

THE LAW THAT MOVES

Article 917A in plain English, *Hilaire v Chastanet*, and a sovereign update design for Saint Lucia

Exact text, affected fields, conflict rules, real cases, hidden costs, and reform options

Article 917A is not a doorway through which all English law enters. It is a moving filter. The constitutional question is who installed the filter. The policy question is who sees, tests, and authorises what comes through next.

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Saint Lucia Policy Analysis

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Series: *Saint Lucia Is Independent. So Why Can British Laws Still Become Saint Lucian Law?*

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Abstract

Article 917A of Saint Lucia's Civil Code says that “the law of England for the time being” relating to contracts, quasi-contracts, and torts extends to Saint Lucia, with necessary adaptations and subject to express Saint Lucian legislation. In *Hilaire v Chastanet* [2023] UKPC 22, the Judicial Committee of the Privy Council held that the formula is ambulatory: it includes both English common law and relevant provisions of Acts in force in England when the Saint Lucian matter is tried. The Board also rejected the constitutional challenge. The operative authority is a continuing Saint Lucian rule, not a surviving Westminster jurisdiction. Parliament can repeal or replace it.

That legal answer leaves a harder institutional question. How should an independent small state obtain the benefits of foreign legal knowledge without allowing foreign legislative change to become domestic law before local notice, assessment, publication, and choice? This paper answers that question by taking Article 917A apart. It reproduces the clause exactly; translates it into a seven-stage decision rule; maps the affected fields and exclusions; reconstructs the three judicial decisions in *Hilaire*; distinguishes conflict, adaptation, coexistence, redundancy, and subject-matter exclusion; and tests the rule against decided cases involving negligence, trespass, fatal-accident damages, unjust enrichment, defamation, and insolvency.

The paper makes six analytical contributions. First, it characterises Article 917A as a legal update architecture with seven separate functions: source, version, field, interpretation, exceptions, conflict, and adaptation. Second, it identifies a **burden-of-specificity asymmetry**: express Saint Lucian text can defeat an imported rule, while contrary local common law or unexpressed policy ordinarily cannot invoke Article 917A(3). Third, it distinguishes the foreign-law snapshot selected at trial from the unresolved temporal reach of that law, producing a **five-clock problem** involving foreign commencement, local conduct or accrual, filing, trial, and appeal. Fourth, it offers **full-cost reception accounting**, which adds monitoring, classification, adaptation, versioning, transition, litigation, mismatch, and accountability costs to the visible saving in drafting. Fifth, it formulates the **law of inaction**: the constitutional importance of what becomes the default when Saint Lucian institutions do nothing. Sixth, it proposes a **Legal Dependency Bill of Materials**—an authoritative, public record of each identified externally sourced rule, version, adaptation, conflict, and commencement.

The recommended reform is neither legal isolation nor abrupt repeal. It is a controlled candidate-feed model. Saint Lucia should freeze and verify the presently operative baseline; preserve accrued rights and pending matters; make later foreign developments comparative candidates rather than automatic law; allocate domestic scrutiny by impact and reversibility; publish an authoritative local-force ledger and historical versions; and pool monitoring and drafting capacity through the OECS while retaining national activation. In short: **freeze, map, screen, choose, publish, and learn**.

Keywords: Saint Lucia; Article 917A; Civil Code; *Hilaire v Chastanet*; dynamic incorporation; reception of English law; contracts; quasi-contracts; torts; mixed legal systems; law reform; sovereignty; legal transplants; statutory conflict; public policy.

Executive summary

The shortest accurate answer

British laws do not bind Saint Lucia merely because Westminster enacts them. Article 917A is the local legal switch. It tells a Saint Lucian court to use the current law of **England**—not undifferentiated British law—when the dispute falls within contracts, quasi-contracts, or torts. That current English law includes judge-made law and relevant statutes in force in England. Necessary details are adapted. Express Saint Lucian legislation wins if there is a conflict.

The rule is therefore legally domestic but informationally and substantively dependent on an external source.

That is why two statements can both be true:

1. Westminster is not a parallel legislature for Saint Lucia.
2. A Westminster enactment can change the rule a Saint Lucian court applies without a new Saint Lucian vote.

Hilaire settles the first-order legal question. It does not settle whether this is the best update system for a sovereign, accessible, investment-supporting, and administratively capable state.

Twelve findings

1. **Article 917A is an update rule, not a blanket reception of all English law.** A court must identify the source, version, field, relevant exceptions, local conflict, and necessary adaptation.
2. **The exact source is the law of England.** Scottish or Northern Irish law does not enter merely because it is British. Nor does every Act of the UK Parliament enter merely because it extends to England. Subject matter still controls.
3. **The update is ambulatory.** Under *Hilaire*, the court examines relevant English common law and Acts in force in England when the matter is tried, not only the law that existed in 1956 or at independence.
4. **The clause's three fields are legally broad but not sector-wide.** A boundary quarrel may invoke English trespass doctrine; that does not import English land law wholesale. A company dispute may involve contract; that does not import English insolvency law wholesale.
5. **The Code keeps important local islands.** English consideration doctrine is excluded. Saint Lucia's cause-based meaning of consideration and specified third-party rights are preserved. Proof and specific-contract regimes are protected, subject to general contract rules.
6. **Local text is a veto.** Express Code or statutory provisions prevail over conflicting English law. *Mathurin v Augustin* demonstrates the point: Article 609 preserved recovery of "lost years" damages despite a contrary English statute.
7. **But the veto is text-sensitive.** *Hilaire* states that conflict with local common law alone does not activate Article 917A(3). A local policy intuition, administrative practice, or judge-made rule may therefore lack the same defensive force as express legislation.
8. **Difference is not always conflict.** An imported rule may supplement local text, address a different element, or make an older provision redundant. In *Hilaire*, the serious-harm threshold coexisted with Article 989H, while the statutory truth and honest-opinion defences displaced imported common-law defences and left Articles 989K and 989L formally printed but redundant.
9. **"Mutatis mutandis" is a small phrase doing large work.** It authorises necessary changes in detail. In *Hilaire*, the English single-publication rule was combined with Saint Lucia's knowledge-based limitation trigger. The boundary between adaptation and judicial legislation remains under-specified.
10. **Time is the least resolved dimension.** The Board selected the English corpus at trial, but did not state a comprehensive rule for later changes affecting earlier conduct, accrued rights, pending cases, retrials, or appeals. Source-selection time and retroactive effect are different questions.

11. **Automaticity saves some costs and moves others.** Article 917A reduces the need to draft every update locally. It can also transfer search, versioning, fit assessment, transition, and conflict costs to lawyers, courts, firms, insurers, citizens, and litigants.
12. **The best reform separates learning from legal force.** English law should remain a rich comparative feed. It should become locally binding only after a risk-proportionate Saint Lucian activation, with a public version record and express transition rules.

Central recommendation

Saint Lucia should enact an **External Law Application and Review Act** built around a Sovereign Update Protocol:

| Freeze. Map. Screen. Choose. Publish. Learn.

The protocol would create two ledgers. The **local-force ledger** would state which externally sourced rules currently bind, in what version, with what adaptation and transition. The **candidate ledger** would track later English and comparative developments that may be useful but have no domestic effect until activated.

Low-risk, technical, reversible changes might use published notice and a negative-resolution window. Material changes would require affirmative approval. Changes to causes of action, limitation periods, damages, immunities, burdens of proof, defamation, family or property rights, or constitutional interests should ordinarily require primary legislation. An emergency route could permit short-lived made-affirmative instruments with automatic lapse.

Regional research can be shared. Domestic legal force should be chosen.

1. The answer in one page

The headline question—“Why can British laws still become Saint Lucian law?”—contains a useful provocation and one technical imprecision.

The imprecision is “British.” Article 917A selects the **law of England**. The United Kingdom contains more than one legal system. The Westminster Parliament may enact an Act, but that Act matters under Article 917A only if the relevant provision is part of the law in force in England and relates to contract, quasi-contract, or tort.

The provocation is real. A rule written abroad, for a population that does not elect Saint Lucia’s Parliament, can alter the substantive law applied in a Saint Lucian dispute without a new local bill, vote, assent, or Gazette notice.

How?

Because a Saint Lucian rule says so.

Article 917A was added in 1956. The independence settlement continued existing laws, subject to constitutional adaptation. In *Hilaire*, the Privy Council held that Article 917A is constitutionally valid and that Saint Lucia’s Parliament can repeal or replace it. Westminster does not legislate for Saint Lucia by surviving imperial command. Its enactment becomes legally relevant because Article 917A has already selected a changing external body of law.

That distinction matters. It prevents rhetorical excess. It also prevents constitutional formalism from ending the policy inquiry too early.

Suppose a business contract says that the price will track “the Bank of England base rate for the time being.” The parties retain power to amend their contract. Yet the referenced institution moves first, and each later change

affects what the contract requires. Formal power to exit does not erase the practical significance of the update design.

Article 917A has a comparable structure, but with public-law consequences. It allocates:

- first-mover power to English legal institutions;
- classification and reconciliation work to Saint Lucian courts;
- monitoring costs to the local legal system;
- override power to Saint Lucia’s Parliament; and
- discovery risk to everyone who must know the operative rule.

The decisive question is therefore not whether Saint Lucia is “really independent.” It is more exact:

Is automatic horizontal reception still the best maintenance architecture for three foundational fields of private law?

The answer cannot be derived from origin alone. A colonial source does not prove that every current function is bad. Nor does a formally valid domestic source prove that every current consequence is good.

The correct test is functional. Does the system keep the law current? Can citizens find it? Does it fit local institutions and values? Does it reduce or merely relocate cost? Who gets warning? Who can object? What protects reliance? Who maintains the replacement?

Paper 1 in this series established the broad distinction between legal validity and sovereign design. This paper goes closer to the machinery. It asks what each word of Article 917A does, how courts have made it work, where the edge cases lie, and what a replacement must preserve.

2. Method, evidence, and limits

This is doctrinal, institutional, comparative, and policy research.

The primary legal record consists of the current 2023 Revised Laws published by the Attorney General’s Chambers; the High Court, Court of Appeal, and Privy Council judgments in *Hilaire*; the Constitution and transition provisions; relevant English legislation; and reported Saint Lucian cases applying or delimiting Article 917A. The analysis distinguishes holdings from dicta, party submissions, alternative reasoning, and open questions.

For the case inventory, the research searched a bounded corpus of 1,763 records returned by the ECSC website’s Saint Lucia category using “917A” and operative-phrase variants. It de-duplicated reposts and sitting digests, removed numeric false positives, and followed selected citations into older reports, JCPC decisions, and reputable mirrors. That corpus yielded 39 distinct ECSC decision-events whose retrievable text expressly contained “917A”; older reported authorities were also located outside the corpus. This is not an exhaustive case census: unreported decisions, inaccessible or non-searchable files, OCR failures, variant formulations, and category or metadata omissions may remain. A targeted downstream search also identified two post-*Hilaire* defamation decisions applying received English rules without repeating the Article 917A gateway; no claim is made that only two such downstream decisions exist. No direct CCJ judgment on Article 917A was located in the specific indices searched through 4 September 2026.

The comparative record includes Singapore’s Application of English Law Act, Saint Vincent and the Grenadines’ Application of English Law Act, Trinidad and Tobago’s historic cut-off rule, Canada’s statutory controls on

incorporation by reference, the EEA's consent-and-adaptation process, and the Revised Treaty of Basseterre. These are design comparators, not claims that Saint Lucia can copy another jurisdiction without adaptation.

The multidisciplinary analysis draws on scholarship concerning dynamic incorporation, legal transplants, transaction costs, small-state capacity, agenda setting, default effects, experimental governance, and maintainability. The software-dependency analogy is used because it makes versioning and hidden dependencies visible. Law is not executable code. Interpretation, reasons, values, evidence, institutional competence, and contested facts prevent a literal translation.

The paper uses four evidence labels:

- **Established:** stated in a primary authority or clearly supported source.
- **Inference:** reasoned from established facts, but not itself a judicial holding.
- **Proposal:** a design recommendation requiring legislative and constitutional work.
- **Hypothetical:** an illustration, not a prediction or legal opinion.

Three limits are important.

First, there is no claim to have identified every English rule presently operating through Article 917A. The absence of an authoritative public inventory is part of the policy problem. The case atlas is verified but illustrative.

Second, the supplied Kenny D. Anthony interview transcript is machine-generated. Timecodes are provided, but quoted passages should be checked against the recording before prominent publication.

Third, this paper is public legal research, not advice about a live claim. Outcomes depend on pleadings, facts, applicable versions, procedural rules, and later authority.

3. The exact clause—and the seven jobs hidden inside it

Article 917A currently reads:

917A.

(1) Subject to the provisions of this article, from and after the coming into operation of this article the law of England for the time being relating to contracts, quasi-contracts and torts shall *mutatis mutandis* extend to Saint Lucia, and the provisions of articles 918 to 989 and 991 to 1132 of this Code shall as far as practicable be construed accordingly; and the said articles shall cease to be construed in accordance with the law of Lower Canada or the “Coutume de Paris”:

Provided, however, as follows:—

(a) the English doctrine of consideration shall not apply to contracts governed by the law of Saint Lucia and the term “consideration” shall have the meaning herein assigned to it;

(b) the term “consideration” when used with respect to contracts shall continue as heretofore to mean the cause or reason of entering into a contract or of incurring an obligation; and consideration may be either onerous or gratuitous;

(c) third persons shall continue to have and exercise such rights with respect to contracts as they heretofore had and enjoyed under article 962 or any other statute.

