



**IN THE SUPREME COURT OF BERMUDA**

**CIVIL JURISDICTION**

**2007: No. 77**

**IN THE MATTER OF ORDER 53 OF THE RULES OF THE SUPREME COURT  
IN THE MATTER OF A DECISION BY THE MINISTER OF LABOUR &  
HOMES AFFAIRS MADE ON OR ABOUT THE 28<sup>th</sup> DECEMBER 2006  
IN THE MATTER OF A DECISION OF THE APPEAL TRIBUNAL OF THE  
CABINET MADE ON OR ABOUT 13<sup>th</sup> FEBRUARY 2007**

**BETWEEN:**

**GLOBAL CONSTRUCTION LIMITED**

**1<sup>st</sup> Applicant**

**-and-**

**CURTIS MACLEOD**

**2<sup>nd</sup> Applicant**

**-and-**

**THE MINISTER OF LABOUR, HOMES AFFAIRS AND PUBLIC SAFETY**

**1<sup>st</sup> Respondent**

**-and-**

**THE CABINET APPEALS TRIBUNAL**

**2<sup>nd</sup> Respondent**

**EX TEMPORE RULING**

Date of hearing: July 16, 2007

Mr. Richard Horseman, Wakefield Quin, for the Applicants

Mr. Martin Johnson, Attorney General's Chambers, for the Respondents

1. Having heard Counsel, I confirm that the Order which I make in this matter by Consent is as follows:
  1. The decisions of the First Respondent made on or about the 28<sup>th</sup> December 2006 to revoke the Second Applicant's work permit and to order the Second Applicant to leave the jurisdiction of Bermuda are hereby quashed.
  2. The matter is hereby remitted to the First Respondent to be reconsidered according to law.
  3. The Respondents to pay the Applicants' costs to be taxed or agreed.
2. I should only add that in this case Mr. Johnson as Counsel for the Crown is to be commended for upholding the rule of law. In my decision in the case of *Friedman*

–v- Minister of Labour, Homes Affairs and Public Safety and the Cabinet Appeals Tribunal [2004] Bda LR 51, I gave guidance as to the approach that should be taken in decisions to revoke work permits and encouraged the Minister to err on the side of greater disclosure of the grounds of his decision than perhaps had been common in the past. Mr. Johnson has clearly sought to follow that advice, and in the present case, having received instructions that indicated that the Applicant (the Second Applicant in this case) had not in fact been given full disclosure of the matters which formed the basis of the decision of the Minister to revoke his work permit, took the course of advising the Minister to concede the present application, and to consent to the relevant decisions being quashed and being reconsidered.

3. Concessions in cases of this nature in Bermuda have not been common and it is, I think mistakenly, often felt that making a reasonable concession is a sign of weakness. In fact, in my view, it is a sign of strength. It indicates that the Government is willing to be bound by the rule of law and even where it has erroneously acted<sup>1</sup> it will in fact abide by the law of the land. So I commend both the Minister and Mr. Johnson for making a very reasonable and creditable concession in this case.

Dated this 16<sup>th</sup> day of July 2007

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Kawaley J.

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<sup>1</sup> In this case the only error complained of and conceded was a procedural one, and no consideration as to the merits of the original decision arose.