

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
PUBLIC LAW DIVISION
2025/PUB/JRV/010**

IN THE MATTER of an Application for Leave for Judicial Review by PRINCE ALBERT SYMONETTE JR. pursuant to Part 54 of the Supreme Court Civil Procedure Rules, 2022

BETWEEN

PRINCE ALBERT SYMONETTE JR.

Claimant

AND

**COMMISSIONER OF POLICE
ROYAL BAHAMS POLICE FORCE
COMMONWEALTH OF THE BAHAMAS**

First Defendant

AND

**THE ATTORNEY GENERAL AND MINISTER OF LEGAL AFFAIRS
OFFICE OF THE ATTORNEY GENERAL AND MINISTRY OF
LEGAL AFFAIRS
COMMONWEALTH OF THE BAHAMAS**

Second Defendant

Before: The Honourable Madam Acting Justice Cheryl Bazard KC

**Appearances: Mr. Bjorn Ferguson for the Claimant
Mrs. Olivia Nixon for the Defendants**

Hearing Date: 30 September, 2025

Public Law – Application for Leave to Apply for Judicial Review – Decision to dismiss the applicant pursuant to Section 21 (1)(c) of the Police Act 2009 – Whether the First Defendant decision to dismiss was lawful where the claimant had not been given a hearing nor the

opportunity to address the complaints - Whether the Claimant is entitled to leave as he has failed/refused to appeal to the Governor General pursuant to section 21(2) of the Police Act – Rule 54.3 of the Supreme Court Civil Procedure Rules “CPR 2022” – Section 21 of the Police Act – Police Service Commission Regulations – Police Disciplinary Regulation

RULING

Bazard J (Ag.):

The Application

1. The Claimant makes Application for Leave to Apply for Judicial Review of his discharge from the Royal Bahamas Police Force (“RBPF”) by the then Commissioner of Police Clayton Fernander.
2. The grounds upon which the Claimant seeks to impugn the decision of the first Defendant are set out in the Application for Leave to Apply for Judicial Review and interlocutory relief dated the 28th March, 2025 and are based on illegality, breach of natural justice, legitimate expectation and procedural impropriety.
3. The reliefs sought are as follows: -
 - 3.1 **An order granting leave to apply for Judicial review of the decision made by the First Defendant to discharge the Claimant from the Royal Bahamas Police Force (RBPF);**
 - 3.2 **A declaration that the First Defendant’s decision to discharge the Claimant from the RBPF was unlawful, ultra vires, and in violation of the Claimant’s right to a fair hearing and due process;**
 - 3.3 **A declaration that the then First Defendant unlawfully discharged the Claimant on the 12 December 2024.**
 - 3.4 **A declaration be made that the Claimant’s fundamental and constitutional rights and freedom under the Constitution of the Commonwealth of The Bahamas have been violated by the First Defendant when the First Defendant erred in fact and in law discharged the Claimant on the 12th December, 2024 to present date in respect to Police Force Act, 2009 and the First Defendant did not take into consideration Section 19 (1) and 26 (1) of the Constitution.**
 - 3.5 **A declaration that the Police Service Regulations are regulations that govern the Police Service Commission functions alone.**
 - 3.6 **An Order be made to compensate the Claimant immediately for full salary of loss of earnings from the period of 12th December 2024 to present date.**

4. The account of the facts relied upon by the Claimant is set out in the Application for leave to apply, under the rubric “The Relevant Facts”.
5. The Claimant relies upon his Affidavit filed on 1 April 2025. The Defendants rely on the Affidavit of Clayton Fernander filed on 17 September, 2025. The Claimant and the Defendants both laid over written submissions to the Court. These submissions were augmented by oral submissions by Mr. Bjorn Ferguson and Mrs. Olivia Nixon, respectively on 30 September 2025.