(2) Paragraph (1) of this article shall not be construed as affecting the provisions of the Ninth Chapter of this Book (which relate to Proof of Obligations), or as affecting the provisions of the Fifth to Sixteenth Books of this Part or of any other statute relating to specific contracts save in so far as the general rules relating to contracts are applicable to such contracts.

(3) Where a conflict exists between the law of England and the express provisions of this Code or of any other statute, the provisions of this Code or of such statute shall prevail. (*Added by Act 34 of 1956*)

Source: Civil Code of Saint Lucia, Cap 4.01, 2023 Revised Laws, Article 917A.

The text looks like one instruction. It performs at least seven jobs.

Function	Words doing the work	Operational question
Source selector	“law of England”	Which foreign legal system supplies the candidate rule?
Version selector	“for the time being”	Is the source frozen or continuously updated?
Field classifier	“contracts, quasi-contracts and torts”	Is this legal issue inside the gate?
Interpretation switch	“articles 918 to 989 and 991 to 1132 ... construed accordingly”	Which Code provisions are to be read through English law?
Exception bundle	provisos (a)–(c) and paragraph (2)	Which local doctrines and subject areas are protected?
Conflict rule	paragraph (3)	What happens when imported and express local law disagree?
Adaptation mandate	“mutatis mutandis”; “as far as practicable”	What changes are needed to make the rule operate locally?

This decomposition changes the reform debate. “Keep or repeal Article 917A” is too coarse. Saint Lucia can make different choices about each function.

It might retain England as one research source but freeze the version. It might keep dynamic monitoring but require domestic activation. It might narrow the fields, expand express exceptions, define conflict more clearly, or replace open-ended judicial adaptation with published statutory adaptation.

The clause is therefore not indivisible. It is a bundle of design decisions.

3.1 Source: England, not everywhere English-speaking

“Law of England” is a juridical selector. It does not mean the law of Canada, Australia, Scotland, Northern Ireland, or the entire Commonwealth. Those systems may be persuasive. They are not activated by these words.

Nor does the phrase mean that every Westminster enactment applies. The relevant provision must be in force as part of English law and must relate to one of the three fields. A UK statute concerned with Scottish land registration, for example, would fail the source or territorial test. English insolvency legislation fails the Article 917A route when the legal issue is insolvency rather than contract, quasi-contract, or tort.

3.2 Version: an open-ended update

“For the time being” is the engine of motion. *Hilaire* holds that it gives the clause ambulatory effect. English law is not pinned to 1956, to the 1957 commencement of the amendments, or to independence in 1979.

That solves one problem and creates another.

It reduces fossilisation. It also makes the current content impossible to discover from the Code alone.

3.3 Field: three categories, many consequences

Contracts, quasi-contracts, and torts are foundational legal categories. They touch ordinary credit, employment arrangements, leases, consumer dealings, professional services, accidents, reputation, business loss, care relationships, mistaken payments, land boundaries, and insurance.

Yet the fields are not boundless. Courts must characterise the legal issue. “Business dispute” is not a field. Neither is “land case” or “company case.” The same factual dispute may contain an Article 917A issue and several non-Article 917A issues.

3.4 Interpretation: a change of comparative compass

The second limb directs that Articles 918–989 and 991–1132 be construed, as far as practicable, in accordance with the received English law. It also says those articles cease to be construed through the law of Lower Canada or the *Coutume de Paris*.

The Privy Council stressed that the two limbs are not identical. The first receives English law across the three fields. The second supplies an interpretive direction for specified Code articles. Articles 989A–989S, including the local defamation provisions, are independent articles added after Article 989; they are not inside the listed interpretive range merely because their numbering begins “989.” They still interact with imported law through the conflict rule.

Article 990 is conspicuously omitted. It states that some obligations arise from special enactments or legal relations independently of an act or will. The paper does not invent a purpose for that omission. It records it as a drafting fact.

3.5 Exceptions: deliberate local non-conformity

The consideration provisos are constitutional-policy lessons in miniature. The drafters wanted broad reception but rejected an English doctrinal requirement. They preserved Saint Lucia’s concept of consideration as the cause or reason for an obligation, whether onerous or gratuitous.

The third-party proviso does the same. It prevents reception from erasing rights already available under Article 962 or another statute.

Paragraph (2) protects proof and the detailed regimes governing specific contracts. General contract principles may still apply to a sale, lease, mandate, loan, deposit, partnership, or suretyship. But Article 917A does not make the English law of every named contract the controlling local code.

The architecture therefore contains a powerful precedent for reform: borrow broadly, but state the non-negotiable local departures expressly.

3.6 Conflict: local text has priority

Article 917A(3) is not ceremonial. It is the clearest local control.

Where imported English law conflicts with an **express** provision of the Code or another Saint Lucian statute, local legislation prevails. The adjective matters. In *Hilaire*, the Board said a conflict with local common law does not activate paragraph (3).

The local veto is thus real but text-dependent.

3.7 Adaptation: the hinge between copying and governing

Mutatis mutandis means with the necessary changes. An English rule may assume English courts, statutes, offices, limitation provisions, currency, geography, or procedure. A Saint Lucian court must make the changes in detail needed for local operation.

The phrase supplies flexibility. It does not announce its own boundary.

At some point, adaptation becomes policy-making. *Hilaire* confirms the power to combine the single-publication rule with Saint Lucia's knowledge-based limitation trigger. It does not offer a general test for how far a court may redesign an imported scheme before it ceases to be the same rule.

That uncertainty should not be left entirely to future litigation.

4. Article 917A in plain English

The clause can be translated into a sequence of gates.

Gate 1 — Identify the legal issue

What is the court being asked to decide? A contract's validity? A restitutionary claim? Negligence? Defamation? Trespass? Or an insolvency priority, evidential question, land title, constitutional issue, or specific-contract rule outside the core field?

Facts do not classify themselves. The cause of action, defence, remedy, and contested element matter.

Gate 2 — Ask whether the issue falls within one of three fields

If the legal issue relates to contract, quasi-contract, or tort, continue. If it does not, Article 917A is not the reception route merely because English law offers a convenient answer.

Gate 3 — Identify the current law in England

The court must consider English common law and relevant Acts in force in England at the time the matter is tried. Enactment and commencement are not the same. A statute printed on the books but not yet commenced is not automatically a rule "in force." Territorial extent also matters.

Gate 4 — Apply the express exceptions

Do not import the English doctrine of consideration. Preserve the Code's meaning of consideration and specified third-party rights. Do not displace the proof chapter or specific-contract statutes and books, except to the extent that general contract rules legitimately apply.

Gate 5 — Test express local law

Does the candidate English rule conflict with an express Code article or another Saint Lucian statute? If yes, the local text prevails. If the two address different elements, both may operate. If the local text merely assumes an older common-law rule, *Hilaire* shows that the text can become redundant without technically conflicting.

Gate 6 — Adapt what survives

Make the necessary changes in detail for Saint Lucia. Replace inappropriate institutional references. Reconcile local limitation triggers. Preserve applicable local procedure. Do not use “adaptation” as an unexplained licence to enact a new policy from the bench.

Gate 7 — State the resulting Saint Lucian rule

The answer is not simply “apply the English Act.” It is the English rule, in its relevant version, after subject classification, exceptions, local priority, and necessary adaptation.

That final sentence is why public access is difficult. The operative rule may be a composite that is not printed in one place.

A compact decision tree

Question	If yes	If no
Is the legal issue contract, quasi-contract, or tort?	Identify current English law.	Article 917A does not supply the rule.
Is the English source in force in England?	Continue.	It is not the selected current rule.
Does an Article 917A exception protect the local regime?	Apply the exception.	Continue.
Does express Saint Lucian legislation conflict?	Local text prevails.	Imported rule may operate.
Are local changes necessary for operability?	Adapt <i>mutatis mutandis</i> .	Apply without that adaptation.
Is the temporal position clear?	Apply the identified version.	Court faces an unresolved transition question.

What the algorithm does not decide automatically

It does not reveal:

- which English developments have occurred since the last Saint Lucian case;
- which provisions cross the “relating to” boundary;
- whether every saving, commencement, or remedial provision travels with the English rule;
- when adaptation becomes impermissible rewriting;
- how an update affects an accrued right or pending proceeding;
- whether the public could reasonably find the operative version; or
- whether the rule is economically, socially, or institutionally suitable for Saint Lucia.

These are not marginal details. They are the maintenance workload.

5. What fields are affected?

Article 917A covers legal fields, not an enumerated list of industries. Its reach is best understood in three concentric circles.

5.1 Core field: contract

The listed Code provisions cover much of the general law of obligations:

Code range	Subject	Practical settings
918–924	Requirements for valid contracts	Consent, capacity, lawful cause, enforceability
925–944	Nullity and avoidance	Mistake, fraud, duress, undue influence, incapacity
945–953	Interpretation	Meaning of terms, intention, ambiguity
954–960	Effects of contracts	Binding force, performance, good faith consequences
961–964	Third persons	Third-party benefit and effect
965–972	Fraud on creditors	Transactions designed to defeat creditors
991–1009	Subject and effects of obligations	What is owed, default, damages, performance
1010–1068	Modalities of obligations	Conditions, terms, alternatives, joint liability, divisibility, penalties
1069–1132	Extinction	Payment, tender, novation, release, set-off, confusion, impossibility

The field can affect construction contracts, bank facilities, insurance contracts, digital services, employment bargains, professional retainers, government procurement contracts, shareholder arrangements, leases, tourism services, and ordinary purchases.

But two cautions are necessary.

First, Article 917A(2) protects the Code books and statutes on specific contracts. The general rules may apply at the interface; the detailed local regime is not swallowed.

Second, not every legal issue arising from a contract is itself contract law. Insolvency priorities, company liquidation, land registration, taxation, evidence, and civil procedure may be governed by their own local sources.

5.2 Core field: quasi-contract

“Quasi-contract” is older terminology for obligations that do not depend on agreement but arise to prevent unjust retention or govern beneficial intervention. The Code includes:

- voluntary management of another’s affairs, *negotiorum gestio* (Articles 975–978);
- restoration of a thing or payment received when it was not due (Articles 979–984); and

- Article 974A's declaration that a quasi-contractual action is maintainable wherever it would be maintainable under English law.

This can matter when a person pays another's debt by mistake, improves or preserves another's property in an emergency, receives money without legal basis, or benefits from services in circumstances where no enforceable contract exists.

Modern English law often speaks in the language of restitution and unjust enrichment. The vocabulary should not conceal the classification work. A court still must ask which English doctrine is selected, which local Code text governs, and whether the remedial structure can be adapted without erasing an express local rule.

5.3 Core field: tort

Articles 985–989 establish liability for fault, responsibility for persons and things under one's control, animal and building liability, fatal-accident claims, and consequences of criminal proceedings. Articles 989A–989S add specific local provisions on subjects including animals, common employment, joint tortfeasors, contributory negligence, maritime matters, and defamation.

English tort law can therefore help supply or shape:

- duty of care, breach, causation, remoteness, and defences in negligence;
- trespass to land or person;
- occupiers' liability;
- defamation;
- contribution and apportionment questions, subject to local text;
- vicarious liability and related doctrines; and
- available heads of damage, unless an express local provision controls.

The local Code is not erased. *Northrock* is the classic example of a hybrid method: the court read Articles 985 and 986 together with English negligence and evidential concepts. *Mathurin* is the classic example of local text defeating a later English statutory change.

5.4 Protected and adjacent fields

Field or rule	Article 917A position	Important qualification
Proof of obligations	Expressly protected by para (2)	Article 1137 separately uses English evidence law for gaps.
Specific contracts	Local books/statutes protected	General contract rules may still apply.
Insolvency and creditor ranking	Not imported as such	A separate contract issue within the same case may still fall inside.
Land title and registration	Not imported wholesale	Trespass or a contract for sale may invoke Article 917A.
Company law	Not imported wholesale	Share, loan, director, or other contract/tort issues may invoke it.

Field or rule	Article 917A position	Important qualification
Criminal law	Not one of the three fields	Tort claims against public officers may interact with criminal/statutory duties.
Constitutional law	Not a received field	Constitution s 120 controls every imported rule.
Trusts	Governed by separate Article 916A reception language	Do not attribute trust reception to Article 917A.

5.5 The issue–industry distinction

This is the most practical way to avoid overstatement.

In *Conrad James v In Baptiste*, the factual setting was land. The legal protection of possession was the tort of trespass, so the court invoked Article 917A and English trespass principles alongside local title and prescription rules.

In *Desir v Alcide*, the facts involved a will, bank accounts, a power of attorney, company shares, and valuable real estate. Article 917A mattered because the disputed obligations were framed through undue influence and unjust enrichment, not because English wills, banking, land, and company law had entered en bloc.

In *Sunset Village*, the facts involved secured debts and a company liquidation. The Court of Appeal could not use Article 917A to import English insolvency legislation simply because contractual debts existed. *Hilaire* later rejected that case’s broader common-law-only dictum while preserving the subject-matter distinction.

The rule is:

Classify the legal question before naming the industry.

That principle should guide practitioners, policymakers, business compliance teams, and any future public register.

6. *Hilaire v Chastanet*: three courts, one decisive answer

Hilaire is often compressed into a slogan: “The Privy Council imported the UK Defamation Act.” That misses the architecture of the case.

The litigation was about a preliminary issue in a defamation claim. It produced three different judicial answers before any final determination of whether the defendant was liable.

