[2026] JMSC Civ 06

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN CIVIL DIVISION

CLAIM NO. SU 2025 CV 03788

BETWEEN	**RUEL REID**	**1st APPLICANT**
AND	**FRITZ PINNOCK**	**2nd APPLICANT**
AND	**SHAREN REID**	**3rd APPLICANT**
AND	**SHARELLE REID**	**4th APPLICANT**
AND	**JEWEL HOGARTH (THE CLERK OF COURTS)**	**1st RESPONDENT**
AND	**HER HONOUR MS SANCHIA BURRELL**	**2nd RESPONDENT**
AND	**FINANCIAL INVESTIGATIONS DIVISION**	**INTERESTED PARTY**

IN CHAMBERS

Mr Hugh Wildman, Mesdames Carolyn Chuck and Shannon Clarke and Mr Shemar Bryan instructed by Messrs. Hugh Wildman & Company for the Applicants

Ms Lisa White and Mr Janoi Pinnock instructed by the Director of State Proceedings for the 1st and 2nd Respondents

Mr Richard Small KC and Ms Shawn Steadman instructed by Messrs. Inn Law for the Interested Party

Heard: 17 December 2025 and 16 January 2026

Judicial review – Application for leave to apply for judicial review – Threshold test – Whether the applicant has an arguable ground with a realistic prospect of success – Whether the threshold for leave to apply for judicial review is a low one

Criminal law – Parish Court – Trial on indictment – Order for indictment signed by the senior judge of the parish court prior to the presentation of the indictment – Order for indictment endorsed on an information which does not name all accused persons – Whether order for indictment proper – Whether trial a nullity

Illegality – Whether the senior judge of the parish court erred in law in endorsing the order for indictment on an information which does not name all the accused persons

Ultra vires – Doctrine of ultra vires – Whether ultra vires in the narrow sense – Whether the senior judge of the parish court acted ultra vires her statutory authority

Judicial review – When proceedings appropriate – Availability of suitable alternative means of raising issue – The Judicature (Parish Courts) Act, sections 272, 273, 274, 287, 289 and 291, Civil Procedure Rules, 2002, as amended, rules 56.3(1), 56.3(3)(d), 56.15(4) and (5)

A. NEMBHARD J

INTRODUCTION

[1] This matter highlights the crucial issue of the proper interpretation to be applied to sections 272, 273 and 274 of The Judicature (Parish Courts) Act and the

application of those sections to the circumstances in the present instance. Specifically, this matter raises the imperative issue of whether the Applicants were properly indicted for several criminal offences before the Kingston and Saint Andrew Parish Court (Criminal Division).

[2] These proceedings originated with a Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025, ("the First Application"). By way of the First Application, the Applicants seek the following relief: -

1. That Leave be granted to the Applicants to apply for Judicial Review of the decision which was made by the 2nd Respondent to continue the trial against them [in the Kingston and Saint Andrew Parish Court (Criminal Division)], despite all Applicants not being properly before the court, pursuant to section 272 of the Judicature (Parish Courts) Act;

2. A Declaration that the trial on Indictment of the Applicants which is being conducted in the Kingston and Saint Andrew Parish Court (Criminal Division), and which is being presided over by the 2nd Respondent, is illegal, null and void and of no effect, as the said trial is in breach of section 272 of the Judicature (Parish Courts) Act;

3. A Declaration that the Order for Indictment in the trial of the Applicants in the Kingston and Saint Andrew Parish Court (Criminal Division), which was preferred by the 1st Respondent, and which was signed by the 2nd Respondent is illegal, null and void and of no effect, as the said Order is in breach of section 272 of the Judicature (Parish Courts) Act;

4. A Declaration that the purported Information on which the Order of Indictment was preferred by the 1st Respondent, and which was signed by the 2nd Respondent, is in breach of section 287 of the Judicature (Parish Courts) Act, and Schedule E made thereunder, which incorporates section 2 of the Justices of the Peace Jurisdiction Act, as

the said Information does not contain the names of all the Applicants, as is required by the said Act, rendering the said Information unlawful, null and void and of no effect;

5. An Order of Certiorari quashing the Order for Indictment which was preferred by the 1st Respondent, and which was signed by the 2nd Respondent, in the trial of the Applicants in the Kingston and Saint Andrew Parish Court (Criminal Division).

[3] The Applicants have identified thirty-nine (39) bases upon which the application for leave to apply for judicial review is made, of which the Court has made a careful note for the purpose of this judgment.

[4] The application for leave to apply for judicial review is supported by the four (4) affidavits identified below: -

i. The Affidavit of Sharelle Reid in Support of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025;

ii. The Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025;

iii. The Affidavit of Urgency of Sharelle Reid in Support of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025; and

iv. The Further Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 3 December 2025.

[5] Additionally, the Applicants also seek an Order for a stay of the criminal proceedings, which are being presided over by the 2nd Respondent in the Kingston and Saint Andrew Parish Court (Criminal Division). The application for a

Stay of Proceedings is contained in a Notice of Application for Stay of Proceedings, which was also filed on 21 October 2025, ("the Second Application").

BACKGROUND

The genesis

[6] The Financial Investigations Division ("the FID") engaged in joint investigations with the Major Organized Crime and Anti-Corruption Agency ("the MOCA") and the Counter Terrorism and Organized Crime Division ("the CTOC"), into financial irregularities which are alleged to have occurred between March 2016 and October 2019 at the Ministry of Education, Youth and Information and The Caribbean Maritime University ("the CMU").[1]

[7] This resulted in the arrests of the Applicants on or about 9 October 2019. The Applicants were subsequently charged with the criminal offences of Conspiracy to Defraud, Misconduct in Public Office, Breaches of the Proceeds of Crime Act and the Corruption (Prevention) Act and were brought before the Kingston and Saint Andrew Parish Court (Criminal Division).[2] [3]

[8] The 1st Applicant, Mr Ruel Reid, was the then Minister of Education and a Government Senator, at the time that it is alleged that these financial irregularities occurred. The 2nd and 3rd Applicants, Mr Fritz Pinnock and Mrs Sharen Reid, were the former President and Senior Manager of Legal Affairs of the CMU, respectively, at the time that it is alleged that these financial

[1] See – Paragraph 7 of the Affidavit of Gwayne Gray in Response to Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 28 November 2025

[2] See – Paragraph 8 of the Affidavit of Gwayne Gray in Response to Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 28 November 2025

[3] See – Paragraphs 7 - 9, inclusive, of the Affidavit of Brenton Williams in Support of Notice of Application for Court Orders, which was filed on 13 November 2025

irregularities occurred. The 4th Applicant, Ms Sharelle Reid, is the daughter of both Mr Ruel Reid and Mrs Sharen Reid.

