

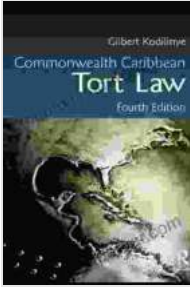
Judicial Review in the Commonwealth Caribbean: A Comprehensive Guide to the Law in Action

Judicial review is a fundamental component of the Commonwealth Caribbean legal system. It provides a mechanism for individuals and organizations to challenge decisions made by public authorities, ensuring that these bodies act within the scope of their powers and in accordance with the law. This article provides a comprehensive overview of judicial review in the Commonwealth Caribbean, covering its history, grounds, remedies, and case studies.

The concept of judicial review was introduced into the Commonwealth Caribbean during the colonial era, as part of the common law tradition inherited from the United Kingdom. The first recorded instances of judicial review in the region date back to the early 19th century, with cases such as *R v St Vincent Justices* (1811) and *R v Kingston Justices* (1824).

After the region gained independence, judicial review continued to be an important aspect of the legal system. However, it was not until the 1960s and 1970s that the concept was fully developed and codified in the laws of many Commonwealth Caribbean countries. This period also saw the establishment of constitutional courts in several countries, which expanded the scope of judicial review by allowing challenges to decisions of the executive and legislature.

**Judicial Review in the Commonwealth Caribbean
(Commonwealth Caribbean Law)** by Rajendra Ramlogan



★★★★★ 5 out of 5
Language : English
File size : 4048 KB
Text-to-Speech : Enabled
Screen Reader : Supported
Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 346 pages



There are numerous grounds upon which a decision can be challenged through judicial review. The most common grounds include:

- **Illegality:** The decision was made in violation of the law.
- **Irrationality:** The decision was unreasonable or based on insufficient evidence.
- **Procedural impropriety:** The decision-making process was unfair or violated the applicable rules of procedure.
- **Abuse of discretion:** The decision-maker exercised their discretion in an arbitrary or capricious manner.
- **Ultra vires:** The decision exceeded the powers of the decision-maker.

If a court finds that a decision is unlawful, it has wide-ranging powers to remedy the situation. The most common remedies include:

- **Quashing Free Downloads:** Setting aside the decision.
- **Declaratory judgments:** Declaring the decision to be unlawful.
- **Injunctions:** Preventing the decision from being put into effect.

- **Mandamus Free Downloads:** Compelling the decision-maker to perform a specific duty.
- **Damages:** Awarding compensation for any losses suffered as a result of the unlawful decision.

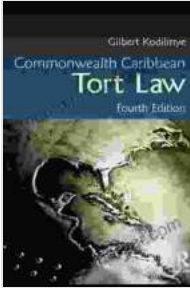
The following case studies illustrate how judicial review has been applied in the Commonwealth Caribbean:

- *Attorney General of Trinidad and Tobago v Maharaj* [2001] UKPC 38: The Privy Council held that a decision by the President not to appoint a candidate to the Senate was unlawful because it was based on irrelevant considerations.
- *R v Planning Appeal Board* [2005] 1 BVI 141: The High Court of the British Virgin Islands held that a decision by the Planning Appeal Board to grant planning permission for a development was irrational because it was not supported by any evidence.
- *Citizens United for Peace and Development v Guyana Elections Commission* [2019] GHC 25: The High Court of Guyana issued an injunction to prevent the Guyana Elections Commission from holding an election without first conducting a house-to-house registration of voters.

Judicial review plays a vital role in safeguarding the rule of law and protecting the rights of individuals and organizations in the Commonwealth Caribbean. It provides a mechanism for challenging arbitrary and unlawful decisions made by public authorities, ensuring that these bodies act within the scope of their powers and in accordance with the law. This article has provided a comprehensive overview of judicial review in the

Commonwealth Caribbean, covering its history, grounds, remedies, and case studies.

Buy Now



Judicial Review in the Commonwealth Caribbean (Commonwealth Caribbean Law) by Rajendra Ramlogan

★★★★★ 5 out of 5

Language : English
File size : 4048 KB
Text-to-Speech : Enabled
Screen Reader : Supported
Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 346 pages

FREE

DOWNLOAD E-BOOK



Visual Diagnosis and Care of the Patient with Special Needs

A Comprehensive Guide for Healthcare Professionals This comprehensive guide provides healthcare professionals with a wealth of information on the visual diagnosis and care...



Practical Guide Towards Managing Your Emotions And Raising Joyful Resilient Kids

In today's rapidly changing and often overwhelming world, our children face unprecedented challenges that can impact their emotional well-being...