Easter Term
[2026] UKPC 18
Privy Council Appeal No 0103 of 2023

JUDGMENT

Richard Taylor Assistant Superintendent of Police (Respondent) *v* Natalie Natasha Spring and another (Appellants) (Trinidad and Tobago)

From the Court of Appeal of the Republic of Trinidad and Tobago

before

Lord Reed
Lord Leggatt
Lord Burrows
Lord Stephens
Lord Doherty

JUDGMENT GIVEN ON
29 April 2026

Heard on 24 March 2026

Appellant
Navindra Ramnanan
Gary Hannays
Riaz Seecharan
(Instructed by Magna Mentes (Trinidad))

Respondent
Peter Knox KC
(Instructed by Charles Russell Speechlys LLP (London))

LORD BURROWS:

1. Introduction

1. Like many other jurisdictions, Trinidad and Tobago has modern legislation concerned with stripping criminals of their ill-gotten gains. One specific weapon in the armoury of the authorities, introduced by the Civil Asset Recovery and Management and Unexplained Wealth Act No 8 of 2019 ("the 2019 Act"), is the "Unexplained Wealth Order" ("UWO"). This requires the person to whom it is directed to pay to the State his or her "unexplained wealth amount", being the sum which the court is satisfied does not represent his or her lawfully acquired property. However, before such an order can be made, the court must make a "Preliminary Unexplained Wealth Order" ("PUWO"). In this case Richard Taylor, who is an (Acting) Assistant Superintendent of Police in the Trinidad and Tobago Police Service and is the respondent in this appeal, obtained a PUWO against Natalie Spring and the Estate of Sheldon Spring, who are the appellants in this appeal. That PUWO was granted ex parte on 10 December 2019. This appeal concerns that PUWO.

2. On 17 February 2020, an application was made by the appellants to set aside the PUWO. That application succeeded before Madam Justice Carla Brown-Antoine in a judgment of 7 September 2020: Claim No UWO 001-2019. Her essential reasoning in setting aside the PUWO was twofold.

3. First, the 2019 Act requires that, during an investigation into the commission of a specified offence, the applicant has formed a reasonable suspicion about four matters set out in section 58(1). According to the judge, the relevant reasonable suspicion had to be formed after, and not before, the 2019 Act came into force (on 14 June 2019) and that could not be so here where the investigations took place between 2015 and 2017. The 2019 Act was in that sense non-retrospective.

4. Secondly, an application for a PUWO could not be validly made against the estate of a deceased person. As Sheldon Spring had died prior to the application, the PUWO should not have been made against his estate.

5. Richard Taylor successfully appealed against that decision to the Court of Appeal (Mendonça, Mohammed and Wilson JJA). In a judgment of the Court, delivered on 31 January 2023, Civil Appeal No P232 of 2020, it was essentially decided as follows:

> (i) The applicant for a PUWO must have a reasonable suspicion about the four matters in section 58(1) of the 2019 Act at the time of the application. It was not a bar that that reasonable suspicion derived from investigations that had been carried

out prior to the coming into force of the 2019 Act. The judge's reasoning on this point was therefore incorrect.

(ii) A PUWO could be applied for, and granted, against the estate of a deceased person. The judge's reasoning on this point was therefore also wrong. Although there had been a breach of CPR rule 21.7(4), which prohibits any steps being taken in proceedings against the estate of a deceased person before the appointment of a personal representative for the estate, the court could, and would, exercise its discretion to rectify the position by treating the PUWO as having been made after the appointment of Natalie Spring to be administratrix ad litem. This was so even though, in reality, that appointment had been made, with Natalie Spring's consent, by Madam Justice Carla Brown-Antoine on 20 January 2020 which was over a month after the PUWO had been granted ex parte.

(iii) There was ample evidence, as set out in the affidavit of Sergeant Marcelle, for Richard Taylor to have had the required reasonable suspicion as to the four matters in section 58(1).

6. The Court of Appeal therefore allowed the appeal of Richard Taylor in respect of the PUWO against Natalie Spring and the Estate of Sheldon Spring. The order of Madam Justice Carla Brown-Antoine revoking the PUWO was overturned, the PUWO was reinstated, and the matter was remitted to the High Court for a further hearing as to whether a UWO should be granted.

