



the dismissal by the Ordinary Court of the Applicant's appeal. Advocate Hill has also purported to lodge a Respondent's Notice dated 19 December 2022 to that effect.

5. The time for appealing to the Court of Appeal is set out in rule 3 of the Court of Appeal (Civil Division) (Guernsey) Rules, 1964, as amended:

*“Subject to rule 17(3), every notice of appeal shall be served under paragraph (4) of the last preceding Rule within 28 days from the date on which the judgment or order of the court below was pronounced.”*

Rule 17 of those 1964 Rules further provides:

*“(1) The Court or a judge thereof may, on such terms as the Court or judge thinks just, by order extend or abridge the period within which a person is required or authorised by these Rules or by any order or direction, to do any act and may extend any such period although the application for extension is not made until after the expiration of that period.*

*(2) The period within which a person is required by these Rules, or by any order or direction, to do any act may be extended by consent in writing without an order of the Court or of a judge thereof being made for that purpose.*

*(3) Without prejudice to the power conferred on the Court or a judge thereof by paragraph (1) of this Rule, the period for serving notice of appeal under Rule 3 of these Rules may be extended by the presiding judge of the court below upon application being made before the expiration of that period.”*

6. The Applicant did not apply for any extension of time in accordance with rule 17(3). As his application explains, he was unaware of the need to do so; he was awaiting the costs determination. Accordingly, I am dealing with his application for an extension of time made after the expiry of the period specified in rule 3 as a single judge of this Court. This is in accordance with section 21 of the Court of Appeal (Guernsey) Law, 1961, as amended. Unlike the situation in *Fort Trustees Limited v ITG Limited* [2021] GCA 029, where reference was made to the previous decision in *McNamara v Gausson* 2009-10 GLR 387, there had been no service of the notice of appeal within the time limit, which is the mischief against which rule 3 is intended to operate. Hence the need for this application before the appeal can be said to have been properly instituted.
7. The difficulty for the Applicant, though, is the combined effect of section 15(1)(a) of the 1961 Law and section 46(2) of the Firearms and Weapons (Guernsey) Law, 1998, as amended. Section 15(1)(a) provides:

*“An appeal shall not lie to the Court of Appeal under this Part of this Law –*

*(a) from any decision which it is provided, under any enactment, is to be final; ...”*

Section 46(2) of the 1998 Law provides:

*“A decision of the Ordinary Court on an appeal under this section shall be final.”*

8. The consequence of these two provisions is that the legislature has decided, by virtue of section 46(2), that there is to be no further appeal from the first level of appeal afforded to a person aggrieved of a decision of the Chief Officer under the various provisions set out in section 46(1) of that Law. The effect of section 15(1)(a) of the 1961 Law is that such a provision in the

applicable legislation means that no appeal to the Court of Appeal is available. The task of the courts is to interpret this legislation and I take the view that it is clear and unambiguous and not open to any element of discretion. In short, the Applicant has no further avenue of appeal.

9. Where an appeal simply does not lie to the Court of Appeal, there is no utility in granting the extension of time sought by the Applicant. That decision has nothing to do with the merits of any further appeal, nor does it relate to the reasons for the delay in the Applicant making this application for an extension of time. Indeed, but for the effect of these two provisions, I may well have been prepared to give the Applicant the latitude he seeks because he has acted reasonably quickly after the costs order was made earlier this month, even though more than two months have passed since the deadline fixed by rule 3 of the 1964 Rules. In these circumstances, there is no need for me to consider the prospects of success of any appeal, whereas often, when determining whether to grant the extension of time sought, the Court would be reluctant to refuse in a case where the grounds to be advanced are regarded as likely to succeed. Accordingly, I am not minded to comment on that issue, save to note that the instances set out in the Applicant's Skelton Argument about how the trial was conducted do not appear to me to reach the same level as was found in the case Serafin v Malkiewicz on which the Applicant relies (and he has attached the decision of the English Court of Appeal [2019] EWCA Civ 852 rather than that of the Supreme Court [2020] UKSC 23).
10. I have also considered whether I should regard the lodging of a Respondent's Notice as somehow indicative of there having been consent by the Respondent under the terms of rule 17(2) to the extension of time needed in order to bring this appeal. I am not persuaded that this would be appropriate. The Respondent could not consent to an appeal out of time simply to be in a position to seek to have it dismissed as a nullity, which is substantively what is raised by the Respondent's Notice. Accordingly, where I have determined that no such appeal lies to this Court, I regard this application as having effectively been made *ex parte* and the lodging of the Respondent's Notice was premature where there is no extant appeal.
11. For the reasons I have given, no extension of time is granted to the Applicant because there is no possible further appeal that he can institute from the dismissal of his appeal under the 1998 Law by the Royal Court. Further, on an application such as this, I consider there can be no application on behalf of the Respondent for any costs incurred because no appeal is capable in law of being commenced.