6.1 The underlying dispute

Ernest Hilaire filed his claim against Allen Chastanet on 20 March 2017. The pleaded publications included a March 2016 letter that referred to an earlier December 2015 letter, along with alleged statements in a November 2015 talk show, a December 2015 meeting, and online newspaper articles. Chastanet relied on provisions of the Defamation Act 2013, including the single-publication rule and modern statutory defences. Each side sought interlocutory strike-out relief. The parties and court isolated the Act’s reception as a preliminary question (*Hilaire*, paras 2–11, 54–55).

The 2013 Act was not merely “British law” in the abstract. Its relevant substantive provisions commenced in England and Wales on 1 January 2014. The alleged publications came later. That sequence mattered, even though the broader temporal questions did not need to be decided.

6.2 High Court: common law only

In 2018, Smith J held that “the law of England” in Article 917A meant English common law, not English statute. On that construction the 2013 Act did not apply, and it was unnecessary to decide the constitutional attack, the ambulatory meaning of “for the time being,” or the operation of *mutatis mutandis*. The judge nevertheless offered alternative conflict analysis and considered several of the English provisions inconsistent with local defamation articles (*Ernest Hilaire v Allen Chastanet*, SLUHCV2017/0190, paras 14–47).

That holding did not survive appeal.

The High Court’s concern about legal coherence should not be discarded merely because its doctrine was reversed. Smith J warned against cobbling together fragments of the Code and a foreign statute in a way that made law difficult to know. The appellate answer established that the clause requires exactly this kind of reconciliation. It did not eliminate the public-access and maintainability concern.

6.3 Court of Appeal: statute and common law

In January 2020, the Eastern Caribbean Court of Appeal reversed. It held that:

- Article 917A survived independence and was constitutional;
- “law of England” includes both common law and statute;
- “for the time being” is ambulatory;
- a conflict must be with an express local Code or statutory provision;
- the single-publication rule applied, adapted to Article 2123; and
- the alleged conflicts concerning serious harm and statutory defences did not bar reception.

The matter was remitted for the outstanding interlocutory applications (*Chastanet v Hilaire*, SLUHCVP2019/0005, paras 17–21, 40–66).

The Court of Appeal suggested that access to English material required only an additional research step. That observation was not necessary to the legal result. For policy purposes, “one more place to look” can be a serious burden when the researcher must also determine the correct version, territorial operation, subject classification, nested references, local conflicts, and adaptations.

6.4 Privy Council: the governing construction

On 13 June 2023, a five-member Board dismissed Hilaire’s appeal. The joint judgment of Lord Lloyd-Jones and Lady Rose resolved three issues.

Issue 1 — Constitutional validity

Article 917A was validly enacted under the colonial legislature’s plenary power. It continued after independence through the Constitution’s existing-laws arrangement. Its continuing operation does not create a parallel legislature because Saint Lucia’s Parliament retains power to repeal or replace it. The legal mechanism is incorporation by a domestic rule, not the exercise by Westminster of delegated Saint Lucian authority (*Hilaire*, paras 13–32).

Section 47’s rule that no law made by Parliament comes into operation before Gazette publication did not require each received English enactment to pass through Saint Lucia’s bill-and-Gazette process. The imported enactment was not itself “law made by” Saint Lucia’s Parliament for that section (*Hilaire*, paras 21–23).

That is a constitutional holding. It is not a judicial finding that the present law is easy to find or that no better publication rule is possible.

Issue 2 — Meaning, sources, and time

“Law of England” naturally includes common law and Acts of Parliament. Earlier statements in *Nelson v FirstCaribbean International Bank* and *Sunset Village* suggesting common law only were unnecessary to their outcomes and not controlling. The latter case involved insolvency, outside Article 917A’s fields (*Hilaire*, paras 34–41).

The Board also gave an anti-fossilisation reason. If Saint Lucia received only English common law, an English statute might halt the common law’s further development in England and leave the received doctrine stranded. Including legislation preserves coherence between English statutory and decisional development (*Hilaire*, para 42).

Finally, “for the time being” is ambulatory. A court considering relevant English law must examine common law and Acts in force in England “at the time that the matter is tried” (*Hilaire*, paras 43–46).

Issue 3 — Defamation conflicts

The Board then tested the specific Defamation Act provisions against local law. Its method is more important than the outcome alone.

English rule	Local provision	Board’s conclusion
Section 8: single-publication rule	Article 2123: one year from knowledge	Receive the whole section; adapt the accrual trigger so time runs from knowledge of the first publication; materially different republication remains fact-sensitive.
Section 1: serious-harm threshold	Article 989H: no need for special damage in specified trade/profession slander	No conflict; the provisions answer different questions.
Section 2: truth; abolition of justification	Article 989K: supplemental rule for multiple charges	No conflict; the statutory defence replaces common law and makes the local supplemental provision redundant.
Section 3: honest opinion; abolition of fair comment	Article 989L: supplemental fair-comment rule	Same: replacement and redundancy, not conflict.
Section 4 and privilege provisions	Local defamation provisions	No case-relevant conflict was demonstrated.

The appeal was dismissed. The preliminary legal route was settled. Ultimate liability was not.

6.5 What *Hilaire* decided—and what it did not

Proposition	Status
Article 917A is constitutionally valid	Holding
Independence did not extinguish it	Holding
It is domestic incorporation, not unconstitutional delegation	Holding
Section 47 does not require local enactment/publication of each imported update	Holding

Proposition	Status
English common law and relevant Acts are included	Holding
Reception is ambulatory	Holding
Acts in force in England when the matter is tried must be considered	Holding
Express local Code/statute prevails on conflict	Holding
Local common law alone cannot invoke Article 917A(3) priority	Holding
Necessary changes in detail are permissible	Holding
Every later English change retrospectively governs earlier conduct	Not decided
English subordinate legislation always travels	Not decided
Every English transition or savings provision travels	Not decided
"Conflict" has one exhaustive abstract test	Not decided
Adaptation may rewrite policy choices without limit	Not decided
The claimant or defendant ultimately wins the defamation claim	Not decided

This table is essential to responsible commentary. *Hilaire* is broad on source and version. It is not an answer to every downstream problem.

6.6 The constitutional-policy divide

The Board's statement that Article 917A "does not amount to a delegation" answers a constitutional argument. Political science and institutional economics may still describe the rule as transferring agenda power, using an external producer, or economising on local lawmaking. Those are different vocabularies.

The safest formulation is **qualified automaticity**:

A relevant English development is prima facie received through a continuing Saint Lucian rule, subject to field, commencement, Constitution, express-local-law priority, and necessary adaptation.

This is neither direct Westminster rule nor deliberate local enactment of each update.

7. Conflict rules: when Saint Lucian law wins

"Local law wins" is true, but incomplete. It matters which local law, what counts as conflict, and whether the imported rule can be adapted or allowed to coexist.

7.1 A hierarchy of gates

1. **The Constitution.** Section 120 makes inconsistent law void to the extent of inconsistency.
2. **Subject matter.** If the English rule does not relate to contract, quasi-contract, or tort, Article 917A does not receive it.
3. **Express exceptions.** Consideration, third-party rights, proof, and specific-contract protections apply.

4. **Express local legislation.** A conflicting Code article or other statute prevails under Article 917A(3).
5. **Adaptation.** Necessary changes may reconcile a mechanical mismatch.
6. **Coexistence or replacement.** If rules address different elements, both may operate. If local text merely supplements an imported doctrine that England later replaces by statute, the local text may become redundant.
7. **Local common law.** Conflict with Saint Lucian common law alone does not activate paragraph (3), according to *Hilaire* paragraph 46(iii).

7.2 Five relationships, not one

Relationship	Meaning	Illustration
Direct conflict	Both rules cannot govern the same issue consistently	<i>Mathurin</i> : English abolition of lost-years damages versus Article 609 preserving them.
Mechanical mismatch	The policy can operate after a local adjustment	<i>Hilaire</i> : publication-based English timing combined with local knowledge trigger.
Different elements	Rules regulate distinct questions	Serious harm threshold versus special-damage rule.
Replacement and redundancy	New English statute replaces imported common law; local supplement has no independent work	Truth/justification and honest opinion/fair comment in <i>Hilaire</i> .
Out of scope	English rule concerns another field	Insolvency priority in <i>Sunset Village</i> .

The Board did not announce a single formula for every conflict. It reasoned provision by provision.

7.3 *Plummer, Ismael, and Mathurin*: how a conflict became visible

The clean rule in *Mathurin* emerged from an untidy sequence.

In *Monica Plummer v Conway Bay Ltd* in 2003, the High Court noted a possible argument that section 4 of England's Administration of Justice Act 1982 had abolished "lost-years" recovery through Article 917A. Defence counsel expressly declined to make it. The court therefore followed the existing approach and allowed the head of damage (Claims 942 and 1041 of 2000, para 18).

In *Veronique Ismael v Justin Albert* in 2006, the High Court squarely adopted the English change. It treated Article 917A(1) as ambulatory, read Article 609 as silent on lost-years damages, found no conflict, and denied that component (SLUHCV 0717 of 2002, paras 119–125). On a separate point, it said England's statutory bereavement award would enter through Article 917A in an appropriate case, although the deceased's age put that award outside the English provision (para 99A).

Then came *Cyril Mathurin v Anthony Augustin*. Under Article 609 and the English Law Reform (Miscellaneous Provisions) Act 1934, the deceased's accrued cause of action—including earnings in the years by which death shortened life—survived for the estate. England's 1982 Act later reversed that position in England and Wales.

The Court of Appeal held that Article 609 was directly contrary to the 1982 change. Article 917A(3) therefore made the express Saint Lucian provision prevail. It expressly overruled *Ismael*: the earlier court had mistaken a statutory rule for silence. Article 609 did not need to use the phrase “lost years”; its necessary legal effect was specific enough to create the conflict. The court did not need to choose between competing ambulatory readings because even current English law was blocked (*Mathurin*, HCVAP 2007/041, paras 10–17; *Hilaire*, para 37).

This sequence is the best response to the claim that Westminster change always controls. It does not.

It also exposes a subtler institutional cost. Lawyers and judges had to identify the upstream statute, argue the meaning of local text, and correct a prior judgment before the local rule stabilised.

7.4 The burden-of-specificity asymmetry

This paper uses **burden-of-specificity asymmetry** to describe the result.

A qualifying English statute can displace a contrary common-law position within the covered field. Yet Article 917A(3) gives priority to an **express** Code or statutory provision, not to an unexpressed local preference. The country that wants to resist an imported development bears the burden of putting its contrary choice into legislation with sufficient clarity.

“Express” does not mean magic words or exact verbal overlap. *Mathurin* shows that conflict may follow from the local enactment’s necessary legal effect. The asymmetry is therefore a burden of legally sufficient specification, not a mechanical demand that Parliament predict and name every future English reform.

That is not the same as saying silence automatically wins at Gate 1. The English rule must first pass source, field, commencement, constitutional, exception, and adaptation tests.

Once it does, however, local silence is consequential.

The asymmetry has three public-policy effects.

First, it rewards legislative maintenance. Clear local text can preserve a deliberate national rule.

Second, it penalises domains where policy exists only in scattered precedent, practice, assumption, or inaction.

Third, it moves contested questions from prospective lawmaking into retrospective litigation. Parties may discover only after a dispute that the supposedly familiar local position lacked an express textual shield.

7.5 Adaptation or legislation?

There is no bright line in the clause. A workable test should ask:

- Does the change substitute a Saint Lucian institution, date, currency, or procedural reference?
- Does it preserve the core policy of the English rule?
- Is the adaptation necessary to avoid incoherence with express local law?
- Does it create a new cause of action, defence, immunity, damages cap, or distribution of risk?
- Would reasonable lawmakers regard the resulting rule as the same policy or a new one?

The first three point toward judicial adaptation. The last two point toward legislation.

This is a proposal, not a holding. Its purpose is to make the hidden constitutional boundary visible.

7.6 Three unresolved collisions

Hierarchy collision. Suppose a Saint Lucian final appellate court settles a rule derived from English law, and the UK Supreme Court later changes the corresponding English doctrine. Does Article 917A's moving source displace the domestic precedent automatically, or must a Saint Lucian court reconcile ambulatory reception with stare decisis? *Hilaire* did not decide this.

Nested dependency. An English Act may rely on regulations, another Act, a regulator's designation, or an external technical standard. *Hilaire* expressly confirms common law and Acts. It does not establish that every nested instrument travels automatically.

Semantic drift. "Quasi-contract" had a familiar legal meaning in 1956. Modern English doctrine speaks more often of restitution and unjust enrichment. New statutory rights involving privacy, consumer protection, economic loss, digital platforms, or data may not fit neatly within inherited field labels. The external source can change not only its rules, but the conceptual borders by which relevance is judged.

These are strong reasons for a published classification process.

8. A case atlas: how Article 917A works in real disputes

The following cases show that Article 917A is not a single-purpose defamation provision. They also show that its application is mediated rather than mechanical. The bounded ECSC corpus search yielded 39 distinct decision-events whose retrievable text expressly contained "917A"; this section selects decisions that reveal a distinct operation or boundary rather than attempting a complete inventory.

8.1 *Cools v St Lucia Agriculturists Association* — early statutory reception

In an unreported occupiers' liability decision from the early 1970s, Peterkin J reportedly applied England's Occupiers' Liability Act 1957 through Article 917A. Sir Vincent Floissac's later scholarly account quotes the decision. The original judgment was not located, so its detailed reasoning is not independently reconstructed here (Floissac 1983, 428).

Why it matters: *Cools* is evidence that reception of a post-1956 English statute was not invented by *Hilaire*. The evidential status must nevertheless be stated: it is a judicial decision known through a later scholarly quotation, not a verified primary text.

