



The Court of Appeal for Bermuda

PRACTICE DIRECTION

ISSUED BY THE PRESIDENT OF THE COURT OF APPEAL

Ref. A/50

Wednesday 16 June 2017

CIRCULAR No. 12 of 2017

CRIMINAL APPEALS

1. The purpose of this Circular is to:
 - (i) Remind Counsel of the rule dealing with the timeframe for filing Notices of Appeals against conviction and/or sentence; and
 - (ii) To confirm a direction that the Registrar will assume case-management responsibilities for criminal appeals.

Deadline for Filing a Notice of Appeal against Conviction and/or Sentence:

2. Counsel are reminded that Order 3 Rule 3(3) reads as follows:

“(3) Every notice of appeal or notice of application for leave to appeal from any judgment, sentence or order of the Supreme Court shall be filed in the Registry of the Supreme Court not later than 21 days after the day of such judgment, sentence or order.”
3. It has come to the attention of the Court that Counsel frequently misinterpret the rule to mean that the computation period for the filing of a Notice of Appeal runs simultaneously between conviction and sentence. This is not correct. For clarity, the 21 day period for the filing of a Notice of Appeal against conviction runs separately from the 21 day period for the filing of a Notice of Appeal against sentence. Therefore, an Appellant has 21 days from the date of conviction to appeal against conviction. Similarly, an Appellant has 21 days from the date of sentence to appeal against sentence.

Case Management Hearings before the Registrar

4. Counsel's attention is drawn to Order 1 Rule 15 which provides:
"1/15 Powers of Registrar
15 The Registrar shall have the same jurisdiction, powers and duties as the Masters of the Supreme Court, Clerks of the Criminal Courts, Registrars and the like officers of the Supreme Court of Judicature and the Court of Criminal Appeal in England, in addition to such other jurisdiction, powers and duties as are given him by these Rules or such further powers and duties as the President may direct."
5. The President of the Court of Appeal herein directs, with immediate effect, that for all criminal matters in which a Notice of Appeal or a Notice of Leave to Appeal (or other like originating documents) have been lodged, the matter shall proceed under the case management of the Registrar. Once the full Court is seized of the matter, further directions may be issued by the full Court. Additionally, the Registrar may issue further directions in subsequent case management hearings to advance the matter and/or to give effect to any directions issued by the Full Court.
6. The Registrar may also determine applications for leave to appeal and may direct that such applications be determined by way of oral and/or written arguments.
7. Order 1/18 of the Rules of the Court of Appeal shall apply where there is an application to set aside or vary an order of the Registrar:
"1/18 Setting aside or varying order of Registrar
18 Any person aggrieved by anything done or ordered to be done by the Registrar other than anything ordered or done by the direction of the President, may apply to a Judge to have the act, order or ruling complained of set aside or varied and the Judge may give such directions or make such order thereon as he thinks fit. Such application shall be made by notice of motion supported by affidavits setting out the complaint and the relief sought."

Dated this 16 day of June 2017



*By Order
Of
The Court*

Registrar

SIR SCOTT BAKER,

PRESIDENT OF THE COURT OF APPEAL