

IN THE COURT OF APPEAL OF THE SUPREME COURT OF  
JUDICATURE

APPELLATE JURISDICTION

CIVIL APPEAL NO. of 2021

BETWEEN: -

1. THE ATTORNEY GENERAL OF GUYANA
2. SARAH BROWNE
3. VIKASK RAMKISSOON

Appellants

- and -

1. CHRISTOPHER JONES
2. THE SPEAKER OF THE NATIONAL  
ASSEMBLY

Respondents

NOTICE OF APPEAL

1. TAKE NOTICE that the Appellants, being dissatisfied with the decision more particularly stated in paragraph 2 (two) herein of the High Court of the Supreme Court of Judicature contained in the Judgment of Honourable Chief Justice (ag) Madam Justice Roxanne George, SC in **Christopher Jones v. Attorney General et al 2020-HC-DEM-CIV-FDA- 1179**, dated the 20<sup>th</sup> day of April 2021, do Hereby appeal to the Court of Appeal of Guyana upon the grounds set out in paragraph 3(three), and will, at the hearing of the appeal, seek the relief(s) set out in paragraph 4 (four).

And the Appellants further states that the names and addresses including their own and persons directly affected by the appeal are set out in paragraph 5 (five).

2. The whole of the decision of the Honourable Court in **Christopher Jones v. Attorney General et al 2020-HC-DEM-CIV-FDA- 1179**.

3. Grounds of Appeal

(a) On 20<sup>th</sup> April 2021, the Learned Chief Justice in **Christopher Jones v. Attorney General et al 2020-HC-DEM-CIV-FDA- 1179**

decided that the Second and Third named Appellants are not lawful members of, and cannot sit in the National Assembly of 12<sup>th</sup> Parliament of Guyana.

(b) The Learned Hearing Judge misconstrued and misinterpreted **Articles 113, 186 and 103(3) of the Constitution of the Cooperative Republic of Guyana, Chapter 1:01, Laws of Guyana (the Constitution of Guyana)**, in arriving at Her decision that the Second and Third named Appellants are not lawful members of, and cannot sit in the National Assembly of 12<sup>th</sup> Parliament of Guyana;

(c) The Learned Hearing Judge erred and misdirected Herself in law in finding that She was bound by the decision of the Court of Appeal of Guyana in the matter of the **Attorney General v. Desmond Morian, Civil Appeal No. 19 of 2016**, as that decision was not binding on the Hearing Judge;

(d) The Learned Hearing Judge erred and was misconceived in law in relation to the *ratio decidendi* of the Court of Appeal's decision in the matter of the **Attorney General v. Desmond Morian, Civil Appeal No. 19 of 2016** in that the issues raised in that Appeal were wholly irrelevant and different to the issues raised

before the Hearing Judge, and as a consequence, the Hearing Judge was not bound thereby.

- (e) The Learned Hearing Judge erred in law in failing to recognise that the decision of the Court of Appeal of Guyana in **Attorney General v. Desmond Morian, Civil Appeal No. 19 of 2016** did not produce *ratio decidendi* on any issue beyond procedure the vehicle by which the challenge should have been brought in the High Court of the Supreme Court of Guyana.
- (f) The Decision of the learned Hearing Judge that a Parliamentary Secretary cannot sit in the Parliament is erroneous and misconceived in law;
- (g) The Decision of the learned Hearing Judge does not accord with the clear and unambiguous binding language of the Constitution of Guyana;
- (h) The learned Hearing Judge erred and misdirected Herself in law by considering Herself bound by the decision of the Court of Appeal in the case of **Attorney General v. Desmond Morian, Civil Appeal No. 19 of 2016**, rather than the clear and unambiguous provisions of the Constitution of Guyana;
- (i) The Learned Hearing Judge erred and misdirected Herself in law by using the wrong cannon of interpretation to construe the relevant provisions of the Constitution of Guyana;
- (j) The Learned Hearing Judge's decision is not supported by the evidence.

4. The Appellants respectfully pray that the Judgment of the Learned Chief Justice (ag) Madam Justice Roxanne George SC in **Christopher Jones v. Attorney General et al 2020-HC-DEM-CIV-FDA-1179**, be set aside, reversed and/or varied and the Respondents be ordered to pay the costs in this Court and the Court below.

5. The names and addresses of the persons directly affected are set out Hereunder: -

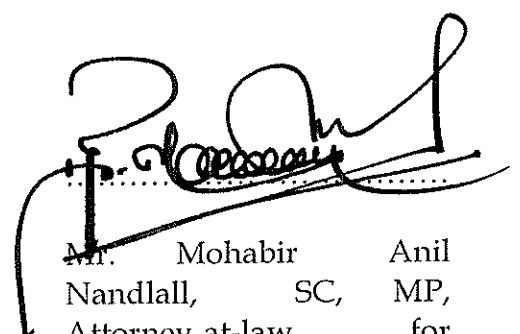
**Names**

**Addresses**

The Attorney General of Guyana: 95 Carmichael Street Cummingsburg, Georgetown.

Mr. Roysdale Forde SC Attorney-at-Law For the 1<sup>st</sup> Named Respondent: Turkeyen Chambers, Hadfield Street, Georgetown

Mr. Pratest Satram For the 2<sup>nd</sup> Named Respondent: Satram & Satram 228 B Cummings Street Bourda, Georgetown.



Mr. Mohabir Anil Nandlall, SC, MP, Attorney-at-law for Appellants

Dated at Georgetown, Demerara,

This 20<sup>th</sup> day of April, 2021.

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NOTICE OF APPEAL

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