Factual Matrix

6. The Claimant enlisted in the RBPF on 1 July 1994 and served for 30 years and 5 months until his discharge on 12 December 2024. In 2019, the Claimant became pensionable and had completed a total of 4 12-months’ statutory contracts under the Police Act 2009.
7. On 27 November 2024, the Claimant found out that his name was on a United States of America (“USA”) Court Indictment via social media and news outlets.
8. On 8 December 2024, Assistant Commissioner of Police Damien Robinson informed the Claimant that he was summoned by the First Defendant to attend a meeting with the First Defendant at RBPF Headquarters on 12 December 2024 at 8:00am. The said meeting was so held at which time the Claimant was relieved of his police warrant card, firearms certificate, police pistol and was later handed a RBPF Discharge Certificate dated 2 December, 2024. The discharge was given in purported exercise of the powers conferred on the Commissioner of Police.
9. The First Defendant in his Affidavit averred at paragraph 4 that: -
“The Claimant is a retired police officer that was engaged on a discretionary year-to-year contract with the Royal Bahamas Police Force. The Claimant’s yearly contract had ended and one of the items on the agenda at the said meeting was to discuss his status. It was unanimously decided among the Senior Executives and the ultimate decision was made that the Claimant would be dismissed taking into account that his yearly contract had expired.”
10. At paragraph 6, the First Defendant further averred: -
“I told the Claimant that I was disappointed to hear of the allegations made against him in the news. It was reported that he was indicted in the United States of America for conspiracy to import cocaine, possession and use of firearms and firearms conspiracy, due to this there were negative public views directed at the Police Force. Never at any time did I accuse the Claimant of being corrupt, nor did I verbally attacked (sic) him. In fact, I wished him well.”

11. At paragraph 7, he further stated: -

“I informed the Claimant that I will not accept his resignation letter and that he was dismissed from the police force (sic) not being properly contracted and given all the circumstances surrounding the matter, there was a great likelihood that he would cease to be an efficient police officer pursuant to Section 21(1)(c) of the Police Act 2009.”

12. It is agreed by both the Claimant and the Defendants that there was no hearing. It is further agreed by both parties that the Claimant did not engage in an appeal process following his discharge.

ISSUES TO BE DETERMINED

- 1. Has the Claimant met the threshold for leave to apply for judicial review?**
- 2. Did the Claimant have an alternative remedy which he did not utilize prior to the application for leave to apply for judicial review which bars him from obtaining the relief sought?**

THE LAW

13. Section 21 (1)(c) of the Police Act 2009 (“PA 2009”) provides as follows: -

**“(1) Subject to the provisions of the Constitution, a police officer of or above the rank of Inspector may be discharged by the Governor General acting in accordance with the advice of the Police Service Commission, and a contracted officer may be discharged by the Commissioner when –
(c) the Commissioner is satisfied that the contracted officer is unlikely to become or has ceased to be an efficient or effective police officer or for any other reason his discharge is deemed necessary in the public interest;...”**
(Emphasis added).

14. Regulation 32 of the Police Service Commission Regulations provides:

“32(1) Where an officer is serving under a contract which provides for the termination of that contract by notice before expiration of the period of service stipulated in the contract, in any case where to dismiss such officer under these regulations the Commissioner is required to make recommendations to the

Governor General, and the Commissioner is of the opinion that such contract should be terminated, he shall report the matter to the Secretary to the Cabinet, together with the reasons for such course; and refer the report to the Directors of Public Personnel with his observations thereon. The Director of Public Personnel shall forward the report to the Chairman with his recommendations; and the Commission shall recommend to the Governor General whether such course should be taken;

Provided that where it appears to the Director of Public Personnel that there is any doubt whether under the terms of the contract such termination can be lawfully effected, the Director of Public Personnel shall refer the case to the Attorney General for advice. (Emphasis added).

15. Regulation 42 of the Police Disciplinary Regulation provides: -

“42 (1) Notwithstanding the provisions of regulation 40 of these Regulations, if the Commissioner considers that an officer to whom this regulation applies should be discharged on the grounds that he is unlikely to become or has ceased to be an efficient police officer, or that for any other reason his discharge is necessary in the public interest, he shall report the fact to the Secretary to the Cabinet who shall make a report thereon to the Directors of Public Personnel. The Director of Public Personnel through the Secretary to the cabinet shall inform the officer in writing that his discharge has been recommended and the grounds upon which the recommendation has been made and allow the officer an opportunity to show cause why he should not be discharged.

