

# CURRENT AWARENESS BULLETIN

**October-December 2015**



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## INTRODUCTION

This publication is designed to inform users of acquisitions by the library within the stated period, and will appear quarterly until further notice.

Under **TREATISES, DIGESTS, ETC.**, the classification number for the location of the publication on the shelves, is included to the right of the listing.

Under **LEGISLATION**, the abbreviation “G.S.” means - Jamaica Gazette Supplement Bills and Acts.

Judgments are arranged by country, then listed alphabetically by names of parties, followed by the court and date of decision. Abbreviations for the courts are as follows:

P.C. Privy Council  
C.A. Court of Appeal  
S.C. Supreme Court  
R.C. Revenue Court  
F.C. Full Court

Jamaican judgments have been broadly classified to facilitate the user. Headings are indicated in bold letters appearing after the date of decision for each judgment.

Publications of other Caribbean territories are included as and when received.

**Comments:** As we begin to adapt to the new normal, John Gould asks whether it's time to adopt a new approach to ethics

**Specialist:** Employment Ian Smith takes a gender at short, precise, but nonetheless important aspects of both common & statutory

**Procedure and Practice:** Standard of Proof **Adrian Keane** considers jurors should be given a fuller & more accurate direction before returning their verdict.

**Inside Court:** Law Digest

**Profession: Expert Witness-** Expert witnesses at a conference with counsel- a practical guide- compiled by Mark Solon.

conversion in the digital age

**JUDGMENTS**

In the Matter of an appeal against the decision of the ADOPTION BOARD and in the matter of the Children (Adoption of) Act  
JMSC 23.09.2015

**ADOPTION — Appeal from decision of Adoption Board — Whether in best interests of child that she be adopted — Adoption Licence — sections 2, 3, 6, 7, 9, 10, 23, 24 of Children (Adoption of) Act**

<THE> ASSETS Recovery Agency v Valicia Bartley and Orace Edwards  
JMSC 13.08.2015

**PROCEEDS OF CRIME - Application for extension of restraint order to the property - Whether restraint order should be extended to cover other property - Whether court can put monetary limit on restraint order**

<THE> ASSETS Recovery Agency v Michael Brown AKA Erdley Barnes and Patrick Oswald Prince and Valrie Yee (Nee Weatherly) and Anthony Clarke and Tyrone Grant and Conroy Rowe David Brown and Courtney Meredith and Udell Elvira Doyley and Minette Smith and Tevaughn Prince and Kerry Ann Watson  
JMSC 28.07.2015

**PROCEEDS OF CRIME — Sections 2, 32, 33, 92, 94 of Proceeds of Crime Act — Restraint Order — Without-Notice Application**

<THE> ASSETS Recovery Agency v Upert Smith and Gwendolyn Smith and Rebecca Mills Smith and Rojay McKay and Roderick McKay  
JMSC 13.08.2015

**FORFEITURE - Restraint Order - Non-disclosure - Whether Restraint Order should be discharged - Proceeds of Crime Act, s. 32**

ATKINSON, Dennis v Development Bank of Jamaica and Business Recovery Services Limited and Kenneth Tomlinson and Digiorder Jamaica Limited  
JMSC 31.07.2015

**Mortgage — Whether subsequent mortgagee is a mortgagee in possession — Whether the proposed exercise of a prior mortgagee's power of sale must take into account the interests of the second mortgagee — Whether the prior mortgagee is a trustee for the subsequent mortgagee**

<THE> ATTORNEY GENERAL of Jamaica and Aaron Hutchinson v Cleveland Vassell  
JMCA 25.09.2015

**CIVIL PROCEDURE AND PRACTICE- False imprisonment - Malicious prosecution - Whether these torts were fresh causes of action - Whether appellants would be prejudiced by proposed amendment of claim form and particulars of claim - Whether appellants entitled to rely on defence of limitation - Whether costs sufficient to compensate appellants of any prejudice suffered**

BENT, Delroy v R  
JMCA 03.07.2015

**CRIMINAL LAW - Rape - Leave to appeal - Unfair trial - Insufficient evidence to warrant a conviction - Defence of alibi - Sexual Offences Act, s. 3**

BERNARD-KILBOURNE, Audrey v The Board of Management of Maldon Primary School  
JMSC 17.08.2015

**ADMINISTRATIVE AND CONSTITUTIONAL LAW- Part 56 of the Civil Procedure Rules — Whether or not application for declaration against public body without application for judicial review an abuse of process — Circumstances in which Reg. 54(2) of the Education Regulations 1980 apply — Effect of fit and proper requirements on membership of school Board — Meaning of 'presence' under the Education Regulations 1980 — Effect of an invalid vote on decisions taken by Board — Meaning of 'regular assessments' under the Education Regulations 1980 — Factors to be taken into account in exercise of discretion to grant or not to grant declarations**

<THE> BOARD OF MANAGEMENT of Bethlehem Moravian College v Dr. Paul Thompson and The Teachers' Appeal Tribunal  
JMCA10.07.2015

**JUDICIAL REVIEW - Principal - Whether the decision of the Committee tainted by bias - Order of Certiorari - Whether disciplinary proceedings unfair - Civil Procedure Rules 2002, Rule 56.15**

BRANCH DEVELOPMENTS Limited t/a Iberostar v Industrial Disputes Tribunal and The University and Allied Workers' Union

JMCA 21.09.2015

**EMPLOYMENT LAW - Termination of employment - Entire workforce terminated on grounds of redundancy - Whether Industrial Disputes Tribunal (IDT) had exceeded its lawful jurisdiction - Whether employer entitled to make employees redundant - Whether judge should have quashed decision of the IDT - Whether award unreasonable in Wednesbury sense - Interpretation of Labour Relations and Industrial Disputes Act, s. 5A - Meaning of 'voluntary redundancy' - Whether award ambiguous**