8.2 *Northrock Ltd v Jardine* — negligence as a hybrid

Explosions at a quarry allegedly caused damage. The Court of Appeal treated Article 985's fault rule and Article 986's responsibility for persons and things in one's care as local law to be read with English negligence and evidential principles. Sir Vincent Floissac CJ explained that the plaintiff had to establish duty, breach, and causation by reference to English negligence law, while the Code continued to frame liability (*Northrock Ltd v Jardine* (1992) 44 WIR 160, 165–70).

Why it matters: Article 917A did not replace the Code with an English tort textbook. It created a hybrid rule whose components came from different sources.

8.3 *Velox v Helenair* — an express local carve-out

A company issued 10,000 fully paid shares to enhance its standing. The Court of Appeal applied Article 917A's express rejection of the English doctrine of consideration. Saint Lucia's concept is cause or reason, which can be

gratuitous as well as onerous. The gift of shares therefore was not invalid merely for lacking English bargain-based consideration (*Velox v Helenair Corp* (1997) 55 WIR 179, relevant sections 9–15).

Why it matters: the local exception was not symbolic. It changed the validity of a commercial transfer and shows that selective divergence can coexist with broad comparative reception.

8.4 *Attorney General and Dariah v Isidore* — tort meets public-force statutes

A prisoner was shot while allegedly escaping. The Court of Appeal considered English tort doctrines, including illegality, but held that relevant Criminal Code provisions and express Civil Code rules supplied the legal framework. The case illustrates that an English tort defence cannot be examined apart from local statutory rules governing lawful force and contributory conduct (*Attorney General of Saint Lucia and Dariah v Isidore*, SLUHCVP2003/0020, especially paras 14–24).

Why it matters: public authority liability can lie inside tort while being constrained by criminal and public-law text.

8.5 *Conrad James v Jn Baptiste* — land facts, tort question

Neighbours disputed houses, pipelines, paths, boundaries, and access across registered land in Jacmel. The High Court began its trespass analysis with Article 917A and English common-law principles protecting possession, then examined local title and prescription rules (*Conrad James and Josephine James v Jn Baptiste et al*, SLUHCVP2002/1169, paras 1–12).

Why it matters: the label “land dispute” is under-informative. English trespass law may govern one issue while Saint Lucian registration and property law govern others.

8.6 *Michael Christopher v Flavien* — the negligence elements

A police officer’s firearm discharged in a crowded room. The High Court applied Article 985 and quoted *Northrock’s* formulation of duty, breach, and causation under English negligence law, together with evidential principles such as *res ipsa loquitur* (*Michael Christopher / Tamara Barrow v PC John Flavien and Attorney General*, consolidated SLUHCVP2004/0502 and SLUHCVP2006/0182, paras 13–17).

Why it matters: the English component may structure what must be proved even where the cause of action is anchored in a Code article.

8.7 *Mathurin v Augustin* — express local law blocks an update

As explained above, the English 1982 abolition of lost-years damages did not apply because Article 609 expressly preserved the remedy.

Why it matters: Article 917A is not a supremacy clause for English law. Express local drafting changes the result.

8.8 *Desir v Alcide* — property, accounts, undue influence, and unjust enrichment

An elderly, ill widow transferred valuable property and financial control in circumstances later challenged as undue influence and wrongdoing. Before the Privy Council, issues included English rules concerning undue influence and evidential presumptions. The Board said the essential thrust of Article 917A was that the unjust-enrichment issue be determined under English law, but some burden-of-proof questions did not ultimately arise because the trial judge had found actual wrongdoing (*Desir and another v Alcide* [2015] UKPC 24, paras 12–16).

Why it matters: quasi-contract and general contract doctrines can affect family wealth, companies, bank accounts, and land without importing each surrounding legal field wholesale.

8.9 *Sonia Johnny v Attorney General* — employment discretion and implied terms

The dispute concerned accrued leave and the state's exercise of contractual discretion in an employment relationship. The Court of Appeal held that Article 917A brought English contract doctrine to bear and that there was no conflict with Article 956. It used English authorities on implied terms, good faith, rationality, and reasonableness, found an abuse of discretion, and allowed the employee's appeal (*Sonia Johnny v Attorney General*, SLUHCVP2017/0036, paras 13–20).

Why it matters: Article 917A can affect government employment and the control of discretionary power, not only private commercial bargains. A general English doctrine may interact with an express Code principle without being blocked.

8.10 *Pigeon Island and Exquisite Homes* — contract law can diverge and converge

In *Pigeon Island Development Company Ltd v The Landings Unit Plan No D2/2007*, the Commercial Court followed *Velox*: the English bargain doctrine of consideration is excluded, and a serious, sufficiently certain gratuitous undertaking may bind. The memorandum at issue was enforceable and specific performance was ordered (SLUHCM2020/0028, formerly SLUHCM2018/0068, paras 58–60, 96–99).

In *Exquisite Homes Ltd v Geest Industries (Estates) Ltd*, the same court used English common-mistake and frustration authorities to construe Article 926 and the parties' 2019 land-sale contract. Compulsory acquisition frustrated the agreement; claim and counterclaim were dismissed (SLUHCM2020/0006, especially paras 34–65).

Why they matter: Article 917A is neither uniform convergence nor romantic preservation of civil law. Saint Lucia deliberately rejects one English contract doctrine while courts use others to give content to Code concepts.

8.11 *Lucrecia Wilkinson* — the chosen comparator matters

An employee challenged the state's exercise of contractual discretion over pension-related benefits. She relied partly on Canadian authority and Article 956. The High Court, following *Sonia Johnny*, said Article 917A points to English law, not Canadian law as a binding source, and applied the English *Braganza* line of review. Judgment was entered for the claimant (*Lucrecia Wilkinson v Attorney General*, SLUHCV2014/0623, paras 17, 29–35).

Why it matters: comparative openness is not the same as source neutrality. Article 917A gives one foreign system a legally privileged position, while other mixed-system sources remain persuasive only.

8.12 *Boitnott, Julian John, and Sadoo* — local tort architecture keeps doing work

In a hotel slip-and-fall claim, *Dennis Boitnott v Coconut Bay Management Ltd* used English negligence doctrine but treated Article 986—liability for things under one's care—as an express, autonomous local regime. The claim failed on the facts (SLUHCV2018/0194, paras 13–22). The judgment refers to "917A(4)"; the current published clause places the conflict rule in paragraph (3), so the reference should not be repeated without that caution.

In *Julian John v Eric Joseph*, the court applied English driver-negligence principles, then followed *Mathurin* in holding that Article 609 blocked England's statutory abolition of lost-years damages. The claimant nevertheless failed to prove the relevant earnings and dependency losses (SLUHCV2021/0437, paras 15–19, 103–111).

In *Sadoo and Sons Trucking Ltd v Aaron Emilien*, decided in November 2025, Articles 985 and 917A supplied negligence elements while local Articles 989D and 988 governed contributory negligence and death recovery. Liability was imposed under that composite rule (consolidated SLUHCV2019/0147 and SLUHCV2021/0110, paras 23–27, 147–149).

Why they matter: “English tort law applies” is never the end of the analysis. Local Code provisions continue to allocate burdens, defences, and heads of damage.

8.13 *Sunset Village* — the outer boundary

The dispute concerned the ranking of creditors in liquidation. The Court of Appeal rejected the use of English insolvency legislation to determine substantive creditor priorities and relied on Saint Lucian Civil Code, Companies Act, and bankruptcy rules. It also stated that Article 917A received only common law. *Hilaire* later treated that general statement as obiter because insolvency was not within Article 917A’s fields (*FirstCaribbean International Bank v Sunset Village*, SLUHCVAP2016/0027; *Hilaire*, paras 40–41).

Why it matters: a wrong general reason can coexist with a sound field boundary. After *Hilaire*, the better answer is not “statutes never enter”; it is “this insolvency statute was outside the gate.”

8.14 *Hilaire* — a statutory reform enters and is rebuilt locally

The provisions of the Defamation Act 2013 considered in *Hilaire* crossed the source, commencement, and tort-field gates. Some coexisted with local law; some replaced imported common-law doctrines and made local supplements redundant; and section 8 was adapted to Saint Lucia’s knowledge-based limitation trigger. None of the express local provisions addressed in that appeal blocked those provisions’ reception.

Why it matters: Article 917A can change the pleading threshold, available defences, limitation analysis, and litigation strategy in a politically important speech dispute.

8.15 After *Hilaire* — the imported statute changes later cases

The downstream effect is now visible.

In *Peterson Francis v Christopher Hunte*, the High Court held that, after *Hilaire*, common-law justification, fair comment, and *Reynolds* privilege had been replaced by sections 2–4 of the Defamation Act 2013. A failure to amend and particularise the new statutory defences led the court to strike passages from the defence and witness statement; costs of EC\$1,500 were ordered (SLUHCV2024/0283, reasons dated 11 February 2025, paras 21–29).

In *Verne E Emmanuel v Cherry Ann Gaillard-Williams et al*, the High Court directly applied section 1’s serious-harm test and sections 2 and 4 on truth and public interest, using English authorities including *Lachaux* and *Banks*. The statutory defences failed on the facts; the court awarded EC\$35,000 in general damages against selected defendants (SLUHCV2023/0369, 29 April 2025, paras 87–110, 128).

Neither decision had to relitigate Article 917A’s constitutionality or statutory reach. The gateway holding had become infrastructure.

Why it matters: a search only for judgments that print “917A” undercounts practical effect. Once an English provision is authoritatively received, later courts may cite the imported Act and *Hilaire*, not the reception clause itself. A proper inventory must trace doctrine downstream.

8.16 Klatt v La Toc Holdings — the rule travels into cross-border litigation

An Ontario court applying Saint Lucian law to a resort injury concluded that England's Occupiers' Liability Act 1957 operated through Article 917A. It found inadequate stairway lighting and the absence of a handrail, and held the Saint Lucian hotel companies liable (*Thomas Andreas Klatt v La Toc Holdings Ltd*, 2021 ONSC 2121, paras 35, 123–126, 170–171).

The decision is not Saint Lucian precedent. It is useful corroboration of the reception account attributed to Cools and an illustration of commercial spillover: insurers, tourists, foreign counsel, and foreign courts may all need to reconstruct Saint Lucia's moving legal rule.

8.17 What the cases collectively show

Case	Setting	Article 917A function	Result type
<i>Cools</i>	Warehouse occupier injury	Receive post-1956 English statute	Historical statutory reception; secondary report
<i>Northrock</i>	Quarry damage	Interpret Code tort through English negligence	Hybrid construction
<i>Velox</i>	Company share transfer	Enforce consideration carve-out	Local doctrine controls
<i>Isidore</i>	Police force and injury	Test tort doctrine against local statutes	Local statutory framework
<i>Conrad James</i>	Boundary/access dispute	Import trespass principles	Field crosses industry label
<i>Christopher</i>	Accidental shooting	Supply negligence elements/evidence interface	Hybrid proof structure
<i>Mathurin</i>	Fatal-accident estate damages	Test later English statute against Code	Express local law prevails
<i>Desir</i>	Wealth transfers and influence	Use English unjust enrichment/undue influence	Imported doctrine with local proof questions
<i>Sonia Johnny</i>	Public employment	Use implied-term control of discretion	English doctrine applied; local article compatible
<i>Pigeon Island</i>	Property-management memorandum	Apply local gratuitous-cause rule	Deliberate divergence from English consideration
<i>Exquisite Homes</i>	Land-sale contract	Read Code error/frustration through English doctrine	Hybrid contractual analysis
<i>Lucrecia Wilkinson</i>	Public employment and pension discretion	Prefer selected English contract doctrine over Canadian comparator	Source hierarchy made visible
<i>Boitnott / Julian John / Sadoo</i>	Hotel and road injuries	Combine English negligence with local liability and damages articles	Composite tort rules; local provisions remain active

Case	Setting	Article 917A function	Result type
<i>Sunset Village</i>	Corporate liquidation	Police subject boundary	English insolvency rule excluded
<i>Hilaire</i>	Defamation	Receive statute; adapt and reconcile	Qualified statutory reception
<i>Peterson Francis / Verne Emmanuel</i>	Defamation after <i>Hilaire</i>	Apply received statutory defences and serious-harm threshold	Downstream effect without re-arguing the gateway
<i>Klatt</i>	Resort injury litigated in Canada	Foreign court reconstructs Saint Lucian reception rule	Cross-border application; not local precedent

The pattern is not “copy English law.” It is **classify, receive, compare, adapt, and sometimes refuse**.

That is capable of sophistication. It is also expensive to reconstruct after a dispute begins.

9. The five-clock problem

Hilaire says that a court must consider Acts in force in England when the matter is tried. That is a source-selection rule.

It is not, by itself, a complete retroactivity rule.

9.1 The clocks

Clock	Question
1. English enactment and commencement	When did the upstream provision become law and enter force in England?
2. Conduct, transaction, and accrual	When did the contract form, injury occur, publication happen, benefit arise, or cause of action accrue?
3. Filing and procedural steps	When was the claim begun, defence acquired, amendment made, or limitation period engaged?
4. Trial or determination	When is the matter “tried” for the Article 917A source snapshot?
5. Appeal, retrial, and finality	What if English law changes after trial but before appeal, or before a new trial?

The clocks may align. In *Hilaire*, the relevant provisions commenced on 1 January 2014; the alleged publications were in 2015–2016; the claim was filed in 2017; and the preliminary decisions followed. The case did not present a later English statute purporting to impair an already accrued Saint Lucian right.

9.2 A business hypothetical: the old supply contract

Hypothetical. A Saint Lucian hotel signs a ten-year supply contract in 2027. England reforms unfair contract terms in 2029. The parties dispute performance in 2030. Trial occurs in 2032.