(2) If the Director of Public Personnel, after considering the officer’s statement and having regard to all the circumstances of the case, and after consultation with the Secretary of the Cabinet, is of the opinion that such officer should be discharged, he shall forward to the Commission the report of the Commissioner and the statement of the officer together with his own recommendation. The Commission shall recommend to the Governor General the action, if any, that it consider should be taken against the officer.” (Emphasis added)

ANALYSIS

16. In **Ridge Appellant; And Baldwin and others Respondents**. [1964] A.C. 40, [1964] A.C. 40, the questions arising there, as expounded by D. Ackner QC and J. MacManus are mutatis mutandis in the matter at hand, namely: -

“...(1) Whether the powers under section 191(4) be exercised (as happened here) without regard to the regulations made by the Secretary of State under the Police Act, 1919, and providing for the Chief constable being given notice of an alleged offence and an opportunity of being heard; (2) whether, if those powers could be so exercised;

the police authority was bound to have regard to natural justice, that is, to give the accused notice of what was alleged against him and an opportunity of answering it; (3) whether the principles of natural justice were in fact observed in this case; (4) whether the appellant is precluded from recourse to the courts by purporting to exercise the right of appeal to the Secretary of State under the Police (Appeals) Act, 1927.

17. Regulation 42 of the Police Disciplinary Regulations sets out a very clear process. The Commissioner of Police first has to report the fact to the Secretary to the Cabinet, who reports to the Director of Public Personnel through the Secretary to the Cabinet who informs the officer in writing that discharge has been recommended and the grounds thereon. The officer is then allowed to show cause.

18. In **Ridge Appellant**, *supra*, Reid, Morris and Hodson LF noted:

“The First Defendant was bound to observe the principles of natural justice by giving him an opportunity of being heard, and that they had not done.”

19. It continues:

“This condition precedent goes to the heart of the matter.”

“The regulations lay down a procedure providing for notice of a charge being given to the accused who must have an opportunity of answering it.

“The regulations are drafted so that the principles of natural justice must be complied with and they are imperative and obligatory.”

“The removal is complicated by consideration of regulations made under the Police Acts.”

“Of course, if the regulations authorized him to do that and were intra vires in doing so, there would be no more to be said.”

Per Morris LJ

“It is beyond dispute that the procedure of the regulations was in no way operated.”

“... I would think that police authorities would invariably wish to follow the spirit as well as the letter of the carefully devised procedures which the regulations lay down.”

“They made no attempt to pay heed to the regulations.”

20. At page 111 of **Ridge Appellant** it was stated:

“They found him guilty without giving him particulars and without charging him and without giving him any opportunity to defend himself. They made no attempt to pay heed to the regulations. The explanation of this that is advanced is that they were not obligated to do so because they had not received any report or allegation from which it appeared that the appellant might have committed an offence.”

21. The First Defendant at paragraph 4 of his Affidavit filed on 17 September, 2025 avers as follows:-

“It was unanimously decided among the Senior Executives and the ultimate decision was made that the Claimant would be dismissed taking into account that his yearly contract had expired.” (Emphasis added).

22. At paragraph 7, he continued:

“I informed the Claimant that I will not accept his resignation letter and that he was dismissed from the Police Force not (sic) being properly (sic) contracted and given all the circumstances surrounding this matter, there was a great likelihood that he would cease to be an efficient police officer pursuant to section 21(1)(c) of the Police Act (sic) 2009.”

23. The question then is; when one looks at the reason for the discharge under s. 21 (1)(c), it clearly bears out that the discharge is owing to the Commissioner being satisfied that **“the contracted officer is unlikely to become....an efficient or effective police officer...or “...his discharge is deemed necessary in the public interest;...”**

24. The assessment of the Claimant noted on the Discharge Certificate exhibited as **“CF. 1”** of the First Defendant’s Affidavit is as follows:

“During the period of his Service in the Royal Bahamas Police Force, his conduct and general character has (sic) been: UNSATISFACTORY”.

25. I take note of paragraph 10 of the First Defendant’s affidavit where he avers:

“A few days later, I received a WhatsApp message from the Claimant further apologizing. The claimant wrote: “Morning Commander, I am sorry if I let you down but it’s not the way they say. I pray one day that you can forgive me. I am truly sorry.”

