CAYMAN ISLANDS



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THE COURT OF APPEAL LAW (Law 9 of 1975)

Date of operation:

Date of non-disallowance published in Gazette No.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Law is to make new provisions for the jurisdiction, powers and authorities of the Court of Appeal in respect of appeals from the Islands under the provision of the Cayman Islands (Constitution) Order, 1972.

The Court of Appeal - Law 9 of 75-3

THE COURT OF APPEAL LAW ARRANGEMENT OF SECTIONS

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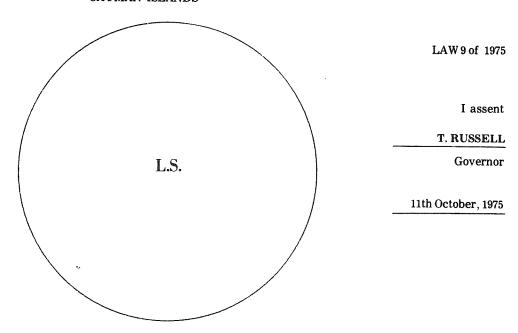
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CAYMAN ISLANDS



A LAW TO PROVIDE FOR THE JURISDICTION, POWERS AND AUTHORITIES IN RELATION TO THE CAYMAN ISLANDS OF A COURT OF APPEAL AND FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH.

ENACTED by the Legislature of the Cayman Islands.

Short title and commencement.

Interpretation.

1. This Law may be cited as the Court of Appeal Law, and shall come into operation on a date to be appointed by the Governor by notice published in the Gazette.

PART I Preliminary

2. In this Law unless the context otherwise requires —

"appeal" includes cross-appeal;

"appellant" includes a person who has been convicted and who desires to appeal to the Court;

"Court" means the Court of Appeal for Jamaica exercising jurisdiction conferred in accordance with The Cayman Islands (Constitution) Order, 1972;

"Grand Court" means the Grand Court of the Islands:

"Judge" means a Judge of the Court and includes the President of the Court:

"judgment" includes any sentence, decree, order or declaration of any court;

"law" means any enactment having effect in the Islands and includes any subsidiary legislation made under any law;

"President" means the President of the Court:

"Registrar" means the Registrar of the Court;

"rules of court" means rules of the Court made under the provisions of section 28; and

"sentence" includes any order of any court made consequent upon or in connection with a conviction which is subject to the jurisdiction of the Court.

PARTII

Appellate Civil Jurisdiction

Appeals from the Grand Court in civil proceedings. 3. Subject to the provisions of this Law, the Court shall have jurisdiction to hear and determine appeals from any judgment of the Grant Court given or made in civil proceedings, or to order a new trial if the Court thinks fit, and, for all purposes of and incidental to the hearing and determination of any such appeal and the amendment, execution and enforcement of any judgment made thereon, the Court shall, subject as aforesaid, have all the powers, authority and jurisdiction of the Grand Court:

Provided that no judgment of the Grand Court shall be altered or reversed in any case in which the Court is satisfied that the effect of the judgment is to do substantial justice between the parties.

Restrictions on civil appeals.

4. No appeal shall lie —

- (a) from any order allowing an extension of time for appealing from a judgment;
- (b) from an order of the Judge of the Grand Court giving unconditional leave to defend an action;
- (c) from any decision of the Grand Court in respect of which it is provided by any law in force in the Islands that such decision is to be final;
- (d) from any order absolute for the dissolution or nullity of marriage in favour of any party who, having had time and opportunity to appeal from the decree *nisi* on which the order was founded, has not appealed from that decree, except upon some point which would not have been available to such party on such appeal;
- (e) without the leave of the Grand Court, or of the Court, from an order made with the consent of the parties or as to costs only where costs are

by law left to the discretion of the Grand Court;

- (f) without the leave of the Grand Court, or of the Court, from an interlocutory judgment made or given by the Judge of the Grand Court except -
 - (i) where the liberty of the subject or the custody of an infant is in question;
 - (ii) where an injunction or the appointment of a receiver is granted or refused;
 - (iii) in the case of a decree *nisi* in a matrimonial cause or a judgment in an Admiralty action determining liability;
 - (iv) in the case of an order made in any arbitration proceedings;
 - (v) in the case of a decision determining the claim of any creditor or the liability of any contributory or the liability of any director or other officer of any company, under the provisions of any law for the time being in force relating to companies, in respect of misfeasance or otherwise;
- (g) in any case in which, before the decision of the Grand Court the parties have agreed in writing that such decision shall be final; or
- (h) in such other cases as may be prescribed by rules of court as, in the opinion of the authority having power to make such rules, are of the nature of final decisions.

