

IN OPEN COURT
SAINT LUCIA
Monday, 27th August 2012

APPLICATIONS AND APPEALS

Case Name: [1] Eugene Nelson
[2] Ferlyn Nelson
[3] Orilda Nelson
v
First Caribbean International Bank
(Barbados) Limited formerly CIBC Caribbean
Limited

[High Court Civil Appeal No. 22 of 2011]

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice [Ag.]
The Hon. Mr. Davidson K. Baptiste, Justice of
Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Intended Appellants / Applicants:	Ms. Lydia Faisal
Respondent:	Ms. Diana Thomas

Issues: Appeal to Her Majesty in Council pursuant to s. 108(1)(a) of the Constitution of Saint Lucia – Application for leave to appeal – Article 1942 of the Civil Code of Saint Lucia, Cap. 4.01, Revised Laws of Saint Lucia 2008 – Whether Bank precluded by Article 1942 of the Civil Code from bringing personal action to recover debt in respect of loan previously granted to appellants

Result / Order: [Oral delivery]
1. The application of the appellants for conditional leave to appeal to Her Majesty in Council is

hereby granted on the following conditions:

- (a) The appellants do pay into Court, the sum equivalent to five hundred pounds sterling pursuant to section 5(a) of the West Indies Associated States (Appeals to the Privy Council) Order 1967. Such payment to be made within 90 days from today's date.
 - (b) The appellants shall apply to this Court within 30 days of receipt of the Certificate of the Registrar that the Security for costs ordered herein has been given within the time prescribed to the satisfaction of the Registrar and that the appellants have otherwise complied with this order, for an order for final leave to appeal to Her Majesty in Council.
 - (c) The appellants shall prepare the record of appeal and shall transmit the same to the Registrar of the Supreme Court of Saint Lucia immediately upon final leave to appeal being granted and shall include a copy of the Orders granting conditional leave and final leave.
2. The costs in this application shall be costs in the application to Her Majesty in Council.

Reason:

The appeal to Her Majesty in Council was as of right under section 108(1)(a) of the Constitution of Saint Lucia.

Case Name:

Re: Bryan Stephen

[High Court Civil Appeal No. 41 of 2010]

Coram:

The Hon. Mde. Janice M. Pereira, Chief Justice [Ag.]
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant / Applicant: Mr. Leon Gokool

Respondent: Mr. Raulston Glasgow, Solicitor General

Issues: Application for conditional leave to appeal to Her Majesty in Council – Section 39(3) of the Legal Profession Act, Chap. 2:04, Revised Laws of Saint Lucia 2008 – Disciplinary proceedings

Result / Order: [Oral delivery]

1. The matter is adjourned to be heard at the sitting of the Court in St. Lucia commencing the week of 10th December 2012.
2. Directions are given as follows:
 - (i) The applicant shall file and serve written submissions on the Attorney General's Chambers no later than Monday, 24th September 2012.
 - (ii) The Attorney General shall, if necessary, file and serve written submissions on the applicant on or before Monday, 15th October 2012.
 - (iii) The applicant shall file a draft order with respect to the application.

Reason: The applicant indicated that he had been given short notice and had been unable to prepare skeleton arguments to assist the Court.