

THE EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

**SAINT LUCIA
HYBRID**

Monday 15th June 2026 - Thursday 18th June 2026

JUDGMENT

Case Name:

[1] Yan Gustave

[2] Felix Deterville

v

The Attorney General of Saint Lucia

[SLUHCVAP2025/0003]
(Saint Lucia)

Date:

Wednesday, 17th June 2026

Coram:

The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mde. Esco L. Henry, Justice of Appeal
The Hon. Mde. Kimberly Cenac-Phulgence, Justice of Appeal

Appearances:

Appellants: Mrs. Wauneen Louis- Harris

Respondent: Ms. Kimberley Williams

Issues:

Civil appeal – Constitutional law – Statutory interpretation – Constitutional interpretation – Appeal against learned judge’s findings that there was no need for a referendum to be held before the Constitution was amended to replace the Judicial Committee of the Privy Council with the Caribbean Court of Justice as Saint Lucia’s final appellate court - Whether the learned judge erred in holding that section 41(7)(a) of the Constitution is to be read as if the reference to section 107 is deleted and replaced with section 108 – Whether the learned judge erred in failing to find and declare that the Constitution of Saint Lucia (Amendment) Act – the

Caribbean Court of Justice (Agreement) Act and the Caribbean Court of Justice (Agreement) Act (Commencement) Order were null and void and of no effect as they had the cumulative effect of undermining the protection accorded by the entrenched provisions of the Constitution and accordingly a referendum was required to enact these measures

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The appeal is dismissed.
2. No order as to costs.

Reasons:

1. The Court of Appeal is legally empowered to interpret the provisions of the Saint Lucia Constitution. In the exercise of that interpretive power, the Court has the authority to correct typographical or drafting errors in the text when the words used produce an absurd result or defeat the legislature's intention. Such obvious drafting errors may be corrected by the Court adding, omitting or substituting words. This is a wholly exceptional power which must be exercised with great caution, and the Court must be astute to ensure that it does not engage in judicial legislation as opposed to interpretation. To judicially correct a perceived obvious typographical error, the Court must be abundantly sure of: (1) the intended purpose of the provision; (2) that the draftsman and parliament inadvertently failed to give effect to that purpose; and (3) the substance of the provision parliament would have made had the error been detected.

Sutherland Publishing Company Limited v Caxton Publishing Co. Ltd [1938] 4 All ER 389 applied; Inco Europe Ltd and Others v First Choice Distribution [1999] 1 WLR 270 applied.

2. In relation to the first criterion, the concept of the intention of parliament is an objective one. It is the meaning to be reasonably imputed to parliament based on the language used in its context, not the subjective intent of the draftsman. In other words, the requisite legislative intention is on inference drawn from

the statutory provision interpreted in the light of its statutory context. The statutory context includes the language and legislative object or purpose of the statutory provision and the importance of the statutory provision, to the legislative object or purpose of the statute or other provisions thereof.

R v Secretary of State of the Environment, Transport and the regions, Ex parte Spath Holme Ltd [2001] 2 AC 349 applied; Browne v Francis Gibson Civ. No 11 Of 1994 applied.

3. Courts typically adopt the principle of purposive construction when seeking to discover and give effect to the intention of parliament. This requires the court to look beyond the words actually used, and resort may be had to various aids to interpretation including internal aids such as other provisions in the same statute which may illuminate the meaning of the words under consideration. Alternatively, external aids such as the statutory and historical background and context may be considered. Nonetheless, the starting point remains to examine the words used by parliament itself. If the words used are clear and unambiguous and do not lead to a result that is manifestly absurd or unreasonable then the Court should not interfere.

Sheikha Amena Ahmed H A Al-Thani and another v Sheikha Aisha Mohammed Ali Abdullah Al Thani and others [2024] UKPC 35 applied.

