



**REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

---

REPORT OF THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION  
PURSUANT TO ARTICLE V.10 OF THE AGREEMENT ESTABLISHING THE  
CARIBBEAN COURT OF JUSTICE FOR THE PERIOD  
JANUARY 1, 2005 TO DECEMBER 31, 2005

REPORT OF THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION  
PURSUANT TO ARTICLE V.10 OF THE AGREEMENT ESTABLISHING THE  
CARIBBEAN COURT OF JUSTICE FOR THE PERIOD JANUARY 1, 2005 TO  
DECEMBER 31, 2005



## TABLE OF CONTENTS

	<b>Page</b>
1. Introduction	5
2. Appointment of Members of the Commission	6
3. Functions of the Commission	14
A. Assumption of Office of Judges	
B. Appointments of officials and employees	
C. Determination of Terms and Conditions of Service of officials and employees	
D. Appointment of Competition Commission	
E. Terms and Conditions of Judges	
4. Activities of the Commission	18
5. The Secretariat of the Commission	18
6. Inauguration of the Caribbean Court of Justice	19
7. Accommodation of the Commission and the Court	19
8. Legislation and Constituent Instruments	19
-- Headquarters Agreement	
-- Privileges and Immunities Order	
-- Legislation	
9. Financing of the Commission	21
10. Relations with Trustees	23

### Appendices

Appendix A: Agreement Establishing the Caribbean Court of Justice

Appendix B: Audited Financial Statements for 2004

Appendix C: Audited Financial Statements for 2005





## **1. INTRODUCTION**

Article V.10 of the Agreement Establishing the Caribbean Court of Justice (the Agreement') provides that "The Commission shall, no later than 31 March in every year, submit to the Heads of Government, an Annual Report of its work and operations during the previous year."

This report is submitted on the work and activities of the Commission for the year 2005.

## **2. APPOINTMENT OF MEMBERS OF THE COMMISSION**

The Regional Judicial and Legal Services Commission (RJLSC) is established by Article V.1 of the Agreement which provides that the Commission "shall consist of the following persons:

- (a) The President who shall be the Chairman of the Commission;
- (b) Two persons nominated jointly by the Organisation of the Commonwealth Caribbean Bar Association (OCCBA) and the Organisation of Eastern Caribbean States (OECS) Bar Association;
- (c) One chairman of the Judicial Services Commission of a Contracting Party selected in rotation in the English alphabetical order for a period of three years;
- (d) The Chairman of a Public Service Commission of a Contracting Party selected in rotation in the reverse English alphabetical order for a period of three years;
- (e) Two persons from civil society nominated jointly by the Secretary General of the Community and the Director General of the OECS for a period of three years following consultations with regional non-governmental organisations;
- (f) Two distinguished jurists nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, the Deans of the Faculties of Law of any of the Contracting Parties and the Chairman of the Council of Legal Education; and
- (g) Two persons nominated jointly by the Bar or Law Associations of the Contracting Parties."

During the period under review there were no changes in the membership of the Commission which continued to meet monthly to carry out the work of the Commission.



**The Right Honourable Mr. Justice Michael de la Bastide, TC**

The Right Honourable Mr. Justice Michael de la Bastide, TC, a citizen of Trinidad and Tobago obtained from the University of Oxford in England the degrees of Bachelor of Arts (Jurisprudence) in 1959 and the Bachelor of Civil Law in 1960. He was called to the Bar at Gray's Inn in 1961. After serving as Crown Counsel in the Office of the Attorney General of Trinidad and Tobago, he entered private practice in 1963 and was appointed Queen's Counsel in January 1975.

Mr. de la Bastide served as an Independent member of the Senate of Trinidad and Tobago from 1976 to 1981 and as a member of the Wooding Constitution Commission from 1971 to 1974 and of the Hyatali Commission from 1987 to 1990. He was elected the first President of the Law Association of Trinidad and Tobago and served in that capacity for three consecutive terms.

He was appointed Chief Justice of Trinidad and Tobago on May 31, 1995 and awarded Trinidad and Tobago's highest national honour, the Trinity Cross, in 1996. He retired as Chief Justice on the 18<sup>th</sup> July, 2002.

He was elected an Honorary Bencher of Gray's Inn in November 1996 and made a Fellow of the Society for Advanced Legal Studies in 2000. Mr. Justice de la Bastide was sworn in as a member of the Privy Council by her Majesty Queen Elizabeth II on July 27, 2004 and made an Honorary Student [Fellow] of Christ Church, Oxford University, in January 2005.



**The Honourable Sir David Simmons, K.A., B.C.H.**

Sir David Simmons, a citizen of Barbados, assumed office as the 12<sup>th</sup> Chief Justice of Barbados on January 1, 2002. He graduated from the London School of Economics and Political Science with the LL.B. degree in 1963. After additional reading he was awarded the LL.M degree in 1965. He is a barrister-at-law of Lincoln's Inn.

Sir David lectured in law in London until his return to Barbados in 1970. Between 1970 and 1974, he was a part-time lecturer in law at the Faculty of Law of the University of the West Indies.

Sir David has had an outstanding career as a lawyer in Barbados and was appointed Queen's Counsel in 1984. He served continuously for 25 years in the Parliament of Barbados from February 1970 to August 27, 2001, on which date he retired from active politics.

Twice he served as Attorney-General of Barbados; first, from 1985 to 1986, and, more recently, from September 1994 to August 2001. On many occasions during the latter period, Sir David acted as Prime Minister of Barbados.

As Attorney-General, Sir David chaired many initiatives and conferences including the Caribbean Financial Action Task Force (1997/98); the Joint US/Caribbean Sub-Committee which developed a Plan of Action on Justice and Security issues; the Regional Committee for the establishment of a project for Maritime Cooperation Against the Traffic In Illicit Narcotic Drugs in the Caribbean (1999-2002); and the Preparatory Committee to establish the Caribbean Court of Justice (1999-2001).

For his contribution to public service and politics, he was awarded both the Barbados Centennial Honour (B.C.H.) and the Knight of St. Andrew (K.A.) in 2001.

In December 2003 Sir David was awarded the degree of Doctor of Laws *honoris causa* of the University of London.

Sir David Simmons is married to former High Court Judge, Madam Justice Marie MacCormack. They have two children, Gavin and Lynne-Marie.

The Chairman and members of the Commission who held office in 2005 are listed below:-

<b>Date of Assumption</b>	<b>Name of Commissioner</b>	<b>Qualification for Appointment</b>	<b>Relevant paragraph of Article V.1</b>
August 18, 2004	The Rt. Hon. Mr. Justice Michael de la Bastide, T.C. (Chairman)	President of the Caribbean Court of Justice	(a)
August 21, 2003	Mr. Othniel Sylvester, CMG, Q.C.		
September 12, 2003	Dr. the Hon. Lloyd George Barnett, O.J.	Nominated jointly by OCCBA & OECS Bar Associations	(b)
August 21, 2003	Sir David Simmons, K.A., B.C.H.	Chairman Judicial Services Commission of Barbados	(c)
November 26, 2004	Ambassador Christopher R. Thomas, C.M.T., D. Laws	Chairman of the Public Service Commission of Trinidad and Tobago	(d)
August 21, 2003	Ms. Gloria Gray, B.Sc., M.Sc.	Nominated jointly by the Secretary General of the Community and Director General of the OECS	(e)
- ditto -	Ms. Nelia Robinson, B.Sc.		
August 21, 2003	Professor Aubrey Bishop, OR, CCH, B.Sc., LL.M.	Nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, Deans of the Faculties of Law of any of the Contracting Parties and Chairman of the Council of Legal Education	(f)
October 10, 2003	Dr. Magda Hoever-Venoaks, M.Sc., Ph.D.		
August 21, 2003	The Rt. Hon. Sir Vincent Floissac, C.M.G., L.L.M. (Lond.) Q.C.	Nominated jointly by the Bar or Law Associations of the Contracting Parties	(g)
- ditto -	Mr. Allan Alexander, S.C.		





**Mr. Othniel R. Sylvester, C.M.G.,  
Q.C.**

Mr. Othniel Sylvester, a citizen of St. Vincent and the Grenadines, is a Practising Barrister-at-law.

After embarking on a career in the Teaching Profession that spanned the years 1948-1956, Mr. Sylvester switched careers when he enrolled with the City of London College, University of London to read for a degree in law.

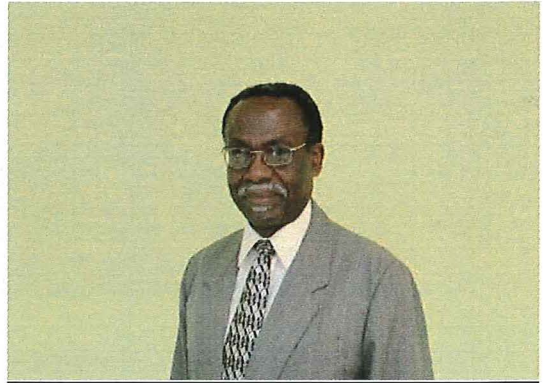
In 1958 Mr. Sylvester was awarded First Class Honours with a distinction in Public International Law. That year he graduated from the Inns of Court (Inner Temple) Law School with Second Class Honours.

He was called to the Bar of England in 1958 and to the St. Vincent and the Grenadines Bar the following year, 1959.

Mr. Sylvester was a former speaker of the House of Assembly (1966-1968); a former member of Parliament and Minister of Government from 1972 to 1974; and a former Director of the Eastern Caribbean Central Bank (1984-1986).

After distinguishing himself at the Bar for a period in excess of twenty-six (26) years, Mr. Sylvester was appointed one of Her Majesty's Counsel in 1985.

During the period 2001 to 2002, Mr. Sylvester acted as a High Court Judge of the Eastern Caribbean Supreme Court.

