

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

VIDEOCONFERENCE

MONTSERRAT

Monday 29th September 2025 to Thursday 2nd October 2025

		<u>JUDGMENTS</u>
Case Name:		[1] Sancus Financial Holdings Limited [2] Carson Wen [3] Julia Yuet Shan Fung v Chad Christopher Holm [BVIHCMAP2023/0025] (Territory of the Virgin Islands)
Date:		Thursday 2nd October 2025
Coram for delivery:		His Lordship, The Hon. Trevor M. Ward, Justice of Appeal His Lordship, the Hon. Justice Davidson Kelvin Baptiste, Justice of Appeal [Ag.] Her Ladyship, the Hon. Justice Nicola Byer, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Second appellant in person No appearance for the first and third appellant
	Respondent:	Ms. Colleen Farrington
Issues:		Interlocutory Appeal – First appellant withdrawing and discontinuing its appeal – Damages – Interim damages – Rule 17 Civil Procedure Rules – Assessment of interim damages to be paid to respondent – Courts discretion to order reasonable proportion of the likely amount of final judgment as interim

		payment on account of damages – Proper approach to assessing likely amount of final Judgment – Whether the judge erred in law in “working backwards” when analyzing whether the interim payment sought was a reasonable proportion of the overall amount of damages which the respondent is likely to obtain at trial – Whether the judge erred by failing to take into account as relevant to the exercise of determining whether an interim payment of damages should be made and could be assessed, the respondent’s refusal to plead or state his case on loss – Whether the judge erred by disregarding the need for the respondent to show (as at the date of hearing) that he had already suffered loss as a matter of causation – Whether the judge erred by failing to consider the evidence by the appellants that they could not afford to pay damages in the amount sought – Whether the judge erred by failing to consider the prejudice to the appellants in making the interim damages order – Whether the judge erred by considering irrelevant factors and by failing to consider relevant ones – Whether the judge’s award of interim damages to the respondent was blatantly wrong
Result/Order:		IT IS HEREBY ORDERED THAT: 1. The appeal is dismissed. 2. The stay of execution previously granted is hereby lifted. 3. The respondent is awarded his costs of the appeal, such costs to be assessed if not agreed.
Reason:		1. Part 17 of the CPR confers upon the court a broad discretionary jurisdiction to grant interim remedies at any stage of the proceedings. One such remedy, an interim payment order, ensures that claimants who are likely to succeed at trial are not