4. To interpret parliament's intention as seeking to expand appeals to the Privy Council from courts other than the Court of Appeal would be an odd and absurd measure to contemplate given that Saint Lucia's clear and trodden pathway since at least 2003 has been a march towards accession to the jurisdiction of the CCJ, both original and appellate. The historical and statutory antecedents to appeals to the Privy Council in Saint Lucia, set against the momentum towards independence, accompanied later by preparatory ground work for delinking from the Privy Council lead to the ineluctable conclusion that the purpose of section 41(7)(a) was to enable the duly

elected government to de-link from the Privy Council without the need for a referendum, provided the specified constitutional parliamentary majority votes were obtained.

5. In relation to the second and third criteria, given what must have been the intended purpose of the provision, the reference to section 107 must obviously be a drafting error which resulted in the draftsman and parliament inadvertently failing to give effect to the intended purpose of section 41(7)(a). Had the error been detected, parliament would have substituted section 108 for section 107. The Court is empowered to so read the section. It follows that there was no requirement to hold a referendum to amend section 108 as part of the process to abolish appeals to the Privy Council. Similarly, because the purpose of the Amendment Act was to give effect to an agreement concerning appeals from a court having jurisdiction in Saint Lucia to the Privy Council, amending section 41 itself was exempt from the requirement to hold a referendum.

Attorney General's Reference (Questions relating to Sections 41(2), 41(7), 107 and 108 of the Saint Lucia Constitution Order 1978) SLUHCVP2012/0018 (delivered on 24th May 2013, unreported) followed.

6. The appellant's reliance on Independent Jamaica Council for Human Rights (1998) Limited and Others v Hon. Syringa Marshall-Burnett & The Attorney General of Jamaica is misplaced. It is readily apparent that the entrenchment provisions under consideration in Jamaica differ in significant respects from Saint Lucia's section 41, which governs alterations to the Constitution and the Supreme Court Order. There is no provision in the Jamaican Constitution that is identical or equivalent to section 41(7)(a). Although section 108 is deeply entrenched, section 41(7)(a) provides a specific exemption to the referendum requirement imposed by section 41(6)(b) where the bill seeking to amend them is to give effect to an agreement between Saint Lucia and the UK in relation to appeals to the Privy Council. The intention seems clearly to

have been to facilitate the transition from the Privy Council to the CCJ by a process that bypasses the need for a referendum. Therefore, unlike what occurred in Jamaica, it cannot be said that the steps the government of Saint Lucia took to abolish appeals to the Privy Council impacted entrenched provisions of the Constitution without compliance with the dictates of section 41.

Independent Jamaica Council for Human Rights (1998) Limited and Others v Hon. Syringa Marshall-Burnett & The Attorney General of Jamaica [2005] UKPC 3 distinguished.

Case Name:

The Social Security Board

v

First Caribbean International Bank (Barbados) Limited

**[SKBHCVAP2022/0007]
(Saint Christopher and Nevis)**

Date:

Wednesday, 17th June 2026

Coram:

**The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mde. Esco L. Henry, Justice of Appeal
The Hon. Mde. Kimberly Cenac-Phulgence, Justice of Appeal**

Appearances:

Appellants:

Ms. Hadya Dolphin

Respondent:

Mrs. Angelina Gracy Sookoo-Bobb with Ms. JeNise Carty

Issues:

Appeal to His Majesty in Council – Leave to appeal – Appeal as of right – Section 99 of the Saint Christopher and Nevis Constitution Order 1983 - Whether the applicant is entitled to appeal as of right – Final and interlocutory orders – Application test – Enforcement of civil debts – Whether a Court of Appeal decision allowing joinder and declaring priority to Social Security Board debt was a final decision – Whether "property" includes real property – Whether the appeal

involved directly or indirectly a claim to or question respecting property of the prescribed value – Whether leave should be granted on the ground of great or general public importance – Statutory interpretation – Interaction between the Social Security Act, Cap. 22.06, Income Tax Act, Cap. 20.22 and the Tax Administration and Procedures Act, Cap. 20.52 – Priority of social security contributions over secured creditors – Need for certainty in commercial and banking transactions