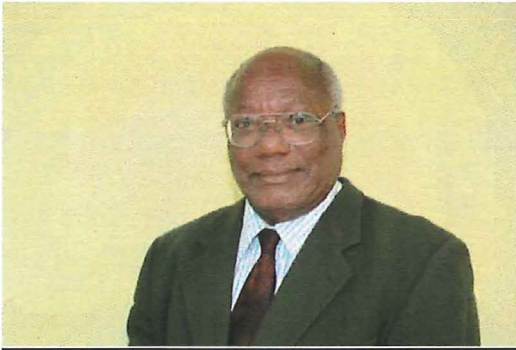


**Dr. the Honourable Lloyd Barnett,  
O.J.**

Dr. Barnett, a citizen of Jamaica, is a practising attorney-at-law. He holds the B.A. (1954), LL.B (1957), LL.M. (1960) and the Ph.D. (1966) all from the University of London. He was admitted to the Bar of Lincoln's Inn in December 1960. He has served as Crown Counsel in the Chambers of the Attorney General and the Office of the Director of Public Prosecutions.

He has also served as President of the Jamaica Bar Association, Chairman of the Jamaica Council of Human Rights and as Vice President and President of the Organisation of Commonwealth Caribbean Bar Associations (OCCBA).

From 1995 to the present he has been Chairman of the General Legal Council of Jamaica. He was named a member of the Police Service Commission in 2003. In 1999 Dr. Barnett was awarded the Order of Jamaica for his outstanding contribution to jurisprudence and legal education in the Caribbean region.



**Ambassador Christopher R. Thomas, C.M.T., D.Laws**

Ambassador Thomas, a citizen of Trinidad and Tobago, is the Chairman of the Public and Police Service Commissions of Trinidad and Tobago. He is the holder of the B.A. in General Studies of the University of London (1961), the Diploma in Education of the University of the West Indies (1963), the M. Litt. of the University of Bristol (1970) and the M.A. in International Politics of New York University (1977). He also holds the degree of Doctor of Laws (*honoris causa*) from the University of Maine (2003).

He has served as a graduate teacher, University Lecturer, Independent Senator, Permanent Secretary of the Ministry of Foreign Affairs and as Chairman of two major Committees of the United Nations for 13 years and an Inspector of the United Nations Agencies and Bodies in New York, Geneva, France and Rome and was Ambassador of Trinidad and Tobago to Venezuela from 1985 to 1990. He has also served as Assistant Secretary General of the Organisation of American States from 1990 to 2000.

He was awarded by the Government of Trinidad and Tobago, the Chaconia Medal (Gold) and by the Government of Venezuela, the *Gran Cordon del Libertador*, the highest honour of that country.



**Mrs. Gloria Gray, B.Sc., M.Sc.**

Mrs. Gloria Gray is a citizen of Trinidad and Tobago. She is the holder of a B.Sc. degree in Sociology from the University of the West Indies and a M.Sc. degree in Sociology with specialization in Social Psychology. Mrs. Gray has worked at the University of the West Indies, St. Augustine as a full-time Teaching Assistant in General Psychology, Sociological Theory and Criminology and part-time Teaching Assistant in Sociology. She has also worked at UNECLAC in the Social Affairs Unit.

Currently and since 1991, internationally and locally, Mrs. Gray has been involved on a full time basis with Christian Counselling and the Deliverance Ministry, activities aimed at the healing, restoration and growth of those in need. She possesses a good reading knowledge of French and is fluent in Spanish.

Mrs. Gray is married to Arthur A. Gray whose career has spanned the Foreign Service of Trinidad and Tobago, the CARICOM Secretariat (where he occupied the position of Director, Foreign Policy and External Economic Relations) and UNECLAC, from which he recently retired, as the Regional Economic Adviser.





**Ms. Nelcia Robinson, B.Sc.**

Ms. Nelcia Robinson, a national of St. Vincent and the Grenadines, is of Garifuna descent and was the first Coordinator of the Caribbean Organisation. She has extensive experience in community development and knowledge of social issues in the Caribbean. She is Coordinator of the Caribbean Association for Feminist Research and Action (CAFRA) and of the Caribbean Gender and Trade Network.

Ms. Robinson is a Kellogg Fellow and has majored in International Development. She is a community educator, lobbyist and researcher. Her special focus is human rights and economic development.

Ms. Robinson is a member of the Civil Society Advisory Committee to the Commonwealth Foundation and has served as its Chairperson and on the Board of Governors of the Foundation.

She is currently Chairperson of the Caribbean Policy Development Center, a network of Non-Governmental organisations in the English, Spanish, French and Dutch Caribbean.



**Professor Aubrey Bishop, OR, CCH, B.Sc., LL.M**

Professor Bishop is a citizen of Guyana. He was educated at Queen's College (Guyana) and called to the English Bar in July 1963 where he practised before the civil and criminal Courts in Guyana with noted success. He was elevated to the High Court in 1976, to the Court of Appeal in 1987 and became Chief Justice in 1992. He was appointed Chancellor and Head of the Judiciary in Guyana in 1996. Among his judgments are two 'firsts' in the wide Commonwealth of nations. Immediately upon demitting office, Professor Bishop assumed a full time Professorship of Law at the University of Guyana. He is the holder of a B.Sc. degree in Industrial Relations and Management and the LL.M. degree. His part time and full time teaching experiences span to date 26 years. He has been awarded the Cacique's Crown of Honour and the Order of Roraima, the third and second highest awards in Guyana.

Professor Bishop is married to Dr. Carole Maison-Bishop, an educator of the Caribbean Community Secretariat (CARICOM). They have three children. He is a Past President of the Methodist Church in the Caribbean and the Americas.





**Dr. Magda Hoever-Venoaks,**  
**M.Sc., Ph.D.**

Dr. Magda Renata Hoever-Venoaks, a citizen of the Republic of Suriname, is an Associate Professor in the Department of Law at the Faculty of Social Sciences of the University of Suriname and facilitates courses Administrative Law and Legislative theory and practice.

Dr. Hoever-Venoaks graduated from Teacher Training College in Suriname and from the Social Academy CICSA and the management training of the Netherlands Federation for Elderly Care in the Netherlands. In 1990 she was awarded her Master's Degree in Law and commenced working as a Lecturer in Law in the Department of Law at the Faculty of Social Sciences of the University of Suriname.

In 1999 she was awarded a Doctorate (PH.D) in Administrative Law from the University of Suriname. Her dissertation is published under the title: 'Surinamese civil servants' law in development perspective'.

She has written together with L.J.A. Damen, Professor of Law of the University of Groningen, the Netherlands the (first Surinamese) college textbook, 'Administrative Law' of which the second edition was published in 2003.

She has also written articles for many publications including the Surinamese Jurist Journal, the Syllabus Surinamese Environmental Law and the Memorial book 'Moi Wana 10 years Human Rightswork in Suriname'.

Dr. Hoever-Venoaks is also a member of the Council for the selection and training of members of the Judiciary in Suriname.

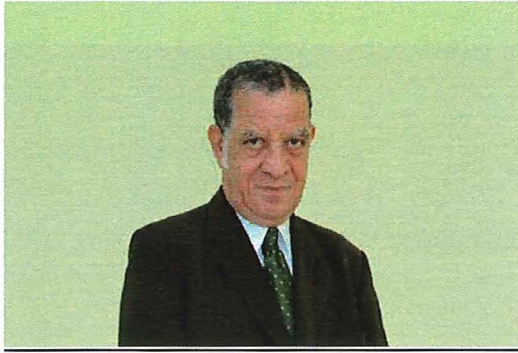
Dr. Hoever-Venoaks is married to Stanley Hoever, who is also a lawyer. They have two children.



**Mr. Allan Alexander S.C.**

Mr. Allan Alexander is a citizen of Trinidad and Tobago and a Barrister-at-law. He was called to the Bar of England and Wales in September 1959 and was admitted to practise law as a Barrister-at-law in Trinidad and Tobago in January 1960. He accepted silk in July 1980 and has acted as a Judge of the High Court of Trinidad and Tobago.

Mr. Alexander also served as an Independent Senator in the Parliament of Trinidad and Tobago from 1986 to 1991. He was also past President of the Trinidad and Tobago Bar Association, the Law Association of Trinidad and Tobago and the Organisation of Commonwealth Caribbean Bar Associations.



**The Rt. Hon. Sir Vincent Floissac,  
C.M.G., Q.C., LL.M. (Lond)**

The Right Honourable Sir Vincent Floissac is a former Chief Justice and President of the Court of Appeal of the Eastern Caribbean Supreme Court having served in that capacity from November 1991 to July 1996.

Sir Vincent was St. Lucia's Open Island Scholarship winner in 1948. He enrolled at the University College, London University, where he obtained his LL.B degree with Honours in 1951. He then entered the Inns of Court School of Law (Gray's Inn) where he successfully completed the Bar Finals before being called to the Bar of England in 1952. He also obtained his LL.M. at the London University in 1953.

Sir Vincent practised law in the island of St. Lucia for 37 years between 1953 and 1991.

He was a member of the Seychelles Court of Appeal between 1988 and 1991.

Sir Vincent, a former President of the St. Lucia Bar Association, is currently an Honorary Bencher of Gray's Inn, and has been a member of the Judicial Committee of the Privy Council since 1992.

Between 1969 and 1975, Sir Vincent was a nominated Member and Deputy Speaker of the St. Lucia House of Assembly. In 1979 he was installed as the First President of the Senate of St. Lucia.

He was Governor General's Deputy on various occasions in 1983 and 1988, and acted as Governor General of St. Lucia from May 1987 to October 1988.

For his numerous contributions to the legal profession, and his public service, Sir Vincent was awarded Silk in 1969; made a Member of the Order of the British Empire in 1973, a Commander of the Order of St. Michael and St. George in 1985 and awarded a Knight Bachelorhood in 1992.