The trial in the court below

[9] On 7 October 2025, the criminal matter came before the Kingston and Saint Andrew Parish Court (Criminal Division),[4] presided over by the 2nd Respondent, Her Honour Ms Sanchia Burrell, Senior Judge of the Parish Court ("the learned Senior Judge of the Parish Court").[5] The 1st Respondent, Ms Jewel Hogarth, is a Clerk of the Court for the Kingston and Saint Andrew Parish Court (Criminal Division). Ms Hogarth avers that she observed the proceedings in her capacity as Clerk of the Courts/Registrar. The Attorneys-at-Law representing the Crown in these said criminal proceedings are Government Prosecutors from the Office of the Director of Public Prosecutions ("the ODPP"), as well as Attorneys-at-Law from the FID, who obtained a fiat from the ODPP to associate closely with the Prosecution in the matter.[6]

[10] On or about 13 October 2025, the Prosecution made its Opening Statements, outlining the allegations against the accused persons, after which the learned Senior Judge of the Parish Court signed an Order for Indictment, which is endorsed on an Information.[7]

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[4] See – Paragraphs 10-26, inclusive, of the Affidavit of Brenton Williams in Support of Notice of Application for Court Orders, which was filed on 13 November 2025

[5] See – Paragraphs 9-11, inclusive, of the Affidavit of Gwayne Gray in Response to Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 28 November 2025

[6] See – Paragraphs 2 and 3 of the Affidavit of Jewel Hogarth, which was filed on 28 November 2025. See also – Paragraph 5 of the Affidavit of Fritz Pinnock in support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025. See also – Paragraph 6 of the Affidavit of Sharelle Reid in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025.

[7] See – Paragraph 12 of the Affidavit of Gwayne Gray in Response to Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 28 November 2025. See also – Exhibit "**GG1**" to the said affidavit, which exhibits a copy of the Indictment and Information. This document is also replicated as Exhibits "**JH3**" and "**JH4**", to the Affidavit of Jewel Hogarth, which was filed on 28 November 2025.

[11] On or about 16 October 2025, the Prosecution called its first witness. At the conclusion of the reception of the viva voce evidence of the said witness, Learned Counsel Mr Wildman raised an objection to the legality of the Order for Indictment, which formed the basis on which the trial commenced.

[12] Mr Wildman submitted that the Order for Indictment is endorsed on an Information, which charges the 1st and 2nd Applicants only. It was further submitted that there is no Information which is in place to be endorsed by the learned Senior Judge of the Parish Court, pursuant to the requirements of section 272 of the Act.[8]

[13] Mr Wildman asserted that the Indictment Order was endorsed on the Information which charges Mr Reid and Mr Pinnock only. Consequently, their co-accused are not properly before the court below. Mr Wildman further asserted that this renders the criminal trial in the court below a nullity.[9]

[14] These submissions were adopted by the legal representatives for the 4th and 5th Applicants in the court below.[10]

[15] By way of its response, the Prosecution maintained that all the Applicants are properly indicted before the Kingston and Saint Andrew Parish Court (Criminal Division), on the basis that the trial is a joint trial, which is permitted by the provisions of sections 272 and 273 of the Act. The Prosecution further maintained that the Indictment Order, by way of its specific reference to specific Information numbers and specific counts, captures the names of all the Accused

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[8] See – Paragraphs 12-17, inclusive, of the Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025. See also – Paragraphs 13-18 of the Affidavit of Sharelle Reid in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025.

[9] See – Paragraphs 15-17, inclusive, of the Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025. See also – Paragraph 8 of the Affidavit of Jewel Hogarth, which was filed on 28 November 2025.

[10] See – Paragraph 19 of the Affidavit of Sharelle Reid in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025

persons before the court. The Prosecution maintained that it cannot therefore be argued that the trial is a nullity.[11]

[16] On or about 17 October 2025, the learned Senior Judge of the Parish Court ruled that the trial was not a nullity and that she was prepared to continue with the same.[12]

[17] Aggrieved by that decision, the Applicants filed the application for leave to apply for judicial review of that decision of the learned Senior Judge of the Parish Court as well as an application for a stay of the proceedings in the Kingston and Saint Andrew Parish Court (Criminal Division).[13]

THE ISSUES

[18] Having considered the relevant material which was filed in relation to this matter together with the respective submissions which were advanced on behalf of the parties, the salient issue which arises for the Court's determination may be distilled as follows: -

i. Whether the Applicants have met the threshold for the grant of leave to apply for judicial review.

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[11] See – Paragraphs 13 and 14 of the Affidavit of Jewel Hogarth, which was filed on 28 November 2025. See also – Paragraph 19 of the Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025.

[12] See – Paragraph 15 of the Affidavit of Gwayne Gray in Response to Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 28 November 2025. See also – Paragraphs 15-18, inclusive, of the Affidavit of Jewel Hogarth, which was filed on 28 November 2025. See also – Paragraph 20 of the Affidavit of Fritz Pinnock in Support of Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025.

[13] The FID, by way of a Notice of Application for Court Orders, which was filed on 18 November 2025, sought permission to be joined as an interested party in these proceedings. By and with the consent of the Applicants, the FID was granted permission to be joined as an Interested Party on that date during proceedings before this Court.

[19] With respect to the central issue as to whether the Applicants have met the threshold for the grant of leave to apply for judicial review, six (6) questions arise. They are posited as follows: -

i. Whether the 1st Respondent, Ms Jewel Hogarth, is a proper party;

ii. Whether the Applicants were properly indicted for the offences for which they are being tried in the Kingston and Saint Andrew Parish Court (Criminal Division);

iii. Whether the decision of the 2nd Respondent to commence the trial against the Applicants in the Kingston and Saint Andrew Parish Court (Criminal Division), is in breach of section 272 of the Judicature (Parish Courts) Act;

iv. Whether the decision of the 2nd Respondent to commence the trial against the Applicants in the Kingston and Saint Andrew Parish Court (Criminal Division), is in breach of section 287 and Schedule E of the Judicature (Parish Courts) Act;

v. Whether the 2nd Respondent acted illegally and ultra vires her statutory authority;

vi. Whether there is an alternative remedy which is available to the Applicants.