26. While a “copy” of the WhatsApp message is purportedly produced and marked “CF. 2”, no notice is taken of it because it is after the date of discharge and the purported message has no telephone number from which it was sent; nor to whom it was sent. There is only a message saying “Forwarded” and a time stamp of “1:03 pm”. There is no date.
27. The discharge certificate, which is also exhibited as “CF. 1” is stamped and dated “December 02, 2024.” The date of discharge listed thereon is 2nd December, 2024.
28. The meeting between the Claimant and the First Defendant took place on 12 December, 2024, ten (10) days after the Discharge Certificate was stamped and dated.
29. The Claimant has a different version of the meeting of 12 December, 2024. At paragraphs 8 and 9 of his Affidavit he avers:

“8.....I was then escorted to a conference room where I encountered the Senior Executive Leadership Team, with the exception of Deputy Commissioner Leamond Deleveaux.

9. Commissioner Clayton Fernander, now retired, began by accusing me of corruption based on the news reports regarding the USA court indictment. He verbally attacked me and stated that he was taking it upon himself to discharge me from the RBPF. Commissioner Fernander then handed me a RBPF Discharge Certificate, dated 2nd December 2024, effectively terminating my employment as a police officer without providing me an opportunity to respond to any accusation or a fair disciplinary hearing as provided for in the Police Act 2009.”

30. At page 113 of **Ridge Appellant**, it was stated:

“The watch committee were under a statutory obligation (see Police Act, 1919, s. 4(1)) to comply with the regulations made under the Act. They dismissed the appellant after finding that he had been negligent in the discharge of his duty. That was a finding of guilt of the offence of neglecting or omitting diligently to attend to or to carry out his duty. Yet they had preferred no charge against the appellant and gave him no notice. They gave him no opportunity to defend himself or to be heard. Though their good faith is in no way impugned, they completely disregarded the regulations and did not begin to comply with them.”

31. At page 119 of **Ridge Appellant**, the Court came to the following conclusion:-

“My Lords, so here should it, in my judgment, be declared that the purported termination on March 7, 1958, of the appellant’s appointment was void unless it be that later events debar the appellant from obtaining this relief.”

Issue 1: Has the Claimant met the threshold for leave to apply for Judicial review?

32. Rule 54.3 of the CPR 2022 provides: -

(1) No application for judicial review shall be made unless the leave of the Court has been obtained in accordance with this rule.

33. Further Rule 54.3(7) of the CPR 2022 provides: -

(7) The Court shall not grant leave unless it considers that the applicant has a sufficient interest in the matter to which the application relates.”

34. There is no contest that the Claimant indeed has a direct and vested interest in the Order for leave to apply for judicial review.

35. The next requirement is set out in Rule 54.4(1) of the CPR 2022 which provides that:-

“An application for judicial review shall be made promptly and in any event within six months from the date when grounds for the application first arose unless the Court considers there is good reason for extending the period within which the application shall be made.”

36. The Claimant filed his application on 1 April, 2025, some 4 months after the discharge, and as such, complies with the aforementioned requirement.

37. In **Cable Bahamas Ltd. v. Utilities Regulation and Competition Authority 2021/PUB/jrv/0027**, Charles J. (as she then was) noted:

“[22] The general rule is that leave will usually be granted where an applicant discloses an arguable case with a realistic prospect of success. I bear in mind that, as I consider this requirement, I am not concerned with the merits of the Decision nor am I required to perform an in-depth analysis of (the Claimant’s) case. I am rather concerned with the legality and/or rationality of the Decision rather than the merits, with the decision of the jurisdiction of the decision maker and with the fairness of the decision making process.” (Emphasis added)

Issue 2: Did the Claimant have an alternative remedy which he did not utilize prior to the application for leave to apply for judicial review which bars him from obtaining the relief

sought? In the alternative, whether the grant of leave is subject to a discretionary bar such as whether there are other available alternative remedies.

38. In **Sharma v. Browne-Antoine (2006) 69 WIR 379; [2006] UKPC 57 [2007] 1 WLR 780** at page 787, the Privy Council stated:

“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 an delay or an alternative remedy.....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.

39. Mrs. Nixon, in her submissions, borrowing the phrase from **Bertram Bain v. COP [2020] 1 BHS J No. 26**, contends that the Claimant has “jumped the gun.” She relies on section 21(2) of the Police Act, 2009.

40. It is Mrs. Nixon’s respectful submission that as statute has created an appellate machinery, then that route should be utilized and that this Honourable Court should not usurp the functions of the appellate body/process.

41. **Section 21 (2)** states:

“(2) Any police officer aggrieved by a decision of the Commissioner under the provisions of this section may appeal to the Governor-General within seven days after such decision is made, and the Governor-General shall in determining any such appeal, act in accordance with the advice of the Police Service Commission.”