Sir Vincent is married to Lady Marilyn Floissac and they are the parents of twin daughters, Heather and Brenda.

### 3. FUNCTIONS OF THE COMMISSION

The main functions of the Commission are set out in Article V.3 (1) of the Agreement. This Article provides that-

"The Commission shall have responsibility for:

- (a) making appointments to the office of Judge of the Court, other than that of President;
- (b) making appointments of those officials and employees referred to in Article XXVII and determining the salaries and allowances to be paid to such officials and employees;
- (c) the determination of the terms and conditions of service of officials and employees; and
- (d) the termination of appointments in accordance with the provisions of the Agreement."

The Agreement also sets out other functions of the Commission. These include-

- o the exercise of disciplinary control over Judges of the Court, other than the President, and over officials and employees of the Court; Article V.3(2).
- o the making of recommendations to the Heads of Government as to the person to be appointed President and for the removal of the President from office; Article IV.6
- o the determination of the terms and conditions and other benefits of the President and other Judges of the Court with the approval of the Heads of Government; Article XXVIII as amended by the Protocol to the Agreement signed on 17<sup>th</sup> February 2005, relating to the Tenure of Judges, Rules of Court, Financial Arrangements and Withdrawal from Agreement as well as the Relationship between provisions on the Original Jurisdiction of the CCJ and the Constitutions of States Parties.
- o the making of Regulations -
  - o to govern the appointment, discipline, termination of appointment and other terms and conditions of service and employment for Judges, other than the President, and officials and employees of the Court,
  - o to prescribe the procedure governing the conduct of such proceedings, and
  - o generally to give effect to the Agreement. Article XXXI.

The Commission is also given the responsibility under Article 172 of the Revised Treaty of Chaguaramas of appointing the members of the Competition Commission.



The work of the Commission pursuant to the Agreement and the Revised Treaty is set out below.

A. making appointments to the office of Judge of the Court, other than that of President;

In 2004 the Commission selected and appointed six persons to be Judges of the Caribbean Court of Justice and agreed that the assumption of office by the said Judges should be staggered over the first half of 2005. The Judges assumed office on the dates set out in the following table:

<b>NAME</b>	<b>DATE OF ASSUMPTION</b>	<b>CITIZENSHIP</b>
The Honourable Mr. Justice Rolston Nelson	1 <sup>st</sup> February 2005	Trinidad and Tobago
Mr. Duke Pollard	15 <sup>th</sup> February 2005	Guyana
The Honourable Mr. Justice Adrian Saunders	16 <sup>th</sup> April 2005	St. Vincent and the Grenadines
The Honourable Madame Justice Desiree Bernard	16 <sup>th</sup> April 2005	Guyana
<i>Edelgrootachtbare Heer Rechter mr J Th. Wit</i> (The Honourable Mr. Justice Jacob Wit, J.A.)	1 <sup>st</sup> June 2005	The Netherlands
Professor David Hayton	30 <sup>th</sup> June 2005	United Kingdom

B. making appointments of those officials and employees referred to in Article XXVII and for determining the salaries and allowances to be paid to such officials and employees;

During 2004 the Commission appointed a sub-Committee to interview and select staff of the Court. As a result of the work of the sub-Committee the Commission made appointments to several key positions in 2004. The first members of staff assumed duty in January 2005 and at different times during the ensuing months.

In January 2005 the sub-Committee resumed its work by conducting interviews for the positions of Judicial Research Assistant and Judicial IT User Support Technician. The Commission agreed to the creation of the posts of Information Systems Clerk, Registry Supervisor and Court Support Officer and in December 2005 interviews were held for these posts.

Based on recommendations made by the sub-Committee, the Commission made the following appointments (subject to successful completion of probation):

<b>Position</b>	<b>Appointee</b>	<b>Citizenship of Appointee</b>
Judicial Research Assistant	Ms. Radha Permanand	Trinidad and Tobago
Judicial Research Assistant	Ms. Natasha George	Trinidad and Tobago
Judicial IT User Support Technician	Ms. Sonia Thompson	Trinidad and Tobago
Judicial IT User Support Technician	Mr. Janak Maraj	Trinidad and Tobago
Registry Supervisor	Mr. Nandlal Hardial	Trinidad and Tobago
Court Support Officer	Ms. Jacqueline Swaby	Jamaica
Information Systems Clerk	Ms. Lavaughn Agard	Trinidad and Tobago

The Research Assistants and IT User Support Technicians assumed office in 2005.

The Commission agreed to delegate to the Court Executive Administrator the responsibility for the selection and appointment of persons to the posts of Judge's driver, Driver/Messenger and Tea Assistant.

The following drivers were appointed by the CEA in 2005:

<b>Appointee</b>	<b>Citizenship of Appointee</b>
Mr. Sheldon Daniel	Trinidad and Tobago
Mr. Selwyn Hart	Trinidad and Tobago
Mr. Sheldon Cambridge	Trinidad and Tobago
Mr. Garvin Padmore	Trinidad and Tobago
Mr. Oscar Peters	Trinidad and Tobago
Mr. Jeffrey Benjamin	Trinidad and Tobago
Mr. Hucliffe Samuel (temporary)	Trinidad and Tobago

Mr. Keith Gordon was appointed as the Driver/Messenger of the Court and Ms. Denise Dickenson was appointed the Tea Assistant.

The Commission agreed to the creation of a post of Messenger and Mr. George Thomas was appointed to it.

C. the determination of the terms and conditions of service of officials and employees.

The Commission, after creating the positions referred to in the tables below, approved the terms and conditions of service for each position. These positions were all posted on the Court's website and were advertised regionally except for Court Security Manager, Security Officers, Clerk to the Commission, Customer Service Officers, Messenger, Driver/Messenger and Tea Assistant. The terms and conditions approved by the Commission included a leave structure for all staff of the Court and Commission.

**Table 1** – This table indicates the positions which were filled in 2005.

<b>POSITIONS</b>
Judicial Research Assistants (2)
Judicial IT User Support Technicians (2)
Information Systems Clerk
Tea Assistant
Driver/Messenger [for the Court]

**Table 2 – This table indicates the positions for which terms and conditions of service were approved in 2005 and which were to be filled in 2006.**

<b>POSITIONS</b>
Court Security Manager
Court Facilities Manager
Secretary to Court Security and Facilities Managers
Library Assistant
Customer Service Officers (2)
Security Officers (24)
Clerk to the Commission
Driver/Messenger to the Commission
Messenger

The Commission also considered the appointment and compensation of Deputy Registrars of the Court. It noted that the CCJ legislation of some of the Contracting Parties to the Agreement, including Barbados and Guyana, appointed the Registrar of the Supreme Court as the Deputy Registrar of the CCJ. These statutory provisions were in conflict with Article XXVII of the Agreement which provided that the Commission appoint the Registrar of a superior court as a Deputy Registrar of the CCJ, with the concurrence of the competent authority of a Contracting Party.

The Commission also considered the issue of compensation for additional functions required to be performed in the original jurisdiction of the Court by the Deputy Registrars and agreed on the payment to the Deputy Registrars of a stipend, the amount of which is to be determined at a later date.

#### D. Appointment of Competition Commission

By letter dated May 17, 2005 the Chairman of the RJLSC wrote to the Secretary-General of CARICOM requesting information on the matters relating to the appointment of the seven members of the Competition Commission. These matters included the time for appointment of the Commissioners, the provision of administrative support for the Competition Commission, payment of the Commissioners, the procedure for selection of the Commissioners and the role of the Council for Trade and Economic Development (COTED).

In June 2005 the RJLSC was advised by the General Counsel Dr. Winston Anderson, of the discussions held on the modus operandi of the Competition Commission at the 19<sup>th</sup> Meeting of COTED in Guyana on May 9-12, 2005. The RJLSC noted the proposed establishment of a Task Force on the implementation of the provisions of Chapter 8 of the Revised Treaty of Chaguaramas and the recommendation that the Task Force work in close collaboration with it on the establishment of the Commission.

#### E. Terms and Conditions of Judges

During the period under review the Commission approved the following for the Judges of the Court:



- An increase in the housing allowance to US\$42,000.00 per annum;
- A maximum limit on the cost of vehicles to be purchased for the Judges;
- Payment by the Commission of the cost of installation of alarms on the external windows and doors of the homes of Judges and the monitoring system provided by the security company.

#### **4. ACTIVITIES OF THE COMMISSION**

Apart from the functions outlined above, during the period under review the Commission also engaged in the following activities:

- The finalization of a Headquarters Agreement with the Government of Trinidad and Tobago;
- The preparation of the budget for the Commission and approval of the budget for the Court;
- Approval of a policy on judicial education;
- Approval of limits of expenditure for the Court and Commission under a procurement policy;
- Finalization of a group medical health plan for the Judges and staff;
- Negotiation of a pension plan.

#### **5. THE SECRETARIAT OF THE COMMISSION**

At the end of January 2005 the Commission bade farewell to its Interim Administrator, Mrs. Allyson Ramkerrysingh. She continued to work part time during the month of January in order to effect a smooth transition to the Registrar of the Court, Ms. Paula Pierre, who assumed office on 3<sup>rd</sup> January, 2005. Ms. Pierre had served as Deputy Registrar and Acting Registrar of the Supreme Court of Trinidad and Tobago.

By virtue of Article V.11 of the Agreement, *"The Registrar of the Court shall perform the functions of Secretary of the Commission and shall be the chief administrative officer of the Commission"*.

At its meeting on 22<sup>nd</sup> February 2005 the Commission created the posts of Office Manager and Accounting Assistant of the Court and appointed two members of the support staff of the Commission to those posts. Mr. Nigel Payne, the former driver/messenger of the Commission became the Office Manager of the Court and Ms. Feli Renwick, the Accounts Clerk of the Commission became the Accounting Assistant at the Court.