PART III

Appellate Criminal Jurisdiction

Appeals against conviction in the Grand Court.

- 5. Subject to the provisions of this Law, the Court shall have jurisdiction to hear and determine appeals from the Grand Court by a convicted person—
 - (a) against the conviction on any ground of appeal which involves a question of law alone;
 - (b) with the leave of the Court, or upon the certificate of the Judge of the Grand Court before whom he was tried that it is a case fit for appeal, against his conviction on any ground of appeal which involves a question of fact alone or a question of mixed law and fact or upon any other ground which appears to the Court or the Judge aforesaid to be a sufficient ground of appeal; and
 - (c) with the leave of the Court against the sentence passed on his conviction unless the sentence is one fixed by law.

Determination of criminal appeals.

6. (1) Subject to the provisions of section 9 the Court on any such appeal against conviction shall allow the appeal if the Court considers that the verdict should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence or that the judgment of the court before which

the appellant was convicted should be set aside on the ground of a wrong decision on any point of law, or that on any ground there was a miscarriage of justice, and in any other case shall dismiss the appeal with or without mitigation of sentence:

Provided that the Court may, notwithstanding that it is of the opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if the Court considers that no substantial miscarriage of justice has actually occurred.

- (2) Subject to the provisions of this Law, the Court shall, if it allows an appeal against conviction, quash the conviction and direct that a judgment and verdict of acquittal be entered, or, if the interests of justice so require, may order a new trial in accordance with such directions as the Court may give.
- (3) On an appeal against sentence the Court shall, if it considers that a different sentence ought to have been passed, quash the sentence passed at the trial, and pass such other sentence warranted in law by the verdict (whether more or less severe) in substitution therefor as the Court considers ought to have been passed, and in any other case shall dismiss the appeal.
- (4) Where on the conviction of the appellant the jury has found a special verdict, and the Court considers that a wrong conclusion has been arrived at by the court before which the appellant has been convicted on the effect of that verdict, the Court may, instead of allowing the appeal, order such conclusion to be recorded as appears to the Court to be in law required by the verdict, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law.

Legal aid for poor appellants in criminal cases.

- 7. (1) The Court may at any time assign counsel to an appellant in an appeal under this Part where it appears to the Court that he has not sufficient means wherewith to retain counsel and that it is necessary in the interests of justice that he should have legal aid in the preparation and conduct of his appeal.
- (2) The Court shall, in any case where the appellant has been convicted of an offence for which the punishment is death, assign counsel to him if it appears that he has not sufficient means wherewith to retain counsel in connection with his appeal.
- (3) The cost of the provision of counsel for a poor appellant in any case in which counsel is assigned to such appellant by the Court in accordance with the provisions of this section shall be defrayed from the general revenue of the Islands up to an amount allowed by the Court.

Right of appellant to be present and to state his case in writing. 8. (1) Every appellant, notwithstanding that he is in custody, shall be entitled to be present if he so desires at the hearing of his appeal, but, on an application for leave to appeal or on any proceedings preliminary or incidental to an appeal the appellant shall not be entitled to be present unless rules of court provide to the contrary:

Provided that the Court may in any proceedings had before the Court grant leave for, or order, the appellant to be present at the hearing.

(2) Every appellant permitted to be present during the hearing of his appeal, in a case in which he has not been released on bail, shall be deemed to be in lawful custody when being brought to or from the place at which he is entitled to be present for that purpose.

(3) The power of the Court to pass any sentence under this Law may be exercised notwithstanding that the appellant is for any reason not present.

Powers of the Court in special cases.

