

In the Court of Appeal of Trinidad and Tobago  
CA. No.180 of 2010

Telecommunication Services of Trinidad and Tobago  
and Magdalene Samaroo  
Judicial Review Heard  
In the East Court, Port of Spain  
On the 28<sup>th</sup> Day of October, 2013

Justice of Appeal Jamadar  
Justice of Appeal Bereaux  
Justice of Appeal Smith

Appearances:

Dr. C Benbow, SC, Mr D. Allahar , Mr. J. Rajcoomar  
appeared on behalf of the Appellant

Mr. A Sinanan, SC Instructed by Mr. K. Ramkissoon  
appeared on behalf of the Respondent

Justice of Appeal Jamadar: "...we have a preliminary reservation, I'm underlining "preliminary." We've read the papers and we've read the submissions and our preliminary reservation is that the decision in the Integrity legislation matter is very context specific....Our reservation is that the Freedom of Information legislation is a completely different regime; one in which the policy is to facilitate disclosure... So that if we are not to hear argument and decide this issue we are not, because of our preliminary reservations, prepared to state an opinion which is decisive on this question...What I am trying to say, we have not decided the issue one way or the other...

Dr. Denbow, SC: I appreciate your Lordships' caution.

Justice of Appeal Jamadar: And I think as the Court of Appeal we must be careful.

Dr. Denbow, SC: Yes, indeed, yes.

Justice of Appeal Jamadar: So that basically as we do in this Court often, we can say that the appeal is compromised, we can set aside the decision of Justice Best and enter the Order that there be no Order to costs which does three things, or two things, at least: it meets your agreement; it removes the precedent that is creating some difficulty for

you; and the third thing I was going to say, it preserves for us the opportunity if it comes again, to reconsider the issue... By consent appeal compromised; the Orders of Best J. set aside; no orders to costs, both here and below.”