In November 2005 the Commission agreed to the creation of the post of Clerk of the Commission and approved terms and conditions for it. The Commission also approved in 2005 the filling of the post of driver/messenger of the Commission.

## 9. FINANCING OF THE COMMISSION

In April 2005 the Caribbean Court of Justice Trust Fund disbursed TT\$27 million of the US\$100 million Fund to the Court and Commission. The amount not required for immediate use by the Court was placed in a Money Market account with an on demand facility.

Although the sum of US\$100 million was raised on July 12, 2004 by the Caribbean Development Bank (CDB) it could not be disbursed to the Board of Trustees until all Member States had passed legislation incorporating the Agreement in their domestic law. This condition was only fulfilled on April 7, 2005 when the Fund was eventually handed over to the Trustees. As a result, there was a loss of the income that would have been produced by earlier investment by the Trustees.

Prior to April 2005 funding for the Court and the Commission had been provided by the CARICOM Secretariat, the Government of Trinidad and Tobago and the Government of Japan through the United Nations Development Programme as shown in the table below.

The Commission approved the financial statement of the Court and Commission for 2005, the 2006 budget for the Court and Commission and a 5 year forecast of expenditure spanning 2006 to 2010. Each of these documents was revised in the latter part of 2005 as the passage of time and the daily operations of the Court provided a better basis on which to ground projections of expenditure.

During 2005 the Commission also initiated the process for the appointment of external auditors for the Court and Commission by issuing letters requesting proposals for the provision of audit services from five firms of chartered accountants.

The audited financial statements of the Commission for the periods ending December 31, 2004 and December 31, 2005 respectively are attached as **Appendix B** and **Appendix C** respectively.



**Grants and Advances Received to  
December 31, 2004**

The following is a listing of Grants and Advances received by the RJLSC as at December 31, 2004

<b>Source</b>	<b>Date Received</b>	<b>US\$</b>	<b>TT\$</b>
Government of Trinidad & Tobago	March 5, 2004	50,000	315,000
Government of Trinidad & Tobago	July 13, 2004	100,000	630,000
Government of Trinidad & Tobago	September 22, 2004	1,000,000	6,300,000
CARICOM	November 6, 2003	74,975	458,847
CARICOM	May 27, 2004	15,873	97,143
UNDP Funds (Japan)	July 12, 2004	75,975	464,967
UNDP Funds (Japan)	September 27, 2004	159,000	973,080
<b>TOTAL</b>		<b>1,475,823</b>	<b>9,239,037</b>

## **10. RELATIONS WITH THE TRUSTEES**

The relationship between the Court and Commission and the Board of Trustees has not been without its challenges and difficulties. These have their source for the most part in disagreement as to the proper role of the Board of Trustees in relation to the preparation and finalization of the budget of the Court and the Commission.

During 2005 several meetings were held by representatives of the Court and Commission and the Board of Trustees. The Prime Minister of St. Lucia and the Attorney General of Barbados also met separately with the President of the Court and the Chairman, Deputy Chairman and Executive Officer of the Board of Trustees to discuss the relationship between the Court and the Board.

Happily it now seems likely that the three parties will be able to reach agreement on the text of a Protocol to govern the interaction between the Court and Commission on the one hand and the Trustees on the other. If an agreement materializes, this will go a long way to improving relations.



## **6. INAUGURATION OF THE CARIBBEAN COURT OF JUSTICE**

Under the Chairmanship of Sir David Simmons the High Level Task Force for the Inauguration of the Caribbean Court of Justice continued planning of the Programme of Activities and Events. The date of the Inauguration was fixed for Saturday 16<sup>th</sup> April 2005 at the Queen's Hall, Port of Spain.

As key Court personnel selected by the Commission assumed duty in January and February 2005, responsibility for the implementation of the decisions taken by the Task Force was assumed by them.

The work of the Commissioners in the establishment of the Court was noted with appreciation by speakers at the Inauguration Ceremony.

## **7. ACCOMMODATION OF THE COMMISSION AND THE COURT**

On January 31, 2005, the Commission and the Court moved into their second temporary home at Level 5 of the Unit Trust Corporation Financial Centre (UTC), 82 Independence Square, Port of Spain, Trinidad and began operations there on February 1, 2005. This accommodation, like the first home of the Commission at 63, Tragarete Road, Port of Spain, was rented and furnished by the Government of Trinidad and Tobago.

The fifth floor at the UTC was configured to accommodate the President, four Judges and support staff of the Court and Commission for a period of six months while work was being done to refurbish another temporary home for the Court and Commission at 134, Henry Street, Port of Spain.

However, refurbishment of the building at Henry Street Port of Spain took much longer than anticipated and the Commission spent more than one year at the UTC building. This delay created very cramped conditions for the Court and Commission as several adjustments in the layout of the fifth floor had to be made to accommodate the two additional Judges and support staff who assumed duty after the end of the six month period.

## **8. LEGISLATION AND CONSTITUENT INSTRUMENTS**

### **Headquarters Agreement**

Article III.4 of the Agreement establishing the Caribbean Court of Justice provides that "The Government of the Contracting Party in whose territory the Seat of the Court is situated shall provide suitable accommodation for the Seat of the Court and the offices of the Commission and shall conclude with the Court and the Commission an Agreement relating to the Seat of the Court and the offices of the Commission."

On 3<sup>rd</sup> and 4<sup>th</sup> February 2005, the President of the Court and Chairman of the Commission, the Rt. Hon. Mr. Justice Michael de la Bastide, T.C., together with the Honourable Mr. Justice Rolston Nelson, Mr. Duke Pollard, Director of the Legislative Drafting Facility of CARICOM, and Mr. Sheldon Mc Donald, Project Coordinator for the establishment of the CCJ, reviewed and agreed a revised draft of the Headquarters Agreement to be entered into by the Court and Commission with the Government of Trinidad and Tobago.

This Agreement was subsequently signed on 23<sup>rd</sup> February 2005.

## **Privileges and Immunities Order**

One of the important features of the Headquarters Agreement is the grant of privileges and immunities to members of the Commission, when engaged in the business of the Commission in Trinidad and Tobago. These privileges and immunities include inviolability of all papers, documents and materials related to the work of the Commission and immunity from inspection and seizure of personal and official baggage, except in cases of *flagrante delicto*.

The Conference of the Heads of Governments approved the issue of the laissez-passer travel document to members of the Commission and the CARICOM Secretariat subsequently issued the laissez-passer to Commissioners to facilitate their travel on Commission business within the region.

The Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Service Commission (RJLSC) and the Caribbean Court of Justice Trust Fund] Order 2004 was made and became effective in Trinidad and Tobago on 12<sup>th</sup> May 2005. This Order gave the Commission, its members and officers and servants, the privileges and immunities specified in the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act of Trinidad and Tobago. These privileges and immunities included exemption from payment of income tax by employees of the Commission and exemption from payment of all dues and taxes, except certain specified categories of taxes by members of the Commission.

Section 19 of the Finance Act 2005 amended the Privileges and Immunities Order above and had the effect of making retroactive to 22<sup>nd</sup> August 2003, the privileges and immunities enjoyed by members and employees of the Commission.

## **Legislation**

The Commission embarked upon a project to compile the legislation of all Contracting Parties to the Agreement.

The Commission also noted with interest the judgment of the Judicial Committee of the Privy Council delivered on February 3, 2005 in appeal No. 41 of 2004 *Independent Jamaica Council for Human Rights (1998) Limited and Others v. Hon. Syringa Marshall-Barnett and the Attorney General of Jamaica*.

This was a challenge to the legislation by which Jamaica had sought to establish the CCJ in place of the Judicial Committee as its final appellate court. The legislation was declared unconstitutional by the Privy Council for failure to pass it in accordance with the procedure prescribed for amending entrenched provisions of the Jamaican Constitution.

## Appendix A

### Agreement Establishing the Caribbean Court of Justice



## **AGREEMENT ESTABLISHING THE CARIBBEAN COURT OF JUSTICE**

THE CONTRACTING PARTIES,

CONVINCED that the Caribbean Court of Justice, (hereinafter referred to as "the Court"), will have a determinative role in the further development of Caribbean jurisprudence through the judicial process;

CONVINCED ALSO of the desirability of entrenching the Court in their national Constitutions;

AWARE that the establishment of the Court is a further step in the deepening of the regional integration process;

RECOGNISING the sovereignty of Members of the Caribbean Community;

HEREBY AGREE as follows:

### **ARTICLE 1 USE OF TERMS**

In this Agreement, unless the context otherwise requires:

'Commission' means the Regional Judicial and Legal Services Commission established by Article V;

'Conference' means the Conference of Heads of Government of Member States of the Caribbean Community;

'Contracting Party' means an entity referred to in Article II which has satisfied the requirements of membership and in relation to which this Agreement is in force;

'Heads of Government' means the Heads of Government of the Contracting Parties;

'President' means the President of the Court;

'Secretary-General' means the Secretary-General of the Caribbean Community;

'Treaty' means the Treaty establishing the Caribbean Community signed at Chaguaramas on 4 July 1973 and any amendments thereto which take effect either provisionally or definitively.

**PART I**  
**MEMBERSHIP, ESTABLISHMENT OF THE COURT, THE COMMISSION**  
**AND RELATED MATTERS**

**ARTICLE II**  
**MEMBERSHIP**

This Agreement shall be open to –

- (a) Member States of the Caribbean Community;
- (b) Any other Caribbean country, which is invited by the Conference to become a Party to this Agreement.

**ARTICLE III**  
**ESTABLISHMENT AND SEAT OF THE CARIBBEAN COURT OF JUSTICE**

1. The Court is hereby established with:
  - (a) Original jurisdiction in accordance with the provisions of Part II, and
  - (b) Appellate jurisdiction in accordance with the provisions of Part III.
2. The decisions of the Court shall be final.
3. The Seat of the Court shall be in the territory of a Contracting Party as determined by a qualified majority of the Contracting Parties but, as circumstances warrant, the Court may sit in the territory of any other Contracting Party.
4. The Government of the Contracting Party in whose territory the Seat of the Court is situated shall provide suitable accommodation for the Seat of the Court and the offices of the Commission and shall conclude with the Court and the Commission an Agreement relating to the Seat of the Court and the offices of the Commission.



