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Departmental and Other Notices

IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
COMMONWEALTH OF DOMINICA
(CIVIL)

DOMHCV2014/0337

Between

[1] Lee Anthony *Appellant*

and

[1] Director of the Financial Intelligence
Unit

[2] The Attorney General Of Dominica *Respondents*

Appearances:

Miss Bernadette Lambert of Norde and Lambert Chambers
for the Appellant

Miss Joelle Harris, Solicitor General for the Respondents

2015: April 14th

2015: April 24th

INTRODUCTION

[1] Stephenson J.: “A *right to appeal is entirely a creature of statute; and the nature and scope of the*

right to appeal must be determined by reference to the terms of the statute...”¹

[2] This is an appeal to the High Court pursuant to the provisions of the Proceeds of Crime Amendment Act (POCA)² to set aside the orders of Chief Magistrate, Candia Carrette-George and acting Magistrate Michael Bruney, with costs and for the cash which was forfeited to be returned to the appellant.

[3] Cash forfeiture is a new procedure that was made available by virtue of the POCA which became law in Dominica on the 21st May 2013. This case raises a very important point for our court as to the procedure to be adopted in appealing cash forfeiture orders.

THE APPEAL

[4] The appellant on the 9th October 2014 filed a fixed date claim form pursuant to Part 60 of the Civil Procedure Rules 2000 (CPR) and under Part 8.1 (3) which form was subsequently amended stating therein the grounds of their appeal. It is noted that this appeal was filed within the 30 days time limit stated in POCA³.

¹ DAR v DPP (QLD) & Anor [2008] QCA 309 Per Keane JA at paragraph 9

² No.7 of 2013 of the Laws of Dominica

³ Ibid Section 68B (2)