

ABSTRACT

The Development Of The Judiciary In Barbados

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This thesis is concerned with the origin and development of the Barbados Judiciary, and its relationship with the other branches of Government. All Commonwealth Caribbean Constitutions contain Chapters which deal with the three institutions of Government, namely, the Legislature, the Executive and the Judicature. Under the Barbados Constitution, the Chapter entitled "The Judicature" refers to the High Court, the Court of Appeal and the Judicial Committee of the Privy Council. This Chapter does not include the inferior courts. Therefore the term "Judiciary" is utilised generically in this thesis to encompass the inferior and superior courts.

Chapter 1 investigates the origins of the colonial judicial system in Barbados, and analyses the

historical and constitutional factors that have shaped its development from settlement to independence.

Chapters 2 and 3, between them, examine the independence of judicial officers. First, an examination is made in Chapter 2 as to the extent to which the appointment, qualification and security of tenure of the members of the Judiciary promote their independence. Secondly, Chapter 3 reviews additional factors that affect judicial independence. These factors are salaries, immunity from suit and bias.

Chapter 4 deals with the doctrine of separation of powers. It critically examines the full implications thereof, in relation to the executive and legislative branches of government and the exercise of judicial power.

Chapter 5 then logically evaluates the jurisdiction, powers and authorities of the courts. Emphasis is placed on the characteristic jurisdictions of the Supreme Court, and the possible encroachment of the Magistrate's Court on those jurisdictions.

Fundamental rights adjudication is discussed in Chapter 6. This Chapter highlights those cases that have engaged the attention of the Judges in

Barbados, and addresses some important issues that have been raised by those decisions.

The topic of Chapter 7 is the pre-Constitutional evolution of judicial review of legislation. This topic is further developed by way of a critical case study, where the approach to this dynamic jurisdiction, taken by the Barbados courts, is explored.

Finally, Chapter 8 attempts, in a brief discussion, to make some projections with respect to the Judiciary as it advances towards the twenty-first century.