

EASTERN CARIBBEAN SUPREME COURT
GRENADA

IN THE HIGH COURT OF JUSTICE
(CIVIL)

CLAIM NO: GDAHCV2024/0417

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW (PURSUANT TO PART 56 OF THE
CIVIL PROCEDURE RULES AS AMENDED)

AND

IN THE MATTER OF SECTION 6(1) OF THE CITIZENSHIP ACT OF GRENADA, CAP 54

AND

IN THE MATTER OF SECTION 5A OF GRENADA CITIZENSHIP BY INVESTMENT ACT

BETWEEN:

OLIVIA RUUMET

(Minor, by her next of friend Viktor Siilats)

Claimant

and

THE MINISTRY OF HOME AFFAIRS (GRENADA)

Defendant

Before:

The Hon. Mde. Justice Agnes Actie

High Court Judge

Appearances:

Mr. Steve Corbin with Ms. Shireen Francis for the Claimant

Ms. Camille Gooding-DeSouza for the Defendant

2025: November 27th

2026: May 27th.

RULING

- [1] **ACTIE, J:** The claimant is a minor acting through her next friend and father, Viktor Siilats, who obtained Grenadian citizenship on 26th April 2022 under the **Grenada Citizenship by Investment Act**¹. He did not include his daughter, who was born on 18th August 2018, in that application. He later applied for citizenship on her behalf on 25th July 2022, but the application was refused by

¹ Act No. 15 of 2013

letter dated 29th July 2023. He applied again on 25th November 2023, and by letter dated 7th May 2024 reference was made to the letter of 29th July 2023 refusing to grant the application.

- [2] By claim filed on 10th October 2024, the claimant seeks, inter alia: (i) a declaration that section 6(1) of the Citizenship Act does not require that the parent of a minor child must have been a citizen of Grenada at the time of the child's birth for the child to be eligible for registration as a citizen; (ii) an order of certiorari quashing the decision of the Ministry of Home Affairs refusing to register Olivia Ruumet as a citizen of Grenada; and (iii) an order of mandamus directing the Ministry of Home Affairs to register Olivia Ruumet as a citizen of Grenada.
- [3] In its defence, counsel for the defendant states that Section 6(1) of the Act provides that upon application made in the prescribed manner by the responsible parent or the guardian of a minor, the Minister may cause a minor to be registered as a citizen.
- [4] Counsel for the defendant submits that section 6(1) is discretionary, not mandatory, and permits the Minister to exercise that discretion after conducting due diligence. The defendant further contends that section 6(1) does not oblige the Minister to register the minor as a citizen. Counsel also argues that the claimant did not indicate any procedural unfairness, since the father's failure to include the child in his own citizenship application was his own omission. The defendant further submits that the claim is statute-barred, having been filed more than six months after the decision.
- [5] The matter first came on for hearing on 30th January 2025, when the court directed the claimant to file an amended claim, in compliance with Practice Direction No. 1 of 2008, within seven days. The court also ordered the claimant to pay costs of \$250.00 to the defendant before the next hearing. The matter was adjourned to 6th March 2025.
- [6] The claimant filed the amended claim on 11th February 2025, outside the prescribed time, and subsequently applied for an extension of time and for the late filing to be deemed properly filed. Counsel states that the delay was attributed to inadvertence. The matter was adjourned to 29th May 2025 for further hearing or the first case management conference. The claimant was also directed to file submissions, with authorities, in support of the claim within fourteen (14) days. In breach of that order, the claimant filed the submissions on 21st March 2025 and, on 4th April 2025, applied for an extension of time and for those submissions to be deemed properly filed. The

claimant contended that the delay was caused by technical difficulties when attempting to file at 6:00 p.m.

- [7] At the hearing on 29th May 2025, the claimant, though granted leave to appear by Zoom, joined the proceedings from a moving vehicle, contrary to the court's protocol requiring participants to be in an appropriate setting. The court therefore aborted the hearing with costs to the defendant and adjourned the matter to 2nd October 2025. The claimant was also directed to file submissions, with authorities, by 30th June 2025 in response to the defendant's submissions that the claim was statute-barred.
- [8] On the adjourned date, 2nd October 2025, the claimant applied approximately 3 months after the date for an extension of time to file the submissions, contending that the omission was not in bad faith but resulted from human inadvertence.
- [9] The defendant opposes the application on the grounds that the inordinate delay, together with the filing of submissions on the date fixed for hearing, amounts to an abuse of process. The defendant further contends that the claimant has repeatedly failed to comply with the Orders and Rules of Court. It therefore asks the court, pursuant to Rule 11.15(1), to strike out the application on the basis that it is an abuse of process or is likely to obstruct the just disposal of the proceedings.
- [10] The court is of the view that the excuses advanced by counsel for the failures to comply with the orders and rules are not acceptable reasons accepted by the court. Lord Dyson stated in the Privy Council case of **Attorney General v Universal Products Ltd**²:
- “Oversight may be excusable in certain circumstances. But it is difficult to see how inexcusable oversight can ever amount to a good explanation. Similarly, if the explanation for the breach is administrative inefficiency.”
- [11] It has been held that a failure to provide a good explanation undermines the administration of justice, as the CPR is concerned with efficiency, expedition, and the proper use of court resources.
- [12] The Court of Appeal in **Kelvin Mann v Lorden Warrington**³, observed that what constitutes a good explanation for the purposes of CPR 26.8(2)(b) is fact sensitive. However, prior decisions

