



CARIBBEAN COURT OF JUSTICE

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CCJ ISSUES ITS REASONS FOR ALLOWING THE APPEAL OF DOTTIN'S ACADEMY INC; REAFFIRMS THE RIGHT OF PRIVATE PERSONS TO PROSECUTE FOR CRIMINAL OFFENCES

Port of Spain, Trinidad and Tobago. On 11 May 2021, the Court made an order allowing an appeal from Barbados in the case of *Dottin's Academy Inc v Beverley Norville* [2021] CCJ 8 (AJ). On that date, the Court stated that it would give the reasons for its decision at a later date. Today, the Court has issued those reasons.

On 19 May 2009, Norville gave three months' notice that she would be withdrawing her son as a student of Dottin's Academy (a private school registered by Kathryn Dottin with the Ministry of Education). One month later, that school expelled her son without giving her a refund which she expected. In response, Norville went to the school and engaged in a "cuss-out" in the view of students and teachers. Dottin's Academy Inc (the Appellant) brought a legal action (a "private prosecution") against Norville at the Magistrates' Court, and she was found guilty of offences involving her language, causing a disturbance, and threatening to burn down the school. Norville then appealed to the Court of Appeal and persuaded that court that the Appellant lacked the standing (authority) to bring a prosecution against her.

The Appellant appealed to the CCJ. The CCJ, in a judgment delivered by Justice Barrow reaffirmed the common law right of private persons to prosecute for a criminal offence. The general principle was that any person could bring such a prosecution and they did not require any authorisation to do so.

In a concurring judgment, Justice Anderson highlighted the delay which accompanied this case at the lower courts. The complaints were laid at the Magistrates' Court over three months after the event. The Magistrate gave judgment over six years after the incident and failed to pass sentence. The judgment of the Court of Appeal was delivered over five years after the Respondent filed her Notice of Appeal. Justice Anderson stated that when a simple case such as the present one is brought at the Magistrates' Court, it ought to be decided within three months at most.

The CCJ allowed the appeal and restored the conviction. The substantive, undecided appeal against the conviction must now be heard by the Court of Appeal. The Court made no order as to costs.

The Court comprised the Hon. Mr Justice Saunders, President, the Hon. Mr Justice Jacob Wit, the Hon Mr Justice Anderson, the Hon. Mr Justice Barrow, and the Hon. Mr Justice Jamadar. Mr Ajamu Boardi, Ms Yasmin Brewster and Ms Alicia Dells appeared for the Appellant. Ms Peta-Gay Lee-Brace and Ms Sumaya Desai appeared for the Respondent.

The full judgment of the Court is available on the Court's website at www.ccj.org.

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About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, four states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica and Guyana. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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