5. The Court shall have and use, as occasion may require, a seal having a device or impression with the inscription 'The Caribbean Court of Justice'.

#### **ARTICLE IV**

##### **CONSTITUTION OF THE COURT**

1. Subject to paragraph 2 of this Article, the Judges of the Court shall be the President and not more than nine other Judges of whom at least three shall possess expertise in international law including international trade law.

2. The number of Judges, excluding the President, may be increased by the Heads of Government, upon the recommendation of the Commission.

3. The Court shall be duly constituted as set out in Parts II and III and may sit in such number of divisions as may be directed by the President but every Judge of the Court may sit in any division.

4. The determination of any question before the Court shall be according to the opinion of the majority of the Judges of the Court hearing the case.

5. Notwithstanding the provisions of this Article, the President may appoint one or more judges to determine interlocutory matters.

6. The President shall be appointed or removed by the qualified majority vote of three-quarters of the Contracting Parties on the recommendation of the Commission.

7. The Judges of the Court, other than the President, shall be appointed or removed by a majority vote of all of the members of the Commission.

8. The President shall take precedence over all other Judges of the Court and the seniority of the other Judges of the Court shall be determined in accordance with the dates of their appointment.

9. The appointment of the President shall be signified by letter under the hand of the Chairman for the time being of the Conference acting on the advice of the Heads of Government and the appointment of any other Judge of the Court shall be signified by letter under the hand of the Chairman of the Commission.

10. A person shall not be qualified to be appointed to hold or to act in the office of Judge of the Court, unless that person satisfies the criteria mentioned in paragraph 11 and –

(a) is or has been for a period or periods amounting in the aggregate to not less than five years, a Judge of a court of unlimited jurisdiction in civil and criminal matters in the territory of a Contracting Party or in some part of the Commonwealth, or in a State exercising civil law jurisprudence common to Contracting Parties, or a court having jurisdiction in appeals from any such court and who, in the opinion of the Commission, has distinguished himself or herself in that office; or

(b) is or has been engaged in the practice or teaching of law for a period or periods amounting in the aggregate to not less than fifteen years in a Member State of the Caribbean Community or in a Contracting Party or in some part of the Commonwealth, or in a State exercising civil law jurisprudence common to Contracting parties, and has distinguished himself or herself in the legal profession.

11. In making appointments to the office of Judge, regard shall be had to the following criteria: high moral character, intellectual and analytical ability, sound judgment, integrity, and understanding of people and society.

12. The Commission may, prior to appointing a Judge of the Court, consult with associations representative of the legal profession and with other bodies and individuals that it considers appropriate in selecting a Judge of the Court.

**ARTICLE V**  
**ESTABLISHMENT OF THE REGIONAL JUDICIAL AND**  
**LEGAL SERVICES COMMISSION**

1. There is hereby established a Regional Judicial and Legal Services Commission which shall consist of the following persons:

(a) the President who shall be the Chairman of the Commission;

(b) two persons nominated jointly by the Organisation of the Commonwealth Caribbean Bar Association (OCCBA) and the Organisation of Eastern Caribbean

States (OECS) Bar Association;

(c) one chairman of the Judicial Services Commission of a Contracting Party selected in rotation in the English alphabetical order for a period of three years;

(d) the Chairman of a Public Service Commission of a Contracting Party selected in rotation in the reverse English alphabetical order for a period of three years;

(e) two persons from civil society nominated jointly by the Secretary-General of the Community and the Director General of the OECS for a period of three years following consultations with regional non-governmental organisations;

(f) two distinguished jurists nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, the Deans of the Faculties of Law of any of the Contracting Parties and the Chairman of the Council of Legal Education; and

(g) two persons nominated jointly by the Bar or Law Associations of the Contracting Parties.

2. Where any person or body required to nominate a candidate for appointment to the Regional Judicial and Legal Services Commission in accordance with paragraph 1, fails to make such nomination within thirty (30) days of a written request in that behalf, the nomination shall be made jointly by the heads of the judiciaries of the Contracting Parties.

3. (1) The Commission shall have responsibility for:

(a) making appointments to the office of Judge of the Court, other than that of President;

(b) making appointments of those officials and employees referred to in Article XXVII and for determining the salaries and allowances to be paid to such officials and employees;

(c) the determination of the terms and conditions of service of officials and employees; and

(d) the termination of appointments in accordance with the provisions of this Agreement.

(2) The Commission shall, in accordance with the Regulations, exercise disciplinary control over Judges of the Court, other than the President, and over officials and employees of the Court.

4. The term of office of members of the Commission, other than the Chairman shall be three years, but such members shall be eligible for re-appointment for another term of office.

5. The members of the Commission referred to in paragraph 1(b), (c), (d), (f) and (g) shall be appointed by letter under the hand of the President.

6. If the office of a member of the Commission, other than the Chairman is vacant or the holder thereof is unable to perform the functions of his office, a person may be appointed to perform the functions of that office for the unexpired term of the holder of the office or until the holder resumes office.

7. Subject to paragraph 13 of this Article, the Commission shall not be:

(a) disqualified from the transaction of business by reason of any vacancy in its membership and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present or to participate in those proceedings;

(b) Disqualified from the transaction of business nor its proceedings invalidated by reason of the non-receipt by a member of the Commission, of a notice for a meeting of the Commission.

8. The Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under paragraph 3(1)(b) and (c) of this Article to any one or more of its members or to the Registrar.



9. A member of the Commission, other than the Chairman may, by writing under the hand of that member, addressed to the Chairman of the Commission, resign from the Commission.
10. The Commission shall, no later than 31 March in every year, submit to the Heads of Government, an Annual Report of its work and operations during the previous year.
11. The Registrar of the Court shall perform the functions of Secretary of the Commission and shall be the chief administrative officer of the Commission.
12. In the exercise of their functions under this Agreement, the members of the Commission shall neither seek nor receive instructions from any body or person external to the Commission.
13. A quorum for the transaction of business by the Commission shall consist of not less than six members of the Commission including the Chairman or, where the Deputy Chairman is presiding, the Deputy Chairman.
14. Subject to this Article, the Commission shall have power to regulate its own procedure.

#### **ARTICLE VI**

##### **THE FIRST APPOINTMENT OF THE PRESIDENT AND MEMBERS OF THE COMMISSION**

1. For the purposes of the first appointment of the President and Commissioners and notwithstanding the provisions of paragraph 6 of Article IV, the members of the Commission appointed pursuant to the Agreement shall make a recommendation for the appointment of the President.
2. Notwithstanding the provisions of paragraphs 4 and 5 of Article V:
  - (a) the term of office of the members of the Commission appointed in accordance with paragraph 1 of this Article shall be one year; and
  - (b) the members of the Commission mentioned in sub-paragraph (a) of this paragraph shall be appointed by letter under the hand of the heads of the judiciary of the Contracting Parties.

#### **ARTICLE VII**

##### **LEGAL STATUS OF THE COMMISSION**

1. The Commission shall possess full juridical personality including, in particular, full capacity to contract.
2. The privileges and immunities to be accorded the Commission and its members in the territories of the Contracting Parties shall be laid down in a Protocol to this Agreement.

3. The Contracting Parties undertake to make provision to ensure that the proceedings of the Commission shall not be enquired into in any Court.

### **ARTICLE VIII ACTING APPOINTMENTS**

1. If the office of President is vacant, or if the President is for any reason unable to perform the functions of that office, then, until some other person has been appointed to and has assumed the functions of that office or, as the case may be, until the President has resumed those functions, they shall be performed by the Judge of the Court who is most senior according to the date of his appointment and he shall be appointed by letter under the hand of the Chairman for the time being of the Conference.
2. When none of the other Judges is senior by appointment, the functions of President shall be performed by such one of the other Judges of the Court appointed by letter.
3. An appointment referred to in paragraph 2 shall be made in accordance with the advice of the Heads of Government tendered after consultations with the President and such other persons or bodies of persons as the Heads of Government may think fit.
4. If one of the Judges of the Court is acting as the President of the Court or if the office of a Judge of the Court, other than the President, is vacant or if such a Judge is for any reason unable to perform the functions of that office, then, until some other person has been appointed to act and has assumed the functions of that office or, as the case may be, until the Judge has resumed those functions, they shall be performed by a person qualified for appointment as a Judge of the Court to be appointed by the Commission by letter under the hand of the Chairman of the Commission.
5. The person appointed in accordance with paragraph 4 shall continue to perform the functions of the office until a person is appointed to the office and has assumed the functions thereof or, as the case may be, until the holder resumes office.

### **ARTICLE IX TENURE OF OFFICE OF JUDGES**

1. The office of a Judge of the Court shall not be abolished while there is a substantive holder thereof.

2. Subject to the provisions of this Article, the President shall hold office for a non-renewable term of seven years or until he attains the age of seventy-two years, whichever is earlier, except that the President shall continue in office, if necessary, for a further period not exceeding three months to enable him to deliver judgment or to do any other thing in relation to any proceedings part-heard by him.

3. Subject to the provisions of this Article, a Judge of the Court shall hold office until he attains the age of seventy-two years, except that he shall continue in office, if necessary, for a further period not exceeding three months to enable him to deliver judgment or to do any other thing in relation to any proceedings part-heard by him.

4. A Judge may be removed from office only for inability to perform the functions of his office, whether arising from illness or any other cause or for misbehaviour, and shall not be so removed except in accordance with the provisions of this Article.