THE LAW

The role of the court in matters of judicial review

[20] Part 56 of the Civil Procedure Rules, 2002, as amended ("the CPR"), is entitled Administrative Law and deals with applications such as this. The role of the court

in judicial review is to provide supervisory jurisdiction over persons or bodies that perform public law functions or that make decisions that affect the public.

[21] The approach of the court is by way of review and not of an appeal. The grounds for judicial review have been broadly based upon illegality, irrationality or impropriety of the procedure and the decision of the inferior tribunal. These grounds were explained in the case of **Council of Civil Service Unions v Minister for the Civil Service**.[14]

[22] Roskill, LJ stated as follows: -

> *"...executive action will be the subject of judicial review on three separate grounds. The first is where the authority concerned has been guilty of an error of law in its action, as for example purporting to exercise a power which in law it does not possess. The second is where it exercises a power in so unreasonable a manner that the exercise becomes open to review on what are called, in lawyers' shorthand, Wednesbury principles (see Associated Provincial Picture Houses Ltd v Wednesbury Corp [1947] 2 All ER 680, [1948] 1 KB 223). The third is where it has acted contrary to what are often called 'principles of natural justice'."*

[23] Judicial review is the courts' way of ensuring that the functions of public authorities are executed in accordance with the law and that they are held accountable for any abuse of power, unlawful or ultra vires act. It is the process by which the private citizen (individual or corporate) can approach the courts seeking redress and protection against the unlawful acts of public authorities or of public officers and acts carried out that exceed their jurisdiction. Public bodies must exercise their duties fairly.

[24] The requirement for leave is one aspect of the courts' function to act as a filter in relation to these types of claims. The starting point is rule 56.3(1) of the CPR, which provides that a person wishing to apply for judicial review must first obtain leave. Whilst the rule provides that leave must first be obtained in order to claim

[14] [1984] 3 All ER 935

judicial review, it is silent as to the threshold that must be met, in order to obtain leave. It has been accepted that, the test as enunciated by the Privy Council in **Sharma v Brown-Antoine**,[15] is the applicable test.

The threshold test

[25] Satnarine Sharma was the Chief Justice of Trinidad and Tobago, and the case concerned an application by him to review the decision of the Deputy Director of Public Prosecutions to proceed with a charge of Attempting to Pervert the Course of Justice against him. The central issue to be determined was whether the decision to prosecute the Chief Justice should be the subject of judicial review or whether the criminal process should be allowed to run its course. The Privy Council summarized the test in such a compelling way that this dictum has been used time and time again by this court as the benchmark for the guidance of judges when considering whether or not to grant leave to apply for judicial review.

[26] In **Sharma v Brown-Antoine**,[16] Lords Bingham and Walker stated in their joint judgment, at paragraph 14(4), as follows: -

> *"(4) The ordinary rule now is that the court will refuse leave to claim judicial review unless satisfied that there is an arguable ground for judicial review having a realistic prospect of success and not subject to a discretionary bar such as delay or an alternative remedy: R v Legal Aid Board, Ex p Hughes (1992) 5 Admin LR 623, 628; Fordham, Judicial Review Handbook, 4th ed (2004), p 426. But arguability cannot be judged without reference to the nature and gravity of the issue to be argued. It is a test which is flexible in its application. As the English Court of Appeal recently said with reference to the civil standard of proof in R (N) v Mental Health Review Tribunal (Northern Region) [2005] EWCA Civ 1605, [2006] QB 468, para 62, in a passage applicable mutatis mutandis to arguability:*

[15] [2007] 1 WLR 780
[16] (supra), per Lord Bingham and Lord Walker, page 787 D-H, at paragraph 14(4)

> *'…the more serious the allegation or the more serious the consequences if the allegation is proved, the stronger must be the evidence before a court will find the allegation proved on the balance of probabilities. Thus, the flexibility of the standard lies not in any adjustment to the degree of probability required for an allegation to be proved (such that a more serious allegation has to be proved to a higher degree of probability), but in the strength or quality of the evidence that will in practice be required for an allegation to be proved on the balance of probabilities.'*

It is not enough that a case is potentially arguable: an applicant cannot plead potential arguability to "justify the grant of leave to issue proceedings upon a speculative basis which it is hoped the interlocutory processes of the court may strengthen": Matalulu v Director of Public Prosecutions [2003] 4 LRC 712, 733."

[27] The Privy Council, in **Attorney General of Trinidad and Tobago v Ayers-Caesar**,[17] confirmed that the threshold for the grant of leave to apply for judicial review is low. Lord Sales, in giving the judgment of the majority of the Board, said at paragraph 2: -

> *"The test to be applied is the usual test for the grant of leave for judicial review. The threshold for the grant of leave to apply for judicial review is low. The Board is concerned only to examine whether the respondent has an arguable ground for judicial review which has a realistic prospect of success: see governing principle (4) identified in Sharma v Brown Antoine [2006] UKPC 57; [2007] 1 WLR 780, para. 14. Wider questions of the public interest may have some bearing on whether leave should be granted, but the Board considers that if a court were confident at the leave stage that the legal position was entirely clear and to the effect that the claim could not succeed, it would usually be appropriate for the court to dispose of the matter at that stage."*

[28] As Lord Sales said, this is a low threshold. It operates as a filter to exclude cases which are unarguable.

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[17] [2019] UKPC 44

[29] This test has been adopted and applied in decided cases in Jamaica such as **Digicel (Jamaica) Limited v The Office of Utilities Regulation**,[18] **Coke v Minister of Justice et al**[19] and **Tyndall et al v Carey**.[20]

[30] In **R v IDT (Ex parte J. Wray and Nephew Limited**,[21] Sykes J (as he then was) describes the threshold test as being a new and higher test than that which had previously obtained. At paragraph [58] Sykes J opined that the application for leave to apply for judicial review is no longer a perfunctory exercise that turns back hopeless cases alone. Cases without a realistic prospect of success are also turned away. Judges are required to assess whether leave should be granted in the light of the now stated approach.