Article 917A points the court to English law in force at trial. But several further questions remain:

- Does the English reform apply to contracts formed before commencement?

- Does its own transition clause travel with it?
- Did either party acquire a right, defence, or expectation under the earlier position?
- Does an express Code or local statute control?
- Is applying the new rule an adaptation, a retroactive impairment, or ordinary current-law adjudication?

“Current at trial” cannot responsibly be paraphrased as “rewrites every old bargain.”

9.3 A quasi-contract hypothetical: the mistaken transfer

Hypothetical. A bank pays EC\$50,000 twice. The recipient spends part of the second payment in good faith. England later changes a restitutionary defence before the Saint Lucian claim is tried.

The court must classify modern unjust-enrichment doctrine under the inherited term “quasi-contract,” read Articles 979–984 on payment not due, identify the operative English version, and determine temporal effect. Semantic drift and version drift converge.

9.4 A tort hypothetical: the damages cap

Hypothetical. A visitor is injured in 2028. England enacts a damages cap in 2029. The Saint Lucian trial occurs in 2031.

If the cap is characterised as tort law and is in force in England, Article 917A raises the source question. The case would still require analysis of the cap’s transitional terms, express local damages provisions, constitutional rights, reliance, insurance arrangements, and adaptation.

The stakes are distributive. A version rule can change who bears loss: victim, business, insurer, or state.

9.5 Existing savings do not clearly finish the work

Article 2203 protects rights, liabilities, remedies, and proceedings affected by the repeals made by the 1956 amendment. It is an excellent model of transitional care. Its text is tied to those repeals. It does not expressly state what happens whenever English law later changes through Article 917A.

Saint Lucia’s Interpretation Act contains ordinary savings on repeal. But its definitions focus on Saint Lucian enactments and statutory instruments. No identified authority decides whether those provisions automatically protect rights affected by an upstream English amendment or repeal received dynamically.

The Defamation Act 2013 itself contains transition provisions. *Hilaire* did not announce whether every English savings clause always travels, whether it is part of the substantive rule, or whether local adaptation controls.

9.6 Why this is a research contribution, not a discovered holding

The five-clock framework organises open questions. It does not answer them by assertion.

A later court might find that ordinary presumptions against retroactivity, English commencement provisions, local savings, constitutional protection, and accrued-right doctrine resolve much of the uncertainty. If so, the framework will have done useful work by identifying which rule answers which clock.

The policy failure would be to wait for high-stakes litigation to assemble that answer case by case.

9.7 The minimum legislative response

Any reform should state expressly:

- the cut-off version of every received English enactment;
- the local commencement date of the replacement regime;
- treatment of completed transactions and existing contracts;
- treatment of accrued causes, defences, and limitation positions;
- treatment of pending proceedings, appeals, retrials, and final judgments;
- whether procedural changes may apply to ongoing cases;
- whether and how foreign savings provisions are incorporated; and
- which archived text proves the rule applicable on a past date.

Version history is not administrative decoration. It is part of legal certainty.

10. Kenny D. Anthony's challenge, tested rather than repeated

Kenny D. Anthony gives the debate moral and constitutional force. He should be read closely, not canonised.

10.1 His strongest claim

Anthony's core point is not that Saint Lucia must stop consulting foreign law. He explicitly argues that Saint Lucian lawyers should be comparative lawyers because the system's sources are diverse. He refers to Quebec and Louisiana as sources capable of "nourishing" local law and observes that access and professional time constrain comparative work (NationBeat transcript, approximately 53:29–55:02).

His objection is to legal force without a new local choice.

In discussing Article 917A, he says that the British Parliament legislates for British society and does not frame its rules with Saint Lucia in mind. His sharpest formulation is that Saint Lucia has "abdicate[d] our legal sovereignty" (approximately 48:24). Later he grounds his position in independence as the recovery of "the right to determine its legal future" (approximately 52:24–52:57).

Translated out of rhetoric, the claim is:

An independent state should remain open to foreign reasoning while retaining effective authorship over the moment a foreign rule becomes binding at home.

That is a powerful policy principle.

10.2 Where the legal doctrine differs

"Abdication" is too absolute if used as a statement of constitutional law. *Hilaire* holds that:

- Article 917A is a continuing domestic rule;
- Westminster does not exercise a parallel Saint Lucian jurisdiction;
- Parliament retains legal power to amend or repeal the clause; and

- express Saint Lucian legislation can prevail.

Saint Lucia has not lost ultimate legislative competence.

Anthony's language is more persuasive when recast as **operational sovereignty**: the country's practical capacity to detect, assess, publish, accept, reject, and maintain its law. Formal authority may remain while the upstream agenda, default content, and monitoring burden sit elsewhere.

The distinction is not verbal. It changes the remedy. If sovereignty had legally vanished, the task would be restoration. If formal sovereignty remains but its maintenance architecture is weak, the task is institutional redesign.

10.3 His fatal-accident example needs a local-law footnote

Anthony uses a fatal accident to illustrate the need to inspect later English legislation on damages. The example correctly shows the possible reach of tort reception. It is incomplete if heard to mean that any English damages change must control.

Mathurin involved exactly this territory. A later English statute abolished lost-years damages, yet Article 609 of Saint Lucia's Code expressly pointed the other way. Article 917A(3) made the local provision prevail.

Anthony's broader point survives:

A Saint Lucian lawyer must identify the English change before knowing whether local text defeats it.

That is the discovery and reconciliation burden. The example demonstrates monitoring exposure, not inevitable English supremacy.

10.4 The Anthony paradox

There is an intellectually productive tension in Anthony's work.

In *Hilaire* paragraph 43, the Board quotes *Eversley Thompson v R*, which in turn cites Anthony's comparative research for the proposition that "for the time being" generally receives an ambulatory meaning across Commonwealth case law. His descriptive scholarship therefore helps explain why the clause moves.

His contemporary normative argument is that Saint Lucia should change the institutional arrangement created by that meaning.

There is no contradiction. A scholar may correctly explain what a rule means and argue that the legislature should replace it. The distinction is between interpretation and design.

The "Anthony paradox" is therefore a lesson in intellectual responsibility:

Description is not endorsement. Legal accuracy can strengthen the case for reform by showing exactly what must be changed.

10.5 Anthony's deeper contribution: maintenance is constitutional

Anthony's observation that most practitioners confront urgent problems and lack time for broad comparative research may be more important than his sovereignty rhetoric. It connects legal theory to institutional capacity.

A system can formally require comparative lawyers while economically producing deadline-driven specialists with incomplete access. The gap is then filled by whichever sources are searchable, familiar, and affordable.

Training and information systems become hidden constitutional infrastructure.

This suggests four Anthony-informed questions for every inherited institution:

1. Who designed the rule, and for which society?
2. Who can discover its current content without litigation?
3. Are foreign sources being used as knowledge or as unreviewed commands?
4. What domestic capability is needed to maintain the alternative?

10.6 Where SLPA should go beyond him

Anthony establishes the urgency of choice. A policy programme must also answer the implementation questions:

- Which English rules currently operate and must be preserved during transition?
- What did automatic reception save in drafting and research costs?
- Which users benefit from English-law continuity?
- How often has Article 917A produced mismatch or litigation?
- What monitoring workload would a controlled system create?
- Can the OECS share fixed costs?
- Which activation route should apply to which risk?
- How will existing contracts and accrued rights be protected?

Moral clarity is not yet an operating model.

This paper's task is to supply one.

11. Beyond law: what kind of institution is Article 917A?

Article 917A is easier to understand when placed beside systems that manage dependencies, defaults, information, and change. The analogies reveal features that traditional doctrinal vocabulary can hide. They also have limits.

11.1 Philosophy: freedom as non-domination

One conception of freedom asks whether another actor actually interferes. A republican conception asks whether one is exposed to uncontrolled or insufficiently answerable power (Pettit 1997).

England does not enact its private law in order to control Saint Lucia. Its institutions are not exercising a reserved imperial power. That point matters.

Yet Article 917A can place Saint Lucian legal positions downstream of choices made by an institution that has no duty to hear Saint Lucians, explain local effects, or justify distributive consequences to them. The democratic concern is therefore not hostile foreign interference. It is exposure to **unrepresented upstream change** through a domestic rule.

The remedy is not autarky. It is contestable control: notice, reasons, a local decision, reversibility, and an accountable maintenance process.

11.2 Political science: the law of inaction

Formal veto power does not exhaust political power. Agenda-setting theory shows that the actor who defines the proposal placed against a default can shape outcomes even when another actor retains a final vote (Romer and Rosenthal 1978). Status-quo research shows that defaults can be sticky, though that individual-level evidence does not prove how Saint Lucia's Parliament behaves (Samuelson and Zeckhauser 1988).

Article 917A creates an unusual moving default:

1. England changes its law for English reasons.
2. The change becomes a candidate within Article 917A.
3. Saint Lucian actors must detect and classify it.
4. A person who objects must establish an exception, conflict, constitutional limit, or legislative response.
5. Institutional inaction favours *prima facie* reception, not the previous Saint Lucian position.

This is the **law of inaction**: the choice embedded in what happens when domestic institutions do nothing.

Compare the alternatives:

Architecture	Result of Saint Lucian inaction
Present Article 917A	Qualifying English change is <i>prima facie</i> received.
Notice plus negative resolution	Proposed local instrument takes effect after an objection period.
Affirmative resolution	Candidate does not take effect.
Fixed-date reception	Existing local rule remains.
Sunset	Temporary rule expires.
Candidate watchlist	Foreign development remains information only.

Procedure distributes substantive power.

11.3 Principal-agent theory: delegation without an agent?

It is tempting to call Westminster Saint Lucia's delegated lawmaker. Constitutionally, *Hilaire* rejects delegation. Analytically, the normal principal-agent model is also imperfect.

A principal typically appoints an agent, states a mandate, monitors performance, and can reward or sanction it. Saint Lucia cannot instruct Westminster, vote its members out, demand a Saint Lucia impact assessment, or discipline a failure to give notice.

The more exact description is:

Saint Lucia has domestically selected an external law-producing institution whose incentives and accountability run to another polity.

This is an external-source-selection problem with an accountability mismatch. Parliament can change the selector. It cannot govern the source.

11.4 Economics: count the whole lifecycle

Dynamic reception offers real economies.

England has a larger legislature, judiciary, legal profession, publication system, and research market. Receiving later developments can reduce local costs of problem identification, consultation, drafting, enactment, and doctrinal maintenance. It can support interoperability for firms and professionals already familiar with English legal materials. Dorf identifies lawmaking-cost savings, expertise, and coordination as genuine reasons for dynamic incorporation (Dorf 2008, 103–69).

But visible drafting cost is not total cost.

An honest comparison should use **full-cost reception accounting**:

$$[C_{\text{total}} = C_{\text{drafting}} + C_{\text{monitoring}} + C_{\text{classification}} + C_{\text{adaptation}} + C_{\text{publication}} + C_{\text{transition}} + C_{\text{litigation}} + C_{\text{mismatch}} + C_{\text{accountability}}]$$

Article 917A may reduce the first term while increasing or relocating others.

- Lawyers search foreign sources and historical versions.
- Courts classify marginal statutes and construct composite rules.
- Businesses price uncertainty into contracts, insurance, compliance, and reserves.
- Citizens may encounter the rule only after litigation begins.
- Parliament must spend scarce time reversing an update that arrived by default.
- A mismatched rule may distribute costs differently from what local policy would choose.

No Saint Lucian study located for this paper measures these terms. The equation is an accounting framework, not a claim that the present system has higher net cost.

11.5 Small-state capacity: the reform paradox

Small administrations face narrow specialist pools, heavy generalist workloads, and high fixed costs for legislative drafting and continuous review. Brown describes a Caribbean capacity-building paradox: projects designed to build capacity themselves require scarce capacity to manage (Brown 2010, 44–65). Recent OECD work similarly stresses tailored, local, institutionally owned support for small island states (Kaur and Tennant 2024).

This cuts both ways.

It is an argument for borrowing external work. It is also an argument against creating a reform system that Saint Lucia cannot maintain.

The correct design response is modularity and pooling:

- monitor regionally where fixed costs can be shared;
- classify and draft through a standing mixed-system team;
- reserve intensive scrutiny for high-impact changes;
- preserve reusable templates and version records; and

- retain national activation because the distributive choice remains local.

Formal localization without maintenance capacity is brittle sovereignty.

11.6 Business: dependencies, versions, and change control

Modern firms do not manage an important external software component by recording only its name. They track the version, supplier, dependencies, changes, vulnerabilities, compatibility, and rollback path. A software bill of materials is a formal record of the components and supply-chain relationships used to build a product (NIST, “Software Bill of Materials”).

Article 917A resembles an **unpinned external legal dependency**. In crude software notation, it is closer to:

english-private-law@latest, limited to three domains, with local exception and conflict patches.

The analogy is useful because the present system lacks the legal equivalents of a manifest, lockfile, change log, compatibility test, and release note.

The analogy is not doctrine. Law does not compile into one deterministic output. Fields have contested edges. Facts matter. Courts reason by principle and precedent. “Necessary adaptation” involves judgment and values. Common law has no single release version.

The appropriate institutional borrowing is modest: maintain provenance, versions, dependencies, reasons, compatibility analysis, and transition.

