

IN THE COMMONWEALTH OF THE BAHAMAS  
IN THE SUPREME COURT  
Common Law & Equity Division

Claim No. CLE/GEN/00366

Between

Bahamas Customs & Immigration et. al.

Claimant

AND

Ministry of Labor & Public Service et. al.

Defendant

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**CASE MANAGEMENT DIRECTION ORDER**

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**BEFORE:** The Honourable Acting Justice Gail Lockhart Charles KC

**UPON** this matter coming before the Court for Case Management on 11 March 2026

**AND UPON** Mr. Obie Ferguson KC appearing on behalf of the Claimant and Mr. Rayshawn Deleveaux appearing on behalf of the Defendants;

**AND UPON** the Court reviewing the Originating Application filed on 21 May, 2025 and noting that certain of the declarations and orders sought concern the alleged unlawfulness, invalidity, or ultra vires nature of appointments to public offices and other matters arising from the exercise of public powers;

**AND UPON** the Court having regard to the principle stated in O'Reilly v Mackman [1983] 2 AC 237, that, as a general rule, it would be contrary to public policy and an abuse of the process of the court for a claimant alleging infringement of public law rights by a public authority to seek redress by way of ordinary private law proceedings rather than by judicial review;

**IT IS HEREBY DIRECTED THAT:**

1. The matter shall be listed for a case management hearing on 24 April 2026 at 9:30 a.m. to consider whether the claims in the Originating Summons which seek declarations and other relief relating

to the alleged unlawfulness, invalidity, or ultra vires nature of appointments to public offices should be dismissed or struck out on the basis that such claims fall within the exclusivity principle articulated in *O'Reilly v Mackman* and ought properly to have been commenced by way of judicial review pursuant to Part 54 of the Civil Procedure Rules.

2. The parties shall file and exchange written submissions not exceeding twenty (20) pages on or before 17 April 2026 addressing the question identified above.
3. Any reply submissions, limited to eight (8) pages, shall be filed and exchanged on or before 22 April 2026.

**BY ORDER OF THE COURT**

Date: \_\_\_\_\_ Signature of Judge: \_\_\_\_\_

The Hon. Madam Acting Justice Gail Lockhart Charles KC