[31] What is meant by an arguable case with a realistic prospect of success is quite clearly set out by Mangatal J (as she then was) in the case of **Hon. Shirley Tyndall, O.J. et al v Hon. Justice Boyd Carey (Ret'd) et al**.[22] At paragraph [11], Mangatal J is quoted as follows: -

> *"It is to be noted that an arguable ground with a realistic prospect of success is not the same thing as an arguable ground with a good prospect of success. The ground must not be fanciful or frivolous. A ground with a real prospect of success is not the same thing as a ground with a real likelihood of success. The Court is not required to go into the matter in great depth, though it must ensure that there are grounds and evidence that exhibit this real prospect of success."*

[32] Finally, in **National Bank of Anguilla (Private Banking and Trust) Ltd (in Administration) and another (Appellants) v Chief Minister of Anguilla and 3 others (Respondents) (Anguilla)**,[23] the Privy Council, in the joint judgment of

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[18] [2012] JMSC Civ 91
[19] Claim No. 2010 HCV 02529, unreported, judgment delivered on 9 June 2010
[20] Claim No. 2010 HCV 00474, unreported, judgment delivered on 12 February 2010
[21] Claim No. 2009 HCV 04798, unreported, judgment delivered on 23 October 2009
[22] [2010] HCV 00474, unreported, judgment delivered on February 12, 2010
[23] [2025] UKPC 14

Lord Reed and Lady Rose, opined, in part, at paragraphs 84, 89 and 92 as follows: -

"84. Deciding whether there is an arguable ground for judicial review is not an exercise of discretion. Accordingly, when the judge in the present proceedings refused leave to apply for judicial review on the ground that there was no arguable ground for judicial review with a realistic prospect of success (or, as she put it, possibly pitching the test somewhat higher, "a good arguable case with a reasonable prospect of success"), he was not exercising a discretion.

89. Judicial review proceedings are not conducted in the same way as ordinary disputes between private parties concerned to protect their competing interests. The supervisory jurisdiction is designed to protect the public interest in the lawful use of the powers conferred under public law, as well as the private interests of those who may be affected by the abuse of those powers. It is intended to secure the constitutional value of the rule of law, to which public authorities, and the other parties to judicial review proceedings, are or should be committed.

92. At the same time, the leave stage is not intended to be a full consideration of the application for judicial review: its purpose, as explained earlier, is to filter out cases which are unarguable, or which on other grounds should not be permitted to proceed."

The approach of the court in matters of judicial review

[33] Since the range of authorities and the circumstances of the use of their power are almost infinitely varied, it is of course unwise to lay down rules for the application of the remedy which appear to be of universal validity in every type of case. It is important to remember that, in every case, the purpose of the remedies is to ensure that the individual is given fair treatment by the authority to which he has been subjected. It is no part of that purpose to substitute the opinion of the judiciary or of individual judges for that of the authority, constituted by law, to decide the matters in question. The function of the court is to see that

lawful authority is not abused by unfair treatment and not to attempt the task entrusted to that authority by the law. Judicial review is concerned, not with the decision but with the decision-making process. Unless that restriction on the power of the court is observed, the court will, under the guise of preventing the abuse of power, be guilty of usurping power.

The grounds on which administrative action is subject to control by judicial review

[34] Volume 61A (2023) of the Halsbury's Laws of England states: -

> *"The duty of the court is to confine itself to the question of legality. Its concern is with whether a decision-making authority exceeded its powers, committed an error of law, committed a breach of the rules of natural justice, reached a decision which no reasonable tribunal could have reached or abused its powers. The grounds upon which administrative action is subject to control by judicial review have been conveniently classified as threefold. The first ground is 'illegality': the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it. The second is 'irrationality', namely Wednesbury unreasonableness. The third is 'procedural impropriety'. What procedure will satisfy the public law requirement of procedural propriety depends upon the subject matter of the decision, the executive functions of the decision-maker (if the decision is not that of an administrative tribunal) and the particular circumstances in which the decision came to be made.*
>
> *…*
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> *On an application for judicial review the court has power to grant a quashing order (formerly known as an order of certiorari), a prohibiting order (formerly known as an order of prohibition) or a mandatory order (formerly known as an order of mandamus)."*

[35] In **Latoya Harriott v University of Technology Jamaica**,[24] the Court of Appeal revisited the grounds on which administrative action is subject to control by judicial review. Brooks P, who delivered the judgment of the court, had the following to say: -

> *"Lord Diplock's judgment in **CCSU v The Minister** is also important for his exposition of the classification of the grounds upon which administrative action is subject to judicial review. He said, in part, at page 410 of the report:*
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> > *'…Judicial review has I think developed to a stage today when without reiterating any analysis of the steps by which the development has come about, one can conveniently classify under three heads the grounds upon which administrative action is subject to control by judicial review. The first ground I would call 'illegality', the second 'irrationality' and the third 'procedural impropriety'. That is not to say that the further development on a case by case basis may not in course of time add further grounds…'*
>
> *In addition to these three headings, Lord Diplock also considered that proportionality would be an important category. Professor Albert Fiadjoe, at page 27 of his work, Commonwealth Caribbean Public Law (third edition), further suggests that for the Commonwealth Caribbean, a heading of "unconstitutionality" would also be an appropriate addition to Lord Diplock's classification."*

Certiorari

[36] Certiorari will not lie unless something has been done that a court can quash.[25] It is an order which quashes decisions of an inferior court or tribunal, public authority or other body and this decision is one which is susceptible to judicial review. Such an order may be made where the decision-maker has acted in

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[24] [2022] JMCA Civ 2

[25] See – Paragraph 16-017 of the 5th edition of De Smith, Woolf and Jowell's **Judicial Review of Administrative Action**. See also, paragraphs 2-028 and 7-022 respectively; "*In summary, it can be said where an application is for an order of certiorari, logic may require that there be some "decision" or "determination" capable of being quashed. Certiorari (and prohibition) would issue to "anybody of persons having legal authority to determine questions affecting the rights of subjects and having the duty to act judicially*."

breach of one of the principles of public law; for example, where there has been a breach of the rules of natural justice or procedural fairness, or where there has been a breach of a legitimate expectation in the absence of overriding public need, or where the decision-maker has made an error of law.[26]

