

COURT OF APPEAL SITTING

**SAINT LUCIA
23rd – 24th June 2015**

APPLICATION AND APPEAL

Case Name: [1] Honourable Guy Joseph (In his personal capacity and in his capacity as Parliamentary Representative for Castries South East)
v
[1] The Constituency Boundaries Commission
[2] The Honourable Prime Minister
[3] The Attorney General (Acting in her capacity as the legal representative of her Excellency, the Governor General)

[SLUHCVAP2015/0013]

Date: Tuesday, 23rd June 2015

Coram: The Hon. Dame Janice M. Pereira, DBE, Chief Justice
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellant:	Mr. Garth Patterson, QC with him Ms. Tammi Pilgrim and Mr. Thomas Theobalds
Respondent:	Mr. Anthony Astaphan, SC with him Mr. Jahn Sifflet for the first respondent Mr. Sydney Bennett, QC with him Mr. Leslie Mondesir Mr. Roger Forde, QC with him Mr. Dwight Lay

Issue: Application to adduce fresh evidence

Result / Order: [Oral delivery]
Decision reserved.

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[3] The Attorney General (Acting in her capacity as the legal representative of her Excellency, the Governor General)

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Appearances:

Appellant:	Mr. Garth Patterson, QC with him Ms. Tammi Pilgrim and Mr. Thomas Theobalds
Respondent:	Mr. Anthony Astaphan, SC with him Mr. Jahn Sifflet for the first respondent
	Mr. Sydney Bennett, QC with him Mr. Leslie Mondesir
	Mr. Roger Forde, QC with him Mr. Dwight Lay

Issue: Application to adduce fresh evidence

Result / Order: [Oral delivery]
1. The application to adduce fresh evidence is dismissed.
2. Costs to be assessed if not agreed within 21 days.
3. Further application on wasted costs or any

application on costs are to be made by way of written submissions to be filed within 30 days.

Reason:

Having heard the arguments from counsel, the Court was of the unanimous position that, having regard to the principle in *Ladd v Marshall* ([1954] EWCA Civ 1) and giving a more general approach to the application, taking into account the objectives of the Civil Procedure Rules 2000, it ought not to exercise its discretion to allow the materials sought to be introduced into evidence.

The Court dismissed the application and stated that fuller written reasons will follow.

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Respondent:

Mr. Anthony Astaphan, SC with him Mr. Jahn Sifflet

for the first respondent

Mr. Sydney Bennett, QC with him Mr. Leslie Mondesir

Mr. Roger Forde, QC with him Mr. Dwight Lay

Issues:

Whether learned judge erred in refusing to grant order restraining attorney from acting for Commission – Whether learned judge erred in his conclusion of facts

Result / Order:

**[Oral delivery]
Judgment reserved.**