



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

MEDIA RELEASE

The recent judgment of the Judicial Committee of the Privy Council involving Madam Justice Marcia Ayers-Caesar and the Judicial and Legal Service Commission ([2025] UKPC 15) contains pronouncements on critical matters relating to the proper conduct of judicial office holders and the fundamental principle of security of tenure that is essential to preserving judicial independence and autonomy.

1. The judgment settles the question of whether the conduct of judicial officers prior to their respective appointments can be considered by the Judicial and Legal Services Commission (the JLSC) in exercising its powers under section 137 of the Constitution to remove them from office. It is now clear that judicial officers may be removed from office under section 137 of the Constitution based on evidence of conduct that occurred prior to their appointment.
2. It is also clear from the judgment that, however noble the intentions of the JLSC may have been in seeking to avoid invoking the provisions of section 137 of the Constitution, those provisions outline the only lawful mechanism for removing judicial officers from office. Accordingly, the JLSC had acted unlawfully in pressuring Madam Justice Ayers-Caesar to resign her office rather than face a Tribunal convened in accordance with section 137 of the Constitution.
3. Equally important is the ruling that in focusing on pressuring Madam Justice Ayers-Caesar to resign, rather than invoking the section 137 constitutional procedure, the

JLSC failed to afford her ladyship an opportunity to be heard in relation to the very matters on which the JLSC relied in pressuring her to resign.

Judicial officers, like any other citizen, are entitled to defend themselves before any decisions are made for their removal from office. In the circumstances, the JLSC was found to have acted unlawfully in bringing about Madam Justice Ayers-Caesar's resignation, with a threat of potential disciplinary action pursuant to section 137 of the Constitution.

At the heart of the Privy Council's judgment is the reaffirmation of the critical importance of judicial independence and security of tenure to which judicial officers are entitled under the Constitution. Security of tenure ensures that judicial officers are free from external pressures and interference, whether exerted by the Executive, the JLSC which appoints them or the Chief Justice who leads them.

Whatever the reason for the failure on the part of the JLSC and the Chief Justice, of all persons, to recognise the importance of this independence, that failure is a matter of serious concern. Equally concerning is the fact that because of such failure, the matters which gave rise to the litigation between Madam Justice Ayers-Caesar and the JLSC remain unresolved.

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