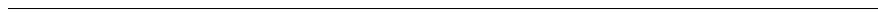


MONTSERRAT
STATUTORY RULES AND ORDERS
S.R.O. 77 OF 2014

**EASTERN CARIBBEAN SUPREME COURT (SITTINGS OF THE
COURT) RULES 2014**

ARRANGEMENT OF RULES

1.	Citation and commencement	2
2.	Interpretation	2
3.	General Sittings of the High Court in non-criminal matters.....	2
4.	Criminal Sittings of the High Court	3
5.	Criminal Sittings of the High Court in Anguilla, Montserrat and Saint Christopher and Nevis.	3
6.	Sittings of the Court of Appeal.....	3
7.	Vacations of the Court.....	4
8.	Hearings in vacations	4



Montserrat
Eastern Caribbean Supreme Court (Sittings of the Court) Rules 2014
S.R.O. 77 of 2014

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**EASTERN CARIBBEAN SUPREME COURT (SITTINGS OF THE COURT)
RULES 2014**

THE EASTERN CARIBBEAN SUPREME COURT (SITTINGS OF THE COURT) RULES 2014 MADE BY THE CHIEF JUSTICE AND TWO OTHER JUDGES OF THE SUPREME COURT UNDER SECTION 17 OF THE SUPREME COURT ORDER 1967 (SI 1967 No. 223).

1. Citation and commencement

- (1) These Rules may be cited as the Eastern Caribbean Supreme Court (Sittings of the Court) Rules 2014.
- (2) These Rules come into force on the 15th day of September, 2014.

2. Interpretation

In these Rules—

“**law year**” means the period from 16 September to 31 July of the following year; and

“**Territories**” means Anguilla, Montserrat and the British Virgin Islands.

3. General Sittings of the High Court in non-criminal matters

Except as otherwise provided for in these Rules or any other enactment, during the law year, the High Court shall sit continuously in the States and

Montserrat
Eastern Caribbean Supreme Court (Sittings of the Court) Rules 2014
S.R.O. 77 of 2014

Territories for the trial of civil and other non-criminal matters and the disposal of the regular business of the Court.

4. Criminal Sittings of the High Court

- (1) Except as otherwise provided for in these Rules or any other enactment, the High Court shall sit continuously in its criminal jurisdiction in the States and Territories from the first Tuesday immediately following the end of any vacation, until the commencement of the next vacation.
- (2) Subrule (1) shall not apply to Anguilla, Montserrat and Saint Christopher and Nevis.

5. Criminal Sittings of the High Court in Anguilla, Montserrat and Saint Christopher and Nevis.

- (1) The High Court shall commence the trial of criminal matters—
 - (a) in Anguilla, on the first Tuesday of March and October;
 - (b) in Montserrat, on the first Tuesday of March, July and November;
 - (c) in Saint Christopher, on the first Tuesday of January, May and September; and
 - (d) in Nevis, on the first Tuesday of April and November.
- (2) Despite subrule (1), if the first Tuesday in a month specified under subrule (1) falls within the Court's vacation or on a public holiday, the trial of criminal matters shall commence on the first Tuesday following the end of the vacation or the next working day.
- (3) The Judge of the High Court may, with the concurrence of the Chief Justice, fix an alternative date for the commencement of criminal trials.
- (4) Notice of the date fixed shall be published in the *Gazette* not less than seven days before the commencement of the sitting.

6. Sittings of the Court of Appeal

Except as otherwise provided for in these Rules or any other enactment, the Court of Appeal shall sit continuously in the States and Territories for the determination of appeals and applications in accordance with the schedule of sittings as the Chief Justice may direct.

Montserrat
Eastern Caribbean Supreme Court (Sittings of the Court) Rules 2014
S.R.O. 77 of 2014

7. Vacations of the Court

- (1) There shall be three vacations observed by the High Court and Court of Appeal in each year, namely—
 - (a) Christmas vacation, from 23 December to 10 January;
 - (b) Easter vacation which begins on the Thursday before and ends on the Saturday after Easter Sunday; and
 - (c) Long vacation, from 1 August to 15 September.
- (2) The days of commencement and termination of each vacation shall be included in the vacation.

8. Hearings in vacations

- (1) During vacations, the—
 - (a) Court of Appeal may sit to hear and determine appeals and applications as the Court of Appeal may direct; and
 - (b) High Court may sit to hear and determine trials and applications as a judge or master may direct.
- (2) A party to a claim or matter may at any time apply to the High Court for an order that a trial or application be heard during the vacation and if the Court is satisfied that the matter should be heard immediately or promptly, it may make an order accordingly and fix a date for the hearing.
- (3) A party to an appeal may apply to the Court of Appeal for an order that an appeal or application relating to an appeal be heard during the vacation and if the Court is satisfied that the matter should be heard immediately or promptly, it may make an order accordingly and fix a date for the hearing.
- (4) An application made under subrule (2) may be determined on paper by a judge or master.
- (5) An application made under subrule (3) may be determined on paper by a single judge of the Court of Appeal.

Montserrat
Eastern Caribbean Supreme Court (Sittings of the Court) Rules 2014
S.R.O. 77 of 2014

Made this 11th day of September, 2014.

(Sgd.) Dame Janice M. Pereira
Chief Justice

(Sgd.) Davidson K. Baptiste
Justice of Appeal

(Sgd.) Francis Belle
High Court Judge

Published by the Cabinet Secretary by exhibition at the Office of the Legislature, Farara Plaza, Brades, this 15th day of September, 2014.

(Sgd.) Angela Greenaway
CABINET SECRETARY