7. The appellants now appeal to the Board against the decision of the Court of Appeal.

2. The statutory framework

(1) The 2019 Act

8. Sections 3(1) and 4(1) of the 2019 Act fall within Part I, which is headed "Preliminary".

> "**3. Interpretation**
>
> (1) In this Act, unless the context otherwise requires –
>
> …

‘criminal conduct’ means conduct which –

(a) constitutes a specified offence; …

‘criminal property’ means property –

(a) which constitutes a benefit to a person from criminal conduct or represents such benefit, in whole or in part whether directly or indirectly including economic gains and funds or property converted or transformed into other property; and

(b) which the alleged offender knows or suspects constitutes or represents a benefit and for which it is immaterial who carried out the conduct or who benefitted from the conduct;

…

‘Preliminary Unexplained Wealth Order’ means an order of the High Court granted under section 61 by which the respondent is required to appear before the High Court for a determination to be made as to whether an Unexplained Wealth Order should be made;

…

‘specified offence’ has the meaning assigned to it by section 2 of the Proceeds of Crime Act;

…

‘Unexplained Wealth Order’ means an order of the High Court made under section 65 by which the respondent is required to pay to the State the assessed difference between the total value of the wealth of the respondent and the lawfully acquired wealth of the respondent. …

4. Application

(1) Upon the coming into force of this Act, this Act shall apply to all recoverable property, irrespective of whether or not the criminal conduct relative to the recoverable property occurred before or after the coming into force of this Act."

9. Sections 58, 61(1), 63, 65 and 67 fall within Part V of the Act which is headed "Unexplained Wealth Orders".

"**58. Application for Order for a declaration**

(1) Where the Chairman of the Board of Inland Revenue, the Comptroller of Customs and Excise or the Commissioner of Police or such other person delegated by him not below the rank of Assistant Superintendent (hereinafter referred to as 'the applicant') during the course of an investigation for a specified offence reasonably suspects that—

(a) the total wealth of the respondent exceeds the value of his lawfully obtained wealth;

(b) the total wealth of the respondent is over five hundred thousand dollars;

(c) the property is owned by the respondent or is under his effective control; and

(d) the property was obtained through the commission of a specified offence,

he may apply to the High Court in writing for an order ('in this Part hereinafter referred to as a Preliminary Unexplained Wealth Order'), requiring the respondent to file a declaration and answer questions as required in relation to his assets.

(2) An application under subsection (1) shall be accompanied by an affidavit stating—

(a) the identity of the respondent;

(b) the grounds by which the applicant reasonably suspects that the total wealth of the respondent exceeds the value of his lawfully obtained wealth; and

(c) the grounds by which the applicant reasonably suspects that any property is owned by the respondent or is under his effective control.

(3) An application under subsection (1) may be made *ex parte*.

…

61. Grant of a Preliminary Unexplained Wealth Order

(1) Where the High Court is satisfied that there are reasonable grounds to suspect that the total wealth of the respondent exceeds the value of his wealth that was lawfully obtained, it may make a Preliminary Unexplained Wealth Order, requiring the respondent to file a declaration and appear before the High Court to answer questions relative to his assets for the High Court to decide whether to make an Unexplained Wealth Order.

…

63. Revocation of Preliminary Unexplained Wealth Order

Where an application has been made to revoke a Preliminary Unexplained Wealth Order, the High Court shall revoke the order if it is satisfied that there are no grounds on which the order could be maintained.

…

65. Grant of an Unexplained Wealth Order

(1) Where the High Court has made a Preliminary Unexplained Wealth Order, which has not been revoked, in relation to a respondent and on the basis of the affidavit and documents submitted and evidence provided, is satisfied that—

> (a) on a balance of probabilities that any part of the wealth of the respondent was not lawfully obtained or held;
>
> (b) the total wealth of the respondent is over five hundred thousand dollars; or
>
> (c) particular property is held by, and subject to the effective control of the respondents,

it may make an Unexplained Wealth Order.