[37] In the 8th edition of the text, Garner's Administrative Law, the effect of the remedy of certiorari is described. At page 307, the learned authors state: -

> *"The effect of the grant of an order of certiorari is to quash the decision or order in question, thus rendering it null and void. The consequences of such action may potentially be quite serious."* [27]

[38] Paragraph 109 of Volume 61A (2023) of the Halsbury's Laws of England reads as follows: -

> *"The effect of a quashing order is that the unlawful decision or order is set aside and deprived of all legal effect since its inception. If the decision is quashed, the court may remit the matter to the decision-maker for them to reconsider the matter. The decision-maker may, as long as the error of law is not repeated and no other error committed, reach the same decision."*

[39] In the authority of **Danville Walker v The Contractor-General**,[28] Campbell J (as he then was) is quoted as follows: -

> *"[30] Certiorari is one of three prerogative writs which form the trilogy of certiorari, prohibition and mandamus. It is of significant importance in administrative law. Its foundation lies in the governance of the sovereign's realm. It is an instrument to ensure the efficient administration of government. It was meant to bring up the records of inferior courts for an examination for any errors on their face. The sovereign, wishing to be certified of some matters, would order that the necessary information be provided for him. Certiorari would move to quash*

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[26] See – Paragraph 104 of Volume 61A (2023) of the Halsbury's Laws of England

[27] At footnote number 5 on the same page, it is noted: *"Note that the Court quashes a decision but does not substitute its own decision in its place (as an appellate body normally does). See, however, the power in Ord 53, r 9(4) to direct that the inferior Court, tribunal or authority shall reconsider the matter and reach a decision in accordance with the Court's findings."*

[28] [2013] JMFC Full 1

decisions and orders on the grounds of illegality, procedural impropriety and irrationality. The supervising court could not impose its own version of the impugned order. The remedy being discretionary, the court would refuse the remedies at its disposal on the basis of delay, or that the applicant did not make full and frank disclosure, or that there was an adequate alternative remedy available or that to make the remedy would be pointless."

The legislative framework

The Judicature (Parish Courts) Act

[40] The Judicature (Parish Courts) Act outlines the procedure that is to be followed in the Parish Courts when an Accused person is charged before the court with an indictable offence. The following sections are relevant for present purposes and bear repeating: -

"272. On a person being brought or appearing before a Judge of the Parish Court in Court or in Chambers, charged on information and complaint with any indictable offence, the Judge of the Parish Court shall, after such enquiry as may seem to him necessary in order to ascertain whether the offence charged is within his jurisdiction, and can be adequately punished by him under his powers, make an order, which shall be endorsed on the information and signed by the Judge of the Parish Court, that the accused person shall be tried, on a day to be named in the order, in the Court or that a preliminary investigation shall be held with a view to a committal to the Circuit Court.

273. It shall be lawful for any Judge of the Parish Court, in making any order under section 272 directing that any accused person be tried in the Court, by such order to direct the presentation of an indictment for any offence disclosed in the information, or for any other offence or offences with which, as the result of an enquiry under the said section, it shall appear to the Judge of the Parish Court the accused person ought to be charged and may also direct the addition of a count or counts to such indictment. And, upon any such enquiry, it shall be lawful for the Judge of the Parish Court to order the accused person to be tried for the offence stated in the information, or for any other offence or offences, although

not specified in the information, and whether any such information in either case did or did not strictly disclose any offence.

274. The trial of any person before a Parish Court for an indictable offence, shall be commenced by the Clerk of the Courts preferring an indictment against such person and there shall be no preliminary examination.

287. The forms set forth in Schedule E or forms to the like effect shall be used in the Parish Courts.

289. In trials for indictable offences and in summary prosecutions for such classes of offences as the Minister may from time to time direct, the Clerk of the Courts shall, excepting in cases where a barrister, advocate, or solicitor appears on behalf of the prosecution and cases in which the Director of Public Prosecutions or some one deputed by him conducts the prosecution, be the officer to conduct the prosecution.

291. In all proceedings in a Court by way of indictment, and in all summary proceedings before Courts of Petty Sessions by way of information for felonies, there shall be recorded on or in the fold of the indictment or information, in the form in Schedule E or to the like effect, the plea of the accused, the judgment of the Court and in case of the accused, the judgment of the Court and in case of conviction the sentence; and the Judge of the Parish Court or in the summary proceedings aforesaid the presiding Judge of the Parish Court, shall sign his name once at the end of the record." [29]

[29] The Judicature (Resident Magistrates) (Amendment and Change of Name) Act, 2016 changed the name of the Resident Magistrate's Court to Parish Court and the title "Resident Magistrate" to "Judge of the Parish Court".

ANALYSIS AND FINDINGS

1. Whether the 1st Respondent is a proper party to the application for leave to apply for judicial review

The complaint

[41] The application for leave to apply for judicial review raises for the Court's determination the issue of whether the 1st Respondent is properly named as a party. The complaint is made that the 1st Respondent is not a proper party to the application for leave to apply for judicial review because she made no decision in respect of which the Applicants have sought leave to apply for judicial review. To demonstrate the validity of this complaint, the 1st Respondent as well as the Interested Party relied on the authority of **Minister of Foreign Affairs, Trade and Industry v Vehicles and Supplies Ltd et al**.[30]

[42] On the other hand, Learned Counsel Mr Hugh Wildman, in his written and oral submissions which he advanced on behalf of the Applicants, contends that the complaint that the 1st Respondent is not a proper party to these proceedings fails to appreciate the responsibility of the 1st Respondent by virtue of section 274 of the Judicature (Parish Courts) Act.

[43] Mr Wildman asserted that, in the instant case, the 1st Respondent has a statutory duty to seek an Order for Indictment from the learned Senior Judge of the Parish Court and to obtain the same prior to the commencement of the criminal proceedings in the court below. This, Mr Wildman maintains, is a statutory duty which the 1st Respondent has and which cannot be deferred to or performed by the Prosecutors from the ODPP.

Discussion and findings

[44] On a careful examination of the Orders which are sought by way of the application for leave to apply for judicial review, together with the grounds on which those Orders are sought, it is clear that the relief being sought is that leave

[30] [1991] 1 WLR 550

be granted to the Applicants to apply for judicial review of a decision which was made by the 2nd Respondent.