BRISCO, Deloris v Jamaica Urban Transit Company Limited and Omar Mitchell  
JMSC 09.09.2015

**DAMAGES – Assessment – Credibility - Proof of Special Damages**

BROWN, LASHAN Danique (A minor who sues by her Sister and next Friend, Shaneefe Nembhard) v Lester Peart and Jamaica Defence Force and The Attorney General of Jamaica [Consolidated with] Ronald Augustus Brown v Jamaica Defence Force and The Attorney general of Jamaica  
JMSC 31.07.2015

**NEGLIGENCE —; Motor vehicle accident —; Motor car pulling into the path of an overtaking vehicle —; Incidence of liability —; Whether each driver solely or jointly negligent**

CHAMBERS, Leon v Lawrence Beech and Lorraine Spence and Attorney General of Jamaica  
JMSC 18.09.2015

**REGISTRATION (BIRTHS AND DEATH ACT — Application to amend Register — Applicant is child's biological father — Whether Court has jurisdiction to Amend Register — Registrar not a party to the proceeding**

COLE, Lloyd v Regina  
JMCA 31.07.2015

**CIVIL PROCEDURE AND PRACTICE- Retired medical practitioner, indecent assault, abandonment of appeal, incorrect legal advice, credibility of evidence**

COMMISSIONER, THE INDEPENDENT Commission of Investigations and Mollie Plummer v Carolyn Tie, Senior Resident Magistrate Montego Bay Resident Magistrate's Court

JMSC 21.08.2015

**JUDICIAL REVIEW — Application for leave to apply for Judicial Review — Whether Applicants have arguable grounds with a realistic prospect of success — Whether delay in bringing Application — Whether discretionary bar — Whether Alternate Remedy — Whether Undue delay — Whether decisions of Resident Magistrate lawful — Criminal Justice Reform Act**

CONTINENTAL BAKING Company Ltd. and Rainforest Seafoods Ltd. and Copperwoods Ltd. v Super Plus Food Stores Limited and Tikal Limited  
JMCA 13.08.2015

**CIVIL PROCEDURE AND PRACTICE- Application to withdraw admissions - Application for summary judgment - Whether admissions should be withdrawn - Summary judgment - Whether there is real prospect of successfully defending the claim**

DARE, Sherika v Israel Carmet-Cachadina  
JMCA 17.07.2015

**FAMILY LAW- CHILD CUSTODY- Joint custody- Interim ex-parte Order- Child relocation- Access- Settlement Agreement**

DIGIORDER JAMAICA Limited v Dennis Atkinson  
JMCA 03.07.2015

**BANKING AND FINANCE-Sale of Property-Post Hearing-Debt-Tort- Evidence-Judicial Orders**

DOUGLAS, Beres v R  
JMCA 28.09.2015

**CRIMINAL LAW - Carnal abuse - Fair hearing - Trial in Counsel's absence - Miscarriage of justice**

DUNKLEY, Carlton v Jeremy Chen and Lisa Chen  
JMCA 21.09.2015

**BREACH OF CONTRACT — Oral Agreement for sale and purchase of Motorcar — Recovery of sum due and owing — Interest at Commercial Bank Rate — Beneficial and Legal owner — Counterclaim — Failure of Consideration — Rental Arrears — Insufficient evidence — No receipt of payment — No date of payment — Substantial deprivation of Benefits — Least difficulty or embarrassment caused by burden — Proof of positive proposition preferred than negative proposition — Judgment for the Claimant**

FACEY, Trevor v Phil's Incorporated Limited and Basil Phillips and Everton Weller  
JMCA 03.09.2015

**OCCUPIER'S LIABILITY — Negligence — Contributory negligence — Apportionment of liability — Quantum of damages**

FENTONS INVESTMENTS Limited and Neville Fenton v Eloff Hasson Inc.  
JMCA 22.07.2015

**MORTGAGE AGREEMENT - Mortgage exercising power of sale - Dispute concerning arrears - Whether right to exercise power of sale has arisen - Application for interlocutory injunction**

FINZI, WINSTON and Mahoe Bay Company Limited v JMMB Merchant Bank Limited  
JMCA 05.08.2015

**AGREEMENTS - Injunction - Application for injunction pending hearing of appeal - Recusal - Agreement for sale of property - Error in agreement for sale - Reduction of sale price after discrepancy identified by surveyor's reports - Allegation of fraud/misrepresentation - Power of sale - Court of Appeal Rules 2002, Rule 2.11(1)(c) - Registration of Titles Act, s. 106**

FOOTE, DUKE St John-Paul v University of Technology Jamaica (UTECH) and Elaine Wallace  
JMCA31.07.2015

**EDUCATION LAW - Student - Declaration sought that University breached its contract - Student prevented from sitting examination and continuing with choice of courses - Whether matter of academic decision rather than a matter for legal process - Whether University in breach of contract - Jurisdiction of Visitor - Whether matter amounts to breach of Charter of Rights - Whether matter concerns internal policies and procedure of the University**

FOOTE, DUKE St. John-Paul v University of Technology and Elaine Wallace  
JMCA 28.09.2015

**CIVIL PROCEDURE AND PRACTICE - Costs - Order for costs - Whether respondent entitled to Order for costs - Civil Procedure Rules 2002, Rules 64.6(1), (2), (3), (4) - Appropriate Order for costs**

FRANCIS, CHARLES Vernon v Columbus Communications Jamaica Limited (trading as FLOW) and Jamaica Public Service Company Limited  
JMJC 18.08.2015

**CASE MANAGEMENT ORDERS — Failure to file Witness Statements on time — Relief from Sanctions — Whether a good explanation given for failure — CPR 29.11 & 26.8**