Result/Order:

IT IS HEREBY ORDERED THAT:

1. Conditional Leave is granted to the Applicant to appeal to His Majesty in Council against the judgment of the Court of Appeal delivered on 25th July 2024 on the following terms and statutorily prescribed conditions:
 - i. The application is granted on the basis that the question involved in the appeal is one which, by reason of its great general or public importance, ought to be submitted to His Majesty in Council.
 - ii. Security for Costs: The applicant do within 90 days from the date of this order enter into good and sufficient security in the sum of £500 to the satisfaction of the Registrar for the due prosecution of the appeal and the payment of all such costs as may become payable to the Respondent in the event of the Applicant not obtaining an order granting it final leave to appeal, or of the appeal being dismissed for non-prosecution.
 - iii. Preparation of Record: The applicant do take all necessary steps to prepare the Record of Proceedings and submit the same to the Registrar within 90 days of the date on which this judgment is delivered for settlement. The said records, which are to be settled with Solicitors for the respondent and transmitted to the Registrar of the Privy Council, shall be comprised of the Record used at the hearing of the appeal, save documents of a formal nature and omitted by the consent of the parties; the judgments; the Orders of

the Court of Appeal, and the Orders granting conditional and final leave to appeal to His Majesty in Council.

2. Costs of this application shall be costs in the appeal.

Reasons:

1. The applicant is not entitled to an appeal as of right under section 99(1)(a) of the Constitution because the decision from which it seeks to appeal was interlocutory rather than final. Applying the well-established application test, an order is final only where the application on which it is made would determine the matter in litigation for either of the parties. The decision under challenge arose from an interlocutory application concerning joinder and the inclusion of the Social Security Board in proceedings relating to the settlement of a scheme of division of sale proceeds. A refusal of the application would not have disposed of the substantive proceedings and would not have brought the litigation to an end. The determination was therefore procedural in nature and did not finally determine the rights of the parties in the substantive claim. Accordingly, the judgment of the Court of Appeal did not constitute a “final decision” within the meaning of section 99(1)(a) and cannot found an appeal to His Majesty in Council as of right.

Section 99(1)(a) of the Saint Christopher and Nevis Constitution Order 1983 applied; Rule 62.1(3) of the Civil Procedure Rules 2000 applied; *Inderjit Kaur Chhina v Muhammad Nazir Muhammad Ismail and another* [2024] UKPC 10 applied; *Othniel Sylvester v Satrohan Singh SVG* Civil Appeal No. 10 of 1992 (delivered 18th September 1995, unreported) followed; *Salaman v Warner* (1891) 1 QB 734 applied.

2. Although the underlying dispute concerned proceeds derived from the sale of mortgaged land and competing claims to those proceeds, the true focus of the appeal was the interpretation and operation of statutory provisions governing the recovery and priority of social security contributions. The appeal concerned the

statutory mechanisms available to the Social Security Board and the order in which competing debts were to be satisfied rather than a direct adjudication of proprietary rights. The issues raised were primarily procedural and statutory in nature and that the monetary value involved did not alter the character of the proceedings. The proposed appeal does not involve directly or indirectly a claim to, or question respecting, property within the meaning of section 99(1)(a) of the Constitution and section 3(1)(a) of the Saint Christopher and Nevis Appeals to Privy Council Order 1967 so as to attract an appeal as of right.

Section 99(1)(a) of the Saint Christopher and Nevis Constitution Order 1983 applied; Section 3(1)(a) of the Saint Christopher and Nevis Appeals to Privy Council Order 1967 considered; *Junkanoo Estate Ltd v UBS Bahamas Ltd* [2017] UKPC 8 considered; *Sian Participation Corp (In Liquidation) v Halimeda International Ltd* [2023] UKPC 16 considered.

