



The Court of Appeal for Bermuda

PRACTICE DIRECTION

ISSUED BY THE PRESIDENT OF THE COURT OF APPEAL

A/50

22 April 2026

CIRCULAR NO. 7 OF 2026

TO ALL ATTORNEYS:

AMENDMENT TO CIRCULAR NO. 19 OF 2023
(PRACTICE & PROCEDURE FOR CASES BEFORE THE COURT OF APPEAL)

1. The purpose of this Practice Direction is to avoid delays in the completion of appeal records by obliging appellants to request supplementary material known to be central to their appeal at the earliest possible juncture in the appeal preparation process.
2. In accordance with paragraph 4 of Circular 19 of 2023, Counsel and litigants are reminded that in the case of Criminal Appeals, the Records of Appeal are constructed and disseminated by the Court's Registry. The Records of Appeal will contain only those items listed in Order 3 Rule 10 or Rule 11 of the Rules of the Court of Appeal for Bermuda ("the **Rules**").
3. Paragraph 5 of Circular 19 of 2023 is amended by the insertion of a new sub-paragraph (d) so that paragraph 5 now reads as follows:
 - "5. In the matter of **Practice Direction 16 of 2020** ("the **Direction**") the Procedure set out in paragraph 4 is hereby amended (or clarified as the case may be) to the following effect:
 - (a) Paragraph 4(c) of the Direction is amended by substituting "summation" in the first sentence with "Record of Appeal". Therefore, once the Record of Appeal has been issued to the parties, the parties will have 14 days to:
 - (i) apply for further transcripts which are not covered by Order 3 Rule 10 or Rule 11 of the Rules; and

- (ii) apply to supplement the record of appeal with further documentation which is not covered by Order 3 Rule 10 or Rule 11 of the Rules.
- (b) If upon the expiry of 14 days no application has been made either for further transcripts or to supplement the record of appeal, the record of appeal shall be treated as final. Whilst the parties are at liberty to apply for further transcripts or to supplement the record of appeal, the Court must be satisfied that there exist good and sufficient reasons why the parties were non-compliant with the imposed time limit. The parties are warned that, if the Court remains unsatisfied by any explanation proffered, it is likely that an application made beyond the 14-day time period will be refused.
- (c) Paragraph 4(d) of the Direction is amended by substituting a different time frame for filing the appellant's submissions. The period of 45 days following the receipt of the Record of Appeal is reduced to twenty-one (21) days. The respondent's time to reply remains unchanged (i.e. 14 days following the filing of the appellant's submissions).
- (d) Notwithstanding paragraphs (a) and (b) hereof, where an appellant has filed grounds of appeal which clearly require the record prescribed by the Rules to be supplemented by evidential or other transcripts for the due disposition of the appeal, the appellant should request the supplementary material as soon as practicable after the ground or grounds of appeal have been filed."

Dated the 22nd day of April 2026



IAN RC KAWALEY
PRESIDENT OF THE COURT OF APPEAL