		unduly disadvantaged by the protracted nature of litigation by allowing for the payment of damages before a final award is made. Where an applicant brings himself within the category of claim identified under rule 17.6(1), the discretion to order an interim payment must be exercised on a cautious and conservative basis in an effort to avoid any risk of overpayment, while at the same time ensuring that the claimant is not unjustly kept out of a reasonable portion of what is plainly his due. The jurisdiction is intended to be exercised broadly and practically, and not by way of mini trial. The relevant authorities commend a structured three-stage methodology: first, estimating the likely final judgment; second, determining a reasonable proportion of that amount and third, considering relevant discretionary factors. It is equally clear however that this framework is not to be applied with rigidity. Its utility will depend on the circumstances of the particular case and where quantification is especially complex, a mechanistic application may be inappropriate. Crucially, difficulty in estimating the likely final judgment is not in itself a bar to an interim award. Where the court can safely conclude that the claimant will recover at least a certain sum, and is likely to recover more, that “irreducible minimum” may properly form the basis for an interim payment. Spillman v Bradfield Riding Centre [2007] EWHC 89 (QB) applied; Re Stratos Club [2021] EWHC 1008 (Ch) applied; Eeles v Cobham Hire Services Ltd [2010] 1 WLR 409 applied; Newport (Essex) Engineering Ltd v Press & Shear [1981] 24 BLR 71 applied. 2. While the learned judge did not undertake the kind of conservatively reasoned
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		estimate of the likely final award contemplated in authorities such as Eeles and Spillman, he was alive to the challenges of doing so in the present case, given the nascent stage of the Project. He nevertheless approached the matter in a manner consistent with the reasoning in Newport. That decision makes clear that the difficulty of quantifying the likely final award ought not, in and of itself, to preclude the making of an interim payment, so long as the court can be satisfied that there is no real risk of overpayment. The learned judge was plainly so satisfied. He observed that liability had already been determined in favour of the respondent and relying on the valuations submitted by the parties particularly the evidence of the appellants' own expert, he identified a base figure of US\$12.5 million as a secure foundation. Against that background, he was entitled to conclude that the interim award of US\$16.5 million being the base figure with interest thereon represented a conservatively assessed minimum recovery and would not exceed the amount ultimately awarded at trial. 3. The threshold for appellate interference with the exercise of a judicial discretion is, as this Court has repeatedly emphasised, a high one. It is not enough that an appellate court might have exercised the discretion differently, the court must be satisfied that the decision under appeal was "plainly wrong". Interference is permissible only in limited circumstances. Those circumstances arise where it is shown that the judge, in exercising the discretion, erred in principle, either by failing to take account of relevant considerations, by attaching disproportionate weight to them, or by having regard to matters which were irrelevant and that, in consequence, the
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		decision falls outside the generous ambit within which reasonable disagreement is possible, so as to be said to be plainly wrong. In the circumstances of this case, it cannot be said that the learned judge was plainly wrong. Consequently, there is no basis for appellate interference, and grounds 1 and 2 of appeal fail. JTrust Asia PTE Ltd v Mitsuji Konoshita et al BVIHCMAP2020/0022 (delivered 31st May 2021, unreported) followed. 4. The normal measure of damages for breach of contract at common law in the Virgin Islands, as in England, is compensatory: the object being to place the innocent party, so far as money can do, in the position he would have occupied had the contract been performed. Both parties accept that the general rule is that damages are assessed as at the date of the breach. But that rule is not inflexible, and the courts have long recognised circumstances in which departure from it is justified. If rigid application would produce injustice, for example, where there is no ready market at the date of breach, or where the innocent party has reasonably continued to pursue performance, the court may adopt another date. The court retains a discretion to identify a date more consistent with the compensatory principle where no immediately available market substitute exists or where rigid application of the breach-date rule would unfairly depress compensation. Johnson v Agnew [1979] 1 All ER 883 applied; Hooper v Oates [2007] 2 AC 353 applied; Marathon Asset Management LLP v Seddon [2017] EWHC 300 (Comm) applied; Techno Land Improvements Ltd v British Leyland (UK) Ltd [1979] 2 EGLR 27 applied.
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		5. In the present case, it was common ground that no market existed for the Bank of Asia shares at the date of breach. The project was still at an early stage, and the value of the respondent's interest lay in its developmental prospects. To insist upon a breach-date valuation would have artificially depressed the respondent's compensable loss. The learned judge was therefore entitled to reject that approach. On the expert evidence, he found that a conservative minimum value of US\$12.5 million could safely be attributed to the respondent's 22% holding, a figure consistent with the appellants' own expert's assessment. He also noted the prolonged passage of time, nearly seven years since the breach, during which the respondent had received neither damages nor reimbursement of litigation costs, which were estimated at US\$6 million. In those circumstances, the grant of an interim award was both fair and justified, and the sum arrived at represented a safe irreducible minimum supported by the evidence. Additionally, the appellant's argument that the absence of a realised gain precludes loss cannot be accepted. The deprivation of the contractual entitlement to shares is itself a compensable loss. Therefore, the learned judge neither erred in principle nor in fact. The award of US\$16.5 million was firmly grounded in the evidence, consistent with the appellants' own expert valuation, and fully in keeping with the requirements of CPR 17.6. It reflected both a proper application of legal principle and a careful assessment of the factual circumstances, including the protracted delay in compensating the respondent. The appeal on grounds 3 and 4 is accordingly dismissed, and the learned judge's order is affirmed.
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		6. On a proper construction of CPR rule 17.6, a claimant is not required to establish financial necessity, nor is the court bound to consider potential prejudice to a defendant, as a precondition to granting an order for interim payment. The rule is cast in broad terms, the only express limitation being contained in rule 17.6(2). That provision is confined to claims for personal injury, where the court may only order an interim payment if the defendant has the means and resources to do so, is insured in respect of the claim, or is a public authority. No similar reservation exists in respect of other causes of action, and it is plain that the rules do not contemplate any general obligation on the court to investigate the means of a defendant outside the personal injury context. The appellants' reliance on hardship as a threshold condition is therefore misplaced. It follows that the appellants' argument that the judge failed to balance the prejudice to both sides is unsustainable. The appeals under grounds 5,6,7 are equally dismissed. Schott Kem Ltd v Bentley 1 WLR 1008 (CA) applied.
		<u>APPLICATIONS AND APPEALS</u>
Case Name:		Leron Brade v The King [MNIHCRAP2022/0001] (Montserrat)
Date:		Monday 29 th September 2025
Coram:		His Lordship, The Hon. Mr. Trevor M. Ward, Justice of Appeal

