



BELIZE

**PRIVY COUNCIL APPEALS ACT
CHAPTER 92**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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Amendments in force as at 31st December, 2000.	



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CHAPTER 92

PRIVY COUNCIL APPEALS

ARRANGEMENT OF SECTIONS

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SCHEDULE

CHAPTER 92

PRIVY COUNCIL APPEALS

[29th May, 1911]

Ch. 9,
R.L., 1958.
CAP. 81,
R.E. 1980-1990.
19 of 1967.
Short title.

1. This Act may be cited as the Privy Council Appeals Act.

2. In this Act, unless the context otherwise requires:-

Interpretation.

“appeal” means appeal to Her Majesty in Council;

“Court” means the Court of Appeal established by the Court of Appeal Act;

19 of 1967.
CAP. 90.

“judgment” includes decree, order, ruling, sentence or decision;

“record” means the aggregate of papers relating to an appeal, including the pleadings, proceedings, evidence and judgments, to be laid before Her Majesty in Council on the hearing of the appeal, as hereinafter provided;

“Registrar” means the Registrar of the Court or other proper officer performing the duties of the Registrar.

19 of 1967.

3. Subject to this Act, an appeal shall lie-

Judgments
from which
appeals shall
lie.

(a) as of right from any final judgment of the Court, where the matter in dispute on the appeal amounts to or is of the value of one thousand five hundred dollars or upwards, or where the appeal involves, directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of one thousand five hundred dollars or upwards;

(b) at the discretion of the Court, from any other judgment of the Court, whether final or interlocutory, if in the opinion of the Court the question involved in the appeal is one which by reason of its importance or

- otherwise ought to be submitted to Her Majesty in Council for decision; and
- (c) from a judgment of the Court on a question of law under the provisions of the Income and Business Tax Act.
- CAP. 55
- Appeals to be by leave of court. 4. All appeals, whether under section 3 (a), (b) or (c), shall be brought in pursuance of leave obtained from the Court as hereinafter provided.
- Applications for leave to appeal. 5. Applications to the Court for leave to appeal shall be made by motion or petition with twenty-one clear days from the date of the judgment to be appealed from, and the applicant shall give the opposite party notice of his intended application.
- Requirements on giving notice of appeal. 6.-(1) The applicant for leave to appeal, in giving notice to the opposite party of his intention to apply for leave to appeal, may also give notice that he requires the matter which is to be brought before Her Majesty in Council to be stated in the form of a special case.
- 19 of 1967. (2) A special case shall, if ordered by the Court, be drawn, stated and signed by the parties or their attorneys in the manner and according to the proceedings employed in drawing and stating a special case for the consideration of one of the Superior Courts in England, and shall be prepared within one month after final leave to appeal is given or within such further time as the Court may allow, and shall be finally settled by the parties or their attorneys before a judge of the Court at any hearing or adjourned hearing which may be appointed for that purpose and such case shall be filed in the Court Registry as part of the record.
- Conditions upon which leave to appeal to be granted. 7. Leave to appeal under section 3 of this Act shall only be granted by the Court in the first instance-
- (a) upon condition of the appellant, within a period to be fixed by the Court, but not exceeding three months from the date of the hearing of the application for leave to appeal, entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding two thousand five hundred dollars, for the due prosecution of the appeal, and the payment of all such costs as may become payable to the respondent in the event of the appellant not obtaining an order granting final leave to appeal or of the appeal being dismissed for non-pros-

ecution or of Her Majesty in Council ordering the appellant to pay the respondent's costs of the appeal, as the case may be; and

(b) upon such other conditions, if any, as to the time or times within which the appellant shall take the necessary steps for the purpose of procuring the preparation of the record and the dispatch thereof to England as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

8. Where an appellant, having obtained conditional leave to appeal under section 7, applies thereafter with due diligence to the Court and satisfies the Court that the conditions imposed by the order granting him such conditional leave have been complied with, the Court shall make an order granting him final leave to appeal.

Order for final leave to appeal.

9. Where the judgment appealed from requires the appellant to pay money or perform a duty the Court shall have power, when granting leave to appeal, either to direct that the judgment appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as to the Court seems just, and in case the Court directs the judgment appealed from to be carried into execution, the person in whose favour it was given shall before the execution thereof enter into good and sufficient security to the satisfaction of the Court for the due performance of such order as Her Majesty in Council shall think fit to make thereon.

Security pending appeal.