42. In **Glencore Energy UK Limited v. Commissioners of HMRC (2017) EWCA Civ 1476** at [55] – [56], the Court of Appeal held:

“55.....If Parliament has made it clear by its legislation that a particular sort of procedure or remedy is in its view appropriate to deal with a standard case, the court should be slow to conclude in its discretion that the public interest is so pressing that it ought to intervene to exercise its judicial review function along with or instead of that statutory procedure.”

56. Treating judicial review in ordinary circumstances as a remedy of last resort fulfils a number of objectives. It ensures the courts give priority to statutory procedures as laid down by Parliament.....It avoids expensive duplication of the effort which may be required if two sets of procedures are followed in relation to the same underlying subject matter. It minimises the potential for judicial review to be used to disrupt the smooth operation of

statutory procedures which may be adequate to meet the justice of the case. It promotes proportionate allocation of judicial resources for dispute resolution and saves the High Court from undue pressure of work so that it remains available to provide speedy relief in other judicial review cases in fulfilment of its role as protector of the rule of law, where its intervention really is required.”

43. Winder J (as he then was) in **LaCroix v Stipendiary & Circuit Magistrate Derrance Rolle-Davis and another** [2013] 3 BHS J. No. 68 stated:

“22 It is a well-settled principle of administrative law that the intended Applicant should first exhaust any right of appeal or other means provided for challenging the decision before making an application for judicial review.”

44. In the much-quoted **R v IRC ex parte Preston, 1985 AC 835 at 852**, Lord Scarman stated that:

“[A] remedy by way of judicial review is not to be made available where an alternative remedy exists. This is a proposition of great importance. Judicial review is a collateral challenge: It is not an appeal. Where Parliament has provided by statute appeal procedures, as in the taxing statutes, it will only be very rarely that the courts will allow the collateral process of judicial review to be used to attack an appealable decision.”

45. In **R v Chief Constable of the Merseyside Police, ex parte Calveley and others**[1986] **1 AER 257**, it was held that the failure to notify the appellants in accordance with regulation 7 amounted to such a serious departure from the police disciplinary procedure that, even though the internal rights of appeal had not been exhausted, the court would exercise its discretion to grant judicial review.

46. Per Glidewell LJ,

“I add only that I also agree that, where application is made for judicial review but an alternative remedy is available, an applicant should normally be left to pursue that remedy. Judicial review in such a case should only be granted in exceptional circumstances.”

47. In **Gregory Archer BS 2020 SC 95** reference is made to **Aarin Bain v. Ayse Rengin Dengizer Johnson and The Attorney General 2 (unreported)** and the dicta of Gray Evans Sr. J at para 54:

“54. So, while I accept that the applicant has a statutory right, pursuant to section 8(1) of the Bail Act aforesaid, to appeal the decision of the learned magistrate, as I understand the authorities, the fact of an alternative remedy or the failure to exhaust any right of appeal or other means provided for

challenging a decision are not necessarily bars to an application for judicial review, although those are factors for this court to take into consideration when deciding whether or not to grant the relief sought by the applicant. See **Sargent v Knowles et al CL 1334 of 1993 (unreported)** in which Sawyer J (as she then was) held that in exceptional circumstances the Court could, in its discretion, entertain judicial review proceedings even where the applicants had neither exhausted nor pursued their alternative statutory right of appeal.”

48. Winder J (as he then was) in **Regina v. Bowe-Darville and others; Ex parte Moxey [2015] 1 BHS J No. 38** noted that:

“The availability of an adequate alternative remedy is a matter that is relevant to the exercise of the courts discretion to grant permission to apply for judicial review; it does not go to the court’s jurisdiction to entertain a claim for judicial review.”

49. At paragraph 26.97, he added:

“However, if what would otherwise have been an adequate alternative remedy ceases to be available to a claimant because he or she have instead, choosing to bring a claim for judicial review the previous availability adequate alternative remedy may cause the court to refuse permission.”

50. It is therefore well accepted in this jurisdiction that exceptional or special circumstances will allow the Court to circumvent the discretionary bar. In **R v Secretary of State for Home Department ex parte Swatti 1986 1 WLR 477**, Donaldson MR at page 485 D highlights the difficulties which Courts face when he stated:

“By definition, exceptional circumstances defy definition....”

