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COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

SCCivApp & CAIS No. 174 of 2015

Bahamas Hotel Catering and Allied Workers Union

Intended Appellant

And

Cable Beach Resort Limited

and

New Continent Ventures Inc

(d/b/a Melia Nassau Beach Resort)

Respondents

(Conditional Leave to the Privy Council)

Before: The Hon Mr Justice Isaacs, JA
The Hon Mrs Justice Crane-Scott, JA
The Hon Mr Justice Evans, JA

Mr Damian Gomez, QC, holding brief for
Mr Harvey Tynes, QC, Counsel for Intended Appellant
Mr Ferron Bethell, Counsel for Intended Respondents

30 October 2019

1 The oral judgment of the court was delivered by

2 Isaacs, JA:

3 This is an application for leave to appeal to the
4 Privy Council against a decision made by this court. In such
5 applications it is generally accepted that to engage their
6 Lordships' attention, the issues that are raised must be one
7 of general public importance. There is, of course, the
8 provision which relates to the appeal as of right, but in
9 those circumstances it must be demonstrated that the appeal
10 involves property, the value of which is in excess of
11 \$4,000.00. There is nothing in this application to suggest
12 that the property in dispute is in excess of \$4,000.00; hence,
13 the intended appellant do not rely on this application that
14 the appeal is as of right.

15 Notwithstanding the point made by Mr. Bethell that
16 that was not the only basis upon which the intended appellant
17 proceeded, I would suggest that if the intended appellant was
18 able to show that it was a point of general public importance,
19 that the court could be inclined to exercise its discretion in
20 the intended appellant's favour. However, as pointed out by
21 Mr. Justice of Appeal Evans, upon the passage of the amendment
22 to the Industrial Relations Act, section 41 of the 2017
23 amendment, the issue which the intended appellant proposes to
24 canvass before their Lordships is no longer live; hence, if
25 the court was to exercise its discretion to grant leave in

1 this case, the issue would be relevant only to the parties in
2 this case. In those circumstances, it could not be said that
3 the issue is one of general public importance.

4 In the circumstances, this court is satisfied that
5 there is no merit in this application. There is no issue, no
6 conflict between the cases of Smith and Hutchinson such as
7 would cause the court to exercise its discretion in the
8 intended appellant's favour.

9 In the premises, the application is dismissed.

10 The costs are the respondent's; such costs to be
11 taxed if not otherwise agreed.

12 This is the decision of the court.

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Dated this 30th day of October, 2019

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ISAACS, JA

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24 ss

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