

# **Ernest Hilaire (Appellant) v Allen Chastanet (Respondent) (Saint Lucia)**

**Case ID: JCPC 2021/0007**

**Jurisdiction: Court of Appeal of the Eastern Caribbean Supreme Court (St Lucia)**

## **Case summary**

### **Issue**

Whether Article 917A of the Civil Code of Saint Lucia allows the importation of UK statute law into Saint Lucian law in relation to contracts, quasi-contracts and torts.

### **Facts**

The Appellant (the Claimant) filed a claim against the Respondent (the Defendant) for defamation in the Saint Lucia High Court on 20 March 2017.

A Defence was filed by the Respondent on 2 May 2017 wherein the Respondent placed substantial reliance on the Defamation Act 2013 of the United Kingdom (the Act) which he contended was imported into Saint Lucia law by virtue of Article 917A of the Civil Code Cap 4:01 of the Revised Laws of Saint Lucia (the Civil Code).

By Application filed 16 August 2018 the Defendant applied to strike out the Claimant's claim on the basis that it disclosed no reasonable ground for bringing the claim. The Claimant filed an application on 3 September 2018 to strike out the Defendant's Defence on the basis that it disclosed no reasonable defence to the claim as the Defence was predicated on the Act which was not applicable to Saint Lucia. The basis for the objection was that the Article 917A only imported the common law of England and not English statute law.

It was agreed at the hearing of the applications that the issue of the importation of the Act should be heard as a preliminary issue as it would determine the viability of each party's pleadings.

In the High Court of Saint Lucia, it was determined that Article 917A of the Civil Code did not import the Act into Saint Lucian law. The Defendant appealed.

At the Court of Appeal, it was held that Article 917A of the Civil Code does allow for the importation of both common law and statute law in relation to contracts, quasi contracts and torts. Thus, the Act was imported into Saint Lucian law.

This is a final interlocutory appeal to His Majesty in Council to determine whether Article 917A of the Civil Code imports both common law and statute law into the law of Saint Lucia in relation to contracts, quasi contracts and torts and whether or not the Article 917A is unconstitutional.

## **Parties**

### **Appellant(s)**

Ernest Hillaire

### **Respondent(s)**

Allen Chastanet

**Appeal**

**Justices**

Lord Lloyd-Jones, Lord Leggatt, Lord Burrows, Lord Stephens, Lady Rose

**Hearing start date**

27 February 2023

**Hearing finish date**

27 February 2023

**Watch hearing**

27 February 2023 [Afternoon session](#)