51. Winder J (as he then was) in **LaCroix v Stipendiary & Circuit Magistrate Derrance Rolle-Davis and another [2013] 3 BHS J. No. 68** stated:

“26 The existence of an appeal process is not the end of the matter. In **Sargent v. Knowles et al CL 1334 of 1993**, Sawyer J. (as she then was), relying on the English Court of Appeal decision of **R. v. Chief Constable of the Merseyside Police ex parte Claveley and others [1986] 1 All E. R. 251** held that *in exceptional circumstances the Court could, in its discretion, entertain judicial review proceedings even where the Applicants had neither exhausted nor pursued their alternative statutory right of appeal.* (Emphasis added)

52. In **Cable Bahamas Ltd. v. Utilities Regulation and Competition Authority**, supra, Charles J (as she then was) quoted a passage from the St. Vincentian case of **Prame Dasrath** (Suit No. 143 of 1987) and the dicta of Singh J (as he then was):-

“A court ought not to refuse Certiorari because of alternative remedies other than appeal unless it is clearly satisfied that those other remedies are more appropriate and, where the alternative remedy is the statutory right to appeal, if the applicant claims to be aggrieved by a decision made without jurisdiction or in excess of jurisdiction or in breach of the rules of natural justice the fact that he has not taken advantage of such statutory right is irrelevant.”

53. In discussing procedural impropriety as one of the grounds of judicial review, Diplock LJ in **Council of Civil Service Unions v. Minister for the Civil Service [1985] A.C. 374** at pages 410 to 411 posited:

“I have described the third head as “procedural impropriety” rather than failure to observe basic rules of natural justice or failure to act with procedural fairness towards the person who will be affected by the decision. This is because susceptibility to judicial review under this head covers also failure by an administrative tribunal to observe procedural rules that are expressly laid down in the legislative instrument by which its jurisdiction is conferred, even where such failure does not involve any denial of natural justice.”

CONCLUSION

54. I am satisfied on the evidence before me that there is an arguable case that the Claimant was not afforded due process and the decision itself may have been taken without neither proper regard for the First Defendant’s obligations to the Claimant nor adherence to the principles of natural justice. On the face of it, it appears that the First Defendant paid no heed to his statutory obligations.

55. Regulation 42 of the Police Disciplinary Regulation provides an essential protection for police officers prior to their discharge.

56. In **Ridge Appellant** at page 120, it is stated:

“In the result, in my judgment, nothing occurred on March 18 to give validity to what the respondents had purported to do on March 7. Nor, in my view, did the action of the appellant in appealing to the Secretary of State have any such effect. If the decision of March 7 was a nullity and void the fact that the appellant appealed made no difference. The decision of March 7 remained a nullity...In these circumstances, the provision in section 2(3) of the Police (Appeals) Act, 1927, that the decision of the Secretary of State upon an appeal is to be “final and binding upon all parties” cannot produce the result that validity is given to that which is a nullity.” (Emphasis added).

57. In **Ridge Appellant** at page 121, it is further stated:

“In view of the opinions which I have expressed as to the applicability of the regulations and as to the consequences of disregarding them, I propose only to deal briefly with the question whether, had there been no regulations, the police authority would have been bound to have regard to the principles of natural justice..... I cannot think that the dismissal of the appellant should be regarded as an executive or administrative act if based upon a suggestion of neglect of duty: before it could be decided that there had been neglect of duty it would be a prerequisite that the question should be considered in a judicial spirit.”

58. In **Ridge Appellant** quoting Fortescue J. in **R. v. University of Cambridge (1723) 1 Stra. 557**, **“Besides, the objection for want of notice can never be got over. The laws of God and man both give the party an opportunity to make his defence, if he has any.”**

59. Again, at page 139

“I see no reason, therefore, why I should do more than read the regulations into the Act of 1882, not as a condition precedent to the power to dismiss, but simply as rules that the committee is required to observe.”

60. Having regard to the evidence before this court, and the foregoing authorities, I am satisfied that this case constitutes exceptional circumstances warranting the grant of leave to the Claimant to apply for Judicial Review.

61. Each party is to bear their own costs.

Dated the 10th day of November, A.D., 2025

Cheryl E. Bazard KC J (Ag.)