

JAMAICA

IN THE COURT OF APPEAL

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

SUPREME COURT CIVIL APPEAL NO COA2021CV00018

MOTION NO COA2024MT00007

BETWEEN	RICHARD ORVILLE MORRISON	APPLICANT
AND	THE MINISTER OF JUSTICE	1ST RESPONDENT
AND	THE ATTORNEY GENERAL OF JAMAICA	2ND RESPONDENT

Applicant in person and self-represented

Miss Katherine Francis and Miss Krista-Leigh Cole instructed by the Director of State Proceedings for the respondent

30 September 2024

Endorsement

P WILLIAMS JA

[1] By notice of motion filed on 18 April 2024 the applicant, Mr Richard Orville Morrison, seeks conditional leave to appeal to His Majesty in Council against the decision of the Court of Appeal which was handed down, on 22 March 2024, in **Richard Orville Morrison v The Minister of Justice and The Attorney General of Jamaica** [2024] JMCA Civ 16, pursuant to section 110(1)(a) of the Constitution of Jamaica. The motion was filed on 18 April 2024.

[2] After examining the notice of motion and the applicant's submissions, this court found that a preliminary issue arose as to whether the application was made within the time stipulated by rule 3 of the Jamaica (Procedure in Appeals to Privy Council) Order in Council 1962, which states:

“Applications to the Court for leave to appeal shall be made by motion or petition within twenty-one days of the date of the judgment appealed from, and the applicant shall give all other parties concerned notice of his intended application.”

[3] This rule has been considered in several cases from this court. The Court of Appeal does not have the power to extend the time stipulated in the rule for an application for leave to appeal to His Majesty in Council (see **Chas E Ramson Limited and Loram Limited v Harbour Cold Stores Limited** (unreported) Court of Appeal, Jamaica, Supreme Court Civil Appeal No 57/1978, judgment delivered 27 April 1982). A similar stance was taken in **Jamaica Steel Works Limited (Former Jamaica Steel and Plastic Ltd) and Ishmael Gafoor and Amelita Gafoor v Richard Vasconcellos** [2010] JMCA Civ 15 and **The General Legal Council v Barrington Frankson** [2013] JMCA App 32.

[4] In the instant case, the judgment was delivered on 22 March 2024. The 21-day period for filing the application expired on 13 April 2024; however, this application was not filed until 18 April 2024. The applicant is out of time, and we have no jurisdiction to extend that time. Therefore, the motion is refused and no order as to costs is made.

Order

1. The notice of motion for conditional leave to appeal to His Majesty in Council, filed on 18 April 2024, is refused.
2. No order as to costs.