5. (1) Subject to Article IV, paragraph 6, the President shall be removed from office by the Heads of Government on the recommendation of the Commission, if the question of the removal of the President has been referred by the Heads of Government to a tribunal and the tribunal has advised the Commission that the President ought to be removed from office for inability or misbehaviour referred to in paragraph 4.

(2) Subject to Article IV, paragraph 7, a Judge other than the President shall be removed from office by the Commission if the question of the removal of the Judge has been referred by the Commission to a tribunal; and the tribunal has advised the Commission that the Judge ought to be removed from office for inability or misbehaviour referred to in paragraph 4.

6. If at least three Heads of Government in the case of the President jointly represent to the other Heads of Government, or if the Commission decides in the case of any other Judge, that the question of removing the President or the Judge from office ought to be investigated, then -

(a) the Heads of Government or the Commission shall appoint a tribunal which shall consist of a chairman and not less than two other members, selected by the Heads of Government or the Commission, as the case may be, after such consultations as may be considered expedient, from among persons who hold or have held office as a Judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth, or in a State exercising civil law jurisprudence common to Contracting Parties, or a court having jurisdiction in



appeals from any such court; and

(b) The tribunal shall enquire into the matter and advise the Heads of Government or the Commission, as the case may be, whether or not the President or the Judge ought to be removed from office.

7. The provisions of any law relating to the holding of commissions of inquiry in the Member State of the Caribbean Community where the inquiry is held shall apply as nearly as may be in relation to tribunals appointed under paragraph 6 of this Article or, as the context may require, to the members thereof as they apply in relation to Commissions or Commissioners appointed under that law.

8. If the question of removing the President or any other Judge of the Court from office has been referred to a tribunal under paragraph 6 of this Article, the Heads of Government in the case of the President, or the Commission, in the case of any other Judge of the Court, may suspend such Judge from performing the functions of his office, and any such suspension may at any time be revoked by the Heads of Government or the Commission, as the case may be, and shall in any case cease to have effect if the tribunal advises the Heads of Government or the Commission that the Judge ought not to be removed from office.

9. (1) The President may at any time resign the office of President by writing under the hand of the President addressed to the Chairman for the time being of the Conference.

(2) Any other Judge of the Court may at any time resign the office of Judge of the Court by writing under the hand of the Judge addressed to the Chairman of the Commission.

## **ARTICLE X**

### **OATH OF OFFICE**

1. A Judge of the Court shall not enter upon the duties of that office unless he has taken and subscribed the oath of office as set out in Appendix I to this Agreement.

2. The oath of office shall be taken and subscribed before the Head of State of any Contracting Party.



**PART II ORIGINAL JURISDICTION OF THE COURT**

**ARTICLE XI**

**CONSTITUTION OF THE COURT**

1. The Court, in the exercise of its original jurisdiction, shall be duly constituted if it consists of not less than three judges being an uneven number of judges.
2. The judges referred to in paragraph 1 shall possess the expertise necessary for the Court to adjudicate the matter.
3. The deliberations of the Court shall be under the authority and control of a Chairman, who shall be the most senior of the judges appointed by the President.
4. Notwithstanding paragraph 1, the original jurisdiction of the Court may be exercised by a sole judge appointed by the Chairman.
5. The decision of a sole judge exercising jurisdiction under paragraph 4 may, on application of a Party aggrieved, be reviewed by a panel comprising not more than five judges.

**ARTICLE XII**

**JURISDICTION OF THE COURT IN CONTENTIOUS PROCEEDINGS**

1. Subject to the Treaty, the Court shall have exclusive jurisdiction to hear and deliver judgment on:
  - (a) disputes between Contracting Parties to this Agreement;
  - (b) disputes between any Contracting Parties to this Agreement and the Community;
  - (c) referrals from national courts or tribunals of Contracting Parties to this Agreement;
  - (d) applications by nationals in accordance with Article XXIV, concerning the interpretation and application of the Treaty.
2. For the purposes of this part, "national courts" includes the Eastern Caribbean Supreme Court.

**ARTICLE XIII**

**ADVISORY OPINIONS OF THE COURT**

1. The Court shall have exclusive jurisdiction to deliver advisory opinions concerning the interpretation and application of the Treaty.
2. Advisory opinions shall be delivered only at the request of Contracting Parties or the Community.

**ARTICLE XIV**

**REFERRAL TO THE COURT**

Where a national court or tribunal of a Contracting Party is seized of an issue whose resolution involves a question concerning the interpretation or application of the Treaty, the court or tribunal concerned shall, if it considers that a decision on the question is necessary to enable it to deliver judgment, refer the question to the Court for determination before delivering judgment.

**ARTICLE XV**

**COMPLIANCE WITH JUDGMENTS OF THE COURT**

Member States, Organs, Bodies of the Community or persons to whom a judgment of the Court applies, shall comply with that judgment.

**ARTICLE XVI**

**COMPULSORY JURISDICTION OF THE COURT**

1. Contracting Parties agree that they recognise as compulsory, ipso facto and without special agreement, the original jurisdiction of the Court provided for in Article XII.
2. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be determined by decision of the Court.

**ARTICLE XVII**

**LAW TO BE APPLIED BY THE COURT IN THE EXERCISE OF ITS ORIGINAL JURISDICTION**

1. The Court, in exercising its original jurisdiction under Article XII (b) and (c), shall apply such rules of international law as may be applicable.
2. The Court may not bring in a finding of *non liquet* on the ground of silence or obscurity of the law.

3. The provisions of paragraphs (1) and (2) shall not prejudice the power of the Court to decide a dispute *ex aequo et bono* if the parties so agree.

#### **ARTICLE XVIII**

##### **INTERVENTION BY THIRD PARTIES**

1. Should a Member State, the Community or a person consider that it has a substantial interest of a legal nature which may be affected by a decision of the Court in the exercise of its original jurisdiction, it may apply to the Court to intervene and it shall be for the Court to decide on the application.
2. Whenever the construction of a convention to which Member States and persons other than those concerned in the case are parties, is in question, the Registrar shall notify all such States and persons forthwith.
3. Every State or person so notified has the right to intervene in the proceedings; but if the right is exercised, the construction given by the judgment will be equally binding on all parties.

#### **ARTICLE XIX**

##### **APPLICATION FOR INTERIM MEASURES**

The Court shall have the power to prescribe if it considers the circumstances so require, any interim measures that ought to be taken to preserve the rights of a Party.

#### **ARTICLE XX**

##### **REVISION OF JUDGMENTS OF THE COURT IN THE EXERCISE OF ITS ORIGINAL JURISDICTION**

1. An application for the revision of a judgment of the Court in the exercise of its original jurisdiction may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and to the party claiming revision: provided always that such ignorance was not due to negligence on the part of the applicant.
2. Proceedings for a revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognising that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.
3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.
4. The application for revision shall be made within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of five years from the date of the judgment.

6. Nothing in this Article shall affect the rights of third parties accrued since the delivery of the judgment mentioned in paragraph 1.

#### **ARTICLE XXI**

##### **RULES OF COURT GOVERNING ORIGINAL JURISDICTION**

1. The President shall, in consultation with not less than two nor more than five other Judges of the Court selected by him, establish rules for the exercise of the original jurisdiction of the Court.

2. Without prejudice to the generality of the preceding sub-paragraph, Rules of Court may be made for all or any of the following purposes-

- (a) regulating the sittings of the Court, the selection of Judges for any purpose, and the period to be observed as a vacation in the Court and the transaction of business during any such vacation;
- (b) regulating the pleading, practice, procedure, execution of the process of the Court and the duties of the officers of the Court;
- (c) regulating matters relating to practice in the Court by Attorneys-at-Law, Legal Practitioners or advocates and the representation of persons concerned in any proceedings in the Court;
- (d) providing for the summary determination of any matter which appears to the Court to be frivolous or vexatious or to be brought for the purpose of delay;
- (e) regulating matters relating to the costs and the taxation thereof, of proceedings in the Court;
- (f) providing for the delivery of judgments in an expeditious manner;
- (g) prescribing forms and fees in respect of proceedings in the Court;
- (h) prescribing the time within which any requirement of the rules of Court is to



be complied with;

- (i) regulating or prescribing or doing any other thing which may be regulated, prescribed or done by rules of Court.

#### **ARTICLE XXII**

##### **JUDGMENT OF THE COURT TO CONSTITUTE STARE DECISIS**

Judgments of the Court shall be legally binding precedents for parties in proceedings before the Court unless such judgments have been revised in accordance with Article XX.

#### **ARTICLE XXIII**

##### **ALTERNATIVE DISPUTE RESOLUTION**

1. Each Contracting Party shall, to the maximum extent possible, encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes.
2. To this end, each Contracting Party shall provide appropriate procedures to ensure observance of agreements to arbitrate and for the recognition and enforcement of arbitral awards in such disputes.

#### **ARTICLE XXIV**

##### **LOCUS STANDI OF PRIVATE ENTITIES**

Nationals of a Contracting Party may, with the special leave of the Court, be allowed to appear as parties in proceedings before the Court where:

- (a) the Court has determined in any particular case that the Treaty intended that a right conferred by or under the Treaty on a Contracting Party shall ensure to the benefit of such persons directly; and
- (b) the persons concerned have established that such persons have been prejudiced in respect of the enjoyment of the benefit mentioned in sub-paragraph (a) of this Article; and
- (c) the Contracting Party entitled to espouse the claim in proceedings before the Court has:



(i) omitted or declined to espouse the claim,  
or

(ii) expressly agreed that the persons  
concerned may espouse the claim instead of the  
Contracting Party so entitled; and

(d) the Court has found that the interest of justice requires that the persons  
be allowed to espouse the claim.

