

**STATEMENT BY PRIME MINISTER OF JAMAICA
THE MOST HONOURABLE P. J. PATTERSON, ON, PC, QC, MP
ON THE PRIVY COUNCIL DECISION IN THE LITIGATION CONCERNING
THE CARIBBEAN COURT OF JUSTICE**

Earlier today the Privy Council handed down its decision in the litigation concerning the Caribbean Court of Justice (the CCJ).

This judgment will affect not only Jamaica but other countries in the region with similar constitutional arrangements.

The effect of the legislation under review would have been to abolish appeals to the Privy Council and to substitute a right of final appeal to the CCJ. The legislation would have also provided for the establishment of the original jurisdiction of the CCJ to deal with matters pertaining to the CARICOM Single Market and Economy.

The key question identified by the Privy Council was whether the procedure adopted in enacting that legislation complied with the requirements laid down in the Constitution. In reaching its judgment, the Privy Council specifically said that it had no difficulty in accepting, and did not doubt, that the CCJ Agreement represented a serious and conscientious endeavour to create a new regional court of high quality and complete independence, enjoying all the advantages that a regional court could hope to enjoy.

The Privy Council accepted that the Jamaican Parliament could abolish appeals to the Privy Council by a simple majority of its members following the procedure that had been adopted.

However, it held that the legislation to establish the CCJ as the final court of appeal should have been passed by another procedure. It should have been passed by the procedure appropriate for amending an entrenched provision which would require, among other things, an affirmative vote of two-thirds of the members of each House of Parliament.

The Privy Council held that since the Acts were put forward as a package, and since it was not the intention of Parliament to abolish appeals to the Privy Council without replacing it with the right of appeal to the CCJ, the two could not be severed.

Some of our CARICOM partners have passed legislation to establish the CCJ as a court of original jurisdiction to deal with single market matters. Others are actively in the process of doing so. We will therefore have to have consultations with all our CARICOM partners concerning the way forward with respect to the establishment of this court as a tribunal for the resolution of issues concerning the CARICOM Single Market and Economy.

The Jamaican Government remains committed to the establishment of the CCJ as our final appellate court. It intends to take the necessary steps, arising from this decision to honour our commitments to the Jamaican people and our partners in the region.

The Government's legal team is currently completing its analysis of the judgment and Cabinet will consider the matter in full on Monday.

P. J. PATTERSON
PRIME MINISTER

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