



Civil Appeals in The Bahamas Court!



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Civil disputes – court of first instance

Lower value civil matters, such as debts and property disputes, are heard in the Magistrates' Court. The Court of Appeal (the highest court in the Bahamas) hears cases where the value of the claim, or of the property in dispute, exceeds \$5000.

But what happens if one of the parties does not accept the ruling of the court of first instance and wishes to appeal to a higher court?

Who hears civil appeals?

The question of which court hears an appeal from a ruling in the civil court depends on the court of first instance, as follows:

- The Supreme Court hears civil appeals from rulings of the Magistrates' Court
- The Court of Appeal hears appeals from judgments and orders made by the Supreme Court
- The Privy Council (in London) hears appeals from the Court of Appeal.

In some cases, leave of the Court of Appeal must be given before an appeal can be lodged with the Privy Council

What's the procedure?

Court of Appeal: where an appeal lies to the Court of Appeal, a Notice of Appeal must be filed. If it is an appeal from an interlocutory order, this must be filed within 14 days – otherwise it must be filed within 6 weeks. A filing fee must also be paid.

A Notice of Appeal is registered in the Cause Book and the appellant makes a request to the Registrar of the Supreme Court for transcription of the evidence. The Registrar serves a summons to settle the record on all the parties giving at least 7 days' notice; and the summons is then heard before the Registrar and an Order issued.

A Record of Appeal is filed and a fixed amount is deposited or secured by bond in respect of costs. The appellant files an Affidavit of Compliance and an appeal hearing date is fixed.

Once the appeal is heard, a Notice of Results is prepared and certified by the Registrar, and served on all parties.

Supreme Court: the appellant must serve a Notice of Appeal on the magistrates within 7 days of the magistrates' decision. It must also be served on the other party and must include the general grounds of the appeal. In some cases, this 7-day period can be extended.

The appellant must, within three days after serving Notice, enter into a 'recognisance' (effectively a bail bond showing a commitment to the appeal) before a magistrate, with or without sureties as required.

The magistrate sends a copy of the order/judgment of the Magistrates' Court to the Registrar of the Supreme Court, together with all other papers relating to the appeal. At least three days before the date set for the appeal hearing, the Registrar and respondent must be served with

a notice containing particulars of the matters of law or of fact on which the magistrate is alleged to have erred.

Once the Supreme Court has heard the appeal it will inform the parties of its decision. A further appeal may then lie to the Court of Appeal (see above).

Privy Council: An application for leave to appeal to the Privy Council must be filed with 21 days. If you wish to appeal to the Privy Council, we will talk you through the procedure.

How can we help?

Being involved in a litigation is stressful, costly and takes a long time. If you need to appeal a ruling in respect of any civil matter, you must act promptly. The civil and commercial litigation lawyers at award-winning [Bahamas law firm](#) ParrisWhittaker have years of experience successfully guiding clients through civil disputes including appeals. Contact us now and we will explain the process to you so that you know what to expect.

Discover the [Rules of the Supreme Court Bahamas](#) and equip yourself with the knowledge needed to navigate civil appeals effectively. This insightful article explores the process of filing appeals, outlines the grounds for appeal, and underscores the indispensable role of skilled appellate lawyers. Gain a comprehensive understanding of the Bahamas Court of Appeal and its vital role in upholding justice in civil cases.