(2) It does not matter for the purposes of subsection (1)(b)—

> (a) whether or not there are other persons who also hold the property; or
>
> (b) whether the property was obtained by the respondent before or after the coming into force of this Act.

(3) Where the High Court makes an order under this section, the order shall specify that the respondent is liable to pay into the Seized Assets Fund an amount being the 'unexplained wealth amount' of the respondent, equal to the amount that the High Court is satisfied does not represent the lawfully acquired property of the respondent.

…

67. Explanation of Unexplained Wealth Order

(1) An amount payable by the respondent into the Seized Assets Fund under an Unexplained Wealth Order is a civil debt due by the respondent to the State.

(2) An Unexplained Wealth Order against the respondent may be enforced as if it were an order made in civil proceedings instituted by the applicant under section 58(1) against the respondent to recover a debt due by him to the State.

(3) An Unexplained Wealth Order is for all purposes to be treated as a judgment debt.

(4) If an Unexplained Wealth Order is made after the death of a respondent, the Order is exercisable against the estate of the respondent."

10. There is some obvious inelegance in the drafting of the 2019 Act. For example, in sections 58(1) and 65(3) the language moves from "wealth" to "property"; the requirements for a valid affidavit in section 58(2) do not reflect all the requirements set out in section 58(1); what the court needs to be satisfied of under section 61(1) does not reflect all the requirements set out in section 58(1); and after section 65(1(b) the word "or" is surely a mistake for "and". But such inelegance does not prevent the Board reaching a clear view as to the correct interpretation of the 2019 Act.

(2) Proceeds of Crime Act No 55 of 2000 ("POCA")

11. Section 2(1) of POCA, as cross-referenced from section 3(1) of the 2019 Act, gives the meaning of "specified offence".

"**2. Interpretation**

(1) In this Act –

…

'specified offence' means -

> (a) an offence in any of the categories set out in the Second Schedule for which the constituent elements are more specifically provided for in any written law or under the common law and which is punishable upon conviction with a fine of not less than five thousand dollars or to imprisonment for not less than twelve months; …"

12. The Second Schedule of POCA is headed "Categories of Offences" and includes:

> "(5) Illicit trafficking in narcotic drugs and psychotropic substances;
>
> …
>
> (22) Money laundering;
>
> …"

13. "Money laundering" is defined in section 45(1) of POCA, which provides:

> "**45. Dealings with criminal property**
>
> (1) A person who knows or has reasonable grounds to suspect that property is criminal property and who—
>
> > (a) engages directly or indirectly, in a transaction that involves that criminal property; or
> >
> > (b) receives, possesses, conceals, disposes of, disguises, transfers, brings into, or sends out of Trinidad and Tobago, that criminal property; or
> >
> > (c) converts, transfers or removes from Trinidad and Tobago that criminal property,
>
> commits an offence of money laundering.

…

(3) Where a person is charged with an offence under this section and the Court is satisfied that the property in his possession or under his control was not acquired from income derived from a legitimate source, it shall be presumed, unless the contrary is proven, that the property is criminal property.

…"

3. The factual background

14. The factual background is not in dispute. What is here set out draws on the agreed statement of facts which in turn is largely dependent on the affidavits of Richard Taylor and, especially, Sergeant Junior Marcelle.

15. Richard Taylor's application for a PUWO relied on his own affidavit of 9 December 2019 and on the affidavit of Sergeant Marcelle of 5 December 2019. Richard Taylor deposed that, having confirmed the facts set out in Sergeant Marcelle's affidavit, he had a reasonable suspicion that the total wealth of the appellants exceeded the value of their lawfully obtained wealth; and that he had seen the certified copies of the deeds of conveyance for various properties in the names of the appellants which made clear that those properties were owned and under the effective control of the appellants. He also deposed that, by a letter dated 6 December 2019, he had been authorised to make the application by Harold Phillip, the Acting Commissioner of Police.

16. Sergeant Marcelle's affidavit, which was not contradicted by any contrary evidence, was essentially as follows.

17. On 22 October 2015, the police executed a search warrant at Natalie Spring's home in the presence of her and her husband, Sheldon Spring. They found and seized 182 grams of marijuana, 210 grams of cocaine and TT$95,320 in cash. On 26 October 2015, Natalie and Sheldon Spring were both charged with possession of cocaine for the purpose of trafficking and possession of marijuana.