- 9. (1) If it appears to the Court that an appellant though not properly convicted on some count of an indictment, information or charge has been properly convicted on some other count thereof, the Court may either affirm the sentence passed on the appellant at the trial or pass such sentence in substitution therefor as the Court thinks proper and as may be warranted in law by the judgment or verdict on the count or part of the indictment, information or charge on which the Court considers that the appellant has been properly convicted.
- (2) Where the appellant has been convicted of an offence and the court of trial or the jury could have found him guilty of some other offence, and on the finding or verdict of such court or jury it appears to the Court that the court of trial or jury must have been satisfied of facts which proved him guilty of that other offence, the Court, instead of allowing or dismissing the appeal, may substitute for the judgment passed or verdict given by the court of trial or jury a judgment or verdict of guilty of that other offence and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law for that offence, not being a sentence of greater severity.
- (3) If on an appeal it appears to the Court that, although the appellant committed the act or omission charged against him, he was insane at the time the act was done or the omission made so as not to be responsible according to law for his actions, the Court may quash the sentence passed at the trial and order the appellant to be dealt with in accordance with section 150 of the Criminal Procedure Code, in all respects as if a special verdict had been found against him in accordance with the provisions of section 149 of that Law.

PART IV

Supplementary provisions

Time for appealing in criminal proceedings.

Law 13 of 1975.

- 10. (1) Where a convicted person desires to appeal to the Court or to obtain the leave of the Court to appeal under the provisions of this Law he shall, within fourteen days of the date of conviction, give to the Clerk of the Grand Court notice in writing of his appeal or of his application for leave to appeal in such manner as the rules of court direct.
- (2) Such rules shall enable any convicted person if he so desires to present his case in writing instead of by oral argument and any case so presented shall be considered by the Court.
- (3) Except in the case of a conviction involving sentence of death, the time within which notice of appeal or notice of an application for leave to appeal may be given may at the any time be extended by the Judge of the Grand Court or by the Court.
- (4) For the purpose of this section the date of conviction shall be deemed to be the date on which the court has sentenced or otherwise dealt with the appellant.

Transmission of the record of the trial to the Court.

11. (1) The Clerk of the Grand Court upon receipt of a notice of appeal or of an application for leave to appeal given under the provisions of section 10 shall, if requested by the appellant, give the appellant such assistance as may be necessary in setting out in writing in accordance with any rules of court the

grounds of the appeal and shall forward the same as soon as practical thereafter to the Registrar.

(2) In the case of an appeal to which this section applies the Judge of the Grand Court before whom the appellant was convicted shall give the Clerk of the Grand Court his notes of the trial and summing up and the Clerk of the Grand Court shall procure the transcript of the proceedings at the trial and of the evidence received therein (if any) together with the Judge's notes and summing up aforesaid and shall transmit the same and four copies thereof to the Registrar and shall also furnish one copy thereof to the appellant and to the prosecutor.

Suspension of sentence of death or corporal punishment.

12. In the case of a conviction involving a sentence of death or corporal punishment —

- (a) the sentence shall not in any case be carried out until after the expiration of the time within which notice of appeal or of application for leave to appeal may be given under this Law; and
- (b) if notice is so given, the appeal or application shall be heard and determined with as much expedition as practicable and the sentence shall not be carried out until after the determination of the appeal, or if leave to appeal is finally refused, of the refusal of the application.

Supplemental powers of the Court.

- 13. For the purposes of an appeal under Part III the Court may, if it appears to the Court to be necessary or expedient in the interests of justice
 - (a) order the production of any document, exhibit or other thing connected with the proceedings:
 - (b) order any witness, who would have been a compellable witness at the trial, to attend and be examined before the Court, whether such witness was or was not called at the trial, or order the examination of any such witness to be conducted in a manner provided by rules of court before any Judge or any officer of the Court or other person appointed by the Court for the purpose, and may allow the admission of any depositions so taken as evidence before the Court;
 - (c) receive the evidence, if tendered, of any witness (including the appellant) who is a competent but not a compellable witness, and, if the appellant makes an application for the purpose, of the husband or wife of the appellant, in any case in which the evidence of such husband or wife could not have been given at the trial except on such an application;
 - (d) where any question arising on the appeal involves prolonged examination of documents or accounts, or any scientific or local investigation, which, in the opinion of the Court, cannot conveniently be conducted before the Court, order the reference of the question in manner provided by the rules of court for inquiry and report to a special commissioner appointed by the Court, and may act on the report of such commissioner appointed by the Court, and may act on the report of such commissioner so far as the Court thinks fit:
 - (e) appoint any person with specialist or expert knowledge to act as assessor to the Court in any case where it appears to the Court that

such special knowledge is required for the proper determination of the case; and

(f) exercise in relation to the proceedings any other powers which may for the time being be exercised by the Court on appeals in civil matters, and issue any warrant necessary for enforcing any orders or sentences of the Court:

Provided that in no case shall any sentence be increased by reason of or in consideration of any evidence which was not given at the trial.