GREEN, ANDREA Edward and Mark Edwards v Christine Findlay and Lloyd Findlay and Jacqueline Findlay and Carlton McLean  
JMJC 13.08.2015

**CIVIL PROCEDURE AND PRACTICE- Striking Out — Abuse Of Process — Extinction Of Title**

GRIFFITHS-BROWN, Corrine v Conard James Brown  
JMJC 19.08.2015

**DIVISION OF PROPERTY — Whether subject property was family home whether subject property was a gift to the Defendant — whether Claimant made contributions to improvement of family home — whether Claimant entitled to beneficial interest therein — Proprietary Estoppel — whether Claimant entitled to interest in animals: Property (Rights of Spouses) Act 2004 Sections 6, 7, 2 and 13**

GORDON, Hyacinth v Sidney Gordon  
JMCA 03.03.2015

**FAMILY PROPERTY LAW- Matrimonial Home- Property Ownership- Ownership of building - Entitlement Pursuant**

HARRIOT, Yvette v Jamaica Property Co Ltd. and Attorney General of Jamaica  
JMJC 20.07.2015

**CIVIL PROCEDURE AND PRACTICE- Withdrawal of Admissions — RULE 14 OF Civil Procedure Rules — Setting Aside Judgment On Admissions**

HENRY, Ryan v Kingston Container Terminal Services Limited  
JMJC 27.07.2015

**DAMAGES — Chronic lumbar strain soft tissue injury rated at 3% whole person impairment**

HYDE, Victor v E. Phil & Son A.S. Ltd. and Attorney General of Jamaica  
JMJC 03.07.2015

**COURT'S CONSIDERATION AS TO WHETHER IT SHOULD MAKE A STRIKING OUT ORDER ON ITS OWN INITIATIVE — Distinction between application to strike out on ground that statement of case of defendant discloses no reasonable basis for defending the claim and an application for summary judgment on ground that defence has no realistic prospect of success — Summary judgment cannot be obtained against the crown — Striking out order only to be made in plain and obvious cases**

ISP FINANCE Services Ltd. v E.W. Abrahams & Sons Ltd.  
JMCD 30.07.2015

**ASSIGNMENT OF DEBT — Whether there can be an assignment of the value of items to be sold pursuant to a consignment agreement where there is no sale — Whether acknowledgment and promise to pay on a Notice of Assignment constitutes an irrevocability liability**

JMMB MERCHANT Bank Limited v Winston Finzi and Mahoe Bay Company Limited (NO 2)  
JMCC 10.07.2015

**MORTGAGOR/MORTGAGEE DISPUTE - Application for injunction - Whether injunction should continue - Agreement for sale by mortgagor before mortgagee concluding contract with purchaser under exercise of power of sale - Whether first agreement should go through or whether mortgagee's sale should stand.**

JOHNSON, MICHELLE Angella v Lawrence Michael Passley  
JMSC 17.07.2015

**FAMILY LAW - Application for custody of child - Principles to be considered in awarding joint custody**

KANDAPPA, Palnama v Pamela Graham and Marcia Brown and Winston Graham  
JMSC 10.07.2015

**TRUSTS – Constructive trust – Claimant sharing forty-two-year relationship with legal owner – Whether claimant and legal owner set up home together – Whether common intention to share beneficial interest - Legal owner transferring property by way of gift**

LAWSON, Alvin v Professor Claude Packer and The Board of Directors of the Mico University College  
JMCA 28.09.2015

**JUDICIAL REVIEW – Application for order for declarations, certiorari, mandamus and for damages – Education Act 1980 and the Education Regulations 1980 – Termination of employment**

LEWIS, Aaron v R  
JMCA 31.07.2015

**CRIMINAL LAW- High Court Division- Gun Court- illegal possession of firearm- Inflicting grievous bodily harm- Robbery with Aggravation**

MACO MANAGEMENT Inc. v The Proprietors, Strata Plan 440 and Strata Appeals Tribunal  
JMSC 27.07.2015

**APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW — Rule 56 of the Civil Procedure Rules (CPR) — Whether Requirements Satisfied — Whether Strata Corporation in Breach of National Water Commission Act and Office of Utilities Regulation Act — Whether Decision of Strata Appeals Tribunal Irrational and/or Unreasonable**

MATTHEWS, Gladston v Errol Campbell and Crazy Max Distributors Limited and Weston Taylo(Trading as) and Crazy Max Distributors Limited  
JMSC 06.07.2015

**APPLICATION TO SET ASIDE DEFAULT JUDGMENT - Pre-eminent consideration is whether affidavit evidence of applicant and disclosed a defence a defence which has a realistic prospect of success**

MCGAW, Dwayne v Jamaica Infrastructure Operator Limited and United Management Services Limited  
JMSC 18.09.2015

**CIVIL PROCEDURE AND PRACTICE- Rule 27.8 (4) of the CIVIL PROCEDURE RULES (CPR) — interpretation — need for compliance with case management timetables — importance of attendance of party at case management conference — Exercise of court's discretion**

MCGOWAN Simmonds, v Jamaica Co-operative Credit Union League Limited  
JMSC 08.09.2015

**CIVIL PROCEDURE AND PRACTICE- Disclosure — Whether disclosure of report should be ordered — legal professional privilege — Dominant purpose test**

MCINTOSH, Linford v R  
JMCA 28.09.2015

**CRIMINAL LAW. SEXUAL OFFENCES- Sexual Offences- Grievous Sexual Assault- Rape- conviction- Sentence**

MCLEOD, Theophilus v Joseph Richards  
JMCA 31.07.2015

**CONTRACT LAW. -- SALE OF PROPERTY- Purchase agreement- Subdivision approval- Mesne profits- Rental payments- Commercial interest rate**