18. From 2015 to 2017, Sergeant Marcelle said that he conducted a thorough investigation into Sheldon and Natalie Spring looking as far back as 2010 with special emphasis placed on their accumulation of wealth and its origin to support a forfeiture application.

19. In doing so, on 22 October 2015, he interviewed Natalie, who told him that Neicey's Niceness Mini Mart ("Mini Mart"), a shop of which she had been the registered owner since 2010, and which was registered to sell dry goods, had been closed for the last seven years. In a further conversation on 28 February 2017, she said that it had been closed since the birth of her daughter, which was in April 2009. On enquiry, it appeared that Mini Mart was not on any database of key suppliers or distributors. Despite this, deposit slips later obtained from financial institutions showed that monies were deposited with them by Mini Mart, and cheques were withdrawn from its account to buy two properties.

20. On 11 February 2016, Sergeant Marcelle applied for production orders from various institutions. This information showed that, as at 31 December 2015, Sheldon shared a joint account with Natalie that had a balance of US$7,008.23. Natalie had 13 accounts with three banks; and from 2010 to 2015, totals of TT$4,179,713 and US$22,798 were credited to them, and TT$3,116,437 and US$16,799.46 were withdrawn. Millions of dollars were therefore being placed into accounts controlled by Natalie and analysis of deposit slips showed that Mini Mart was the purported source of income.

21. Neither Natalie nor Sheldon had filed income tax returns for the relevant period (2000–2015); and no information existed in relation to Mini Mart on the Board of Inland Revenue database. No records existed in the National Insurance Board database for Sheldon. Natalie had a National Insurance number but over the period 2009–2015, no contributions were made by her or on her behalf.

22. Natalie indicated that she was a housewife maintained by Sheldon but there was no evidence to suggest that Sheldon was engaged in any legitimate form of employment.

23. Natalie (whether in her own right or, after Sheldon's death, in relation to his estate) was in effective control of various real property (in addition to where she lived), including a two-storey dwelling house, with an Olympic length swimming pool, valued at TT$3,193,000 and another property valued at TT$5,810,000.

24. Sergeant Marcelle also conducted enquiries at the Criminal Records Office of the Trinidad and Tobago Police Service, and looked at Sheldon's and Natalie's criminal records, which revealed (in summary) that:

> (i) From 1995 to 2017, Sheldon had been subject to 17 criminal charges for narcotics offences, which had resulted in three convictions (two of possession of cocaine for the purposes of trafficking in April 1998 and December 2007, and one of possession of cocaine in August 2000). Five of the charges were still pending at the time of his death.

(ii) From 2000 to 2015 Natalie was charged with ten offences (six relating to narcotics), and was convicted of possession of marijuana in August 2006, and of possession of cocaine for the purpose of trafficking in December 2007. Six of the charges were still pending.

25. In the light of his investigations revealing that Natalie and Sheldon had amassed wealth amounting to TT$12,859,617.50, Sergeant Marcelle concluded the following as regards the requirements in section 58 of the 2019 Act (as at 5 December 2019):

(i) That their total wealth was more than TT$500,000;

(ii) That their total wealth exceeded the value of their lawfully obtained wealth; and

(iii) That various real and personal property was under the effective control of Natalie, either in her own right or as part of Sheldon's estate.

26. Sergeant Marcelle indicated that, as a result of his investigations, he reasonably suspected that the appellants' unlawfully obtained wealth was as a result of the commission of specified offences, namely drug trafficking and money laundering,

27. Earlier in his affidavit, Sergeant Marcelle clarified that "upon completion of my investigation into the origin of the seized sum of TT$95,320, I submitted a file to the Director of Public Prosecution for consideration to be given to a forfeiture application"; and that that application was laid before Chaguanas Magistrates Court on 19 October 2017, with the date of trial being fixed for 22 January 2020.

28. It is agreed that Sheldon was murdered on 12 January 2018 before the 2015 and 2017 criminal charges against him were determined, and before the 2019 Act had come into force (on 14 June 2019). In the meantime, the 2015 charge against Natalie for possession of marijuana was dismissed, but not the 2015 charge for possession of cocaine for the purpose of trafficking.

