

PRACTICE NOTE

[COURT OF APPEAL TRINIDAD AND TOBAGO (Wooding, C.J.), June 26,1998]

Practice ---Court of Appeal---Application for leave to appeal.

With the concurrence of my brethren of the Court of Appeal I desire to bring to the attention of the profession a change in our practice. It has been the rule since the court has been in existence, and was also the rule of the former Court of Criminal Appeal, for one of the sitting judges to deliver a short judgment going through the facts and giving reasons for the refusal of any application for leave to appeal against conviction and/or sentence. In the opinion of us all, it would be useful and more in keeping with the procedure in most Commonwealth Courts to discontinue this practice and to adopt the rule which has been followed by the Court of Criminal Appeal in England since October, 1952: see the Practice Note issued by GODDARD, L.C.J., which is reported in (1952), 36 Crim. App. Rep. At 145-46. In future, therefore, when an application for leave is refused nothing more will be said than that. But perhaps I should add that no such application is ever refused unless the three judges constituting the court are unanimous in refusing it. In all other cases, leave to appeal will always be granted.

It has also been the practice when an application is granted to treat the hearing as if it was a hearing of the appeal itself. If in any instance this is not done, all the court will say on the application is that leave is granted and a date will be fixed for the hearing of the appeal. This practice will continue. In every such case, a judgment will be delivered when deciding the appeal.