

ABSTRACT

This thesis examines five basic themes of the law of the Barbados Public Service.

Chapter 1 traces, albeit cursorily, the evolution of the Barbados Public Service from emancipation in 1838 to independence in 1966. The decline of the prerogative and the ascendancy of legislative control over the public service is noted.

The legal problems arising out of the definition of the terms "public officer", "civil servant", "crown servant" is the subject matter of Chapter 2. Certain aspects of the legal status of temporary, casual and unestablished employees are considered. It is argued that where crown employees are not public officers as defined by the Constitution, then they ought to be regarded as crown servants in the common law usage of that term.

Chapter 3 examines the structure, composition, and functions of service commissions. Consideration is given to the limitation on the power of service commissions to make regulations governing their procedure and to delegate their functions, constitutionally and otherwise. Attention is paid to the impact of the ouster clause and the nature and extent of the errors of jurisdiction which could render a decision of a commission a nullity. The argument is advanced that the Barbadian Privy Council should, contrary to existing practice, supply reasons for its decisions.

Disciplinary control and procedure is the theme of Chapter 4. Issues of natural justice are highlighted. An attempt is made to determine whether the extant statutory schemes are complete disciplinary codes thus ousting the engrafting of further rules in the interest of fairness and natural justice.

Finally, in Chapter 5, attention is focussed on the impact of the Independence Constitution on the fundamental rights of public officers, the vires of legislation and administrative rules and actions derogating from these rights. Other broad themes addressed, include access to the courts, restrictions on occupation and business practices, and the rights of employment. The chapter concludes by discussing the legal status of the General Orders and the role and place of the prerogative in Barbadian public law.