Admission of appellant to bail.

- 14. (1) The Court may, upon the application of an appellant, admit him to bail pending the determination of his appeal.
- (2) An appellant who is not admitted to bail shall, pending the determination of his appeal, be treated in such manner as may be provided by any law for the time being in force relating to prisons.
- (3) The time during which an appellant is admitted to bail and, subject to any directions which the Court may give to the contrary, the time during which an appellant is specially treated while in custody under the provisions of this section, shall not count as part of the term of imprisonment to which he may have been sentenced, and any such term of imprisonment whether passed by the court of trial or by the Court under the provisions of this Law shall, subject to any directions given by the Court aforesaid, be deemed to begin to run or to be resumed as from the date when the appeal is determined or application for leave to appeal is refused, or if the appellant is not in custody as from the day on which he is received into prison under that sentence.

Costs of appeal in criminal cases.

- 15. (1) On the hearing and determination of an appeal, or any proceeding preliminary or incidental thereto, under Part III no costs shall be allowed on either side.
- (2) The expenses of any witness attending on the order of the Court or examined in any proceedings incidental to the appeal, and of the appearance of any appellant on the hearing of his appeal or on any proceedings preliminary or incidental to the appeal, and all expenses of and incidental to any examination of witnesses conducted by any person appointed by the Court for the purpose of any reference of a question to a special commissioner appointed by the Court, or of any person appointed as assessor to the Court, shall be defrayed from the general revenue of the Islands up to an amount allowed by the Court, but subject to any rules of court as to rates and scales of payment and in the manner expressed by such rules.

Appeals in civil proceedings.

- 16. (1) In the case of an appeal from any judgment of the Grand Court in the exercise of its civil jurisdiction, the appeal shall be brought by the appellant within fourteen days after the date of the judgment, lodging with the Clerk of the Grand Court a written notice of appeal and serving personally, or at the place of his dwelling or upon his Attorney-at-Law a copy of such notice upon the opposite party.
- (2) The appellant shall at the time of lodging the notice of appeal required by subsection (1) deposit in the Grand Court the sum of fifty dollars as security for the due prosecution of the appeal together with such further sum as security for costs of the appeal as the Judge of the Grand Court may direct and such security for costs may be given by the appellant entering into a bond by himself and such sureties and in such sum as the Judge of the Grand Court may direct,

conditioned for the payment of any costs which may be awarded against the appellant, and for the due performance of the judgment of the Court.

- (3) No stay of execution or other proceedings shall be granted upon any judgment appealed against save upon payment by the appellant into the Grand Court of the whole sum, if any, found due upon such judgment and the amount of any costs awarded to the other party or parties to the action, or upon good cause shown to the Court or to the Grand Court.
- (4) Upon the appellant complying with subsections (1) and (2) the Judge of the Grand Court shall draw up, for the information of the Court, a statement of the reasons for the judgment appealed against and such statement shall be lodged with the Clerk of the Grand Court who shall give notice thereof to the parties and allow them to peruse and take copies of the same.
- (5) The appellant shall within twenty-one days of receiving the notice provided for in subsection (4), draw up and serve upon the respondent and file with the Clerk of the Grand Court a memorandum of the grounds of appeal and, should he fail timously so to do, his right of appeal shall, subject to section 22, cease and determine.
- (6) Should the appellant, having given notice of appeal as required by subsection (1) and security as required by subsection (2), fail duly to prosecute the appeal, he shall forfeit as a court fee the sum of fifty dollars deposited thereunder but, if he appears in person or by his Attorney-at-Law in support of his appeal, he shall be entitled to the return of the said deposit of fifty dollars in any event.
- (7) The appellant shall furnish an address for service and the Clerk of the Grand Court shall refuse to accept notice or any memorandum of grounds of appeal which does not disclose such address for service.

Provisions relating to grounds of appeal.

- 17. (1) The memorandum of the grounds of appeal shall set out concisely the facts and points of Law (if any) upon which the appellant intends to rely in support of his appeal and shall conclude with a statement of the relief for which he prays.
- (2) The Court may dismiss without a hearing any appeal which fails to comply with subsection (1).
- (3) It shall not be competent for the appellant at the hearing of the appeal to argue or produce evidence of any ground of appeal other than the grounds of appeal served upon the respondent and filed with the Clerk of the Grand Court in accordance with subsection (5) of section 16 unless the Court otherwise orders upon such terms as it deems fit.