MCMORRIS, Donovan v Maurice Bryan  
JMCA 31.07.2015

**FALSE IMPRISONMENT — Malicious Prosecution — Whether claimant can be held liable as a private individual who neither arrested, imprisoned, criminally charged, nor directly prosecuted the claimant — Application to strike out claimant's statement of case**

MILLER, CARLENE and Ocean Breeze Suites and Inn Limited v Harold Miller and Ocean Breeze Hotel Limited  
JMCA 17.07.2015

**PROPERTY LAW- DIVISION OF MATRIMONIAL PROPERTY- Property Rights of Spouses Act - Division of matrimonial property - Separation agreement - Joint tenancy- Beneficial ownership**

MOODIE, Leslie v R  
JMCA 31.07.2015

**CRIMINAL LAW - Murder - Leave to appeal conviction and sentence of death - Whether appellant denied a fair hearing - Whether the refusal to grant the appellant an adjournment to allow time to adequately obtain legal representation of his choosing was a breach of the Constitution, s. 16(6)(c) - Whether sentence excessive**

MURRAY, Jimmy v R  
JMCA 03.07.2015

**CRIMINAL LAW - Rape - Whether there was consent to the physical act - Whether there was insufficient evidence to warrant a conviction - Whether the sentence was manifestly excessive**

NATIONAL COMMERCIAL Bank Jamaica Limited v Justin O'Gilvie and Incomparable Enterprises Limited and Bulls Eye Security Services Limited  
JMCA 25.09.2015

**CIVIL PROCEDURE AND PRACTICE- Setting aside - Application to set aside ruling - Whether second claim is an abuse of process and should be struck out - Whether there is a breach of constitutional rights of respondent - Whether there was discrimination by the bank**

NEIL, Omar v R  
JMCA 31.07.2015

**CRIMINAL LAW -Murder**

NORTH AMERICAN Holdings Company Ltd. v Androcles Limited  
JMCA 22.07.2015

**FREEZING ORDER — Material non-disclosure — Discharge of Freezing Order — Claimant has unsatisfied debts — Undertaking as to Damages**



NUNES, Aspinal Wayne v Jamaica Redevelopment Foundation, Inc.  
JMSC 31.07.2015

**CIVIL PRACTICE AND PROCEDURE — Injunction-Application for injunction to restrain Mortgagee's exercise of its power of sale contained in a mortgage- Whether Mortgagee may be restrained-Whether damages is an adequate Remedy-Section 106 of The Registration of Titles Act- Limitation of Actions Act. Evidence — Use of without prejudice communication**

<THE> PEAR TREE BOTTOM Land Owners Association Limited v Grand Bahai Principe Hotel and Hojapi Limited and The Bank of Nova Scotia Ja. Ltd. and Tank Weld Development Limited and The Bank of Jamaica and The Attorney General for Jamaica and The Director of Public Prosecutions  
JMSC 17.07.2015

**CIVIL PRACTICE AND PROCEDURE — Application to strike out statement of case — Abuse of process — Wasted costs order**

PINE, Miguel v Commissioner of Police  
JMSC 21.09.2015

**JUDICIAL REVIEW — Application for leave to apply for Judicial Review — Breach of Natural Justice — Fair Hearing — Remedies — Mandamus — Reinstatement of Probationary Officer — Usurpation of Statutory Authority — Sparing exercise of Court's discretion to reinstate — Conflict of evidence between Parties — Public interest element — Mandamus imposed where there is a clear duty and not mere discretion — Promptness of Application for leave — Delay — Whether there is a good reason for Delay — Arguable ground with a Real Prospect of Success**

PLANTER, John v The Attorney General of Jamaica  
JMSC 22.09.2015

**DAMAGES-Assessment-False Imprisonment-Assault and Battery-Principles governing the award of Aggravated, Exemplary and Vindictory Damages**

PREBLE, David (T/a Xtabi Resort Club and Cottages) and Xtabi Resort Limited v Elita Flickinger Widow of the deceased Robert Flickinger  
JMCA 09.07.2015

**COSTS LAW- SECURITY FOR COSTS- Security for costs - Summary assessment of costs-. Indemnity principle - Payment out of monies - Tragic death**

REID, LEONARD and Edward Lothian and Amon Grant v Clifton Cammock and Tank Weld Development Limited and Attorney General for Jamaica  
JMSC 17.07.2015

**CIVIL PRACTICE AND PROCEDURE- Application set aside judgment in default of defence — rule 13.3 of the Civil Procedure Rules**

RILEY, Roydel v Ephraim Burke, Julius Lawrence and Ephraim Burke and Julius Lawrence v Ruthann G. Morrison Anderson v Advantage General Insurance Company Limited  
JMSC 28.07.2015

**APPLICATION TO SET ASIDE OR VARY ORDER GRANTING PERMISSION FOR FILING ANCILLARY CLAIM — Whether Appropriate Application — Whether Applicants Should Have Filed Appeal against Order — Whether Ancillary Claim Appropriate Based on the Grounds Stated — Provision in Policy of Insurance for Arbitration — Whether Ancillary Claim Should Await Outcome of Arbitration of Issues — Subrogation — Alleged Negligence of Attorney-at-law**

SMALLING, Bobette v Dawn Satterswaite and Annmarie Cleary and Paulette Higgins and Janet Ramsay and Dorothy Hamilton  
JMSC 17.09.2015

**LEGAL PROFESSIONAL PRIVILEGE — Common Law fraud exception — Inspection by court**

TAPPER, DAVID Orlando (Trading as Fyah Side Jerk and Bar) v Heneka Watkins-Porter (Trading as 10 Fyah Side)  
JMCA 17.07.2015

**TRADEMARK LAW- TRADEMARK INFRINGEMENT- Trademarks- Injunction. Delay- Trade Marks Act- Passing off**

TAYLOR, Charmaine v Branch Developments Limited t/a Iberostar Rose Hall Resort  
JMCA 04.09.2015

**BREACH OF CONTRACT OF EMPLOYMENT — Wrongful dismissal — Whether lay-off amounted to a dismissal**

**DEFAMATION OF CHARACTER — Whether Defendant's conduct amounted to defamation — Damages**

TELEVISION JAMAICA Limited v CVM Television Jamaica Limited  
JMCC 28.08.2015

**INJUNCTION — copyright — Sections 53 and 54 of Copyright Act — Whether Defendants use of copyrighted material is lawful — Whether Fair Dealing exception applies — Interlocutory Injunction — Test where Interim Injunction gives entire remedy**

TELEVISION JAMAICA Ltd. v CVM Television Ltd.  
JMCA 28.08.2015

**COPYRIGHT LAW- BROADCASTING RIGHTS- exclusive rights, licence, IAAF World Championships, breach of copyright, injunction pending appeal**

THAMES, Karen v National Irrigation Commission Limited  
JMCA 31.07.2015

**EMPLOYMENT LAW- JUDICIAL REVIEW- termination of employment- disciplinary breaches- ministerial referral- case management conference**

THOMPSON, Courtney v R  
JMCA 31.07.2015

**CRIMINAL LAW- DRUG OFFENCES- Possession of Ganja- Dealing in Ganja- Trafficking ganja, -appeal against conviction- Appeal against sentence**

THOMPSON, Jerome v R  
JMCA23.09.2015

**CRIMINAL LAW- ILLEGAL POSSESSION OF FIREARM AND ROBBERY WITH AGGRAVATION- - Illegal possession of firearm - Robbery with aggravation - Leave to appeal conviction - Weak identification evidence - Sentence reduction**

WILLIAMS, Tafari v R  
JMCA 23.09.2015

**CRIMINAL LAW - Extension of time - Application for, to apply for leave to appeal - Criminal Form B2 - Judicature (Appellate Jurisdiction) Act, s. 31(1)**

## LEGISLATION

### Bahamas

#### Acts

15/2015	Appropriation (Capital Development) (2015/2016) Act
14/2015	Appropriation (Revenue Account Expenses) (2015/2016) Act
36/2015	<The> Bahamas and the United States of America Foreign Account Tax Compliance Agreement Act
13/2015	<The> Bahamas Institute of Chartered Accountants Act
24/2015	Banks and Trust Companies Regulation (Amendment) Act
23/2015	Business Licence (Amendment) Act
25/2015	City of Nassau Revitalization (Amendment) Act
19/2015	Customs Management (Amendment) Act
12/2015	Education Loan Authority (Amendment) Act
33/2015	Evidence (Amendment) Act
20/2015	Excise (Amendment) Act
26/2015	Family Islands Development Encouragement (Amendment) Act
28/2015	Financial Administration and Audit (Amendment) Act
35/2015	Hawksbill Creek Grand Bahama (Deep Water Harbour and Industrial Area) (Extension of Tax Exemption Period (Amendment) Act
38/2015	Health and Safety at Work (Amendment) Act
34/2015	Law Reform and Revision Act
30/2015	Local Government (Amendment) Act
32/2015	Parliamentarians (Constituency Office Allowance) Act
27/2015	Passenger Tax (Amendment) Act
29/2015	Port Authorities (Amendment) Act
22/2015	Real Property Tax (Amendment) Act
18/2015	Spirits and Beer Manufacture (Amendment) Act
17/2015	Stamp (Amendment) Act
16/2015	Tariff (Amendment) Act
38/2015	Travellers Currency Declaration Act
21/2015	Value Added Tax (Amendment) Act
31/2015	Water and Sewerage Corporation (Amendment) Act

### Commonwealth of Dominica

#### Acts

17/2015	Aliens Land Holding Regulation (Amendment) Act
5/2015	2015/2016 Appropriation Act
4/2015	Banking Act
2/2015	Carib Reserve (Amendment) Act
11/2015	Eastern Caribbean Asset Management Corporation Act
7/2015	Exempt Insurance (Amendment) Act
16/2015	Highway Maintenance Levy Act
13/2015	Income Tax (Amendment) Act
9/2015	International Business Companies (Amendment) Act
8/2015	International Exempt Trust (Amendment) Act
1/2015	National Parks and Protected Areas Act
10/2015	Offshore Banking (Amendment) Act
15/2015	Residential Levy Act
14/2015	Stamp (Amendment) Act
3/2015	Supplementary Appropriation (2014/2015) Act
6/2015	Tax Information Exchange (Amendment) Act
18/2015	Title by Registration (Amendment) Act

12/2015 Value Added Tax (Amendment) Act

## **Jamaica**

### **Acts**

24/2015 Bank of Jamaica (Amendment) Act  
23/2015 Civil Aviation (Amendment) Act  
29/2015 Criminal Justice (Administration) (Amendment) Act  
21/2015 Fishing Industry (Amendment) Act  
28/2015 Judicature (Appellate Jurisdiction) (Amendment) Act  
25/2015 Kingston and St. Andrew Corporation General Election (Postponement) Act  
27/2015 Office of Utilities Regulation (Amendment) Act  
26/2015 Parish Councils General Election Postponement) Act  
20/2015 Public Procurement Act  
22/2015 Weights and Measures (Amendment) Act

## **St. Christopher and Nevis**

### **Acts**

1/2015 Banking Act  
3/2015 Foreign Account Tax Compliance (United States of America) (Implementation  
And Enforcement of Inter-Governmental Agreement) Act  
2/2015 Saint Christopher and Nevis Citizenship (Amendment) Act  
4/2015 Shiloh Baptist Church Nevis Incorporation Act

## **LAW REPORTS**

Law Reports of the Commonwealth	2015	Vols. 4 & 5
New Zealand Law Reports	2015	Vols. 1 & 3
Weekly Law Reports	2014	Vols. 1, 2 & 3
<The> West Indian Reports	2015	Vol. 86

## **TREASTISES, DIGESTS ETC.**

Atkin's Court Forms. 2<sup>nd</sup> ed. 2014 Issue

Vol. 23(1) Injunctions, Insurance and Interim Remedies  
Vol. 23(2) Interpleader, Judgments and Orders  
Vol. 28 Mortgages, National health Services

Atkin's Court Forms. 2<sup>nd</sup> ed. 2015 Issue

Vol. 5(2) Appeals: Supreme Court and Privy Council  
Vol. 15 Defamation, Disclosure and Information Requests  
Vol. 21(1) Foreign Processes to Harassment  
Vol. 21(2) Health and Safety at Work, Highways  
Vol. 38(1) Torts

KN351.A88

Bullen & Leake & Jacob's Precedents of Pleading/ E. Bullen. 18<sup>th</sup> ed.  
United Kingdom: Sweet & Maxwell, 2016

KN351.3.B86

<The> Digest) 4<sup>th</sup> Reissue 2014

Vol. 3(3) Bailment, Banking  
Vol. 3(4) Banking, Barristers  
Vol. 11(2) Confidence and Informational Privacy

Vol. 12(4)	Contract	
Vol. 39(2)	Royal Armed Forces	
Vol. 39(3)	Sale of Goods and Supply of Services	KF85.E6
<The> Encyclopaedia of Forms and Precedents. 5 <sup>th</sup> ed. 2015 Reissue		
Vol. 23(3)	Landlord and Tenant (Residential Tenancies)	
Vol. 25(4)	Leasehold Reform and Enfranchisement	
Vol. 25(1)A	Land registration	
Vol. 26(2)B	Licensed premises, markets and fairs, mobile homes	
Vol. 28(3)	Mortgages – Discharge, enforcement, special topics, miscellaneous forms	
Vol. 36	Sale of land	
Vol. 40(3)	Trusts and Settlements	KN74.1.E51

## SERIALS

**ABA Journal September 2015 Vol. 101 No. 9**

### **President's message**

New Initiatives will promote and advance the four ABA goals, as well as expand our reach

*Paulette Brown*

### **Opening statements**

An EU court has invalidated Louis Vuitton's luxury trademark on its checkerboard pattern

*Jenny B. Davis*

A series of class actions argue that cosmetology schools owe student workers at least the minimum wage

*Lorelei Laird*

Ten questions for the drafter of the Americans with Disabilities Act

*Terry Carter*

A class action asks: "What is a craft beer"?

*Margaret Littman*

The California bar cracks down on immigration law scams

*L.L.*

### **Docket**

NATIONAL PULSE: What does *Raging Bull* have to do with adult diapers? Plenty, in the Federal Circuit

*Lorelei Laird*

NATIONAL PULSE: States deal with religious and gay rights in the wake of the same-sex marriage ruling

*Stephanie Francis Ward*

SUPREME COURT REPORT: Those convicted as juveniles and serving life without parole hope the court will go back in time

*Kevin Davis*

### **Practice**

ETHICS: ABA committee cites a 1977 opinion in interpreting what lawyers must turn over to ex-client

*David L. Hudson*

WORDS: Good point headings show you've thought out your arguments well in advance help make your case

*Bryan A. Garner*

ADVOCACY: How clients' backgrounds may shed light on their motivation for litigation

*Janet S. Kole*

### **Business of Law**

SOLOS/SMALL FIRMS: Solos who make the time for pro bono service are reaping the rewards of experience and personal satisfaction

*Kevin Davis*

LAW PRACTICE: Attorneys partner with public libraries to reach underserved clients

*Richard Acello*

LITIGATION FINANCING: Crowdfunding can be a great way to finance your case – or destroy it

*Jason Kraues*

TECH: A Harvard hackathon brings practicality to political causes

*Jason Krause*

### **Your ABA**

Paulette Brown brings a passion for inclusion to her role as the first woman of color to lead the association

*Stephanie Francis Ward*

Task force urges law schools to make more data available to help students assess the costs of legal education

*Mark Hansen*

This year's ABA Medal is awarded to trailblazing lawyer Roberta Cooper Ramo

*Terry Carter*

Reauthorization bill seeks to update a key juvenile justice law for the first time in more than a decade

*Rhonda McMillion*

### **Precedents**

Elias Howe's lockstitch sewing machine gets a patent and starts the first patent war

*Allen Pusey*

## **International Review of the Red Cross**

**Vol. 96 No. 894 Summer 2014**

### **Sexual violence in armed conflict: A polymorphous reality**

Conflict-related violence and the policy implications of recent research

*Elisabeth Jean Wood*

### **Through the eyes of a detention doctor**

Interview with Raed Aburabi

**Opinion note:** Letting go of the gender binary: Charting new pathways for humanitarian interventions on gender-based violence

*Chris Dolan*

### **The legal prohibition of rape and other forms of sexual violence**

Sexual violence in armed conflicts: A violation of international humanitarian law and human rights law

*Gloria Gaggioli*

Domestic accountability for sexual violence: The potential of specialization units in Kenya, Liberia, Sierra Leone and Uganda

*Kim Thuy Seelinger*

**Jambar Journal      Vol. 28 No. 3    July – September 2015**

Much ado about nothing? An examination of the <i>Employment (Flexible Work Arrangements) (Miscellaneous) Provision Act 2014</i>	<i>Camille Bennett-Campbell Deanna McFarlene</i>
The long-awaited <i>Occupational Health and Safety Act</i>	
Acts of Jamaica, 2015	
E-Discovery and e-forensic: Gathering and presenting electronic evidence in civil and criminal cases (Part 1)	<i>Georgia Gibson Henlin</i>
The subjects of the employment realm: separating the sheep from the goats from...?	<i>Khadrea Folkles</i>
Interview with Mrs. Margarette May Macaulay	<i>Jason Alliman</i>
Case notes from the Court of Appeal	<i>Hon. Miss Justice Phillips Ja.</i>
Jambar Annual banquet 2015 – Photo highlights	

**<The> Law Society Gazette    June 29, 2015**

75% spike in Appeal Court delays blamed on resources	<i>John Hyde</i>
Top firms wary of Gove's 'richest pay' plan	<i>Chloe Smith</i>
Role of GC central to global sustainability	<i>Eduardo Reyes</i>
Vote to forgo work over legal aid cuts	<i>Chloe Smith</i>
Supreme Court judgment will lead to introduction of QASA	<i>Chloe Smith</i>
Government invites legal executive applications	<i>Chloe Smith</i>
Judge attacks 'diffuse' pleas in immigration JR	<i>Chloe Smith</i>
Cases worth fighting for	<i>Samantha Broadley</i>
Damage litigation	<i>John Hyde</i>
Late amendments and scope of Judges	<i>Masood Ahmed</i>

**<The> Law Society Gazette    July 6, 2015**

PDS lawyers move in as direct action bites	<i>Chole Smith &amp; Monidipa Fouzder</i>
India liberalisation 'when, not if'	<i>John Hyde</i>
"Harry Potter" judge cleared by watchdog	<i>John Hyde</i>
Solicitor refers himself to SRA over client liaison	<i>John Hyde</i>
Mayoral money for nothing	<i>Nicholas Dobson</i>

Scope of settlement agreements	<i>Jim McDonnell</i>
Tribunal proceedings: Disregarding 'procedural fairness'	<i>Julian Farrand</i>
<b>&lt;The&gt; Law Society Gazette July 13, 2015</b>	
SRA in renewed call to lower minimum cover for insurance	<i>John Hyde</i>
Barristers braced for new direct access push	<i>Chloe Smith</i>
Bar student fails in exam human rights challenge	<i>Chloe Smith</i>
Power and Accountability	<i>Chloe Smith</i>
Serious Crime Act provisions	<i>Anthony Edwards</i>
Pros and cons of incorporation	<i>Andrew Allen</i>
<b>&lt;The&gt; Law Society Gazette July 27, 2015</b>	
Government 'selling justice like a commodity'	<i>Monidipa Fouzder</i>
Commercial Court sees rise in UK litigants	<i>Monidipa Fouzder</i>
Gove holds door open to legal aid alternative	<i>Monidipa Fouzder</i>
Italy's civil justice reforms welcomed by UK solicitors	<i>Monidipa Fouzder</i>
Supreme Court upholds costs recovery system	<i>Michael Cross</i>
Requesting a court revisit its judgment	<i>Masood Ahmed</i>
<b>&lt;The&gt; Law Society Gazette August 3, 2015</b>	
'Moneyball' tables rank lawyers by court wins	<i>Chloe Smith</i>
MoJ amends its legal aid safety net scheme	<i>Monidipa Fouzder</i>
SRA chief counsels caution over legal regulation reform	<i>John Hyde</i>
Ruling overriding will is 'sensible and reasonable'	<i>Chloe Smith</i>
Working the System: Cutting-edge technology can help law firms innovate and remain agile	<i>Joanna Goodman</i>
Personal injury: Did MoD owe marine duty of care?	<i>Malcolm Johnson</i>
Protection principle: Lawyers must be clear with clients about the status of preliminary enquiries	<i>David McCluskey</i>
<b>&lt;The&gt; Law Society Gazette September 7, 2015</b>	
Chancery Lane censures SRA over 'flawed' PII proposals	<i>John Hyde</i>
Pilot scheme to speed up cases brings 'chaos'	<i>Chloe Smith</i>



Magistrates quit over court charges	<i>John Hyde</i>
Bid canvass continues as D-day looms	<i>Monidipa Fouzder</i>
Civil Justice Council aims to encourage use of DBAs	<i>John Hyde</i>
Protecting creative endeavour	<i>Mark Anderson</i>
<b>&lt;The&gt; Law Society    September 14, 2015</b>	
City firms losing partners over retirement	<i>John Hyde</i>
SRA defers decision over client account	<i>John Hyde</i>
Firms face up to legal aid 'limbo'	<i>Monidipa Fouzder</i>
Immigration firm referred to SRA over asylum cases	<i>Chloe Smith</i>
Fight to save England's busiest doomed court	<i>John Hyde</i>
<b>&lt;The&gt; Law Society Gazette    September 28, 2015</b>	
Firms ponder withdrawal as contract D-day looms	<i>Monidipa Fouzder</i>
E-conveyancing venture names new chief	<i>Gazette reporter</i>
VW emissions scandal spurs global litigation	<i>Michael Cross</i>
IT upgrade to support law centres	<i>Monidipa Fouzder</i>
New HMCTS chief pledges to reinvest court sale income	<i>Michael Cross</i>
<b>&lt;The&gt; Law Society Gazette    October 12, 2015</b>	
Court estate consolidation plans based on flawed data	<i>John Hyde</i>
"Unacceptable' delays to immigration appeals	<i>John Hyde</i>
Part-time judge loses pension rights appeal	<i>Chloe Smith</i>
Fixed costs looming in commercial	<i>Rachel Rothwell</i>
'Bombshell" on data retention	<i>Michael Cross</i>
<b>&lt;The&gt; Law Teacher    2015    Vol. 49 No. 3</b>	
Evaluating the effectiveness of problem-based learning as a method of engaging year one law students	<i>Joanne Clough &amp; Gillian W. Shorter</i>
Mobile professional learning for the legal profession in Ireland – a student – centered approach	<i>Freda Greal</i>
Reflections on a high school mooted competition: bridging the gap between secondary and tertiary education	<i>Luke Marsh &amp; Michael Ramsden</i>

