

BRITISH VIRGIN ISLANDS COURT OF APPEAL

Eastern Caribbean Collective Organisation for Music Rights (ECCO) Inc -v- Mega-Plex Entertainment Corporation (SLUHCVAP 2013/0012)

INTERLOCUTORY ORDER - RULE 62.6(3) OF THE CIVIL PROCEDURE RULES, 2000 (THE "CPR") - APPLICATIONS FOR EXTENSION OF TIME IN WHICH TO FILE A NOTICE OF APPEAL - THE COURT'S DISCRETION

In this case the Applicant applied to file a notice of appeal after the time prescribed by the rules. The application was opposed. In granting the application for an extension of time the Court held following *C.O. Williams Construction (St. Lucia) Limited -v- Inter-Island Dredging Co. Ltd Saint Lucia High Court Civil Appeal SLUHCVAP2011/0017* that in determining an application for extension of time for filing appeals, unless the case is of a complex nature like in *Sayers -v- Clarke Walker*, the Court is not required to apply the provisions of Rule 26.8 of the CPR. The Court reaffirmed the principles that in the exercise of the Court's discretion to grant or refuse an application for an extension of time to appeal is fettered by the following factors, namely: (1) the extent of the delay in filing the notice of appeal; (2) the reason(s) for the delay; (3) the chances of the appeal succeeding if the extension of time is granted; and (4) the degree of prejudice to the respondent if the extension is granted.

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