11.7 A Legal Dependency Bill of Materials

This paper proposes a **Legal Dependency Bill of Materials (LDBOM)** for externally sourced rules. Each record would state:

- exact English source and provision;
- source type: Act, common-law proposition, or other authorised material;
- territorial extent and English commencement;
- Article 917A field and classification reasons;
- local legal basis;
- local operative date;
- express exceptions and conflicts;
- adaptation text;
- linked or nested instruments;
- transition and accrued-right rules;
- relevant Saint Lucian judgments;
- current status and historical versions;
- monitoring owner; and
- review date.

The ledger must not itself make law. It records a valid activation instrument or authoritative judgment. Where uncertainty remains, it should say so.

False certainty would be worse than transparent incompleteness.

11.8 Maintainability and “law smells”

Coupette and colleagues adapt the software-engineering idea of “code smells” to legal drafting. Large reference trees and overbroad references can increase cognitive load and shift costs from lawmakers to lawtakers (Coupette et al 2023).

Article 917A is a particularly ambitious external reference tree. It points not to one document but to a moving legal system across three fields. The reference then branches into statutes, common-law cases, commencement orders, definitions, remedies, and sometimes nested instruments.

Calling it a “law smell” is a diagnosis to investigate, not proof of defect. A reference may embody a deliberate design trade. The proper question is whether compensating controls—inventory, versions, access, adaptation, and review—make it maintainable.

11.9 The currentness–fit–friction frontier

The paper’s initial formulation was a “freshness–fit–friction trilemma.” The stricter claim goes too far. Technology, investment, and regional pooling can improve all three dimensions.

The defensible proposition is a policy frontier under finite capacity:

- **Currentness:** how quickly foreign developments become available or binding.
- **Contextual fit:** how deeply local institutions test rights, culture, administration, distribution, and implementation.
- **Review cost and delay:** the resources and time needed for screening and activation.

Article 917A favours currentness and low visible activation friction, with fit tested mostly through exceptions, litigation, and later legislation. Full domestic re-enactment favours authorship and prospective fit but may update slowly. A risk-tiered system invests scrutiny where errors are least reversible and most harmful.

The frontier can be moved. It cannot be wished away.

11.10 Law as a supply chain

The complete legal-update supply chain is:

production → detection → classification → impact assessment → adaptation → activation →
publication/versioning → application → evaluation

Article 917A compresses production and activation and leaves several middle stages to courts and litigants. The proposed reform makes each stage visible and assigns an owner.

That is the paper’s deepest institutional claim:

▮ ***Sovereignty is not only control of the final switch. It is governance of the entire update supply chain.***

12. The strongest case for keeping Article 917A

A serious reform paper must state the status quo's best case.

12.1 It supplies intellectual scale

Saint Lucia can draw on centuries of doctrine, a large judiciary, mature specialist bars, legislative consultation, and extensive commentary without recreating each institution locally. For a small jurisdiction, that is not laziness. It can be rational specialization.

12.2 It avoids fossilisation

The Board's concern in *Hilaire* paragraph 42 is strong. If English common law is received but later English statutes occupy the field, a common-law-only reception rule can freeze Saint Lucia at an abandoned doctrinal point. Statute and later interpretation may need to travel together to preserve coherence.

12.3 It supports familiarity and interoperability

Banks, insurers, auditors, tourism operators, investors, and cross-border counsel may already use English materials. Alignment can reduce some learning and documentation costs. A body of English authority may make outcomes more predictable than a thin local case base.

This benefit is plausible. It has not been measured for Article 917A.

12.4 It can resist local capture and neglect

An external rule can sometimes avoid narrow domestic lobbying or fill gaps that a busy Parliament would never reach. Automatic updating may improve private law in areas with little electoral salience.

The same fact is also the accountability objection. Insulation from one electorate is responsiveness to another.

12.5 The filters can work

Mathurin shows express local law blocking an English change. *Hilaire* shows adaptation preserving Saint Lucia's knowledge-based limitation trigger. Subject-matter classification excluded insolvency in *Sunset Village*. The system is not unfiltered.

12.6 Reform has transition costs

Abrupt repeal could leave courts uncertain about which doctrines survive, unsettle contracts drafted on existing assumptions, and force immediate local replacement work. A new register can contain errors. A review unit can be underfunded. Parliamentary gates can create delay and politicize technical law.

These are not reasons to do nothing. They are design constraints.

12.7 The burden of proof for reform

The reform case must not rely on national symbolism alone. It should show that the replacement offers a better combination of:

- legal certainty;

- accessible authoritative text;
- local fit;
- timely updating;
- rights and reliance protection;
- institutional feasibility;
- business predictability;
- democratic accountability; and
- lifecycle cost.

The preferred model below is offered as a testable design, not an article of faith.

13. Reform options

Saint Lucia has more than two choices.

Option 0 — Keep Article 917A unchanged

Benefit: continuity, automatic currentness, low visible enactment cost, doctrinal scale.

Risk: continuing access, version, fit, transition, and accountability problems; unresolved edge cases remain litigation-driven.

Minimum improvement even without amendment: publish guidance, build a case/source inventory, and monitor relevant English enactments.

Option 1 — Immediate repeal without preservation

Benefit: ends future automatic reception quickly.

Risk: highest transition shock. It may be unclear which existing imported doctrines survive, which version applies, and how accrued rights and contracts are treated.

Assessment: not recommended.

Option 2 — Freeze at a date

Pin received English statutory law to a specified cut-off. Later English changes would not alter Saint Lucian law unless adopted locally.

Benefit: version certainty and restored domestic control over future statutes.

Risk: an invisible frozen corpus remains unless inventoried and consolidated; common law and statutory law may diverge; maintenance burden shifts home.

Trinidad and Tobago uses a historic cut-off for certain pre-independence references. It is simple, but simplicity is not an inventory.

Option 3 — Freeze and schedule

Identify the English enactments that remain applicable and state their exact versions. Exclude unscheduled statutes. Over time, issue adapted local texts.

Benefit: high legal visibility. Singapore used this architecture to end uncertainty and make later UK amendments ineffective domestically.

Risk: substantial initial research and drafting; omitted rules may produce gaps; a schedule becomes stale without maintenance.

Option 4 — Notice plus negative resolution

An authorised minister or law-reform body would publish a proposed update. It would take effect after a defined period unless Parliament rejected it.

Benefit: faster than a bill; creates local notice and an objection point.

Risk: the law of inaction still favours adoption. High-impact changes may enter without active approval.

Best use: low-risk, technical, reversible updates only.

Option 5 — Affirmative domestic activation

No foreign update would have legal effect until approved by Parliament through a resolution or Act.

Benefit: clear democratic authorship and commencement.

Risk: delay, crowded agendas, bundling, and possible politicisation; requires a prepared analytical pipeline.

Best use: material private-law change where delegated power is constitutionally sound and the enabling Act supplies clear criteria.

Option 6 — Primary legislation for every change

Every imported reform would be restated in a Saint Lucian Act.

Benefit: strongest textual authority, scrutiny, accessibility, and opportunity for local adaptation.

Risk: highest drafting and parliamentary cost; likely updating delays; may encourage copying without real analysis.

Best use: new or extinguished causes of action, limitation changes, damages rules, immunities, burdens of proof, defamation, consumer rights, family/property interests, or constitutional consequences.

Option 7 — Risk-tiered controlled reception

Freeze and verify the baseline; keep foreign developments as an upstream candidate feed; allocate activation procedures by impact and reversibility; publish the resulting local rule; review performance.

Benefit: preserves knowledge and scale while restoring a visible local decision.

Risk: requires classification criteria, a standing team, and disciplined publication.

Assessment: preferred.

Comparative scorecard

Scores are directional policy judgments, not empirical measurements. Five is strongest.

Option	Currentness	Local choice	Public visibility	Transition safety	Capacity fit	Overall
0. Unchanged	5	2	1	4	4	16
1. Abrupt repeal	1	5	2	1	1	10
2. Date freeze	2	4	2	3	4	15
3. Freeze + schedule	3	5	5	4	2	19
4. Negative resolution	4	3	4	4	3	18
5. Affirmative activation	3	5	4	4	2	18
6. Bill for every change	2	5	5	4	1	17
7. Risk-tiered model	4	5	5	5	3	22

The scores disclose the paper's priorities. A government might weight speed or staffing cost differently. The matrix should be rerun after the proposed pilot supplies data.

14. A preferred design: the Sovereign Update Protocol

The recommended model has six verbs:

Freeze. Map. Screen. Choose. Publish. Learn.

14.1 Freeze

On a defined future date, stop automatic reception of later English statutory change.

Do not erase the law currently relied upon. The reform Act should preserve, subject to constitutional limits:

- accrued rights and liabilities;
- completed transactions;
- existing contracts, unless parties agree otherwise;
- acquired defences and limitation positions;
- pending proceedings and appeals;
- final judgments; and
- historical questions governed by the earlier regime.

Singapore and Saint Vincent and the Grenadines provide useful savings models. Article 2203 shows that Saint Lucia's own Code already understands the importance of transition.

Common law requires separate treatment. An attempt to schedule every English case would be impossible and misleading. A workable rule could preserve the English common-law propositions already accepted in Saint Lucian

authority at the cut-off, treat later English decisions as persuasive, and permit domestic courts—including the CCJ—to develop the law through ordinary precedent. The precise transition requires judicial and drafting consultation.

14.2 Map

Build two legally unequal records.

The local-force register is authoritative evidence of enacted or judicially established law. It records the precise version, local authority, adaptation, transition, and status.

The upstream watchlist is advisory and necessarily incomplete. It records later English and comparative developments that might warrant review. It has no legal effect.

The distinction protects against a new form of automaticity. A civil servant's database entry must not become law silently.

The first inventory should begin with:

1. English Acts expressly applied in reported cases.
2. Acts plausibly within the fields since 1957.
3. English common-law doctrines repeatedly used by Saint Lucian courts.
4. Code articles made redundant, adapted, or protected by conflict findings.
5. Nested instruments, commencement orders, and historical versions.

Each uncertain item should be marked “classification unresolved,” not forced into false certainty.

14.3 Screen

Every candidate should receive a short standard assessment proportionate to risk.

Dimension	Core question
Scope	Is the rule truly contract, quasi-contract, or tort?
Provenance	What exact source, version, extent, commencement, and dependencies apply?
Local conflict	Which constitutional, Code, statutory, treaty, or binding-precedent rules interact?
Adaptation	What wording or institutional substitutions are needed?
Rights	Does it alter a cause, defence, remedy, burden, limitation period, immunity, or access to court?
Distribution	Who gains, loses, or bears compliance and insurance costs?
Administration	Can courts, registries, regulators, firms, and the public implement it?
Equality and culture	Are effects different across gender, disability, income, family form, language, or customary practice?

Dimension	Core question
Business	What does it do to contracting, due diligence, risk pricing, and cross-border compatibility?
Transition	How are prior conduct, contracts, accrued rights, pending cases, and versions treated?
Access	Can the complete operative text be obtained freely and permanently?
Evaluation	What outcome would show that adoption worked or failed?

The screen does not assume that local origin equals local fit. It asks for reasons.

14.4 Choose

Use risk-sensitive activation.

Tier	Change	Domestic route
0	Comparative case, article, foreign statute, or model law	Persuasive information only
1	Technical clarification; low impact; readily reversible	Published instrument with 60–90 day negative-resolution period
2	Material private-law change with bounded rights effect	Impact note, consultation, and affirmative parliamentary resolution
3	Cause of action, defence, limitation, damages, immunity, burden of proof, defamation, consumer, family/property, or constitutional interest	Primary legislation
Emergency	Urgent, temporary, demonstrably necessary	Made-affirmative instrument with short automatic lapse

Classification should consider stakes, novelty, reversibility, external volatility, affected population, and implementation complexity. It should not depend only on whether a lawyer labels the field “contract” or “tort.”

The Attorney General should publish reasons for the chosen tier. A parliamentary committee should be able to move a candidate upward, never downward without reasons.

14.5 Publish

The operative local rule should be available in one free official location before it can be used adversely against a person.

Publication should include:

- the activation Act or instrument;
- consolidated adapted text;
- the source version;

- an explanatory impact note;
- a commencement and transition table;
- previous versions;
- known judicial interpretations; and
- a machine-readable LDBOM record.

Canada's incorporation-by-reference regime demonstrates useful safeguards: static or "as amended" identification, an accessibility duty, evidence of the operative version, and limits on adverse enforcement where incorporated material was inaccessible. Canada's parliamentary scrutiny also warns that "accessible" needs content: free access, language, historic versions, and cumulative cost matter.

Saint Lucia should set a stronger rule for externally sourced private law:

No person should lose a right, incur civil liability, or face an adverse limitation consequence solely through material that the state has not made freely and reliably accessible in its operative version.

That is a policy proposal requiring careful constitutional drafting. It would turn publication from courtesy into infrastructure.

14.6 Learn

Adoption is not the end of policy.

For material changes, the responsible unit should report after a defined period on:

- litigation and settlement patterns;
- implementation problems;
- unexpected distributional effects;
- business compliance costs;
- access and user errors;
- need for amendment or consolidation; and
- whether the predicted benefit occurred.

Targeted sunsets can be used for experimental or volatile rules. Foundational private law should not expire indiscriminately. Experimental governance is useful when the state can observe, compare, and revise—not when sunset simply recreates uncertainty (Sabel and Zeitlin 2008; Romano and Levin 2021).

14.7 OECS observatory, national activation

Monitoring English, Quebec, Commonwealth Caribbean, and other mixed-system developments has high fixed costs. The OECS can plausibly support a shared observatory that:

- scans legal change;
- maintains source versions;
- produces comparative memoranda;

- prepares model adaptation clauses;
- hosts a shared dependency database;
- conducts peer review; and
- supports training.