### **PART III**

#### **APPELLATE JURISDICTION OF THE COURT**

##### **ARTICLE XXV**

#### **APPELLATE JURISDICTION OF THE COURT**

1. In the exercise of its appellate jurisdiction, the Court is a superior Court of record with such jurisdiction and powers as are conferred on it by this Agreement or by the Constitution or any other law of a Contracting Party.
2. Appeals shall lie to the Court from decisions of the Court of Appeal of a Contracting Party as of right in the following cases:
  - (a) final decisions in civil proceedings where the matter in dispute on appeal to the Court is of the value of not less than twenty-five thousand dollars Eastern Caribbean currency (EC\$25,000) or where the appeal involves directly or indirectly a claim or a question respecting property or a right of the aforesaid value;
  - (b) final decisions in proceedings for dissolution or nullity of marriage;
  - (c) final decisions in any civil or other proceedings which involve a question as to the interpretation of the Constitution of the Contracting Party;
  - (d) final decisions given in the exercise of the jurisdiction conferred upon a superior court of a Contracting Party relating to redress for contravention of the provisions of the Constitution of a Contracting Party for the protection of fundamental rights;

(e) final decisions given in the exercise of the jurisdiction conferred on a superior court of a Contracting Party relating to the determination of any question for which a right of access to the superior court of a Contracting Party is expressly provided by its Constitution;

(f) such other cases as may be prescribed by any law of the Contracting Party.

3. An appeal shall lie to the Court with the leave of the Court of Appeal of a Contracting Party from the decisions of the Court of Appeal in the following cases:

(a) final decisions in any civil proceedings where, in the opinion of the Court of Appeal, the question involved in the appeal is one that by reason of its great general or public importance or otherwise, ought to be submitted to the Court; and

(b) such other cases as may be prescribed by any law of the Contracting Party.

4. Subject to paragraph 2, an appeal shall lie to the Court with the special leave of the Court from any decision of the Court of Appeal of a Contracting Party in any civil or criminal matter.

5. Nothing in this Article shall apply to matters in relation to which the decision of the Court of Appeal of a Contracting Party is, at the time of the entry into force of the Agreement pursuant to the Constitution or any other law of that Party, declared to be final.

6. The Court shall, in relation to any appeal to it in any case, have all the jurisdiction and powers possessed in relation to that case by the Court of Appeal of the Contracting Party from which the appeal was brought.

7. (1) The President shall, in consultation with not less than two nor more than five other Judges of the Court selected by him, make Rules of Court for regulating the practice and procedure of the Court in the exercise of the appellate jurisdiction conferred on the Court and, in relation to appeals brought before the Court, the practice and procedure of any court in respect of such appeals.

(2) Without prejudice to the generality of the preceding sub-paragraph, Rules of Court may be made for all or any of the following purposes –

- (a) regulating the sittings of the Court, the selection of Judges for any purpose, and the period to be observed as a vacation in the Court and the transaction of business during any such vacation;
- (b) regulating the pleading, practice, procedure, execution of the process of the Court and the duties of the officers of the Court;
- (c) regulating matters relating to practice in the Court by Attorneys-at-Law or Legal Practitioners and the representation of persons concerned in any proceedings in the Court;
- (d) prescribing the cases in which, and the conditions upon which an appellant in a criminal appeal to the Court shall be entitled to be present at the hearing of the appeal;
- (e) providing for the summary determination of any appeal which appears to the Court to be frivolous or vexatious or to be brought for the purpose of delay;
- (f) regulating matters relating to the costs and the taxation thereof, of proceedings in the Court;
- (g) providing for the delivery of judgments in an expeditious manner;
- (h) prescribing forms and fees in respect of proceedings in the Court;
- (i) prescribing the time within which any requirement of the rules of Court is to be complied with;
- (j) regulating or prescribing or doing any other thing which may be regulated, prescribed or done by rules of Court.

**PART IV**  
**ENFORCEMENT, FINANCIAL AND FINAL PROVISIONS**

**ARTICLE XXVI**  
**ENFORCEMENT OF ORDERS OF THE COURT**

The Contracting Parties agree to take all the necessary steps, including the enactment of legislation to ensure that:

(a) all authorities of a Contracting Party act in aid of the Court and that any judgment, decree, order or sentence of the Court given in exercise of its jurisdiction shall be enforced by all courts and authorities in any territory of the Contracting Parties as if it were a judgment, decree, order or sentence of a superior court of that Contracting Party;

(b) The Court has power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of court that any superior court of a Contracting Party has power to make as respects the area within its jurisdiction.

**ARTICLE XXVII**

OFFICIALS AND EMPLOYEES OF THE COURT

1. There shall be a Registrar of the Court, Deputy Registrars and other officials and employees of the Court as the commission may consider necessary. The holders of those offices shall be paid such salaries and allowances and shall have such other terms and conditions of service as may, from time to time, be determined by the Commission.
2. With the concurrence of the competent authority of a Contracting Party, the Commission may appoint the Registrar of a superior court in the territory of that Contracting Party to be a Deputy Registrar of the Court.
3. The Commission may, by directions in writing and subject to such condition as it thinks fit, delegate any of its powers under paragraph 1 to any one or more of its members or to the Registrar of the Court.
4. For the purposes of paragraph 2 of this Article, "competent authority" means the authority vested with power to make appointments to the office of Registrar of a superior court and to exercise disciplinary control over persons holding or acting in that office.



**ARTICLE XXVIII****FINANCIAL PROVISIONS**

1. The expenses of the Court and of the Commission, including the cost of the maintenance of the Seat of the Court and the remuneration and allowances and other payments referred to in Article XXVII and this Article, shall be borne by the Contracting Parties in such proportions as may be agreed by the Contracting Parties and as set out in the Annex to the Revised Agreement Establishing the Caribbean Court of Justice Trust Fund. The assessed contributions to be paid by a Contracting Party shall be charged by law on the Consolidated Fund or public revenues of that Contracting Party.
2. Subject to this Agreement and with the approval of the Heads of Government, the Commission shall determine the terms and conditions and other benefits of the President and other Judges of the Court.
3. The salaries and allowances payable to the President and the other Judges of the Court and their other terms and conditions of service shall not be altered to their disadvantage during their tenure of office. For the purposes of this paragraph, in so far as the terms and conditions of service of any Judge of the Court depend upon the option of that Judge, the terms for which that Judge opts shall be taken to be more advantageous to that Judge than any other terms and conditions for which the Judge might have opted.
4. There shall be paid to members of the Commission, other than the Chairman and to the Members of the Board of Trustees of the Caribbean Court of Justice Trust Fund, the actual travelling expenses and subsistence allowance at such rate per day as the Heads of Government of the Contracting Parties may, from time to time, decide for the purpose of performing official duties as a member of the Commission.

**ARTICLE XXIX****RIGHT OF AUDIENCE**

Attorneys-at-Law, legal practitioners or advocates duly admitted to practise law in the courts of a Contracting Party shall, subject to the powers of the Court, not be required to

satisfy any other condition in order to practise before the Court wherever the Court is sitting in exercise of its jurisdiction and they shall enjoy the privileges and immunities necessary for the independent exercise of their duties.

### **ARTICLE XXX**

#### **PRIVILEGES AND IMMUNITIES**

The privileges and immunities to be recognised and granted by the Contracting Parties to the Judges and officers of the Court necessary to protect their independence and impartiality shall be laid down in a Protocol to this Agreement.

### **ARTICLE XXXI**

#### **REGULATIONS**

The Commission may make Regulations –

- (a) governing the appointment, discipline, termination of employment and other terms and conditions of service and employment for –
  - (i) Judges, other than the President; and
  - (ii) Officials and employees of the Court;
- (b) prescribing the procedure governing the conduct of disciplinary proceedings;
- (c) generally giving effect to this Agreement.

### **ARTICLE XXXII**

#### **AMENDMENT**

1. This Agreement may be amended by the Contracting Parties.

2. Every amendment shall be subject to ratification by the contracting Parties in accordance with their respective constitutional procedures and shall enter into force one month after the date on which the last Instrument of ratification or accession is deposited with the Secretary-General (hereinafter in this Agreement referred to as "the Depository").

### **ARTICLE XXXIII**

#### SIGNATURE

This Agreement is open for signature by any of the States or countries referred to in Article II.

### **XXXIV**

#### RATIFICATION

This Agreement shall be subject to ratification by the signatory countries in accordance with their respective constitutional procedures. Instruments of ratification shall be deposited with the Depository who shall transmit certified copies to the government of each Contracting Party.

### **ARTICLE XXXV**

#### ENTRY INTO FORCE

This Agreement shall enter into force upon the deposit of Instruments of Ratification or Accession in accordance with Article XXXIV, by at least three Member States of the Caribbean Community.

### **ARTICLE XXXVI**

#### ACCESSION

1. Any country to which paragraph (b) of Article II applies may accede to this Agreement and become a Contracting Party on such terms and conditions as the Conference may decide.

2. Instruments of Accession shall be deposited with the Depository.

**ARTICLE XXXVII**

WITHDRAWAL

1. A Contracting Party may withdraw from this Agreement by giving notice in writing to the Depositary who shall promptly notify the other Contracting Parties accordingly and the withdrawal shall take effect five years after the date on which the notice was received by the Depositary, unless the Contracting Party before the withdrawal becomes effective notifies the Depositary in writing of the cancellation of its notice of withdrawal.

2. A Contracting Party that withdraws from this Agreement undertakes to honour any financial or other obligations duly assumed as a Contracting Party; this includes any matter relating to an appeal filed before withdrawal becomes effective.

**ARTICLE XXXVIII**

IMPLEMENTATION

The Contracting Parties shall take all necessary action, whether of a legislative, executive or administrative nature, for the purpose of giving effect to this Agreement. Such action shall be taken as expeditiously as possible, and the Secretary-General shall be informed accordingly.

**ARTICLE XXXIX**

RESERVATIONS

A reservation may be entered to Article XXV of this Agreement with the consent of the Contracting Parties.

IN WITNESS WHEREOF the undersigned duly authorised in that behalf by their respective Governments have executed this Agreement.



