

The Eastern Caribbean Supreme Court

In The Court of Appeal

Saint Vincent and the Grenadines

SVGHCVAP2023/0003

BETWEEN:

- 1. The Minister of Health and the Environment**
- 2. The Public Service Commission**
- 3. The Commissioner of Police**
- 4. Attorney General**
- 5. Police Service Commission**

Appellants/ Applicants

and

- 1. Shaniel Howe**
- 2. Novita Roberts**
- 3. Cavet Thomas**
- 4. Alfonzo Lyttle**
- 5. Brenton Smith**
- 6. Sylvorne Olliver**

Respondents

BETWEEN:

- 1. The Minister of Health, Wellness and Environment**
- 2. The Public Service Commission**
- 3. The Commissioner of Police**
- 4. Attorney General**

Appellants/ Applicants

and

- 1. Shefflorn Ballantyne**
- 2. Travis Cumberbatch**
- 3. Rohan Giles**

Respondents

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Chamber Hearing Order dated 18th April 2023

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ORDER

CHAMBERS

ON PAPER

BEFORE HIS LORDSHIP, THE HON. MR. PAUL WEBSTER, JUSTICE OF APPEAL [Ag.] on the 18th day of April, 2023-

UPON the notice of application filed by the applicants on 17th March 2023 seeking a stay of execution of the judgment and order of Esco Henry J delivered on 13th March 2023 pending the hearing and determination of the appeal (“the Application”);

UPON READING:

- i. the affidavit of Grenville Williams and Arlene Regisford-Sam together with exhibits filed on 17th March 2023 in support of the Application;
- ii. the draft order in support of the Application;
- iii. the notice of opposition to the Application filed by the respondents on 27th March 2023;
- iv. the affidavit of Shefflorn Ballantyne with exhibits filed on 5th April 2023 in response to the Application;
- v. the affidavit of Arlene Regisford-Sam with exhibit filed on 12th April 2023 in reply to the affidavit of Shefflorn Ballantyne filed on 5th April 2023;
- vi. the affidavit of Kenrick Morris filed on 14th April 2023 in response to the affidavit of Shefflorn Ballantyne filed on 5th April 2023;
- vii. the amended notice of appeal filed on 29th March 2023;
- viii. the supplemental affidavit of Franeek Joseph with exhibits filed on 5th April 2023;
- ix. the order and judgment of Esco Henry J dated 13th March 2023;
- x. the applicants’ submissions and list of authorities filed on 20th March 2023 in support of the Application;
- xi. the respondents’ submissions and list of authorities filed on 5th April 2023 in opposition to the Application;
- xii. the applicants’ skeleton submissions in reply filed on 14th April 2023
- xiii. the applicant’s supplementary list of authorities filed on 17th April 2023; and
- xiv. the affidavit of Rodwell Alexander filed on 29th March 2023 evidencing service of the notice of appeal, the Application, draft order, affidavit of

Arlene Regisford-Sam and Grenville Williams in support, certificate of exhibits, order of court dated 13th March 2023 and authorization codes for each respondent;

UPON CONSIDERING the principles on which a stay is granted as enunciated in **C-Mobile Services Limited v Huawei Technologies Co Limited BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported)**, and developed in **Nam Tai Property Inc, Iszo Capital LP, Greater Sail Limited and West Ridge Investment Company Limited BVIHCMAP2021/0010 (delivered 8th November 2021, unreported)**. The court must consider all the circumstances of the case including the strength of the appeal, the balance of harm by the grant or refusal of a stay, and whether the appeal will be stifled or rendered nugatory unless a stay is granted;

AND UPON THE COURT being satisfied that the applicants have reasonable prospects of success on appeal, that there is cogent evidence that the appeal will be rendered nugatory unless a stay is granted, and that the appeal concerns matters of public importance;

AND UPON THE COURT CONSIDERING all of the circumstances of the case and determining that the applicants have met the threshold for the grant of a stay of execution;

IT IS HEREBY ORDERED THAT:

The application for a stay of the judgment and order of Esco Henry J delivered on 13th March 2023 pending the hearing and determination of the appeal is granted.

Dated the 18th day of April 2023



BY THE COURT

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DEPUTY CHIEF REGISTRAR