		His Lordship, the Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal [Ag.] Her Ladyship, the Hon. Mrs. Cadie St. Rose-Albertini, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	In person
	Respondent:	Ms. Allana Cumberbatch
Issues:		Application for adjournment – Unavailability of counsel – Shortage of counsel – Complexity of appeal – Absence of transcript from first trial
Type of Order:		Adjournment
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The appeal is adjourned to the sitting of the Court of Appeal in the Territory of Montserrat scheduled for the week commencing 9 th February 2026.
Reason:		Before the Court was an application for an adjournment filed on behalf of the respondent. Counsel for the respondent submitted that the substantive DPP, who has had conduct of the matter since its inception, was unavailable, having proceeded on sick leave, which was subsequently extended and thereafter on annual leave. Counsel further submitted that the appeal was complex, involving 22 grounds, and that the Record of Appeal was incomplete, as it did not include the transcript of the first trial. The appellant opposed the application, contending that the matter was ready to proceed and that both transcripts had been served on him. The Court observed, however, that the Record of Appeal did not contain the transcript of the first trial and considered that, as the

		conviction arose from a retrial, that transcript was indispensable. The Court was not persuaded that the number of grounds of appeal alone established complexity. The Court was likewise not satisfied that the absence of the DPP provided a sufficient basis for adjournment, noting that the fixture was known and adequate arrangements could have been made. Nonetheless, in view of the missing transcript, the Court acceded to the application and adjourned the appeal to the next sitting, with the expectation that the transcript will be available.
Case Name:		K. T. Engineering Consultants Ltd. v [1] DIGICEL Group Ltd [2] CARIBBEAN CABLE COMMUNICATIONS trading as DIGICEL MONTSEERRAT LTD. [3] DIGICEL ST. VINCENT [MNIHCVAP2024/0003] (Montserrat)
Date:		Monday 29th September 2025
Coram:		His Lordship, The Hon. Mr. Trevor M. Ward, Justice of Appeal His Lordship, the Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal [Ag.] Her Ladyship, the Hon. Mrs. Cadie St. Rose-Albertini, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Ms. Chivone Gerald
	Respondent:	Mr. Justin Simon, KC
Issues:		Civil appeal – Challenge against findings of fact and law – Contract – Whether the learned judge erred in fact and law by finding that the

		correspondence between the parties did not constitute an enforceable contract – Whether the learned judge erred in ruling that the correspondence of 31 st January 2020 was not a counteroffer open to the appellant to accept, and that the appellant did not accept the counteroffer – Whether the learned judge applied the objective standard erroneously in that he failed to consider how a reasonable person would interpret the communications from the Head of Procurement of the Defendant – Whether the learned judge erred in relying on additional issues raised in the evidence of the respondents, which were not pleaded by the respondents in their defence
Type Of Order:		N/A
Result / Order:		[Oral Delivery] IT IS HEREBY ORDERED THAT: Judgment is reserved.
Reason:		N/A
Case Name:		Oswald Murrain v The King [MNIHCRA2023/0001] (Montserrat)
Date:		Monday 29th September 2025
Coram:		His Lordship, The Hon. Trevor M. Ward, Justice of Appeal His Lordship, the Hon. Justice Davidson Kelvin Baptiste [Ag.] Her Ladyship, the Hon. Justice Cadie St. Rose-Albertini [Ag.]
Appearances:		