4. The issues on this appeal

29. The issues that the Board has to decide can be expressed as follows.

30. First, did Richard Taylor have sufficient evidence reasonably to suspect that the four requirements in section 58(1) of the 2019 Act were satisfied? ("Issue 1")

31. Secondly, was Richard Taylor's reasonable suspicion as to the four requirements in section 58(1) formed "*during the course of an investigation for a specified offence*"? And, in answering that question, is there a retrospectivity objection to taking into account an investigation that was undertaken prior to the coming into force of the 2019 Act? ("Issue 2")

32. Thirdly, can a PUWO be applied for, and granted, against the estate of a deceased person? And, more specifically, did the death of Sheldon Spring on 12 January 2018 mean that a PUWO should not have been ordered against his estate? ("Issue 3")

5. Issue 1: did Richard Taylor have sufficient evidence reasonably to suspect that the four requirements in section 58(1) of the 2019 Act were satisfied?

33. Counsel for the appellants, Navindra Ramnanan, submitted that the Court of Appeal was in error because the evidence fell "woefully short" of a court being entitled to decide that Richard Taylor had reasonable grounds to suspect that the requirements in section 58(1) were satisfied. For example, there was insufficient evidence that the specified offences of drug trafficking and money laundering had been committed by Natalie and Sheldon Spring.

34. With respect, this was a hopeless argument. The factual background that the Board has set out at paras 14–28 above makes it abundantly clear that there was sufficient evidence to support Richard Taylor's reasonable suspicion that the four requirements in section 58(1) were satisfied including that the property had been obtained through the commission (by Sheldon and Natalie Spring) of the specified offences of drug trafficking and money laundering.

35. It should be noted that the judge did not herself make clear findings of fact in relation to Issue 1 and merged it with Issue 2. In deciding Issue 1, there is therefore no question of the Court of Appeal, or the Board, needing to show deference to a trial judge's factual analysis.

36. It is important to bear in mind that, although Mr Ramnanan occasionally tended to confuse the two, the standard of reasonable suspicion is a lower standard than requiring reasonable belief. As Laws LJ said in *A v Secretary of State for the Home Department (No 2)* [2004] EWCA Civ 1123; [2005] 1 WLR 414, at para 229:

> "Belief and suspicion are not the same, though both are less than knowledge. Belief is a state of mind by which the person thinks that X *is* the case. Suspicion is a statement of mind by which the person in question thinks that X *may be* the case."

37. In his written submissions—although at the hearing before the Board, he withdrew this argument—Mr Ramnanan erroneously argued that, on its correct interpretation, section 58(1) of the 2019 Act mandated that a specified offence had actually been committed as opposed to there being a reasonable suspicion by the applicant that the specified offence had been committed.

38. It should be noted that section 58(1)(d) does not require there to have been a reasonable suspicion that the specified offence has been committed *by the respondent.* The Board agrees with the Court of Appeal's analysis of this point at para 75 of its judgment:

> "we are of the view that section 58(1)(d) does not require the applicant to show that the property was obtained through the commission of a specified offence **by the respondent,** far more, that there has actually been a conviction for same. The [2019] Act regime is non-conviction based and is not concerned to establish criminal guilt by the respondent."

39. In conclusion on Issue 1, the Board agrees with what the Court of Appeal said at para 117:

> "There is in our view ample evidence on the affidavit of Sgt. Marcelle for Ag. Asst. Supt. Taylor to found reasonable suspicion of the factors in section 58(1) in relation to the Spring Respondents."

6. Issue 2: was Richard Taylor's reasonable suspicion as to the four requirements in section 58(1) formed "*during the course of an investigation for a specified offence*"? And, in answering that, is there a retrospectivity objection to taking into account an investigation that was undertaken prior to the coming into force of the 2019 Act?