² [2011] UKPC 37

³ Claim No. DOMHCVAP2023/0003

have made clear that reasons such as misapprehension of the law, mistake of law by counsel, lack of diligence, volume of work, difficulty communicating with clients, pressure of work, client impecuniosity, secretarial incompetence, or inadvertence are not acceptable explanations for default. The burden remains on the applicant, and a party in default must not treat the obligation to provide a good explanation as trifling or with scant regard and still expect relief.

- [13] The Privy Council’s decision in **Crick and another v Kurt Brown Philip**⁴ is also instructive on the consequences of failing to file submissions. In that case, Crick failed to comply with directions for written submissions, and the Privy Council upheld the Court of Appeal’s refusal to hear the appeal. The Board emphasized that the overriding objective is central to case management under the Rules and is well understood by judges. Referring to **Keron Matthews v Attorney General of Trinidad & Tobago**⁵, the Board noted the court’s “commendable desire to encourage a new litigation culture” and “the steps that it is taking to rid Trinidad and Tobago of the ‘cancerous *laissez-faire* approach to civil litigation”. The same approach is engaged in the Eastern Caribbean Supreme Court.
- [14] Parties are required to assist the court in furthering the overriding objective. This claim concerns the discretionary power to grant citizenship to a minor under the Grenada Citizenship by Investment Act. The claimant was directed to file submissions by 30th June 2025 but failed to do so. Instead, on 2nd October 2025, on the adjourned hearing date more than three months later, the claimant belatedly applied for an extension of time. In **Cricks**, it was held that “A party who fails to comply with a step directed by the court should promptly seek an extension of time and must understand that such relief may be refused”.
- [15] Counsel is obliged to apply promptly for an extension of time before the compliance date. Active case management serves the overriding objective, and the court cannot allow a disproportionate use of its resources. Since the first hearing, counsel for the claimant has repeatedly breached the court’s orders and provided inadequate explanations for that non-compliance. This conduct indicates a lack of genuine intention to prosecute the claim with the expedition required in judicial review proceedings, particularly as the claim was filed almost one year after the initial refusal on 29th November 2023. Delay is a relevant consideration in judicial review, and the claimant’s *laissez-*

⁴ [2020] UKPC 32

⁵ [2011] UKPC 38 para. 19

faire approach to this case cannot be overlooked. In all the circumstances, the court finds that the claimant's conduct shows clear disregard for the court's processes and amounts to an abuse of process.

- [16] There is no sufficient reason for this court to grant an extension of time to file submissions after such a lengthy delay. Accordingly, exercising its case management powers and relying on **Crick**, the court strikes out the claim, with costs assessed at \$2,500.00 payable to the defendant, who has continued to suffer prejudice as a result of the claimant's delays.

Wasted Costs

- [17] The court further considers that wasted costs should be borne personally by counsel for the claimant pursuant to CPR 64.9, which permits such an order where a party or legal practitioner fails to comply with a rule, practice direction, or court order. Before making that order, the court directed counsel for the claimant to file submissions in accordance with the Rules.
- [18] **Rule 64.9 (1)** provides that the court may make an order under this rule where – (a) a party or his legal practitioner, fails to comply with a rule, practice direction or court order; or (b) it appears to the court that the conduct of a party or his legal practitioner, before or during the proceedings, was unreasonable or improper.
- [19] Counsel was fully aware of the court's directions and of the need to pursue this judicial review claim expeditiously. As already noted, counsel has repeatedly and flagrantly breached the court's orders, then belatedly sought extensions of time, relying on explanations for non-compliance that the law does not recognise.
- [20] Counsel has a duty to assist the Court in complying with case management directions and to notify the Court of any failure to comply that may delay the proceedings. In the court's view, counsel repeatedly failed to comply with its orders without any good reason, thereby engaging Part 64.9. Counsel has produced no evidence that the claimant was responsible for the repeated late filings. Accordingly, the Court directs that the wasted costs be borne by counsel for the claimant.

ORDER

- [21] For the above reasons it is hereby ordered as follows:

- (i) The claim is struck out as an abuse of process.
- (ii) Costs to the defendant assessed in the sum of \$2,500.00.
- (iii) Counsel for the counsel for the claimant shall pay the assessed costs pursuant to Rule 64.9 (1) (a) within twenty-one days of today's date.

Agnes Actie
High Court Judge

By the Court

Registrar