3. The proposed appeal nevertheless raises questions of great general or public importance sufficient to warrant the grant of conditional leave pursuant to section 99(2)(a) of the Constitution. It raises important questions concerning the mutatis mutandis application of sections 70 to 75 of the Income Tax Act within the social security legislative framework, the proper interpretation of the term "property", and the extent to which the Tax Administration and Procedures Act affects the enforcement regime incorporated into the Social Security Act. The competing conclusions reached by the master and the Court of Appeal demonstrate that these issues are genuinely arguable and require clarification. Given the relative absence of judicial authority and the implications of the decision for the priority of mortgages, secured lending, debt recovery and the administration of social security contributions, the Court is satisfied that the appeal transcends the interests of the parties and raises questions which, by reason of their great general or public importance, ought to be submitted to His Majesty in Council.

Sections 40, 44 and 49 of the Social Security Act, Cap. 22.06 considered; Sections 72-75 of the Income Tax Act, Cap. 20.22 considered; Section 30 of the Tax Administration and Procedures Act, Cap. 20.52 considered; Renaissance Ventures Ltd et al v Comodo Holdings Ltd BVIHCMAP2018/0005 and BVIHCMAP2018/0008 (delivered 8th October 2018, unreported) applied.

APPLICATIONS/APPEALS

Case Name:

[1] Jamie and Susannah Limited

[2] Priestley Designs Limited

v

Sugar Beach Management Limited

**[SLUHCVAP2025/0014]
(Saint Lucia)**

Date:

Monday, 15th June 2026

Before:

**The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mde. Esco L. Henry, Justice of Appeal
The Hon. Mde. Kimberly Cenac-Phulgence, Justice of Appeal**

Appearances:

Applicants:

Mr. Garth Patterson SC with Ms. Akeelia Richards

Respondents:

Ms. Renee St. Rose KC with her Ms. Shari-Ann Walker and Ms. Maquia Foster

Issues:

Application for an interim injunction - Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023, rule 17.1(b) and 62.19 - Whether the principles in American Cyanamid Co. (No. 1) v Ethicon Ltd [1975] UKHL 1 have been satisfied - Whether there is a serious issue to be tried - Whether damages would constitute an adequate remedy in the absence of an interim injunction - Whether the applicant's cross-undertaking in damages would afford adequate protection in all the circumstances - Balance

of convenience - Whether the respondent would suffer greater prejudice from the grant of the injunction than the applicant would suffer from its refusal - Whether the status quo can best be preserved by granting or refusing the interim relief.

Jurisdictional challenge - Scope of the Court of Appeal's jurisdiction to grant interim injunction - Whether CPR 62.19 limits the Court of Appeal's power to grant an interim injunction restraining a party from disposing of or parting with possession of the subject matter of an appeal pending the hearing and determination of the appeal - Whether the Court of Appeal has jurisdiction to entertain an application for an interim injunction where the issue or conduct forming the basis of the application was not raised or determined in the court below - Whether the injunction sought is ancillary to the issues in the appeal.

Type of
Order:

Oral Decision

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The decision of the Court is reserved until Wednesday, 17th June 2026.

[Oral Delivery] – 17th June 2026

IT IS HEREBY ORDERED THAT:

1. The application for an interim injunction is refused.
2. The applicants shall pay the respondent's costs of the application to be assessed by the Chief Registrar if not agreed within 21 days of today's date.

Reasons:

The Court had before it an amended application by the applicant/appellant seeking an interim injunction restraining the respondent from removing, suspending, or excluding their villas from the rental pool pending determination of Appeal No. SLUHCVP2025/0014.

The Court first considered a jurisdictional objection raised by the respondent. The Court held that it has jurisdiction under CPR 62.24(1), read together with CPR

17.1(1)(b) and the Supreme Court Act, to grant interim injunctive relief where appropriate in aid of its appellate function. The Court rejected the respondent's contention that its jurisdiction was confined to preservation of the subject matter of the appeal under CPR 62.19(1)(a), which applies only to a single judge, master, or Chief Registrar. The Court also found that the conduct sought to be restrained was sufficiently connected to the subject matter of the appeal to fall within its appellate jurisdiction.