40. On this Issue, Mr Ramnanan relied on Sergeant Marcelle's evidence that his findings were made during an investigation that was completed in 2017 and was carried out for the purposes of the Director of Public Prosecution making an application for a forfeiture order. Mr Ramnanan submitted that it followed that Richard Taylor's reasonable suspicion was not formed during the course of an ongoing investigation and that there was no investigation for a specified offence. He further submitted that, contrary to the Court of Appeal's decision, Madam Justice Carla Brown-Antoine had been correct in deciding that, as the investigation was completed in 2017, the relevant reasonable suspicion could not have been formed because the 2019 Act was not then in force and the Act was, in this respect, non-retrospective.

41. The Board rejects those submissions. The relevant time for assessing Richard Taylor's reasonable suspicion was at the time when the application for the PUWO was made and that was not until 10 December 2019, which was several months after the 2019 Act came into force (on 14 June 2019). Moreover, so as not to undermine the purpose of the Act in furthering the recovery of criminal gains, the words "during the course of an investigation" should be read broadly and not narrowly. On a broad interpretation, Richard Taylor was still continuing (or, one might say, had revived) the investigations into the Springs' drug trafficking and money laundering at the time when he made the application for the PUWO.

42. There is also nothing in the argument that the investigations were directed to a forfeiture application. That is entirely consistent with the investigation being into the specified offences of drug trafficking and money laundering. Put another way, those offences can be regarded as providing a basis for any forfeiture.

43. It is also clear that the 2019 Act operates retrospectively in the sense that it applies to criminal conduct and property gained prior to the Act coming into force. This is in line with the purpose of the Act in removing criminal wealth acquired before, as well as after, the coming into force of the Act. This is made explicit by two particular provisions.

44. First, by section 4(1) (to repeat from para 8 above):

> "Upon the coming into force of this Act, this Act shall apply to all recoverable property, irrespective of whether or not the criminal conduct relative to the recoverable property occurred before or after the coming into force of this Act."

45. Secondly, by section 65(2)(b) (to repeat from para 9 above) it does not matter in considering, for the purposes of a UWO, whether the total wealth of the respondent is over five hundred thousand dollars

> "whether the property was obtained by the respondent before or after the coming into force of this Act."

Although section 65(2)(b) is directed to a UWO, logic dictates that the same approach must also apply to a PUWO.

46. The Board therefore agrees with the Court of Appeal's decision on this retrospectivity point. As the Court of Appeal expressed it at para 92:

> "the judge erred in concluding that section 58(1)(a) to (d) of the [2019] Act had no retrospective effect… The [2019] Act allows for historic investigations predating it to be factored into consideration. … Reasonable suspicion is not … static. By the very nature of the natural ebb and flow of the investigative process, once it is formed, it is capable of perpetuation. Now with the availability of the [2019] Act, what is crucial is, that at the time of the application for the PUWO the applicant suspects the existence of the matters at section 58(1)(a) to (d) and has reasonable grounds for that suspicion."

7. Issue 3: can a PUWO be applied for, and granted, against the estate of a deceased person? And, more specifically, did the death of Sheldon Spring on 12 January 2018 mean that a PUWO should not have been ordered against his estate?

47. Mr Ramnanan submitted that a PUWO could only be ordered against a living person, not least because only that person could properly, and fairly be asked to, answer the questions posed by such an order. He therefore argued that Madam Justice Carla Brown-Antoine had been correct on this issue and that the Court of Appeal had been wrong to overturn her decision. He pointed out, correctly, that section 67(4) of the 2019 Act (see para 9 above) is dealing with the different situation where a UWO has been made against a living person who then dies.

48. The Board agrees with Mr Ramnanan's submission that a PUWO can only be ordered against a living person. But there is no reason why that person should not be the personal representative of an individual whose estate contains unexplained wealth. It would undermine the purpose of recovering criminal gains if the death of such an individual rendered the obtaining of such an order impossible. It is just as objectionable, and therefore contrary to the purpose of the Act, if the estate of a deceased person, and not just the person while alive, benefits from criminal wrongdoing. Indeed, to hold otherwise would produce potentially absurd consequences. Imagine that a notorious criminal is being pursued for his or her ill-gotten gains and that, the day before an application for a PUWO is due to be submitted, the criminal dies. If the estate takes the benefit of the criminal's ill-gotten gains, it would be absurd if the PUWO could not be applied for, and granted, against its representative. There is nothing in the wording of the Act that prevents, or is inconsistent with, such a course of action.

