

Dominica's Legal System

The legal system in the Commonwealth of Dominica is based upon the English Common Law. The laws of the land are contained in locally enacted statutes. The Common Law is applicable to areas without statutory coverage.

As in the English system, the doctrine of precedent is followed. Cases from the Eastern Caribbean Supreme Court and the Privy Council are of binding authority while cases from other English courts and other Commonwealth Jurisdictions are of persuasive authority.

Dominica has a written constitution. It is the supreme law of the land. All laws whether written or otherwise must conform to the constitution or are subject to nullity. The constitution protects certain fundamental rights, among which are the rights to life, to personal liberty, protection from inhuman treatment, freedom of expression and the protection of the law.

Parliament is the organ of state responsible for the making of laws, while the independent judiciary is responsible for the interpretation and application of those laws.

The hierarchy of courts in Dominica is as follows:

Magistrate's Court

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High Court

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} Eastern Caribbean Supreme Court

Court of Appeal

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Privy Council