Transmission of documents in case of appeal.

18. The Clerk of the Grand Court shall, upon the appellant filing with him the memorandum of the grounds of appeal in compliance with subsections (5) and (7) of section 16 transmit to the Registrar four certified copies of such memorandum and of the statement lodged in accordance with subsection (4) of section 16, and of the relevant notes of evidence of the Judge of the Grand Court and (in original) all the other proceedings in the cause:

Provided that the Court may, in addition, require production of the original notes of evidence.

Appeal by way of a special case.

19. Notwithstanding the provisions of sections 16, 17 and 18, the parties to an

appeal may, by mutual consent, submit an appeal in the form of a special case for the consideration of the Court.

Application of money deposited or secured.

20. Any sum deposited or secured by virtue of subsection (2) of section 16 shall be subject to any order which the Court deems fit:

Provided that where the Court orders costs to be awarded to any party upon taxation or otherwise, such costs shall be irrespective of and may be in excess of the amount so deposited or secured.

Power to extend time.

21. Notwithstanding any other provision of this law, the Court may at any time, upon application made in such manner as may be prescribed by the rules of court, extend the time within which —

- (a) notice of appeal may be given or served;
- (b) security for the costs of an appeal may be given;
- (c) a memorandum of the grounds of an appeal may be filed or served; or
- (d) security for the due prosecution of an appeal may be given.

Powers of the Court.

22. The provisions of this Law conferring a right of appeal in civil causes and matters shall be construed liberally in favour of such right; and in case any provision of this Law shall have been inadvertently, or from ignorance or necessity omitted to be observed, the Court may, if the justice of the case so requires, with or without terms, admit the appellant to impeach the judgment or proceeding appealed from despite such omission.

Court may make orders for the preservation or disposal of property.

- 23. (1) The Court, of its own volition, or upon the application of any party, may make such orders as it considers desirable for the protection and preservation of any property concerned in any proceedings, whether civil or criminal, which are the subject of an application or appeal under the provisions of this Law, pending the determination of such application or appeal and thereafter for the disposal of the same in accordance with the justice of the case or as to the revesting of the property in any stolen goods in any case in which, in the opinion of the Court, the title is not in dispute.
- (2) In the exercise of the powers conferred by subsection (1) the Court may set aside any order made by the Grand Court in the same proceedings, or may direct that any such order be suspended until the final determination of the application or appeal.

Reservation of questions of law for the Court.

- 24. (1) Upon the conviction of any person before the Grand Court the Judge, in his discretion, may reserve any question of the law which has arisen at the trial for the consideration of the Court, and thereupon, if he thinks fit, may respite execution of the judgment until such question has been decided or may commit the person convicted to prison, (in which case he shall be treated as an appellant for the purposes of subsections (2) and (3) of section 14), or may authorise his release on bail.
- (2) The Judge shall thereupon state, in a case signed by him, the question of law which has been so reserved with the special circumstances upon which the same has arisen and shall transmit such case to the Registrar and the Court shall thereupon have power to hear and finally determine such question and to reverse, affirm or amend any judgment which shall have been given on the trial of the indictment or information upon which such question arose, or to make such other order as the justice of the case may require.

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(3) The Court, when a case has been reserved for its opinion under the provisions of this section, may, if it thinks fit, cause the same to be sent back for amendment, and thereupon the same shall be amended accordingly and the judgment of the Court given after such amendment has been made.

Further appeals.

