

**IN THE EASTERN CARIBBEAN SUPREME COURT
(2008)**

PRACTICE DIRECTION 62

No. 2 of 2008

**APPEALS
INTERLOCUTORY APPLICATIONS
SERVICE AND CONDUCT**

This Practice Direction is made pursuant to Part 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 62 of the Rules.

1. INTRODUCTION

This Practice Direction establishes the procedure upon the filing of interlocutory applications and also establishes practice relating to evidence of service of documents in appeal matters.

**2. REQUIREMENTS ON FILING AND SERVICE OF ANY
INTERLOCUTORY APPLICATION OR DOCUMENT IN RELATION
TO AN APPEAL MATTER**

- (a) Where Part 62 or any Practice Direction or Practice Guide requires that a document be filed and served, the party serving the document must file an affidavit of service with the High Court Office where the matter originates within 7 days of service of that document and transmit a

copy of the filed document by facsimile to the Court of Appeal forthwith.

- (b) In the case of interlocutory applications-
 - (i) the applicant/s must file an affidavit of service evidencing service within 7 days of the date of service of that application.
 - (ii) the respondent/s must file a notice indicating whether the application is opposed within 7 days of service of the Notice of Application.

In each case, the parties must transmit a copy of the filed affidavit of service or notice to the Court of Appeal by facsimile. It is the duty of the parties to assist the Court by verifying that all relevant documents have been received by the Court of Appeal prior to the date of the hearing.

3. ATTENDANCE AT CHAMBER PROCEEDINGS

Unless the Court or Judge directs otherwise, the parties to an application and/or their counsel should not attend Chamber Proceedings.

4. NOTICES OF HEARING OF INTERLOCUTORY APPLICATIONS

A Notice of Hearing of an Application is conditional upon compliance with Paragraph 2 (b) (i) above. If the requirements are not satisfied by the date of the hearing the court or a judge may decide how to dispose of the matter.

5. EFFECTIVE DATE

This Practice Direction will come into effect on the 1st day of June 2008.

Dated this day of April, 2008.

**Sir Brian Alleyne SC, KCN
Chief Justice [Ag.]**