

WeirFoulds Partner Frank Walwyn receives commendation from Privy Council, London, England

December 2, 2010

“The Board pays tribute to the quality of the submissions which it has received from Mr. Frank Walwyn . . .”

(Judicial Committee of the Privy Council in *Ross v. Bank of Commerce*, [2010] UKPC 28 at para. 2).

In October 2010, Frank appeared before the Judicial Committee of the Privy Council in London, England, in a precedent-setting hearing affecting 28 jurisdictions worldwide (including 14 independent nations). An important issue regarding the jurisdiction of the Privy Council was raised during the hearing, testing the interpretation of the new Judicial Committee (Appellate Jurisdiction) Rules Order 2009.

The Constitution of many of the countries whose appeals go to the Privy Council as the court of final appeal provides that an appeal lies as of right to the Privy Council once a certain monetary threshold is met. Historically, a party was required to go first to the Court of Appeal to seek and obtain leave, even where the appeal was as of right. The issue before the Board, which affected all appeals going to the Privy Council in its overseas jurisdiction, was whether this requirement survived the 2009 Rules.

Frank appeared and argued the matter before the Privy Council, helping to clarify this important issue of jurisdiction. The judgment was rendered on November 23 with the finding that it remains necessary under the 2009 Rules to seek and obtain leave to appeal from the Court of Appeal.

In the result, Frank successfully obtained special leave to appeal for our client, and was commended by Her Majesty's Board for the quality of his submissions.

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