49. It may sometimes be true that those representing the estate will have more difficulty answering the required questions about the deceased person's wealth than the person would have had while alive. But such difficulties can be brought to the court's attention before a UWO is granted. If the PUWO is ordered ex parte, the court can be alerted to those difficulties either on an application by the personal representative to revoke a PUWO (see section 63 of the 2019 Act set out at para 9 above) or when, in

compliance with a PUWO, the personal representative files its declaration and appears to answer questions (see section 61(1) of the 2019 Act set out in para 9 above). Any difficulties can therefore be taken into account before a court decides to grant a UWO. Those difficulties may mean that no UWO should be granted or that what is required by the UWO has to be modified. But they are not good reasons for concluding that a PUWO can never be ordered against the estate of a deceased person.

50. At first sight, what might be thought more problematic on the facts of this case is that the required procedure for seeking an order against the estate of Sheldon Spring was not complied with. The Consolidated Civil Proceedings Rules 2016 (Trinidad and Tobago) rule 21.7 says this:

> "**21.7 Proceedings against the estate of a dead party**
>
> (1) Where in any proceedings it appears that a dead person was interested in the proceedings then, if the dead person has no personal representatives, the court may make an order appointing someone to represent his estate for the purpose of the proceedings.
>
> (2) A person may be appointed as a representative if he —
>
> > (a) can fairly and competently conduct proceedings on behalf of the estate of the deceased person; and
> >
> > (b) has no interest adverse to that of the estate of the deceased person.
>
> (3) The court may make such an order on or without an application.
>
> (4) Until the court has appointed someone to represent the dead person's estate, the claimant may take no step in the proceedings apart from applying for an order to have a representative appointed under this rule.
>
> (5) A decision in proceedings where the court has appointed a representative under this rule binds the estate to the same extent

> as if the person appointed were an executor or administrator of the deceased person's estate."

51. It follows from CPR rule 21.7(4) that, until a representative of the estate has been appointed, no proceedings can be validly brought against the estate. Here the application was made against the estate of Sheldon Spring without there being a personal representative. At a hearing on 20 January 2020, the judge made an order appointing Natalie Spring, with her consent, as administratrix ad litem to represent the estate of Sheldon Spring. The judge further ordered that service of the order on Natalie Spring, as administratrix, should be waived.

52. The Court of Appeal dealt with the procedural irregularity in the following way at paras 106–107:

> "[We] do not understand Mr Ramnanan to take any objection in his submissions to the fact that the PUWO was made before the order appointing the Administrator Ad Litem. This is understandable as no prejudice was caused to the Estate of Sheldon Spring. An application was made by the Administrator Ad Litem to set aside the PUWO and was successfully prosecuted as is evidenced by this appeal. Any such objection would have the appearance of an arid technicality.
>
> In any event, failure to comply with a rule does not invalidate any step in the proceedings unless the rule specifically provides or the court so orders and where the rule does not specifically provide the consequence for the failure to comply with the rule, the court has a discretion to make an order to put matters right. CPR Rule [21.7(4)] falls into the category where the rules does not provide the consequence for the failure to comply with it (see CPR rule 26.8). If it were necessary to exercise a discretion in that regard, we would order that the PUWO in relation to the Estate of Sheldon Spring be treated as if made after the appointment of the Administrator Ad Litem."

53. The Court of Appeal ultimately did not make such an order presumably because it did not consider it necessary to do so. However, for the avoidance of all doubt, the Board, in the exercise of the discretion adverted to by the Court of Appeal in the paragraph just cited, now orders that the appointment of Natalie Sheldon to be administratrix ad litem should be back-dated to 9 December 2019 before the application for, and grant of, the PUWO ex parte.

54. Therefore, in the Board's view—and in agreement with the Court of Appeal—a PUWO can be applied for, and granted, against the estate of a deceased person; and, although there was a procedural irregularity on the facts of this case, because the PUWO was applied for and ordered before there was a personal representative, that irregularity has been cured.

8. Overall conclusion

55. For all these reasons, the appeal is dismissed.