	Appellant:	In person
	Respondent:	Ms. Kristen Taylor-Hilton
Issues:		Criminal appeal – Whether indictment was duplicitous – Whether the learned judge erred in law in permitting appellant to plead guilty to a duplicitous indictment – Whether the judge erred in not ordering a psychiatric report for the appellant before sentencing – Whether the sentence was excessive in all the circumstances
Type of Order:		Oral Judgment
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The appeal is dismissed. 2. The sentence of 7 years imprisonment on the count of arson is affirmed.
Reason:		The appellant, Oswald Murrain, was charged with arson of a single story, dwelling house, situated at Lookout, Montserrat, belonging to the Government of Montserrat contrary to Section 293 (1) of the Penal Code, Chapter 402. He had been entrusted with occupation of the house by the Social Services Department and moved in around June 2021 following his release from prison. The offence was committed on 7th November 2022. Police and firefighters attended the scene, and the fire was extinguished by the fire service. The appellant was discovered hiding in some nearby bushes from where he was observing the unfolding drama. The building sustained extensive interior damage, assessed in excess of over EC \$56,000.00. Investigators found a suitcase concerning the appellants' personal belongings outside the house.

	During a subsequent police interview, the appellant made a series of admissions, and, at the sentencing hearing, he confirmed to the judge that he set the fire intentionally, having called the police earlier for assistance, but not having received assistance up to an hour later. According to the appellant: “...me no see nobody pass through dey so me say alright me start to think one kind ah way now so me say okay you know what me go create one scene fuh let dem come, so me pack up all de something dem and light um and go outside and sit down; me dey ah sit down for a while then when me hear the fire truck come me go in the bush go hide and me dey in the bush and me dey ah watch them ah do what dem ah do, somehow the fireman must be report and see me and that ah how dem mussi know me in the bush so that is the reason why me light the fire really and truly”. By notice of appeal filed on 13th January 2023, the appellant raised three grounds of appeal against his conviction and sentence for arson. Ground 1 complains that the judge erred in law when he permitted the appellant to plead guilty to a duplicitous indictment. Ground 2 contends that the judge erred in sentencing the appellant without first obtaining a psychiatric report. Ground 3 asserts that the sentence is manifestly excessive. In relation to ground 1, the Court noted that each count in an indictment must be for one offence only. If a count charges two or more separate offences, it is bad duplicity and therefore defective. The rule against duplicity is aimed at providing certainty so that a defendant knows the case he has to meet so as to inform the proper and effective preparation of his defence. The Court noted that in this case, the indictment indicates the statement of offence as arson. The particulars of the offence which the appellant
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	reviewed with the Court at the hearing, disclosed that only the offence of arson is alleged in the statement of offence. In the particulars, the mens rea or the state of mind with which the offence was committed, is described in the alternative. The Court was of the view that this does not result in the count being duplicitous as it does not allege more than one offence; only the offence of arson was alleged. The Court was satisfied that there was no merit in this ground of appeal and noted that the appellant by his representations at the hearing, appeared to have accepted that he was misled with respect to that ground. In relation to ground 2, the appellant referred to his known mental history but did not elucidate what that mental issue was or who knew of it. From the record of appeal, it was clear that the judge twice asked the appellant whether he wished him to obtain a social inquiry report. However, the appellant twice declined. The appellant did not inform the judge of any mental history, from the record. The record revealed that it was known that the appellant used marijuana. However, the Court noted that this is not in itself sufficient to trigger the need for a psychiatric report. At the time, there was no such sentencing practice in relation to the offence of arson. Such a practice was commended, certainly, in the case of murder where a psychiatric report is mandated. In the absence of some evidential material or some rational basis, which would have triggered the need for ordering a psychiatric report, the Court found the judge did not err in not ordering one. In relation to ground 3, which alleges generally that the sentence was manifestly excessive, the appellant contended that the damage was minimal from his perspective. The appellant made reference to someone who, allegedly, was given a year's custody for damaging someone else's property. In the Court's view, although the learned judge used a somewhat false analogy between arson and the offence of robbery to
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		inform his starting point, given that it is common to treat 30 years as a notional life sentence, life being the maximum for this offence, a starting point of 12 years was appropriate given the degree of harm caused, and the high degree of the appellant's culpability. The Court noted further that while it was open to the judge to increase the sentence on account of the appellant's extensive criminal record, the learned judge quite generously declined to do so. On the other hand, he properly discounted the sentence by one third, on account of the appellant's guilty plea, and took account of the totality principle, since a prior two years' suspended sentence was being activated. In all the circumstances, it could not be said that a sentence of seven years, on the count of arson, was manifestly excessive. The appeal was therefore dismissed, and the sentence imposed affirmed.
Case Name:		Sheryle Meade v Janette Dyer Meade [MNIHCVAP2024/0004] (Montserrat)
Date:		Tuesday 30th September 2025
Coram:		Her Ladyship, The Hon. Mde. Justice Paula Gilford, Justice of Appeal [Ag.] Her Ladyship, The Hon. Mde. Justice Nicola Byer, Justice of Appeal [Ag.] Her Ladyship, The Hon. Mde. Justice Cadie St. Rose-Albertini, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Ms. Marcelle Watts
	Respondent:	Mr. Sylvester Carrott