10. The preparation of the record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

Preparation of record.

11. The Registrar, as well as the parties and their legal agents, shall endeavour to exclude from the record all documents, more particularly such as are merely formal, that are not relevant to the subject-matter of the appeal and, generally, to reduce the bulk of the record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents, but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the record.

Exclusion of immaterial and merely formal documents from record.

12. Where in the course of the preparation of a record one party objects to the

Disagreement in preparation of record.

inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, it shall be included accordingly, and the record, as finally printed, whether in Belize or in England, shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate in the index of papers or otherwise the fact that, and the party by whom, the inclusion of the document was objected to.

Record to be printed. Schedule.

13.-(1) The record shall be printed in accordance with the rules set forth in the Schedule.

(2) It may be so printed either in Belize or in England.

Procedure when record is printed in Belize.

14. Where the record is printed in Belize the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council forty copies of such record, one of which copies he shall certify to be correct by signing his name on or initialling every eighth page thereof and by affixing thereto the seal of the Court.

Procedure when record is printed in England.

15.-(1) When the record is to be printed in England the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council one certified copy of such record, together with an index of all the papers and exhibits in the case.

(2) No other certified copies of the record shall be transmitted by or on behalf of the parties to the appeal to their agents in England.

As to records printed partly in Belize and partly in England.

16. Where part of the record is printed in Belize and part is to be printed in England, sections 14 and 15 shall, as far as practicable, apply to such parts as are printed in Belize and such parts as are to be printed in England respectively.

Reasons for judgment appealed against to be filed in Supreme Court Registry. 19 of 1967.

17.-(1) Except in any case in which the Court has already given a reasoned judgment, the reasons of the Court in, for or against any judgment pronounced in the course of the proceedings out of which the appeal arises shall by the Court be communicated in writing to the Registrar within two weeks after final leave to appeal is given, or as soon thereafter as practicable, and shall by him be filed in the Court Registry as part of the record.

(2) Every reasoned judgment pronounced in a case out of which an appeal has arisen shall be made part of and included in the record.

18. Where there are two or more applications for leave to appeal arising out of the same matter and the Court is of opinion that it would be for the convenience of the Lords of the Judicial Committee and all parties concerned that the appeals should be consolidated, the Court may by a single order grant leave to appeal and direct that such appeals be consolidated. Consolidation of appeals.
19. An appellant who has obtained an order granting him conditional leave to appeal may at any time prior to the making of an order granting him final leave to appeal withdraw his appeal on such terms as to costs and otherwise as the Court may direct. Withdrawal of appeal when conditional leave given.
20. Where an appellant, having obtained an order granting him conditional leave to appeal, and having complied with the conditions imposed on him by such order, fails thereafter to apply with due diligence to the Court for an order granting him final leave to appeal, the Court may, on an application in that behalf made by the respondent, rescind the order granting conditional leave to appeal, notwithstanding the appellant's compliance with the conditions imposed by such order, and may give such directions as to the costs of the appeal and the security entered into by the appellant as the Court thinks fit or make such further or other order in the premises as in the opinion of the Court the justice of the case requires. Conditional leave to appeal may be rescinded on failure to apply for final leave.
21. On an application for final leave to appeal the Court may inquire whether notice or sufficient notice of the application has been given by the appellant to all parties concerned and, if not satisfied as to the notices given, may defer the granting of the final leave to appeal, or may give such other directions in the matter as, in the opinion of the Court, the justice of the case requires. Notice of application for final leave to appeal.
22. An appellant who has obtained final leave to appeal shall prosecute his appeal in accordance with the rules for the time being regulating the general practice and procedure of the Judicial Committee. Rules governing prosecution of appeals.
23. When an appellant who has obtained final leave to appeal desires, prior to the dispatch of the record to England, to withdraw his appeal, the Court may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn and the appeal shall thereupon be deemed as from the date of such certificate to stand dismissed without express order of Her Majesty in Council and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct. Withdrawal of appeal where final leave given.

Application for dismissal of appeal for non-prosecution.

24. Where an appellant who has obtained final leave to appeal fails to show due diligence in taking all necessary steps for the purpose of procuring the dispatch of the record to England, the respondent may, after giving the appellant due notice of his intended application, apply to the Court for a certificate that the appeal has not been effectually prosecuted by the appellant, and if the Court sees fit to grant such a certificate, the appeal shall be deemed as from the date of such certificate to stand dismissed for non-prosecution without express order of Her Majesty in Council and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct.

