

Practice Direction

Skeleton arguments and bundles of authorities

No 13 of 2023

1. Introduction

- 1.1 This practice direction is made pursuant to Rule 4.2 of the Supreme Court Civil Procedure Rules, 2022 (the Rules).
- 1.2 The purpose of this practice direction is to set out mandatory requirements regarding the use of skeleton arguments and bundles of authorities in civil proceedings governed by the Rules.
- 1.3 This practice direction comes into effect immediately.

2. General requirements

- 2.1 Subject to paragraph 5.1 below, skeleton arguments and bundles of authorities must be lodged either in support of or in opposition to every application, appeal or other proceeding before the Court unless the Court dispenses with this requirement.
- 2.2 The purpose of a skeleton argument is to assist the Court by setting out as concisely as practicable the arguments upon which a party intends to rely. A skeleton argument must be concise and succinct. At the same time, a skeleton argument must be comprehensive, in that it should state all the points which the party intends to raise and it should summarize the party's argument on each of those points. The Court may refuse to permit a party to raise a point not raised or to advance an argument not advanced in that party's skeleton argument.
- 2.3 The purpose of a bundle of authorities is to provide the Court with the authorities upon which a party intends to rely or to which a party intends to refer at the hearing of an application, appeal or other proceeding before the Court in an accessible and self-contained format.

2.4 All skeleton arguments and bundles of authorities must be lodged in sufficient time in advance of the hearing for which they are provided to give the Court and the other parties a reasonable opportunity to read the material given in advance of the hearing.

3. Format – Skeleton Arguments

3.1 All skeleton arguments shall be served and lodged in hardcopy and electronically.

3.2 All skeleton arguments shall be typed in 12-point font with no less than 1.5 line spacing. Skeleton arguments prepared in less than 12-point font may be rejected by the Court.

3.3 Skeleton arguments must be prepared in numbered paragraphs and must specify:

(i) the full title and record number of the proceedings.

(ii) the name of the party providing the skeleton argument.

(iii) the name of the attorney appearing on behalf of the party providing the skeleton argument, if any.

(iv) where the points in skeleton argument arise from portions of a transcript of evidence, the relevant portion or portions of the transcript.

(v) where there are references to legislation, the relevant statute, article, section, regulation or other provision.

(vi) where there are references to authorities the precise passage, identified by paragraph/page number, together with the legal principle or proposition of law advanced. The general rule is that no more than one principal authority need be cited in support of a particular point of law. If it is proposed to cite more than one supporting authority to make the same point of law, a footnote should be included explaining the reason for doing so.

3.4 Skeleton arguments submitted by an appellant, applicant or claimant should not normally exceed 8 pages.

- 3.5 Skeleton arguments submitted by a respondent or defendant should not normally exceed 8 pages, unless there is more than one separately represented opposing party in which case the skeleton may extend to 12 pages.
- 3.6 Any front sheet, back sheet, index, chronology, reading list, glossary or list of dramatis personae will not be counted towards the page limits in paragraphs 3.4 and 3.5 above.
- 3.7 The Court may, on its own motion or on the application of a party, vary the page limits in paragraphs 3.4 and 3.5 above in relation to any proceedings before it.

4. Format – Bundles of authorities

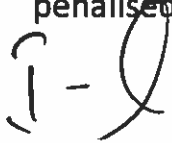
- 4.1 Every bundle of authorities shall be served and lodged in hardcopy and electronically.
- 4.2 Parties should (in addition to filing their own bundles of authorities) seek to agree a joint bundle of core authorities in every case unless the circumstances do not permit it or the Court has dispensed with the requirement.
- 4.3 Every bundle of authorities must be indexed and should contain only those authorities which are relevant and which it is necessary for the Court to read, or which will actually be referred to during the proceeding for which the bundle is prepared.
- 4.4 Where a judgment is reported in the Law Reports of The Bahamas, the Bahamas Law Reports, the West Indian Law Reports, the Official Law Reports published by the Incorporated Council of Law Reporting for England and Wales, the All England Law Reports, the Weekly Law Reports or any authoritative specialist series of law reports, a reported copy of the judgment must be produced in the bundle of authorities.
- 4.5 Extracts from textbooks included in a bundle of authorities should clearly show the edition and year of publication of the textbooks.

5. Litigants in person

- 5.1 Litigants in person are not obliged to lodge or serve skeleton arguments and bundles of authorities but are strongly encouraged to do so.

6. Consequence of non-compliance with this practice direction

- 6.1 Failure to comply with any part of this practice direction, in the absence of good and sufficient reason, may, result in the defaulting party being penalised in costs.

A handwritten signature in black ink, appearing to read 'I-R. Winder', is written over the text of paragraph 6.1.

Sir Ian R. Winder
Chief Justice
19 December 2023