Applying the principles in *American Cyanamid Co v Ethicon Ltd* [1975] A.C. 396, the Court accepted that there was a serious issue to be tried. However, the Court held that damages would be an adequate remedy for the applicants in the event that they succeed on appeal. The losses complained of were primarily financial and capable of quantification, particularly by reference to historical revenue data and occupancy rates.

In further consideration, it was held that the harm likely to be suffered by the respondent in being compelled to continue operating villas alleged to be structurally defective within an internationally branded five-star resort was more difficult to quantify and carried greater weight.

In light of this, the Court found that the balance of convenience favoured the respondent. The Court placed weight on the subsisting High Court order, which had not been stayed, and which governed the parties' rights and obligations pending appeal. The Court concluded that the injunction sought would risk undermining that order.

In all the circumstances, the Court concluded that it was not just and convenient to grant the interim injunction.

The application was therefore refused, with costs awarded to the respondent to be assessed if not agreed within 21 days.

Case Name:

Joan Marquis

v

The Attorney General of Saint Lucia

**[SLUHCVAP2025/0016]
(Saint Lucia)**

Date: Tuesday, 16th June 2026

Before: The Hon. Mde. P Nicola Byer, Justice of Appeal
The Hon. Mde. Cadie St. Rose-Albertini, Justice of Appeal
The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag]

Appearances:

Applicant/Respondent: Ms. Cynthia Combie Martyr with Ms. Sherene Francis and Ms. Nickelle Octave

Respondent/Applicant: Ms. Nichola George Benjamin with Ms. Antonia Charlemagne

Issues:

Application to strike out notice of appeal - Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023, Rule 62.9(2) and Rule 5A.12(3) and (4) - Whether the authorization code generated by the ECSC E-Litigation Portal is required to be served together with the notice of appeal - Whether the failure to serve the authorization code renders service of the notice of appeal defective or invalid - Whether such failure constitutes a breach of the applicable rules governing electronic filing and service warranting the striking out of the notice of appeal.

Cross-application for extension of time to serve the authorization code and for service to be deemed valid - Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023, Rule 26.9 - Whether the failure to serve the authorization code generated by the ECSC E-Litigation Portal together with the notice of appeal constitutes a procedural irregularity capable of being cured - Whether, notwithstanding any consequence prescribed for non-compliance with the applicable rules, the Court may exercise its discretion under Rule 26.9 to remedy the defect - Whether the Court should grant an extension of time for service of the authorization code and deem the authorization code and notice of appeal to have been properly served.

Type of Order: N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

Judgment is reserved.

Reasons:

N/A

Case Name:

Jeremiah Norbert

v

Mickey Fortune

**[SLUHCVAP2025/0013]
(Saint Lucia)**

Date:

Tuesday, 16th June 2026

Before:

**The Hon. Mde. P Nicola Byer, Justice of Appeal
The Hon. Mde. Cadie St.Rose-Albertini, Justice of Appeal
The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag]**

Appearances:

Appellant:

Mr. Sahleem Charles

Respondent:

Ms. Mercaira Malaykhan

Issues:

Civil appeal - Setting aside judgment in default of defence - Whether the learned master erred in finding that the respondent had a realistic prospect of successfully defending the claim - Whether the learned master erred in the exercise of his discretion by failing to consider the totality of evidence before the court in considering whether the defence has a realistic prospect of success - Whether the learned master erred by applying the incorrect test in relation to rule 13.3 (1) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 - Whether the learned master erred in the exercise of his discretion in finding that the respondent did have a good explanation for his failure to file his defence - Whether the learned master erred in finding in his order that the respondent applied to the Court as soon as reasonably practicable after finding out that judgment has been entered -

Whether the learned master erred in the exercise of his discretion when finding that the appellant's application for leave to appeal and for a stay of proceedings was refused on the basis that the appellant did not have realistic prospect of success on appeal and that assessed costs is to be awarded against the appellant on the refused application

Type of
Order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

Judgment is reserved.

