

PRACTICE NOTE 1/2021

Guidance note in respect of disobedience of timelines for filing of submissions in civil appeals

- 1.1. This practice note is made with the concurrence of the President and Judges of Appeal.
- 1.2. The court has been concerned with the frequency with which counsel file submissions late. The late filing causes dislocation and inconvenience. Some of the effects are the inability of the other side to respond before the date of the hearing and the panel not having an opportunity to read the submissions before the hearing.
- 1.3. It is noted that Practice Direction No 1 of 2019 speaks to the sanction that will be applied in the case of applications. In the case of civil appeals, the court has a variety of responses that it can make to the late filing of submissions and bundles.
- 1.4. In an effort to bring these to the attention of parties and their respective counsel, they are set out below:
 - 1.4.1. Removal of the appeal from the hearing list.
 - 1.4.2. Standing down the appeal to allow the panel to read the late submissions. The panel may reduce the offender's time for oral submissions.
 - 1.4.3. The imposition of one or more of the following costs sanctions at the completion of the appeal:
 - a. a wasted costs order;
 - b. an indemnity costs order, if the offender is the unsuccessful party; or
 - c. the reduction or denial of costs if the offender is the successful party.



Patrick Brooks, OJ, CD
President of the Court of Appeal
30 April 2021