

SAINT VINCENT AND THE GRENADINES

IN THE COURT OF APPEAL

CIVIL APPEAL NO.5 of 2003

BETWEEN:

YVONNE ELIZABETH WILLIAMS

Appellant

and

KENNETH SYLVESTER WILLIAMS

Respondent

Before:

The Hon. Mr. Adrian D. Saunders

Justice of Appeal

The Hon. Mr. Brian Alleyne

Justice of Appeal

The Hon. Mr. Michael Gordon

Justice of Appeal [Ag.]

Appearances:

The Appellant in person

Mrs. K. Bacchus-Browne for the Respondent

2004: March 4

JUDGMENT

[1] **SAUNDERS, J.A.** : This court on 12th January, 2004 a written judgment in an appeal brought by the appellant from the decision of the High Court in this matter. The appellant by application filed on the 24th February, 2004 has sought leave to appeal the judgment of this court to Her Majesty in Council.

[2] At the hearing of the Application, counsel for the Respondent pointed out that this court could not entertain the Application as it was out of time. Clause 4 of the relevant Statutory Instrument, regulating appeals to Her Majesty In Council, states that applications for leave to appeal shall be made within twenty-one days of the date of the decision to be appealed from.

[3] In the affidavit that supports the Application of the appellant, no reasons have been given for the delay in the making of the application. The applicant stated orally before us that she was not aware of the judgment until approximately one week after its delivery.

[4] We are of the view that counsel's objection is a valid one. This court has no discretion to extend the time within which to appeal and, even if we did, there is no sufficient basis on which to exercise any such discretion. Accordingly, the application is dismissed with no order as to costs.

Adrian Saunders
Justice of Appeal

[5] **ALLEYNE, J.A.:** I concur.

[sgd.]
Brian Alleyne
Justice of Appeal

[6] **GORDON, J.A. [Ag.]:** I concur.

[sgd.]
Michael Gordon
Justice of Appeal