Reasons:

N/A

Case Name:

Camillus Roberts

v

[1] Medwin Hunte Baptiste

[2] Angela William

[SLUHCVAP2024/0019]
(Saint Lucia)

Date:

Wednesday, 17th June 2026

Before:

The Hon. Mr. Trevor M. Ward, Justice of Appeal
The Hon. Mde. Esco L. Henry, Justice of Appeal
The Hon. Mde. Kimberly Cenac-Phulgence, Justice of Appeal

Appearances:

Appellant:

Mrs. Petra Jeffery Nelson KC with her Mrs. Esther Greene-Ernest and Mr. Sahleem Charles

Respondent:

Ms. Lydia Faisal and Mr. Nigel Faisal

Issues:

Civil appeal - Claim of ownership and consequent entitlement to possession - Whether the learned judge erred in the exercise of his discretion in ruling that counsel for the appellant would not be permitted to

object to the hearsay evidence of the respondent at the commencement of trial because of the appellant's non-compliance with the deadline imposed by the Master for filing evidential objections - Whether the learned judge erred in finding that the hearsay evidence given by the respondents and their witnesses was admissible without them giving the required notice of intent to rely on same pursuant to section 54 of the Evidence Act - Whether the learned judge erred in ignoring the evidential objections of the appellant - Whether the learned judge failed to pursue the overriding objective of the rules - Whether the learned judge erred in finding, without evidence that the deceased Mr. Faucher owned the house, garage and household items - Whether the learned judge erred in finding that Mr. Faucher could have validly transferred the concrete structures which were attached to the lands which he did not own - Whether the learned judge erred in finding that Mr. Faucher was the owner of the contents of the house - Whether the learned judge failed to consider the law provided in the Civil Code and Land Registration Act on ownership of land - Whether the learned judge applied the wrong considerations and came to a wrong conclusion in law and fact when he failed to consider the laws of ownership section 56 LRA and Articles 1980 and 1908 of the Civil Code - Whether the learned judge erred in exercise of his discretion in his application of Articles 369 to 379 of the Civil Code to find that Mr. Faucher had caused improvements to the lands - Whether the learned judge erred in principle in finding that the appellant had not proved he had the financial capacity to pay for the land - Whether the learned judge arrived at the wrong conclusion based on hearsay evidence - Whether the learned judge erred in his findings of fact - Whether the learned judge erred in principle in the exercise of his discretion when he disregarded the evidence of Uranius Hippolyte, whom he found to be a truthful witness, that the appellant engaged him to construct extensions to the house and was the person who had paid him to do so - Whether the learned judge erred in the exercise of his discretion in ordering the appellant to pay mesne profits when mesne profits was not properly pleaded - Whether mesne profits available in relation to the household contents - Whether the learned judge erred in finding that equity would mitigate the harshness of the strict legal provisions for registration of an immovable - Whether the learned judge erred in concluding that the

first respondent had an overriding interest in the parcel 1873B 373 pursuant to section 28(g) of the LRA - Whether the decision of the court was wholly against the weight of the evidence

Type of Order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

Judgment is reserved.