[45] The impugned decision which was made by the 2nd Respondent was to continue the trial against the Applicants, in the Kingston and Saint Andrew Parish Court (Criminal Division), despite their contention that they are not properly before the court by virtue of the 2nd Respondent's failure to comply with the requirements of section 272 of the Judicature (Parish Courts) Act. This decision includes: -

i. granting an Order for Indictment in respect of the Applicants in the court below;

ii. endorsing the said Order for Indictment on an Information which names only two (2) of the four (4) Applicants as persons who are charged before the court below;

iii. granting an Order for Indictment in respect of various criminal offences in relation to which there is no Information which is before the court below or which was disclosed to the Applicants;

iv. commencing and continuing the criminal proceedings in the court below in respect of the Applicants;

v. failing to comply with the requirements of section 272 of the Judicature (Parish Courts) Act.

[46] On a proper construction of the Orders which are sought by way of the application for leave to apply for judicial review, what is conveyed is that it is the decision of the 2nd Respondent which is the subject matter of the said application.

[47] The Court finds that there is nothing which is disclosed in the application for leave to apply for judicial review or in the grounds on which the said application is made, which identifies or challenges any decision which was made by the 1st Respondent. In fact, the gravamen of the complaint which is made against the 1st Respondent is that she failed and/or neglected and/or omitted to discharge her statutory duty pursuant to section 274 of the Judicature (Parish Courts) Act.

[48] In that regard, the 1st Respondent avers that she acted as Clerk of the Court/Registrar in the court below and was an observer of the criminal proceedings against the Applicants. She avers that the prosecution of the Applicants in the court below is being marshalled by Government Prosecutors from the ODPP and by Attorneys-at-Law for the FID, who obtained a fiat to associate themselves closely with the Prosecution. The 1st Respondent maintains that she did not seek an Order for Indictment from the learned Senior Judge of the Parish Court, in respect of the Applicants, nor did she prefer an Indictment against them in respect of the criminal proceedings in the court below.

[49] The Court notes that section 274 of the Judicature (Parish Courts) Act mandates that the trial of any person before a Judge of the Parish Court for an indictable offence shall be commenced by the Clerk of the Courts preferring an indictment against such person. Of equal significance is the fact that the provisions of section 289 of the Judicature (Parish Courts) Act do not seem to subtract from that duty.

[50] Notwithstanding, the Court finds that the Applicants have failed to establish any basis (es) on which the 1st Respondent has been joined in these proceedings. The Court also finds that the Applicants have failed to identify any decision(s) which was/were made by the 1st Respondent which may be quashed by an Order for Certiorari. The remedy of Certiorari will not lie unless something has been done that a court can quash. The failure/omission on the part of the 1st Respondent to act in accordance with section 274 of the Judicature (Parish Courts) Act is not a decision which may be quashed by an Order of Certiorari.

[51] The Court must also consider whether, at this stage, it is appropriate to strike out the applications against the 1st Respondent or to simply refuse the applications in respect of her. The remedy of striking out is provided for in rule 26.3 of the CPR. Although striking out at this point may well be redundant, it is an important point to be made that where parties are brought into a matter without a reasonable ground or basis for doing so, the matter should not be allowed to stand against

that party. Consequently, this Court is of the view that both applications ought properly to be struck out as against the 1st Respondent.

2. Whether the Applicants have met the threshold test for the grant of leave to apply for judicial review

The complaint

[52] The Applicants contend that the decision of the learned judge to continue with the trial in the court below is unlawful. This, on the basis that the learned Senior Judge of the Parish Court acted in breach of the requirements of section 272 of the Judicature (Parish Courts) Act.

[53] It was submitted that the Information on which the Order for Indictment is endorsed contains, on the face of it, only the names of the 1st and 2nd Applicants. The names of the 3rd and 4th Applicants do not appear anywhere on the said Information. This, the Applicants asserted, is confirmed by the affidavit evidence of the 2nd Applicant. The Applicants maintain that the decision to sign the Order for Indictment and to rely on the same for the purpose of the trial against the Applicants in the court below, is a jurisdictional error. This renders the criminal proceedings against the 3rd and 4th Applicants illegal and taints the said proceedings against the 1st and 2nd Applicants, with whom they are jointly charged.

[54] It was further submitted that when accused persons are first brought before the court, they are brought on an Information, which names them as accused persons. It is that Information which transitions into the Indictment, when an Order for Indictment is made pursuant to section 272 of the Judicature (Parish Courts) Act. The Order for Indictment must be endorsed on the Information. Where this statutory requirement is not met, the trial is rendered a nullity. To buttress these submissions, the Court was referred to the authorities of **R v Joscelyn Williams et al**,[31] **R v Monica Stewart**[32] and **Michael Francis v R**.[33]

[31] [1958] 7 J.L.R.

[55] The Applicants maintain that these authorities establish beyond doubt that, where a Judge of the Parish Court commences a trial on an Indictment, without the said Order being endorsed on the Information which the charges the accused person(s), the trial is a nullity.

[56] In the present instance, the documentary evidence discloses that there is only one (1) Information which charges the 1st and 2nd Applicants, with the offence of Conspiracy to Defraud. The Applicants contend that the learned Senior Judge of the Parish Court signed an Order for Indictment, which was endorsed on the back of an Information which names two (2) accused persons on its face, in circumstances where there are five (5) accused persons who are being tried jointly. On that basis, the Applicants contend that there is no Order for Indictment which relates to the other three (3) accused persons.

[57] The Applicants accept that section 273 of the Judicature (Parish Courts) Act permits the learned Senior Judge of the Parish Court to add or substitute a count on an Indictment. They maintain, however, that that section does not apply in the instant case, that the learned Senior Judge of the Parish Court fell into an error of law which is incurably bad and that the trial in the court below is a nullity.

Discussion and findings

The necessity for an Order for Indictment

[58] The Court of Appeal, in **R v Joscelyn Williams et al**, made it clear that the requirements of section 272 of the Judicature (Parish Courts) Act must be complied with strictly. Despite being a decision which was made in 1958, that principle remains true today. Pursuant to section 272 of the Judicature (Parish Courts) Act, a Judge of the Parish Court may: -

i. hold an enquiry as may seem to him necessary to ascertain

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[32] (1971) 12 J.L.R.
[33] [2021] JMCA Crim 6

(a) whether the offence charged against an accused person is within his jurisdiction; and

(b) whether the offence charged against an accused person can be adequately punished by him under his powers.