- 25. (1) Any person (including the prosecutor) aggrieved by any judgment given or made by the Grand Court in the exercise of its appellate or revisional jurisdiction, whether such judgment has been given or made upon appeal or revision from a court of summary jurisdiction or any other court, board, committee or authority exercising judicial powers, and whether or not the proceedings are civil or criminal in nature, may appeal, subject to the provisions of this Law, to the Court on any ground of appeal which involves a point of law alone, or against sentence but not upon any question of fact.
- (2) In any case in which any matter, whether civil or criminal in nature, is pending before the Grand Court in the exercise of its appellate or revisional jurisdiction and the Judge of the Grand Court is unable to hear the case by reason of absence or any incapacity, or considers that for any sufficient reason he ought not to hear the case, the Judge, or the Clerk of the Grand Court in the absence of the Judge, shall report the facts to the Governor who, acting in his discretion, if he considers that it is not convenient or, for any reason, desirable to appoint another person to act as the Judge of the Grand Court, he may so certify and shall direct that such case shall be transferred to the Court and thereupon the Court shall have jurisdiction in the case in all respects as if it had been an appeal under the provisions of this Law from a decision of the Grand Court in its appellate jurisdiction.
- (3) Upon the giving of a direction, under subsection (2), for the transfer of a case to the Court, the Clerk of the Grand Court, subject to and in accordance with any provisions of any rules of court, shall arrange for all relevant documents in the case, together with copies of the record of the proceedings in the lower court or other authority or tribunal, to be forwarded to the Registrar.

PART V

Miscellaneous

Powers which may be exercised by a single Judge.

- 26. (1) The powers of the Court under this Law in criminal cases to
 - (a) extend the time within which notice of appeal or application for leave to appeal may be given;
 - (b) assign counsel to an appellant;
 - (c) grant leave for an appellant to be present at any proceedings of the Court:
 - (d) admit an appellant to bail; or
 - (e) in any case make any order for the preservation of any property pending the determination of an appeal,

may be exercised by a single Judge in the same manner as they may be exercised by the Court and subject to the same provisions.

(2) Any single Judge may deliver in open court the judgment or judgments of the Court in any appeal or other matter heard and determined by the Court, notwithstanding that some or all the Judges who heard and determined such appeal or other matter may be absent when such judgments are read.

Certificate of judgment of Court.

27. Every judgment of the Court shall be certified by the Registrar, under the

seal of the Court, to the Clerk of the Grand Court, who shall enter the same on the original record in proper form; and a certificate of such entry under the hand of the Clerk of the Grand Court, in such form as may be prescribed by the Judge of the Grand Court, with any necessary alterations to adapt it to the circumstances of any particular case, shall be delivered or transmitted by him to the gaoler or officer in whose custody any person convicted may be. Such certificate shall be a sufficient warrant to such gaoler or officer and all other persons for the execution of the judgment, as the same is so certified to have been affirmed or amended, and execution shall be thereupon executed upon such judgment, and for the discharge of the person convicted from imprisonment if the judgment is reversed, avoided or arrested, and in such case the gaoler or officer shall forthwith discharge him, and any recognisance of bail shall be vacated and the Grand Court, if directed to give any judgment, shall proceed to give judgment at the next session.

Rules of Court.

- 28. (1) There is hereby established a Committee to be known as the Rules Committee of the Court which shall consist of the President and any two judges of the Court.
- (2) The President shall be the chairman of the Committee the quorum of which shall be two.
- (3) It shall be the function of the Committee to make rules of court for the purpose of regulating appeals to the Court.
- (4) Until rules of court are made under subsection (3) the Court of Appeals Rules, 1962, of Jamaica shall *mutatis mutandis* continue in force in so far as they may be applicable, and shall have effect as if they had been made under this section.

Right of audience.

29. In addition to every person having right of audience before the Court in its jurisdiction generally as a Court of Appeal, every advocate, barrister, solicitor and attorney-at-law having the right to appear and practise before the Grand Court in any capacity shall have the right to appear and practise in a similar capacity before the Court when exercising the jurisdiction conferred upon it by this Law.

English rules to apply where no other provision made.

30. Where in any case no special provision is contained in this or any other law, or in rules of court, with reference thereto, any jurisdiction in relation to appeals in criminal and civil matters shall be exercised by the Court as nearly as may be in conformity with the law and practice for the time being observed in Jamaica, and where such law and practice has no application, then to the law and practice for the time being observed by the Court of Appeal having equivalent jurisdiction in England.

Repeal and transitional provisions. Cap. 73.

- 31. (1) The Judicature (Appellate Jurisdiction) Law is hereby repealed.
- (2) Notwithstanding subsection (1), any appeal pending at the date of commencement of this Law may continue and shall be deemed to have been brought under the provisions of this Law and if any difficulty shall arise in respect of the continuation of any such appeal or as to the procedure thereon a single Judge of the Court may give such directions as may be necessary for the removal of that difficulty.

Passed the Legislative Assembly this 3rd day of September, 1975.

T. RUSSELL President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly