

IN THE COURT OF APPEAL

CIVIL APPEAL NO. 8 of 1989

BETWEEN:

ARTHUR COLE AND OTHERS

and

GEORGE W. BENNETT BRYSON & CO. LTD.

Before: The Honourable Sir Lascelles Robotham - Chief Justice
The Honourable Mr. Justice Moe
The Honourable Mr. Justice Byron

Appearances: Justin Simon for the Applicants Arthur Cole and Others
Time Kendall, O.C. for Bryson & Co. Ltd.

1990: Nov. 30,
1991: Feb. 25.

JUDGMENT

ROBOTHAM, C.J.

On 30th November, 1990, we refused an application by Arthur Cole and Others for leave to appeal to Her Majesty in Council from a decision of this Court delivered on 11th June, 1990. The matter on appeal came from the Industrial Court for the State of Antigua and Barbuda, established by virtue of the Industrial Court Act No. 4/1976 (the Act).

In doing so we followed the decision previously given at the same sitting, in Civil Appeal No. 7/1989, Antigua Hotels & Tourist Association vs Sundry Workers. In that application we held inter alia that no such right of appeal exists by virtue of section 17(4) of the Act, which reads:

"Subject to subsection (1) the hearing and determination of any proceedings before the Court and an order or award on any finding or decision of the Court in any matter (including an order or award)

(a) shall not be challenged, appealed against, reviewed, quashed or called into question in any Court on any account whatever."

A written decision was given therein, and the reasons for our decision in this matter are the same.

It is on record that the same Counsel appeared in both the applications, and as stated above this application was also refused.

L.L. ROBOTHAM,
Chief Justice

G.C.R. MOF,
Justice of Appeal

C.M.D. BYRON,
Justice of Appeal