Issues:		Civil appeal – Appeal against findings of fact – Joint proprietorship – Whether the learned judge erred in treating joint proprietorship as tenancy in common – Whether the learned judge erred in factual findings in respect of joint proprietorship – Joint tenancy – Death of joint tenant – Whether the learned judge applied incorrect legal principles on joint tenancies and transfer of ownership following death of a joint tenant – Whether the learned judge erred by characterising ownership structure as a constructive trust – Whether the learned judge erred in applying the contents of a last will and testament which had not been probated – Whether the learned judge erred in his determination of which chattels ought to be returned
Type of Order:		N/A
Result / Order:		[Oral Delivery] IT IS HEREBY ORDERED THAT: Judgment is reserved.
Reason:		N/A
Case Name:		George Leonard v The Crown [MNIMCRAP2021/0003] (Montserrat)
Date:		Tuesday 30 th September 2025
Coram:		Her Ladyship, The Hon. Mde. Justice Paula Gilford, Justice of Appeal [Ag.]

		Her Ladyship, The Hon. Mde. Justice Nicola Byer, Justice of Appeal [Ag.] Her Ladyship, The Hon. Mde. Justice Cadie St. Rose-Albertini, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	No appearance
	Respondent:	Ms. Kristen Taylor Hilton
Issues:		Magisterial Criminal Appeal – Appeal against conviction and sentence – Appellant not present – Oral application by the respondent to have appeal dismissed for want of prosecution
Type of Order:		Oral Decision
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The appeal is struck out and dismissed pursuant to rule 62.25(2) of the Civil Procedure Rules, 2023. 2. No order as to costs.
Reason:		Coming on for hearing was the notice of appeal filed on 30 th August 2021. The appellant had been served personally with the notice of hearing dated 9 th May 2025 on 12 th May 2025, and the affidavit of service was duly filed on 14 th May 2025. The Court noted that by email dated 5 th August 2025, the appellant was notified that the matter would be set down for hearing in the week of 29 th September 2025 to which he did not respond. The Court further noted that on 5 th August 2025, the cause list for matters listed for hearing in September to October 2025, was sent to the appellant's email address on record, but he did not respond. The Court noted further that by email dated 14 th August 2025 the appellant was reminded that his matter remains on the cause list for hearing at the upcoming sitting in

		Montserrat scheduled for the week commencing 29th September 2025, to which he responded on four occasions on the same day. Upon Counsel for the respondent making an application to strike out the appeal for want of prosecution and noting that the appellant last appeared on 26th November 2024 and since then, he has not attended any further hearings, and noting further that his name was called at the court house at the hearing of the appeal but he did not appear, the Court unanimously ordered that the appeal stand struck out and dismissed pursuant to rule 62.25(2) of the Civil Procedure Rules, 2023 and made no order as to costs.
Case Name:		Andre West v Commissioner of Police [MNIMCRAP2023/0002] (Montserrat)
Date:		Tuesday 30th September 2025
Coram:		Her Ladyship, The Hon. Mde. Justice Paula Gilford, Justice of Appeal [Ag.] Her Ladyship, The Hon. Mde. Justice Nicola Byer, Justice of Appeal [Ag.] Her Ladyship, The Hon. Mde. Justice Cadie St. Rose Albertini, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Wendel Alexander
	Respondent:	Ms. Allana Cumberbatch
Issues:		Criminal Appeal – Appeal against conviction – Jurisdiction – Whether the learned magistrate retained jurisdiction to hear the matter – Whether the proceedings were statute-barred – Construction and application of section 201 of the Criminal Procedure Code Cap. 4.01 –