Reasons:

N/A

Case Name:

St Lucia Development Bank

v

Vincent Boland

[SLUHCVAP2025/0023]
(Saint Lucia)

Date:

Thursday, 18th June 2026

Before:

The Hon. Mde. P Nicola Byer, Justice of Appeal
The Hon. Mde. Cadie St. Rose-Albertini, Justice of Appeal
The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag]

Appearances:

Applicant:

Mr. Leevie Herelle

Respondent:

Mr. Horace Renison Fraser

Issues:

Application for Leave to Appeal, Stay of execution and Cost - Rules 62.2 and 62.23 of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 - Whether the court considers that the appeal would have a realistic prospect of success or there is some other compelling reason why the appeal should be heard- Whether the applicant has provided cogent evidence that the appeal will be stifled or rendered

nugatory unless a stay is granted - Court's inherent jurisdiction and case management powers under CPR 26.1(a) and (y) - Whether the applications ought to be adjourned pending the determination of the substantive appeal, which arises from related proceedings and raises substantially similar issues concerning the alleged technical deficiencies in service - Whether proceeding with the applications at this stage would accord with the overriding objective of dealing with cases justly, expeditiously, and in a manner that makes efficient use of the Court's resources

Type of
Order:

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal filed 26th November 2025 and application for stay of execution filed 12th December 2025 are adjourned pending the hearing and determination of the substantive appeal in SLUHC VAP2026/0020.
2. The said applications may be reinstated for hearing or discontinued at the request of either party upon the determination of the substantive appeal
3. No orders as to costs.

Reasons:

Before the Court are two applications: (i) an application for leave to appeal filed on 26th November 2025, and (ii) an application for a stay of execution filed on 12th December 2025. The application for leave to appeal is an ex parte application. Accordingly, although counsel for the respondent was present, he was not entitled to heard on the application for leave.

These applications were listed for hearing before this Court. However, upon reviewing the filings and the procedural history of the matter, the Court noted that the substantive proceedings in the court below concerning appeal of the Tribunal's Decision have already been heard and determined and are presently the subject of an appeal filed under Appeal No. SLUHC VAP2026/0020.

The Court was also informed that a second judgment summons has since been issued and that it too is the subject of an application for a stay of execution. It is understood that some of the same alleged technical deficiencies in relation to the first judgment summons also arise in relation to the second judgment summons.

In considering whether it would be appropriate and useful to proceed with the hearing of the present applications, the Court took into account the existence of the substantive appeal and the overlap between the issues raised in these applications and those to be determined in the appeal. Having considered the submissions made and the current state of the matters, the Court is not persuaded that it would be prudent to proceed with the hearing of these applications at this stage.

Accordingly, the Court has determined that the applications shall stand adjourned pending the hearing and determination of the substantive appeal. Following the determination of that appeal, the parties may, if necessary, apply to have the applications reinstated, or otherwise discontinue them.

Case Name:

Gregory Fevrier

V

Luciana Mary Fevrier

**[SLUHCVAP2022/0009]
(Saint Lucia)**

Date:

Thursday, 18th June 2026

Before:

**The Hon. Mde. P Nicola Byer, Justice of Appeal
The Hon. Mde. Cadie St. Rose-Albertini, Justice of Appeal
The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag]**

Appearances:

Appellant:

Mr. Horace Renison Fraser

Respondent:

Mr. Leevie Herelle

Amicus Curiae:

Mr. Arthur D. Compass for the Attorney General

Ms. Renee St. Rose KC, with her Mrs. Rochelle John Charles and Ms. Tazma Dostalie for the Saint Lucia Bar Association

Issues:

Interlocutory Appeal - “Post-judgment interest” - Statutory basis in Saint Lucia - Whether Articles 1008 and 1685 of the Civil Code of Saint Lucia constitute the applicable statutory foundation for the award of post-judgment interest - Whether the learned judge erred in law at the stage of the judgment summons in holding that interest at the rate of 6% per annum from the date of judgment until payment applies automatically upon entry of judgment - Whether post-judgment interest accrues automatically or must be specifically pleaded and expressly awarded by the court and stated in the court order - Prescription - Whether post-judgment interest is subject to the five-year prescriptive period under Article 2111 of the Civil Code - Whether the learned judge erred in finding that post-judgment interest is not prescribed after five years - Amicus curiae appointed to assist the Court on the interpretation of Article 2111 and the issues arising on the appeal.

Type of Order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

Judgment is reserved.

Reasons:

N/A