

J A M A I C A

R. v. COMMISSIONER OF POLICE - Ex parte Tennant

/ THE SUPREME COURT OF JAMAICA - THE FULL COURT (Parnell, Wright,
Vanderpump J.J.)

February 14, 1977 /

Certiorari - Natural Justice - Special constable dismissed without a hearing - order of Commissioner of Police quashed - certiorari will lie to quash administrative action.

Island Special Constabulary (General) Regulations, 1950 - no peremptory right of dismissal conferred on Commissioner of Police by regulation 27.

The applicant was a corporal in the Special Constabulary Force with 12 years service to his credit. On November 3, 1976 he was accused by the Commandant of the Force of being responsible for the distribution of a certain pamphlet and informed that he would in consequence of this be dismissed as of Friday November 5, 1976. The applicant denied the accusation. No enquiry was held but an order for his dismissal appeared next day in the Force Orders. The order did not specify the reason for his dismissal. The applicant applied for an order of certiorari to quash the order of the Commissioner of Police dismissing him.

Held, granting the application

- (1) The rules of natural justice required that the applicant be not condemned without a hearing and regulation 27 of the Island Special Constabulary (General) Regulations does not confer on the Commissioner of Police a peremptory right of dismissal.
- (2) Certiorari will lie to quash administrative action.

Cases referred to:-

- (1) Ridge v Baldwin (1963) 2 All E.R. 66; (1963) 1QB 539;
(1963) 2 W.L.R. 935 1964 A.C. 40 61 L.G.R. 369.
- (2) Glynn v Keele University (1971) 2 All E.R. 89; (1971)
1 W.L.R. 487.

- (3) Nakkuda Ali v M.F. de S. Jayaratne (1951) A.C. 66; 66 T.L.R. (Pt.2) 214 94 S.J. 516.
- (4) R v Metropolitan Police Comr. ex parte Parker (1953) 2 AllER 717; (1953) 1 W.L.R. 1150.
- (5) Cooper v Wandsworth Board of Works (1863) 14 C.B.N.S. 180; 11WR646 32 L.J.C.P. 185 9 Juv (N.S.) 1155 8 L.T. 278.
- (6) Hopkins v Smethwick Local Board (1890) 24 Q.B.D. 712; 59L.J. QB250; 62 L.T. 783; 38 WR 499 54 J.P. 693.
- (7) R v Bursly Metropolitan Borough Council ex parte Hook (1976) 3 All ER 452; (1976) 1 W.L.R. 1052.

Dr. Lloyd Bennett and Dr. Adolph Edwards for Applicant

Lloyd Ellis for the Respondent

/ Here take in judgment /