Educating towards ethical lawyers: a progress report

*Clare Sanford-Couch &  
Jonathan Bainbridge*

The role of serendipity in legal education: a living curriculum perspective

*Gerard Kelly*

Problem-based approach in property law – a university's strategy in focus

*Peter I. Orji*

**New Law Journal      Vol. 165 No. 7671      October 9, 2015**

**Comment**

Curtailing RTA fraud is important but the solution isn't MedCo, says *Theo Richardson-Gool*

**Employment:** *John McMullen* provides an update on unfair dismissal & reasonableness

**Family:** *Caroline Bowden* discusses how best to resolve cases containing complex factors & wealthy clients

**Personal injury:** *Lance M. Dodgson* assesses how to recover interest on special damages

**Commercial:** *Simon Duncan* reports on what the courts view as commercially reasonable

**New Law Journal      Vol. 165 No. 7672      October 16, 2015**

**Comment**

Fixed costs will impact access to justice & lead to long term deterioration of healthcare in the UK, says *Nina Ali*

**Employment:** *Ian Smith* provides a round-up from the coalface

**Commercial:** *Peter Vaines* returns with the latest news from the world of tax

**New Law Journal      Vol. 165 No. 7673      November 6, 2015**

**Comment**

A recent report paints a bleak picture of diversity within the legal profession, says *Jon Robins*

**Employment:** *Chris Syder* discusses the TUC's challenge to the Trade Union Bill

**Family:** *David Burrows* discusses isolation of issues by mediation in financial cases

**Property:** occupying separate floors: an underrated way of doing business? Ask *Joseph Ollech & James Tipler*

**New Law Journal      Vol. 165 No. 7676      November 13, 2015**

**Comment**

*Peter Thompson QC* examines yet another casualty of LASPO

**Family:** *Kirstie Gibson* considers the court's approach to the acquisition of parenthood

**Public:** The Supreme Court has tackled the definition of ordinary residence, reports *Jenifer Kotilaine*

**Data Privacy:** *Tom Morrison* returns with a review of the world of information law

**Employment:** *Ian Smith* considers ancient & modern aspects of employment law & notes some warning shots to employees

**New Law Journal**      **Vol. 165 No. 7677**      **November 20, 2015**

**Comment**

Can artificial intelligence ease legal aid pressure points? *Greg Wildisen* puts the case for technology

**Family:** *Jonathan Herring* reveals a case that illustrates that cheats never prosper

**Property:** Direct deeds of covenant: not worth the paper that they are written on, says *Nicholas Roberts*

**Public:** *Michael L. Nash* discusses DNA & disputed titles

**New Law Journal**      **Vol. 165 No. 7678**      **November 27, 2015**

**Comment**

Could technology provide legal empowerment as the withdraws funding, asks *Roger Smith*

**Employment:** Less emphasis should be placed on the state of mind of an individual decision maker in cases of unfair dismissal, says *Charles Pigott*

**PI:** Considering the liability of emergency vehicles is a difficult balancing act for the courts, says *Karen O'Sullivan*

**Public:** *Nicholas Dobson* discusses a scenario that went beyond mere reasonableness

**Commercial**

Securing loans on goods: should individuals be given more protection, ask *Fan Yang*

**Oxford Journal of Legal Studies**      **Vol. 35 No. 3 Autumn 2015**

Fact, future and fiction: Risk and reasonable reliance in estoppel *Elise Bant & Michael Bryan*

Litigating the public sector equality duty: The story so far *Aileen McColgan*

Lobbying and lawmaking in the European Union: The development of Copyright Law and rejection of the Anti-Counterfeiting Trade Agreement *Benjamin Farrand*

Klimt's jurisprudence – Sovereign violence and the Rule of Law *Desmond Manderson*

Law and culture: A theory of comparative variation in bona fide purchase rules *Giuseppe Dari-Mattiacci*

Incommensurability and balancing *Francisco J. Urbina*

Constitutional avoidance in social rights adjudication *Farrah Ahmed*

**University of Pittsburg Law Review Vol. 75 Issue 3 Spring 2014**

The Marrakesh Treaty for visually impaired person: Why a treaty was preferable to soft law	<i>Margot E. Kaminski &amp; Dr. Shlomit Yanisky-Ravid</i>
The escape plans of Mill and Jefferson: Why the law must do more for workers	<i>Stephen Nayak-Young</i>
Written notice of cooling-off periods: A Forty-year natural experiment in illusory consumer protection and the relative effectiveness of oral and written disclosures	<i>Jeff Sovern</i>

**University of Pittsburgh Law Review Vol. 75 Issue 4 Summer 2014**

Introduction	<i>Jasmine B. Gonzales Rose</i>
Law's violence: Derrick Bell's next article	<i>Richard Delgado</i>
Discerning critical moments: lessons from the life of Derrick Bell Title	<i>Jean Stefancic</i>
Economic interest convergence in downsizing imprisonment	<i>Spearlt</i>
Reading Professor Obama: Race and the American constitutional tradition	<i>Stacey Marlise Gahagan</i>
Doctrines of delusion: How the history of the G.I. Bill and other inconvenient truths undermine the Supreme Court's affirmative action jurisprudence	<i>Juan F. Perea</i>
The object of diversity	<i>George H. Taylor</i>
Contemporary issues in critical race theory: The implications of race as character evidence in recent high-profile cases	<i>Montre' D. Carodine</i>
Interest convergence as transaction?	<i>Patience A. Crowdwe</i>
Challenging authority	<i>Pat K. Chew</i>
The story behind a letter in support of Professor Derrick Bell	<i>Cheryl Nelson Butler et al.</i>