		Amendments to the charge – Whether the amendments, including the change from section 232(1)(b)(i) to 231(1)(c)(i) of the Penal Code Cap. 4.02, were contrary to the Retrial Order of the Eastern Caribbean Court of Appeal – Whether the magistrate’s decision to convict was properly supported by the evidence.
Type of Order:		Directions
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The judgement is reserved and the date for delivery of the same will be notified to the parties by the Chief Registrar. 2. The appeal by way of case stated filed by the respondent on 10th August 2023 is withdrawn. 3. The appellant shall on or before the 6th October 2025 produce the legislation relied upon in support of the oral argument before the court on the issue of whether the charges brought against the appellant were statute-barred. 4. The respondent shall on or before the 6th October 2025 produce the transcript of the proceedings in the first trial in support of the oral argument in response to the appellant’s argument that the magistrate lacked jurisdiction.
Reason:		Before the Court was an appeal arising from the conviction of the appellant before the learned Chief Magistrate. Counsel for the appellant contended that the proceedings were statute-barred, relying on section 201 of the Criminal Procedure Code Cap. 4.01 as well as other preliminary provisions of the Code which were not produced to court before the hearing. The Court was of the view that it was necessary to

		have sight of those provisions to resolve the statute-barred issue. A further issue concerned amendments to the charge, including the change from section 232(1)(b)(i) to 231(1)(c)(i) of the Penal Code Cap. 4.02. Counsel for the appellant contended that the amendment altered the offence and was contrary to the Retrial Order of the Court of Appeal, while counsel for the respondent submitted that the amendment did not affect the charge, as the appellant had always been charged under section 231(1)(c)(i). The Court considered it necessary to have sight of the transcript of the earlier proceedings the respondent having relied on the same to determine the effect of the amendments. The appeal by way of case stated filed by the respondent on 10th August 2023 was withdrawn. In the circumstances, judgment is reserved, and the appellant is to produce the relevant statutory provisions, and the respondent the transcript of the earlier proceedings.
Case Name:		Mabel Venzen v Hughward Daniel [MNIHCVAP2025/0007] (Montserrat)
Date:		Wednesday 1st October 2025
Coram:		His Lordship, The Hon. Mr. Trevor M. Ward, Justice of Appeal Her Ladyship, the Hon. Mde. Paula Gilford, Justice of Appeal [Ag.] Her Ladyship, the Hon. Mde. Cadie St. Rose- Albertini, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. David Dorsett

	Respondent:	Mr. Jean Kelsick
Issues:		Interlocutory appeal – Possession of land – CPR 19.2(3) – Factors to be considered in addressing the question of the addition of a party – CPR 21 – Representative parties – Whether the learned trial judge erred in dismissing the appellant’s application to join the estate of Mathew Kelly as a defendant to the counterclaim
Type of Order:		N/A
Result / Order:		[Oral Delivery] IT IS HEREBY ORDERED THAT: Judgment is reserved.
Reason:		N/A
Case Name:		[1] Kenneth Kryss [2] Greg Mitchell (Joint Liquidators) v Financial Services Commissioner [MNIHCVAP2020/0020] (Montserrat)
Date:		Wednesday 1st October 2025
Coram:		His Lordship, The Hon. Mr. Trevor M. Ward, Justice of Appeal Her Ladyship, the Hon. Mde. Paula Gilford, Justice of Appeal [Ag.] Her Ladyship, the Hon. Mde. Cadie St. Rose-Albertini, Justice of Appeal [Ag.]

Appearances:		
	Appellant:	Ms. Anna-Kay Brown
	Respondent:	Ms. Sheree Jemmotte-Rodney
Issues:		Interlocutory Appeal – Liquidation proceedings – Final Order requiring repayment by Joint Liquidators – Whether the learned judge erred in finding an implied term governing repayment – Implied terms in contracts – Strict necessity test – Whether Government of Montserrat entitled to priority repayment ahead of liquidation expenses – Section 457(4) Montserrat Companies Act – Whether learned judge erred in subordinating costs and expenses of liquidation to Government repayment – Whether repayment obligation could be imposed on a non-party to the proceedings – Jurisdiction to impose repayment order on non-party
Type of Order:		N/A
Result / Order:		[Oral Delivery] IT IS HEREBY ORDERED THAT: 1. Judgement is reserved. 2. The Chief Registrar will notify the parties when the judgment is available for delivery.
Reason:		N/A
Case Name:		Lloyd Rhenford Ryan v Neville Blake representative of the Estate of Agnes Ryan deceased