The Revised Treaty of Basseterre already supports studies, drafting, monitoring, institutional review, and regional coordination. Its direct legislative competence does not clearly include general contract, tort, and quasi-contract law. The safe architecture is therefore shared expertise plus domestic activation, unless competence is lawfully expanded or authoritatively confirmed.

Saint Lucia can borrow the research without outsourcing the moment at which a rule becomes law.

14.8 A twelve-month shadow pilot

Before switching off Article 917A's statutory feed, run the proposed watchlist in parallel for twelve months.

Pre-register feasibility thresholds:

- number of candidate English developments;
- time required to identify and classify each;
- proportion later judged irrelevant;
- missed developments found by independent reviewers;
- time to produce an impact note;
- practitioner accuracy using the prototype register;
- cost of maintaining versions; and
- demand for regional versus national expertise.

The pilot can disprove the proposed design. If it misses major changes, consumes excessive resources, or confuses users, simplify it before legislation.

That is a strength, not an embarrassment. A reform about learning should itself learn.

15. Implementation, measurement, and public value

15.1 A staged programme

First 100 days — establish control

- Create a small Article 917A Review Team within or accountable to the Attorney General's Chambers.
- Include mixed-system private-law expertise, legislative drafting, legal information management, economics/public policy, and court/practitioner representation.
- Publish the project mandate, evidence standard, and conflict-of-interest rules.
- Obtain and publish any surviving official text of the reported 2023 Application of United Kingdom Law Bill, consultation letter, submissions, and status—or state that they cannot be located.

- Begin the case census and statutory inventory.
- Agree an OECS scoping exercise.

Months 4–12 — build evidence

- Run the shadow watchlist.
- Publish the first local-force register as a research draft, with uncertainty flags.
- Conduct an accessibility experiment with citizens, students, lawyers, and business managers.
- Interview banks, insurers, media organisations, tourism firms, consumer groups, unions, civil society, and litigators.
- Prepare the five-clock transition map.
- Consult on activation tiers and the access-before-adverse-effect principle.

Months 12–18 — legislate the architecture

- Introduce the External Law Application and Review Bill.
- Include the cut-off, savings, registers, tier criteria, activation routes, publication, evidence, and review duties.
- Publish a concordance between the old regime and each preserved rule.
- Provide training and bench books before commencement.

Months 18–36 — localise by module

- Consolidate high-use contract rules.
- Modernise quasi-contract/restitution terminology without losing useful Code protections.
- Consolidate negligence and defamation interfaces.
- Review redundant Articles 989K and 989L and other obsolete cross-references.
- Modernise specific modules through ordinary policy consultation.

Comprehensive recodification may remain a long-term objective. Modular work reduces the risk that another large reform collapses under its own scope.

15.2 Institutional ownership

Function	Proposed owner	Accountability
Regional monitoring	OECS observatory	Published alerts, methods, peer review
National classification	Article 917A Review Team	Reasoned public assessment
Constitutional/legal advice	Attorney General's Chambers	Ministerial responsibility and professional duty
Activation	Parliament / authorised minister by tier	Debate, resolution, Act, judicial review
Authoritative publication	National Printing Corporation / AG e-law	Version integrity, open access, archive

Function	Proposed owner	Accountability
Judicial interpretation	Courts	Reasons, precedent, appeal
Outcome evaluation	Independent or mixed review panel	Scheduled public report

No single institution should silently control production, classification, activation, and proof.

15.3 Metrics that can reveal failure

Success is not “number of foreign updates adopted.” Useful metrics include:

- percentage of operative externally sourced statutes with exact version records;
- median time from candidate alert to classification;
- percentage of high-risk candidates receiving affirmative scrutiny;
- number of classification changes after consultation;
- percentage of historical versions freely retrievable;
- practitioner and public accuracy on standard legal-source tasks;
- number of disputes primarily concerning version or reception;
- transition defects identified after commencement;
- staff time and cost per candidate; and
- outcome reviews completed on schedule.

These measures should be published with denominators and uncertainty. A low adoption rate might indicate careful screening, irrelevance, or institutional failure. Context matters.

15.4 A falsifiable research agenda

Study 1 — Reproducible reported-case census

Build a reproducible census of located reported decisions that cite or expressly apply Article 917A from 1957 onward, recording database coverage, unavailable files, OCR limits, variant terminology, and duplicate appellate stages. Code the field, source, imported rule, conflict claim, adaptation, outcome, and appellate stages.

Test:

- whether tort dominates actual use;
- whether express-local-law priority is rarely pleaded but often successful when clear; and
- whether classification/adaptation disputes correlate with additional appellate stages.

Study 2 — Upstream statutory audit

Identify English statutes from 1990–2025 whose principal subject is contract, tort, restitution, or defamation. Independently classify potential relevance and search for Saint Lucian notice or treatment.

Test:

- whether most potentially relevant changes lack a published Saint Lucian assessment;

- the interval between English commencement and local authoritative treatment; and
- whether mixed-purpose statutes generate the most disagreement.

Study 3 — Accessibility experiment

Give realistic problems to lawyers, students, business managers, and members of the public. Randomly provide either existing scattered sources or a prototype consolidated record. Measure time, accuracy, confidence, and source completeness.

The experiment may show that a register offers little benefit. If so, do not build an elaborate one.

Study 4 — Business cost and value

Compare legal opinions, contract drafting, choice-of-law clauses, insurance assumptions, reserves, and compliance practices with those in a jurisdiction using a frozen or scheduled model.

Test both narratives:

- Article 917A reduces cost through English-law familiarity.
- Article 917A increases cost through hidden updates and composite rules.

Neither should be assumed.

Study 5 — Shadow-ledger feasibility

Measure candidate volume, recall, false positives, classification time, staffing, and publication delay for twelve months. Set a maximum sustainable workload before the pilot begins.

If the design cannot operate in shadow, it should not be made legally consequential.

15.5 The reported 2023 bill

Press reports state that a draft “Application of United Kingdom Law Bill” was circulated to the Saint Lucia Bar in December 2023 and later generated controversy. The publicly located reports establish that a proposal was reportedly under discussion. They do not establish its exact text, final policy, enactment, or present status. No official bill text was identified in the bounded search for this paper, and no Article 917A reform was identified in the official Act lists reviewed through Act 6 of 2026.

The proper recommendation is documentary, not partisan:

Publish the draft, consultation record, submissions, legal opinions capable of release, revision history, and current status.

Policy legitimacy begins with knowing what is actually proposed.

15.6 Public-value test

The reform should be judged against six users.

User	Public value required
Citizen	Can find the operative rule and understand why it applies

User	Public value required
Lawyer	Can identify source, version, conflict, and transition efficiently
Judge	Receives an authoritative record without losing interpretive independence
Business	Can price and document legal risk before a dispute
Parliament	Sees high-impact changes early enough to choose
State	Maintains the system at a sustainable cost

Sovereignty that cannot be used by these actors is mostly ceremonial. Efficiency that hides the rule from them is poorly counted.

16. Conclusion

Article 917A is a compact clause with an outsized institutional life.

It selects England. It keeps the source moving. It defines three fields. It redirects interpretation. It protects specific local doctrines. It gives priority to express Saint Lucian law. It authorises adaptation.

In *Hilaire*, the Privy Council read that machinery according to its text. The result is legally coherent: English common law and relevant Acts in force at trial may apply, subject to local filters. Independence did not silently repeal the clause. Parliament remains free to change it.

The same judgment reveals why reform is worth considering.

To know the law, a Saint Lucian may have to identify an external change, prove that it is in force in England, classify it within an inherited field, trace nested sources, compare it with express local text, determine whether difference is conflict, adapt it to local institutions, and resolve its effect across time. That is not direct foreign rule. It is a domestic choice to externalise part of legal production and internalise the reconciliation burden.

Kenny D. Anthony is right that sovereignty involves the right to determine a country's legal future. *Hilaire* is right that the constitutional source of Article 917A remains Saint Lucian. The apparent opposition dissolves when formal and operational sovereignty are separated.

The policy answer is not to stop learning from England. It is to govern the learning.

Freeze the baseline. Map the dependencies. Screen local fit. Choose through a proportionate domestic gate. Publish one authoritative version. Learn from the result.

The decisive question is not where an idea was born.

It is who decides that the idea will bind—and whether the people governed by it can find, contest, and change it before the next case makes the answer expensive.

Appendices

Appendix A — Article 917A annotated line by line

Text fragment	Legal work	Plain-English translation	Open design issue
"Subject to the provisions of this article"	Internal priority	Read the exceptions and safeguards before importing anything.	Does the public have a usable checklist?
"from and after the coming into operation of this article"	Original temporal start	Reception began when the 1956 amendment commenced, reported as 30 June 1957.	Original Gazette commencement instrument not located.
"law of England"	Source	Look to the English legal system.	How are subordinate and nested sources treated?
"for the time being"	Version	Use the source as it changes, not a 1956 snapshot.	Which litigation clock fixes the version?
"relating to contracts, quasi-contracts and torts"	Field gate	Only rules truly concerning the three fields enter through this route.	How should mixed statutes and new causes be classified?
"shall ... extend to Saint Lucia"	Domestic legal effect	A qualifying rule applies because the Code says it does.	Should future effect require a local activation?
"mutatis mutandis"	Adaptation	Make necessary local changes in detail.	What separates adaptation from new policy?
"articles 918 to 989 and 991 to 1132 ... construed accordingly"	Interpretation switch	Read the listed Code provisions through the received English law so far as practicable.	How should internal Code coherence be maintained?
"cease to be construed" through Lower Canada or <i>Coutume de Paris</i>	Comparative displacement	Do not use the prior civil-law interpretive source for these listed provisions.	Should future reform reopen comparative sources expressly?
proviso (a)	Doctrinal exception	English consideration doctrine does not apply.	Is the interface with modern English contract doctrine clear?
proviso (b)	Local definition	"Consideration" remains cause or reason, onerous or gratuitous.	Other statutes borrow this definition, creating spillovers.
proviso (c)	Rights preservation	Preserve specified third-party contract rights.	Are the rights clearly consolidated for present users?
paragraph (2): proof	Subject exclusion	Do not use Article 917A to alter the proof chapter.	Article 1137 separately receives English evidence rules.

Text fragment	Legal work	Plain-English translation	Open design issue
paragraph (2): specific contracts	Subject exclusion/interface	Preserve local regimes; use general contract rules only where genuinely applicable.	Where is the general/specific boundary?
paragraph (3): “conflict”	Collision test	Compare qualifying English and express local rules.	No exhaustive abstract test was supplied in <i>Hilaire</i> .
paragraph (3): “express provisions”	Priority criterion	Local legislative text wins; local common law alone does not trigger this paragraph.	Burden-of-specificity asymmetry.

Appendix B — Field map of Article 917A’s numbered Code range and adjacent provisions

Articles	Code heading / function	Reception significance
918–924	Requisites for validity of contracts	General contract formation and enforceability
925–944	Causes of nullity	Invalidating factors and avoidance
945–953	Interpretation of contracts	Construction and intention
954–960	Effect of contracts	Binding effect and performance
961–964	Effect regarding third persons	Preserved rights interface with proviso (c)
965–972	Avoidance in fraud of creditors	Creditor-protection interface
973–974	General quasi-contract provisions	Basic quasi-contract capacity rules
974A	Additional English-law quasi-contract action	Independent reception provision; not expressly within the second limb’s numbered list
975–978	<i>Negotiorum gestio</i>	Management of another’s affairs
979–984	Reception of a thing not due	Mistaken payment/restoration
985–989	Delicts and quasi-delicts	Core Code tort/fault provisions
989A–989S	Later specific tort/defamation provisions	Outside second-limb number range; interact through first limb and conflict rule
990	Other sources of obligations	Omitted from Article 917A’s interpretive list
991–994	Subject of obligations	What may be owed
995–1009	Effects/default/damages	Performance, default, and consequences
1009A	Pre-judgment interest	Later lettered provision; not expressly within the second limb’s numbered list

Articles	Code heading / function	Reception significance
1010–1019	Conditional obligations	Conditions and their effects
1020–1023	Obligations with a term	Timing and maturity
1024–1030	Alternative obligations	Choice among performances
1031–1051	Joint and several obligations	Multiple debtors/creditors
1052–1061	Divisible and indivisible obligations	Divisibility of performance
1062–1068	Penal clauses	Contractual penalty interface
1069	General rule on extinction	Enumerates the modes by which obligations are extinguished
1070–1099	Payment and tender	Discharge by performance
1100–1111	Novation	Replacement of obligations
1112–1116	Release	Voluntary discharge
1117–1127	Set-off	Reciprocal debt cancellation
1127A	Additional English-law set-off rule	Independent reception provision; not expressly within the second limb's numbered list
1128–1129	Confusion	Merger of debtor and creditor positions
1130–1132	Impossibility of performance	Extinction without performance
1132A–1132B	Frustrated contracts	Later lettered provisions; not expressly within the second limb's numbered list
1133–1176	Proof of obligations	Expressly protected by Article 917A(2); Article 1137 is a separate reception rule

The map is descriptive. A heading does not answer a live field or conflict question.