Substitution of names on record before dispatch to England.

25. Where at any time between the date of the order granting final leave to appeal and the dispatch of the record to England the record becomes defective by reason of the death or change of status of a party to the appeal the Court may, notwithstanding the order granting final leave to appeal on an application in that behalf made by any person interested, grant a certificate showing who in the opinion of the Court is the proper person to be substituted or entered on the record in place of or in addition to the party who has died or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the record as aforesaid without express Order of Her Majesty in Council.

Substitution of names on record after dispatch to England.

26. Where the record subsequent to its dispatch to England becomes defective by reason of the death or change of status of a party to the appeal, the Court shall upon an application in that behalf made by any person interested cause a certificate to be transmitted to the Registrar of the Privy Council showing who, in the opinion of the Court, is the proper person to be substituted or entered on the record in place of or in addition to the party who has died or undergone a change of status.

Mode of printing cases of parties to appeal.
Schedule.

27.-(1) The case of each party to the appeal as required by the rules for the time being regulating the general practice and procedure of the Judicial Committee may be printed either in Belize or in England and shall in either event be printed in accordance with the rules set forth in the Schedule, every tenth line thereof being numbered in the margin, and shall be signed by at least one of the counsel who attends at the hearing of the appeal, or by the party himself if he conducts his appeal in person.

(2) Such case shall consist of paragraphs numbered consecutively and shall state as concisely as possible the circumstances out of which the appeal

arises, the contentions to be urged by the party lodging the same and the reasons of appeal.

(3) References by page and line to the relevant portions of the record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid as far as possible the reprinting in the case of long extracts from the record.

(4) The taxing officer in taxing the costs of the appeal shall, either of his own motion or at the instance of the opposite party, inquire into any unnecessary prolixity in the case, and shall disallow the costs occasioned thereby.

28. Where Her Majesty in Council directs a party to bear the costs of an appeal incurred in Belize, such costs shall be taxed by the proper officer of the Court in accordance with the rules for the time being regulating taxation in the Court. Taxation of costs of appeal.

29. The Court shall conform with and execute any order which Her Majesty in Council may think fit to make on an appeal from a judgment in like manner as any judgment of the Court should or might have been executed. Order in Council to have effect of judgment of Court.
19 of 1967.

30. Nothing contained in this Act shall be construed to interfere with the right of Her Majesty upon the humble petition of any person aggrieved by any judgment of the Court to admit his appeal therefrom upon such conditions as Her Majesty in Council shall think fit to impose. Right of admission of appeal on petition.

31.-(1) The President, with the concurrence of one other judge of the Court, selected by him, may make rules of court regulating the practice and procedure of the Court in relation to appeals to Her Majesty in Council. Rules - how made.
19 of 1967.

(2) Without prejudice to the generality of subsection (1) of this section, rules of court may be made for any of the following purposes-

- (i) prescribing the duties of the officers of the Court;
- (ii) prescribing the forms to be used; and
- (iii) the fees of court and costs of attorneys.

Hearing of applications.	32. All applications under this Act may be dealt with in chambers at such times as the Court may appoint upon the application of either party through the Registrar or as the Court may by any permanent rule or arrangement appoint.
Service of notices, etc.	33. All notices or other documents required by this Act to be served shall be served in the same manner as a writ of summons in the Supreme Court is by law for the time being in force directed or authorised to be served.
Application of Act.	34. The provisions of this Act shall apply to all appeals to Her Majesty in Council whenever allowed by law.
Powers of Court of Appeal exercisable by single judge. 19 of 1967.	35.-(1) All or any of the powers and functions of the Court under this Act except the exercise of discretion under section 3 (<i>b</i>) may be exercised by a single judge of the Court. (2) Any order of a judge under this section may be varied, discharged or reversed by the Court consisting of three judges which may include the judge who made the order.

SCHEDULE

[Sections 13 and 27]

1. Records and cases in appeals to Her Majesty in Council shall be printed in the form known as *demy quarto* (*i.e.*, fifty-four ems in length and forty-two in width).
2. The size of the paper used shall be such that the sheet, when folded and trimmed, will be eleven inches in height and eight and a half inches in width.
3. The type to be used in the text shall be pica type but long primer shall be used in printing accounts, tabular matter and notes.
4. The number of lines in each page of pica type shall be forty-seven or thereabouts and every tenth line shall be numbered in the margin.