Having made that enquiry, the section mandates a Judge of the Parish Court to make an order for trial to be endorsed on the Information and to sign the order.

[59] Where the statute makes an order of a particular character a necessary condition precedent to the doing of some act, it stands to reason that:

i. a Judge of the Parish Court must make an order that the accused person be tried, on a day to be named in the order, in the Parish Court, or that a preliminary investigation be held with a view to a committal to the Circuit Court;

ii. such an order must be in writing;

iii. such an order must be endorsed on the Information;

iv. it must be under the hand of the presiding Judge of the Parish Court, that is, it must be signed by the Judge of the Parish Court;

v. if any question arises as to whether or not an order was made, the right way of proving the order is by producing it.

[60] The statute does not prescribe a special form or format which an indictment order must take nor are there any special words which are mandated for use in the preparation of such an order. It is the order for indictment of the Judge of the Parish Courts which empowers the Clerk of the Courts to act under section 274 of the Judicature (Parish Courts) Act, to prefer his indictment against the person named therein, pursuant to section 273 of the Judicature (Parish Courts) Act.

The necessity for an Information

[61] The case of **R v Owen Hughes** established that the information only serves as a basis for a summons or warrant to be issues to apprehend the accused and bring him before a court that has the jurisdiction to try the matter. In **R v Owen Hughes**, it was held that, although the warrant upon which the accused had been brought before the court was illegal, this did not invalidate the proceedings or conviction, as the justices had jurisdiction to hear and determine the charge otherwise.

[62] Hughes had been charged for perjury, based on allegations that he had perjured himself in a case involving an accused John Stanley. It had been alleged that Stanley had assaulted Hughes, who was a Constable of Police, and had obstructed him in his duties. Hughes had procured a signed warrant from a magistrate for Stanley's arrest by laying an oral information before a Clerk to the justices. Stanley was arrested and charged. A written information on oath was necessary to justify the issuance of a warrant of arrest but even though there was none, Stanley was tried summarily by the justices, without objection, and convicted. The question reserved for the full court's opinion, in summary, was whether Hughes ought to have been acquitted of the charge of perjury on the basis that Stanley's trial was a nullity because there had been no written information on oath to justify his arrest on warrant.

[63] The decision of the full court was by a majority (Kelly C B dissenting). Lopes J held that the warrant of arrest was merely a process, the purpose of which was to bring the accused before the justices, and that it did not affect their jurisdiction to try the case. Lopes J further held that, if the justices had jurisdiction to hear the charge, the means by which the accused was brought before them was immaterial. Hawkins J agreed, stating that, however unlawful the process which brought Stanley before the justices, once he was before them, he stood before them charged with an offence over which they had jurisdiction. Of the jurisdiction of the justices over Stanley's case, he said that "a charge having been made

before them of an indictable offence, committed within their jurisdiction by a person then bodily present…the justices were bound to take cognizance of it."

[64] The case of **Wayne Hamil v R**, involved an application for leave to appeal, brought by a police officer, against his conviction for wounding with intent to cause grievous bodily harm. He had been arrested and charged by personnel from INDECOM, who had laid an information and obtained a warrant to arrest him. The matter was brought before then then Resident Magistrate (now Judge of the Parish Court) for the parish of Hanover, who made and signed an order, which was endorsed on the information, for a preliminary enquiry to be held in respect of the charge. At the end of the preliminary enquiry, the magistrate made an order that there was sufficient evidence for Mr Hamil to be tried for an indictable offence beyond his jurisdiction and committed Mr Hamil to the Hanover Circuit Court to stand trial. He was there tried and convicted. On appeal, it was argued, as a ground of appeal, that the charge had been illegal, and that the trial, therefore, amounted to a nullity. The court found that, notwithstanding the illegality in the initiating process, the preliminary enquiry was valid, the applicant had been arraigned on an indictment which had been validly preferred, and the subsequent trial was, therefore, not a nullity.

[65] In **Anthony Castelle v R**, Mr Castelle, who at the time was a Senior Superintendent of Police, was tried on indictment and convicted before a Judge of the Parish Court for the offences of unlawful wounding contrary to section 22 of the Offences Against the Person Act and misconduct in a public office, contrary to common law. He had been investigated, arrested, charged, and brought before the Parish Court, following the laying of an information by an INDECOM officer. The Judge of the Parish Court considered section 272 of the Judicature (Parish Courts) Act, and granted an order for indictment, which was duly endorsed on the information which she signed. It was argued as a ground of appeal that, since the prosecution had been initiated by an INDECOM officer, who had no power to do so, the charges were a nullity, and the Judge of the

Parish Court had no jurisdiction to make an order for indictment and to embark on a trial.

[66] Laing JA (Ag) (as he then was), writing on behalf of the court, conducted an in-depth analysis of the jurisdiction of a Judge of the Parish Court to try indictable offences, as well as the nature and role of informations and indictments in commencing matters before the Parish Court. Laing JA considered that the issue the court had to decide was "whether the [Judge of the Parish Court] had jurisdiction to make and endorse the order for trial of the appellant on an indictment, in circumstances where the information on which the appellant had been brought before the court was not properly laid".

[67] Laing JA determined that although the process was begun by INDECOM, that fact had no further significance after the order for indictment was signed.

[68] In **Dean Hyman v R**,[34] the Court of Appeal expressed a similar view. There, the court held that although the information and the warrant of arrest, which together constituted the process by which the appellant was brought before the Parish Court, was laid and obtained without lawful authority, that did not invalidate the subsequent trial on indictment which was conducted by the learned judge of the Parish Court.

[69] On a careful examination of the legislative framework, the principles enunciated in the authorities referred to in this Judgment and the evidentiary material before the Court, this Court finds that: -

i. The Applicants have failed to demonstrate an arguable ground for judicial review with a realistic prospect of success.

ii. The learned Senior Judge of the Parish Court acted in accordance with the provisions of sections 272 and 273 of the Judicature (Parish Courts) Act, prior to the commencement of the criminal trial in the court below.