Appendix C — Conflict and adaptation matrix

Scenario	Presumptive result	Authority	Confidence
English rule contradicts Constitution	Constitution prevails	Constitution s 120	High
English rule lies outside three fields	No reception through Article 917A	Art 917A(1); <i>Hilaire</i> paras 40–41	High
English rule not yet in force in England	Not part of trial-time statutory corpus	<i>Hilaire</i> para 46(i)	High
Express exception applies	Preserve local rule	Art 917A(1)(a)–(c), (2)	High
Direct contradiction with Code/statute	Express local provision prevails	Art 917A(3); <i>Mathurin</i>	High
Conflict only with local common law	Article 917A(3) does not activate	<i>Hilaire</i> para 46(iii)	High

Scenario	Presumptive result	Authority	Confidence
Imported/local rules answer different elements	Both may operate	<i>Hilaire</i> paras 60–62	High, fact-sensitive
Mechanical institutional mismatch	Adapt necessary detail	<i>Hilaire</i> paras 45, 57–59	High, boundary open
English statute replaces imported common-law defence	Statute operates; local supplement may be redundant	<i>Hilaire</i> paras 63–69	High on examples
English change post-dates conduct but pre-dates trial	Inspect transition, accrued rights, local law, Constitution	Not resolved generally	Open
English Act relies on subordinate/nested instrument	Determine source authority and necessity; do not assume	Not resolved generally	Open
Later English case conflicts with binding Saint Lucian appellate precedent	Reconcile ambulatory clause and local stare decisis	Not resolved generally	Open

Appendix D — Verified illustrative case inventory

Year	Case	Field	Article 917A point	Authority level / caution
1971	<i>Mendes v Philbert</i> (1971) 16 WIR 255	Tort/animals	English scienter doctrine treated as received	Regional Court of Appeal; older reported authority
1974	<i>Cools v St Lucia Agriculturists Association</i> , Suit 175/1970	Tort/occupiers	Occupiers' Liability Act 1957 reportedly applied	Unreported judgment known through Floissac's scholarly quotation
1992	<i>Northrock Ltd v Jardine</i> (1992) 44 WIR 160	Tort	Code fault/control provisions read with English negligence/evidence	ECSC Court of Appeal; leading hybrid account
1997	<i>Velox v Helenair Corp</i> (1997) 55 WIR 179	Contract	English consideration doctrine excluded; gratuitous cause sufficient	ECSC Court of Appeal; express carve-out in action
2003	<i>Monica Plummer v Conway Bay Ltd</i> , Claims 942 and 1041 of 2000	Tort/damages	Possible English lost-years change identified, but argument declined	High Court; question expressly left open
2004	<i>Attorney General and Dariah v Isidore</i> , SLUHCVAP2003/0020	Tort/public force	English tort concepts constrained by local Criminal and Civil Code text	ECSC Court of Appeal
2006	<i>Conrad James v Jn Baptiste</i> , SLUHCV2002/1169	Tort/land	English trespass used within land dispute	High Court; field/industry illustration

Year	Case	Field	Article 917A point	Authority level / caution
2006	<i>Veronique Ismael v Justin Albert</i> , SLUHCv 0717 of 2002	Tort/damages	English 1982 lost-years change received; Article 609 treated as silent	High Court; overruled by <i>Mathurin</i>
2007	<i>Michael Christopher / Tamara Barrow v Flavien</i> , SLUHCv2004/0502 and SLUHCv2006/0182	Tort	Duty, breach, causation and evidence interface	High Court, applying <i>Northrock</i>
2008	<i>Mathurin v Augustin</i> , HCVAP2007/041	Tort/damages	Express Article 609 defeated contrary English statutory change	ECSC Court of Appeal; clean art 917A(3) example
2014	<i>Nelson v FirstCaribbean International Bank</i> [2014] UKPC 30	Property/security	Common-law-only statement later classified as obiter	JCPC; see <i>Hilaire</i> para 39
2015	<i>Desir v Alcide</i> [2015] UKPC 24	Quasi-contract/undue influence	English unjust-enrichment analysis; proof issues narrowed by actual wrongdoing	JCPC; paras 12–16 should not be overstated
2016	<i>Augustin v Auguste</i> , SLUHCvAP2013/0033	Contract/remedy	English specific-performance principles compatible with Code	ECSC Court of Appeal
2018	<i>FirstCaribbean v Sunset Village</i> , SLUHCvAP2016/0027	Insolvency	Article 917A did not import English insolvency; common-law-only dictum rejected later	ECSC Court of Appeal; see <i>Hilaire</i> paras 40–41
2018	<i>Hilaire v Chastanet</i> , SLUHCv2017/0190	Defamation	High Court held common law only	Reversed
2019	<i>Sonia Johnny v Attorney General</i> , SLUHCvAP2017/0036	Employment contract	English implied-term/good-faith control of discretion; no conflict with art 956	ECSC Court of Appeal
2020	<i>Chastanet v Hilaire</i> , SLUHCvAP2019/0005	Defamation	Statute + common law; ambulatory; adaptation/conflict	ECSC Court of Appeal; affirmed
2020	<i>Mendy Phillip v Sheldon Gaston</i>	Road negligence/death	English negligence standard combined with local death and double-recovery rules	High Court; composite tort analysis
2021	<i>Republic Bank (EC) Ltd v Director of Finance</i> , SLUHCv2020/0030	Contract/stamp duty	Article 917A argument yielded to the local fiscal statute's own test	High Court; local statute controlled
2022	<i>Francis Chitolie v Saint Lucia National Housing Corporation</i> , SLUHCvAP2020/0022	Contract/land transfer	Local onerous-or-gratuitous cause treated as consideration	ECSC Court of Appeal

Year	Case	Field	Article 917A point	Authority level / caution
2022	<i>Pigeon Island Development Company Ltd v The Landings Unit Plan No D2/2007</i> , SLUHCM2020/0028	Contract/remedy	Gratuitous cause can bind; specific performance ordered	Commercial Court; follows <i>Velox</i>
2022	<i>Exquisite Homes Ltd v Geest Industries (Estates) Ltd</i> , SLUHCM2020/0006	Contract/mistake/frustration	English doctrine used to construe Article 926 and frustration	Commercial Court; hybrid analysis
2023	<i>Hilaire v Chastanet</i> [2023] UKPC 22	Defamation	Governing construction and constitutional result	JCPC; final appeal under then-applicable route
2023	<i>Lucrecia Wilkinson v Attorney General</i> , SLUHCv2014/0623	Employment/pension	English control of contractual discretion preferred over Canadian comparator	High Court; follows <i>Sonia Johnny</i>
2023	<i>Dennis Boitnott v Coconut Bay Management Ltd</i> , SLUHCv2018/0194	Tort/occupiers	English negligence used, but Article 986 treated as local autonomous rule	High Court; paragraph-number caution in judgment
2023	<i>Julian John v Eric Joseph</i> , SLUHCv2021/0437	Road negligence/damages	English driving standard; Article 609 blocks English lost-years change	High Court; follows <i>Mathurin</i>
2025	<i>Peterson Francis v Christopher Hunte</i> , SLUHCv2024/0283	Defamation	Statutory defences after <i>Hilaire</i> required amended particulars	High Court; downstream application; costs EC\$1,500
2025	<i>Verne E Emmanuel v Cherry Ann Gaillard-Williams et al</i> , SLUHCv2023/0369	Defamation	Serious harm, truth, and public-interest provisions applied	High Court; EC\$35,000 general damages against selected defendants
2025	<i>Sadoo and Sons Trucking Ltd v Aaron Emilien</i> , SLUHCv2019/0147 and SLUHCv2021/0110	Road negligence/death	English negligence plus local contributory-negligence and death rules	High Court; composite tort analysis
2026	<i>Desmond Duval v Theresa Johannes</i>	Contract/land	Equitable-interest theory considered but no enforceable agreement found	High Court; does not establish that equity enters wholesale

The two identified 2025 defamation decisions are a methodological warning. They apply the English statute received through *Hilaire* but do not need to print “Article 917A” as the operative gateway. A literal citation search therefore measures express discussion, not the clause’s entire downstream footprint. No direct CCJ judgment on Article 917A was located in the specific official indices searched through 4 September 2026. Media reporting about *Frederick v Chastanet* in December 2025 is not used here as doctrinal evidence because official written reasons were not located.

Appendix E — Worked public examples

These illustrations are not legal advice. They show the questions the architecture generates.

E1. Online news archive

A Saint Lucian news site publishes an allegation, leaves it online, and later promotes it under a new headline. Under *Hilaire*, the English single-publication rule operates with Article 2123's knowledge trigger. Whether later publication is materially different remains fact-sensitive. Editorial archiving, insurance notice, evidence preservation, and limitation advice all depend on the composite rule.

E2. Family land access road

A resort operator builds a road across family land without authority. Title, registration, co-ownership, and succession remain local property questions. Trespass may invoke English tort law through Article 917A. One dispute, multiple legal fields.

E3. Guarantor and business loan

A bank sues a guarantor after a company defaults. General contract doctrine may enter through Article 917A. Suretyship is a specific contract protected by paragraph (2), except where general rules properly apply. The boundary can affect loan drafting, enforceability opinions, reserves, and interest pricing.

E4. Mistaken electronic payment

A company pays an invoice twice. The recipient changes position before repayment is demanded. Articles 979–984 and English restitution principles may interact. A later English change raises both semantic classification and temporal questions.

E5. Tourist injury

A hotel guest is injured by unsafe premises. English negligence or occupiers' liability may be relevant through tort, while local licensing, building, health, employment, and insurance legislation may provide express rules. A compliance manual based only on one legal family would be incomplete.

E6. Long-term technology contract

A five-year cloud-services agreement allocates cybersecurity, data-loss, and service-failure risk. England later reforms contractual remedies or exclusion clauses. The firm needs to know whether the change is in force, within contract, prospective, compatible with local statute, and applicable to the existing bargain. Dynamic legal maintenance becomes enterprise risk management.

Appendix F — Minimum LDBOM schema

Field	Example entry for <i>Hilaire</i> issue
Local record ID	SLU-917A-TORT-DEF-2014-001
Foreign source	Defamation Act 2013 (UK), ss 1–4, 8
Source type	Primary legislation
Territory	England and Wales, subject to Act's extent provisions
English commencement	1 January 2014 for relevant provisions
Local legal basis	Civil Code art 917A(1)

Field	Example entry for <i>Hilaire</i> issue
Field classification	Tort—defamation
Local authority	<i>Hilaire v Chastanet</i> [2023] UKPC 22
Express local interactions	Arts 989H, 989K, 989L, 2123
Adaptation	Section 8 timing read with knowledge of first publication under art 2123
Conflict result	No blocking conflict found on issues argued
Redundancy	Arts 989K and 989L described as redundant after statutory replacements
Transition source	Defamation Act 2013 s 16; local temporal effect not exhaustively decided
Historical text	Archived 2014 commencement version
Status	Authoritatively recognised; factual application remains case-specific
Last reviewed	Required field
Review owner	Responsible office to be designated

Appendix G — Outline of an External Law Application and Review Bill

1. **Purpose and principles** — comparative openness, domestic activation, accessibility, proportional scrutiny, reliance protection.
2. **Definitions** — foreign material, English enactment, common-law development, source version, activation instrument, local-force register, candidate watchlist.
3. **Cut-off** — precise date and time ending ungated statutory reception.
4. **Preservation** — existing law continues in verified form until amended or repealed.
5. **Savings** — completed transactions, existing contracts, accrued rights/liabilities/defences, limitation positions, pending proceedings/appeals, final judgments.
6. **Common law** — treatment of accepted propositions and persuasive later foreign authority.
7. **Inventory and schedules** — procedure for confirming applicable English enactments and versions.
8. **Review body** — membership, independence, conflicts, methods, reporting, regional cooperation.
9. **Risk tiers** — statutory criteria and upward reclassification power.
10. **Activation routes** — negative, affirmative, primary legislation, emergency lapse.
11. **Impact record** — scope, rights, distribution, equality, business, administration, transition, access.
12. **Adaptation** — express adapted text; limits on ministerial alteration of substantive policy.
13. **Publication and version evidence** — consolidated text, archives, certificates, machine-readable record.
14. **Access before adverse effect** — fair-access safeguard and exceptions narrowly defined.
15. **Review and evaluation** — outcome reporting, selective sunsets, five-year architecture review.

16. **Judicial interpretation** — preserve constitutional review and ordinary adjudication; register does not bind beyond lawful authority.
17. **Consequential amendments** — Article 917A, Article 974A, Article 1137, redundant provisions, cross-references.
18. **Commencement** — staggered activation after register and training readiness.

This outline is a policy specification, not a drafted bill or constitutional opinion.

Appendix H — Propositions capable of being falsified

1. Most reported Article 917A applications concern tort rather than contract or quasi-contract.
2. Practitioners disagree more about mixed-purpose English statutes than statutes devoted wholly to a covered field.
3. A consolidated version record improves source-identification accuracy and time compared with scattered sources.
4. Automatic reception reduces some drafting costs but increases some litigation and version-identification costs.
5. High-risk English changes are not consistently identified in Saint Lucia before litigation.
6. Regional monitoring can lower average research cost without delaying national activation.
7. Express local conflict provisions are outcome-determinative when they address the same issue directly.
8. A shadow watchlist can identify the majority of materially relevant English statutory changes within a pre-set time and staffing budget.
9. Business users value legal version certainty at least as highly as automatic alignment with England.
10. Modular localisation produces fewer transition defects than immediate comprehensive repeal.

Each proposition needs a pre-registered measure, comparison, and failure threshold. The purpose of policy research is not to protect the recommendation from evidence.

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Source and citation note

Legal propositions are tied wherever practicable to primary legislation or judgments. Secondary sources are used for history, comparative design, institutional theory, and discovery. Search snippets, law-firm summaries, and news reports were not used to establish contested doctrine where a judgment was available. The reported 2023 bill is described only as a reported proposal because an official text was not located.

The official Attorney General's Chambers consolidation and primary judgments were checked as at 4 September 2026. "Not located" is a bounded research statement, not proof that a document or case does not exist.

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