		[MNIHCVAP2022/0003] (Montserrat)
Date:		Thursday 2nd October 2025
Coram:		His Lordship, The Hon. Trevor M. Ward, Justice of Appeal His Lordship, the Hon. Justice Davidson Kelvin Baptiste, Justice of Appeal [Ag.] Her Ladyship, the Hon. Justice Nicola Byer, Justice of Appeal [Ag.]
Appearances:		
	Applicant/Appellant:	In person
	Respondent:	Mr. Jean Kelsick
Issues:		Application to adduce fresh evidence – Whether the evidence could not have been obtained with reasonable diligence for use at the trial – Whether the evidence will influence the outcome of the trial – Whether the evidence appears to be credible – Whether the failure to allow the application to adduce fresh evidence will be unjust to the applicant/appellant – Whether it is just, fair and equitable to grant this application to adduce fresh evidence in the circumstances, having regard to the interest of the administration of justice and pursuant to the overriding objective.
Type of Order:		Oral
Result / Order:		IT IS HEREBY ORDERED THAT: The application to adduce fresh evidence is granted conditionally and no decision made on its admissibility.

Case Name:		Golden Meditech Stem Cells (BVI) Company Limited v [1] Blue Ocean Creation Investment Hong Kong Ltd. [2] Blue Ocean Structure Investment Company Ltd. [BVIHCMA2023/0022] BRITISH VIRGIN ISLANDS
Date:		Thursday 2nd October 2025
Coram:		His Lordship, The Hon. Trevor M. Ward, Justice of Appeal His Lordship, The Hon. Davidson Kelvin Baptiste, Justice of Appeal [Ag.] Her Ladyship, the Hon. Justice Nicola Byer, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Ben Valentin KC
	Respondents/Applicants:	Mr. Edward Davies KC
Issues:		Conditional leave to appeal to His Majesty in Council – Appeal against an interlocutory order of the Court of Appeal – Section 3(2)(a) of The Virgin Islands (Appeals to Privy Council) Order 1967 – Matter of great general importance – Whether the intended Appeal raises a question that, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council – Whether there is an issue of law which requires some definitive guidance from His Majesty in Council, in which case leave may be granted under the wording in s.3(2) of the 1967 Order “or otherwise” – Whether there are good grounds which would otherwise justify referral to His Majesty in Council
Type of Order:		N/A

Result / Order:		[Oral Delivery] IT IS HEREBY ORDERED THAT: Judgment is reserved.
Reason:		N/A
Case Name:		Lloyd Rhenford Ryan v Neville Blake representative of the Estate of Agnes Ryan deceased [MNIHCVAP2022/0003] (Montserrat)
Date:		Thursday 2nd October 2025
Coram:		His Lordship, The Hon. Trevor M. Ward, Justice of Appeal His Lordship, the Hon. Justice Davidson Kelvin Baptiste, Justice of Appeal [Ag.] Her Ladyship, the Hon. Justice Nicola Byer, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	In person
	Respondent:	Mr. Jean Kelsick
Issues:		Civil appeal – Whether the respondent concealed important information. Namely, land transfer document(s) verifying joint ownership and title of Block 14/12, Parcel 11 was derived in consideration of ECD 5000.00 – Whether there has been what seems to have been willful and blatant misrepresentation of fundamental facts in this matter by the respondent in that she failed to inform the court that the joint ownership and

		title of Block 14/12, Parcel 11 was derived, as supported by the land transfer document in consideration of ECD 5000.00 – Whether the court below on making the order for severance was seised of all essential information – Whether the joint proprietorship could be severed in the absence of actual agreement and whether such severance would result in one proprietor being entitled to the whole of the land or whether on severance the land would then be held as proprietors in common
Type of Order:		N/A
Result / Order:		[Oral Delivery] IT IS HEREBY ORDERED THAT: Judgment is reserved.
Reason:		N/A