[34] [2023] JMCA Crim 51

iii. The learned Senior Judge of the Parish Court conducted an enquiry, pursuant to section 272 of the Judicature (Parish Courts) Act, prior to the commencement of the criminal trial in the court below.

iv. The learned Senior Judge of the Parish Court signed an Order for Indictment, in respect of the Applicants, which is endorsed on an Information.

v. The Order for Indictment is dated.

vi. The documentary evidence discloses several Informations numbered CA2019CRO4473-1 to CA2019CRO4473-12 and CA2019CRO4473-15 to CA2019CRO4473-20.[35] Information numbered CA2019CRO4473-12 charges Mrs Sharen Reid and Ms Sharelle Reid along with Mr Ruel Reid with the offence of Conspiracy to Defraud. Information numbered CA2019CRO4473-11 charges Mr Ruel Reid, Mr Fritz Pinnock and Ms Kim Brown Lawrence with the offence of Possession of Criminal Property. The other Informations charge Messrs. Ruel Reid and Fritz Pinnock. These Informations are specifically referred to in specific counts in the Order for Indictment.

vii. Section 273 of the Judicature (Parish Courts) Act empowers the learned Senior Judge of the Parish Court to make an Order for Indictment in respect of additional offences, in respect of which no Information is laid against the Applicants.

viii. It cannot be tenably argued that the learned Senior Judge of the Parish Court erred in law when she signed the Order for Indictment, which was endorsed on an Information, on the face of which, only two (2) of the four (4) Applicants are named as accused persons.

ix. It cannot be tenably argued that only the 1st and 2nd Applicants are properly before the learned Senior Judge of the Parish Court in the criminal trial in the court below.

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[35] See – Exhibit **"GM-1"** to the Affidavit of Grace-Ann Morrison, which was filed on 24 December 2025

x. It cannot tenably be argued that the learned Senior Judge of the Parish Court acted illegally or ultra vires her statutory authority or that the criminal trial of the Applicants in the court below is a nullity.

xi. The Applicants challenged the Order for Indictment in the court below and the learned Senior Judge of the Parish Court overruled their objections.

xii. The criminal trial in the court below commenced with the reception of the Prosecution's first witness.

xiii. There is a suitable, alternative remedy which is available to the Applicants by way of an appeal.

xiv. The Applicants have failed to demonstrate a basis on which the criminal trial in the court below ought properly to be stayed.

[70] This Court is without doubt that the jurisdiction of the learned Senior Judge of the Parish Court to try the criminal matters in the court below emanates from section 272 of the Judicature (Parish Courts) Act, with which the learned Senior Judge of the Parish Court fully complied.

[71] Furthermore, the provisions of section 273 of the Judicature (Parish Courts) Act make it plain that the Judge of the Parish Court is not confined to the offences which are disclosed in the information and may order that an accused person be tried on indictment for any other offence, which it appears to him after the necessary enquiry, is appropriate.

Alternative remedy

[72] One of the fundamental principles of judicial review is that it is a remedy of last resort. Before approaching the court on an application such as this, the applicant must first exhaust all available remedies. He must expressly state in his application whether any alternative form of redress exists and, if so, why judicial review is more appropriate or why the alternative remedy has not been pursued. The provisions of rule 56.3(3)(d) of the CPR make this position clear. However, the existence of an alternative form of redress does not necessarily mean that

the application must fail.[36] This Court is of the view that there is a suitable, alternative remedy which is available to the Applicants, by way of an appeal. The Court also finds that the Applicants have not demonstrated that judicial review is more appropriate.

Public policy considerations

[73] It is plain to see that the repeated filing of applications for leave to apply for judicial review (and for stays of proceedings pending the hearing), whenever an accused person is dissatisfied with a decision of the trial judge is bad practice. It serves to obstruct the just disposal of the proceedings by the Judges of the Parish Courts and derail the proper administration of justice. This Court expresses its strong disapproval of this continued course of conduct.

[74] The observations of Sykes CJ in **Fritz Pinnock, Ruel Reid v Financial Investigation Division**,[37] bear repeating: -

> ***"[86] The court cannot help but note the increasing frequency with which resort is had to the supervisory jurisdiction of the Supreme Court in respect of matters in the Parish Courts. This court wishes to say that applications of this type should be discouraged except in very exceptional circumstances.***
>
> ***[87] It is this court's considered view that where the legislature has conferred on an inferior court such as a Parish Court it must be rare or exceptional for a superior court to grant declarations during the course of the trial or proceedings, regardless of the stage that those proceedings are, that may have the effect of undermining the authority of those courts. Once the matter is before the Parish Court then the matter ought to proceed along the normal course to completion. In the event of an adverse outcome then the remedy is by way of appeal. …"***

[36] See – **The Independent Commission of Investigations v Everton Tabannah & Worrell Latchman** [2019] JMCA Civ 15

[37] [2019] JMSC CIV 257

[75] Leave will not be granted to apply for judicial review except in the most exceptional circumstances. Exceptional circumstances can only arise where it is clearly demonstrable, either on the face of the record or on indisputable evidence, that the Judge of the Parish Court acted without jurisdiction or in excess of jurisdiction. In the absence of a clear demonstration to that effect, the application for leave to apply for judicial review is hopeless. This conclusion accords with the judgment of the Court of Appeal in **Robert Dunbar v R**.[38] There, the judgment of the Court of Appeal settled the law and policy in this regard.

[76] In all the circumstances and for all the reasons indicated previously, the application for leave to apply for judicial review, as well as that for a stay of proceedings are refused.

DISPOSITION

[77] It is hereby ordered as follows: -

1. The Notice of Application for Leave to Apply for Judicial Review as well as the Notice of Application for a Stay of Proceedings, each filed on 21 October 2025, are struck out as against the 1st Respondent, Jewel Hogarth, Clerk of the Court.

2. The Orders sought by way of the Notice of Application for Leave to Apply for Judicial Review, which was filed on 21 October 2025, are refused.

3. The Notice of Application for Stay of Proceedings, which was filed on 21 October 2025, is refused.

4. The issue of the costs of the applications is reserved.

[38] [2019] JMCA App 2

5. The Respondents' Attorneys-at-Law are to prepare, file and serve these Orders.