

- (b) at paragraph (3) by deleting the “rule 2.9” and substituting the following—

“rule 2.8”

### 9. Amendment of Rule 4.5

**Rule 4.5 of the Appeal Rules is amended—**

- (a) at paragraph (1)(b)(ii) by deleting the following—
- “and must if so directed by the court, obtain and keep for the use of the court any document or exhibit”;
- (b) by inserting next after paragraph (1)(b)(ii) as paragraph (1)(b)(iii) the following—
- “(iii) and must, if so directed by the court,” and
- (c) by inserting next after paragraph (1)(b)(iii) the following—
-  “obtain and keep for the use of the court any document or exhibit”.

10. Amendment of Appendix A to insert Form D1

Appendix A of the Appeals Rules is amended—

- (a) by inserting next after Part 3 the following—
- “Appendix A Part 4—Notice of Application for Court Orders”; and
- (b) inserting as Form D1 the following Form—

**NOTICE OF APPLICATION FOR COURT ORDERS**  
**FORM D1**

## FORM DI

IN THE COURT OF APPEAL

APPEAL NO. \_\_\_\_ Of 20\_\_

APPLICATION NO. \_\_\_\_ Of 20 \_\_\_\_

BETWEEN A.B. APPLICANT  
AND C.D. RESPONDENT

AND	C.D.	RESPONDENT
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The Applicant, A.B. (full name) of \_\_\_\_\_ (full address) seeks the following order(s):

[List the Court Order(s) being sought]

The ground(s) on which the Applicant is seeking the order(s) is/are as follows:

[Briefly state the grounds on which the order(s) is/are being sought]

The Applicant estimates the likely length of the hearing to be:

[Insert the number of days, hours or minutes as the case may be]

## NOTICE:

This Application will be heard by [a judge in Chambers] [the Court] on the day of 20\_\_ at the Court of Appeal, King Street, Kingston at in the morning/afternoon. If you do not attend this hearing either personally or by an attorney-at-law, an order may be made in your absence.

The Court of Appeal Rules permit a single judge to consider applications on paper so you may be served this application without the insertion of a hearing date. If you are so served, please note that unless you respond to the Court of Appeal either personally or by an attorney-at-law within seven (7) days of the date of service of this application on you, the application may be considered by a single judge, on proof of service, without further reference to you and an order may be made in the absence of your response.

Notice of this application is being given to the following persons:

[List the name and address for each respondent except in circumstances where the application is permitted without giving notice.

If the application is being made without notice, state that "IT IS NOT INTENDED TO GIVE NOTICE OF THIS APPLICATION PURSUANT TO ... (and here state the rule or practice direction under which this is permitted)]

NB. This Notice of Application must be served as quickly as possible on the Respondent to the application - (see rule 11.11)

Dated day of 20

Signed

[Applicant or Attorney- at-Law for the Applicant]

The Registry if the Court is situated at King Street, Kingston, telephone number (876) 663-7201, fax (876) 967-1843. The office is open between 9:00 am to 4:00 pm Mondays to Thursdays and 9:00 am to 3:00 pm on Fridays, except of Public Holidays. When corresponding with the court, please address forms or letters to the Registrar and quote the appeal and/or application number.

Filed by (specify name and address and contact number of the applicant if filing in person or attorney-at-law or firm of attorneys-at-law filing the application)

11. *Amendment of Form B5*

Form B5 of the Appeals Rules is amended by deleting "3.13(1)" and substituting the following—

"3.11(1)"

12. *Amendment of Form B6*

Form B6 of the Appeals Rules is amended by deleting "3.13(2)" and substituting the following—

"3.11(2)"

13. *Amendment of Appendix B*

Appendix B of the Appeal Rules is amended by—

- (a) deleting the figures in Appendix B, Basic Costs and substituting the following figures in the same order—

"(1) \$180,000 and \$48,000; (2) \$152,000 and \$48,000; (3) \$128,000 and \$48,000; (4) \$270,000 and \$96,000; (5) \$228,000 and \$96,000; (6) \$192,000 and \$96,000 (7) \$24,000; (8) \$40,000; (9) "\$24,000."; and (10) "\$12,000";

- (b) deleting under the heading "Note" the figure "\$6,000" and substituting the following—

"\$12,000.00"

Dated the 17th day of June, 2020.

BRYAN SYKES, OJ, CD  
Chief Justice

C. DENNIS MORRISON, OJ, CD  
President, Court of Appeal

HILARY PHILLIPS, CD  
Judge of Appeal

MARLENE MALAHOO FORTE, Q.C., MP  
Attorney-general of Jamaica

LEIGHTON PUSEY, CD  
Puisne Judge

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