



**COURT OF APPEAL
TURKS & CAICOS ISLANDS**

CL-AP 6/2020

BETWEEN:

**MICHAEL EUGENE MISICK, FLOYD BASIL HALL, MCALLISTER EUGENE HANCHELL,
LILLIAN BOYCE, JEFFREY CHRISTOVAL HALL, THOMAS CHALMERS MISICK, AND
MELBOURNE ARTHUR WILSON**

APPELLANT

-and-

THE ATTORNEY GENERAL OF THE TURKS AND CAICOS ISLANDS

RESPONDENT

CL-AP 7/2020

BETWEEN:

THE ATTORNEY GENERAL OF THE TURKS AND CAICOS ISLANDS

APPELLANT

-and-

**MICHAEL EUGENE MISICK, FLOYD BASIL HALL, MCALLISTER EUGENE HANCHELL,
LILLIAN BOYCE, JEFFREY CHRISTOVAL HALL, THOMAS CHALMERS MISICK, AND
MELBOURNE ARTHUR WILSON**

RESPONDENT

BEFORE:

Sir Elliott Mottley	President	[appearing by video]
The Hon. Mr. Justice Stollmeyer	Justice of Appeal	[appearing by video]
The Hon. Mr. Justice Adderley	Justice of Appeal	[appearing by video]

APPEARANCES:

Mr. Ariel Misick, QC and Mr. Selvyn Hawkins for the Appellants

Mr. Andrew Mitchell QC, Quinn Hawkins, Katherine Duncan and Latisha Williams for the Respondent

Delivered: 2 October 2020

DECISION ON COSTS

ADDERLEY, JA

- [1]. We have considered on the papers the Respondents' written Submissions on Costs filed 9 September 2020, the Appellant's Response filed 10 September, and the Respondents' Reply filed 11 September 2020. Although the issues to be decided affected the Respondents personally, they were of general public importance, particularly the construction of Regulation 4(6). In all the circumstances it was not unreasonable to seek the determination of the Courts on the issues and this would point to an exception to the general rule that costs follow the event. We find support for this view in the decisions from the Caribbean, South Africa and England and order that each party bear its own costs of the appeal.
- [2]. With respect to Mr Mitchell QC's application for costs below, there is no record that the Judge made an order as to costs and there is no record of an appeal on that point. We see no reason to make such an order now.

Dated this 2nd day of October, 2020

/s/ K. Neville Adderley, JA

I agree.



/s/ Sir Elliott Mottley, P

I too agree.

/s/ C. Humphrey Stollmeyer, JA