DONE at St. Michael, Barbados on the 14<sup>th</sup> day of February 2001.

Signed by Lester Bird for the Government of Antigua and Barbuda on the 14<sup>th</sup> day of February 2001 at St. Michael, Barbados

Signed by Owen Arthur for the Government of Barbados on the 14<sup>th</sup> day of February 2001 at St. Michael, Barbados

Signed by Said Musa for the Government of Belize on the 14<sup>th</sup> day of February 2001 at St. Michael, Barbados

Signed by

For the Government of the Commonwealth of Dominica on the 15<sup>th</sup> day of

February 2003 at Port-of-Spain Trinidad and Tobago

Signed by Keith Mitchell for the Government of Grenada on the 14<sup>th</sup> day of February 2001 at St. Michael, Barbados

Signed by Clement Rohee for the Government of the Co-operative Republic of Guyana on the 14<sup>th</sup> day of February 2001 at St. Michael, Barbados

Signed by

for the Government of Haiti on the                      day of                      2001

at

Signed by Percival J. Patterson for the Government of Jamaica on 14<sup>th</sup> day of February 2001 at St. Michael, Barbados

Signed by

for the Government of Montserrat on the                      day of                      2001

at

Signed by Denzil Douglas for the Government of St. Kitts and Nevis on 14<sup>th</sup> day of February 2001 at St. Michael, Barbados

Signed by Kenny D. Anthony for the Government of Saint Lucia on the 14<sup>th</sup> day of February 2001 at St. Michael, Barbados

Signed by Ralph E. Gonsalves for the Government of St. Vincent and the Grenadines on the 15<sup>th</sup> day of February 2003 at Port of Spain, Trinidad and Tobago – subject to the reservation in respect of Article XXV of this Agreement –Appellate Jurisdiction.

Signed by R. Venetiaan for the Government of the Republic of Suriname 14<sup>th</sup> day of February 2001 at St. Michael, Barbados

Signed by Basdeo Panday for the Government of the Republic of Trinidad and Tobago on 14<sup>th</sup> day of February 2001 at St. Michael, Barbados

APPENDIX I

I ..... do hereby swear (or solemnly affirm) that I will faithfully exercise the office of President/Judge of the Caribbean Court of Justice without fear or favour, affection or ill-will and in accordance with the Code of Judicial Conduct.

(so help me God (to be omitted in affirmation)).





## Appendix B

Audited Financial Statements for 2004





## Contents

	Page Nos
Auditors' Report to the Court Executive Administrator..... 1 of the Regional Judicial and Legal Services Commission	1
Balance Sheet .....	2
Statement of Income .....	3
Statement of Changes in Retained Earnings .....	4
Statement of Cash Flows .....	5
Notes to Financial Statements .....	6-12
 <b>Supplementary Financial Information</b> <b>(Stated in United States Dollars)</b>	
Auditors' Report on Supplementary Financial Information.....	13
Balance Sheet .....	14
Statement of Income .....	15

---



Financial Statements of

**THE REGIONAL JUDICIAL AND LEGAL  
SERVICES COMMISSION**

December 31, 2004

---





**KPMG Chartered Accountants**  
Scotia Centre  
56-58 Richmond Street  
PO Box 1328  
Port of Spain, Trinidad and Tobago, WI

Telephone (868) 623 1081  
Facsimile (868) 623 1084  
E-mail kpmg@kpmg.co.tt

## **Auditors' Report to the Court Executive Administrator of the Regional Judicial and Legal Services Commission**

We have audited the balance sheet of The Regional Judicial and Legal Services Commission (the Commission) at December 31, 2004 and the statements of income, changes in retained earnings and cash flows for the seventeen months then ended as set out on pages 2 to 12. These financial statements are the responsibility of the organisation's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with International Standards on Auditing. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Commission as at December 31, 2004 and the results of its operations and its cash flows for the seventeen months then ended in accordance with International Financial Reporting Standards.

**Signed KPMG**  
Chartered Accountants

Port of Spain  
Trinidad and Tobago, W.I.  
May 31, 2006

## Balance Sheet

December 31, 2004

	Notes	2004
<b>Assets</b>		
<b>Non-current assets</b>		
Net fixed assets	1	\$ 155,143
<b>Current assets</b>		
Due from related party	2	556,996
Other receivables	3	5,096,897
Cash and cash equivalents		<u>1,284,052</u>
<b>Total current assets</b>		<u>6,937,945</u>
<b>Total assets</b>		<b>\$ <u>7,093,088</u></b>
<b>Accumulated Fund and Liabilities</b>		
<b>Accumulated fund</b>		
Retained earnings		\$ <u>5,919,847</u>
<b>Current liabilities</b>		
Deferred income	4	1,144,960
Other payables	5	<u>28,281</u>
<b>Total current liabilities</b>		<u>1,173,241</u>
<b>Total accumulated fund and liabilities</b>		<b>\$ <u>7,093,088</u></b>

*See accompanying notes to financial statements.*

On behalf of the Regional Judicial and Legal Services Commission

Signed Michael de la Bastide

**Chairman**

Signed Commissioner  
Christopher R. Thomas

**Commissioner**

## Statement of Income

For the 17 months ended December 31, 2004

---

	Notes	2004
<b>Revenue</b>	6	\$ 8,324,366
Administrative expenses	7	<u>2,404,519</u>
<b>Surplus of income over expenditure for the period</b>		\$ <u>5,919,847</u>

---

*See accompanying notes to financial statements.*

**THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

4

Statement of Changes in Retained Earnings

For the 17 months ended December 31, 2004

---

	Retained Earnings
<b>Surplus of income over expenditure for the period</b>	\$ <u>5,919,847</u>
<b>Balance as at December 31, 2004</b>	\$ <u>5,919,847</u>

---

*See accompanying notes to financial statements.*



## Statement of Cash Flows

For the 17 months ended December 31, 2004

---

	2004
<b>Cash Flows from Operating Activities</b>	
Surplus of income over expenditure for the period	\$ 5,919,847
Adjustments to reconcile surplus of income over expenditure for the period to net cash used in operating activities	
Depreciation	51,714
Amortisation of deferred income	(499,944)
Due from related party	(556,996)
Other receivables	(5,096,897)
Other payables	<u>28,281</u>
<b>Net cash used in operating activities</b>	<u>(153,995)</u>
<b>Cash Flows from Financing Activities</b>	
Grants received	<u>1,438,047</u>
<b>Net cash used in financing activities</b>	<u>1,438,047</u>
<b>Net increase and cash and cash equivalents at the end of the period</b>	\$ <u>1,284,052</u>
<b>Analysis of cash and cash equivalents</b>	
Cash and cash equivalents	\$ <u>1,284,052</u>

---

*See accompanying notes to financial statements.*

Notes to Financial Statements

December 31, 2004

---

**Establishment and Principal activity**

The Agreement establishing the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission was signed on 14<sup>th</sup> February 2001 by the following Caribbean Communities (Caricom) states of Antigua & Barbuda, Barbados, Belize, Grenada, Guyana, Jamaica, St. Kitts & Nevis, St. Lucia, Suriname and Trinidad & Tobago. Two further states, Dominica and St. Vincent & The Grenadines, signed the agreement on 15<sup>th</sup> February 2003, bringing the total number of signatories to 12.

The Court was inaugurated on April 16, 2005 in Port of Spain, Trinidad and Tobago.

The first Commissioners took office on 21<sup>st</sup> August 2003. The Commission works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves. The functions of the Commission include:

- Making appointments to the office of Judge of the Court, other than that of President;
- Making appointments of officials and employees of the Court;
- Determination of the salaries and allowances to be paid to such officials and employees;
- The determination of the terms and conditions of service of officials and employees; and
- The termination of appointments in accordance with the provisions of this Agreement.

The Court is the highest judicial tribunal, designed to be more than a Court of last resort for member states of the Caribbean Community. It is the Final Appellate Court for those Contracting Parties who wish to access it and it is vested with an original jurisdiction in respect of the interpretation and application of the Treaty Establishing the Caribbean Community. The Court is designed to exercise both an appellate and an original jurisdiction.

These financial statements were approved for issue by the Court Executive Administrator on May 31, 2006.

---

## Notes to Financial Statements

December 31, 2004

---

**Significant accounting policies****(a) *Statement of compliance***

These financial statements have been prepared in accordance with the International Financial Reporting Standards and its interpretations issued by the International Accounting Standards Board.

**(b) *Basis of preparation***

These financial statements have been prepared on the historical cost basis.

**(c) *Reporting currency***

These financial statements have been prepared in Trinidad and Tobago dollars.

**(d) *Use of estimates***

The preparation of these financial statements requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results could differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

---



## Notes to Financial Statements

December 31, 2004

---

**Significant accounting policies (continued)****(e) Fixed assets**

Fixed assets are stated at cost less accumulated depreciation and impairment losses. The Commission recognizes in the carrying amount of an item of fixed assets, the cost of replacing part of such an item when that cost is incurred if it is probable that the future economic benefits embodied with the item will flow to the Commission and the cost of the item can be measured reliably.

All other costs are recognised in the income statement as an expense as incurred.

Depreciation is charged using the straight line method at the rate of 25% which is designed to write off the cost of the assets over their estimated useful lives:

**(f) Other receivables**

Other receivables are stated at cost less impairment losses. Impairment losses include any specific provision established to recognize anticipated losses for bad and doubtful debts. Bad debts are written off during the period in which they are identified.

**(g) Cash and cash equivalents**

For the purposes of the statement of cash flows, cash and cash equivalents comprise cash at hand and in bank.

**(h) Other payables**

Other payables are stated at cost.

**(i) Provisions**

A provision is recognised in the balance sheet when the Commission has a present legal or constructive obligation as a result of a past event, and it is probable that an outflow of economic benefits will be required to settle the obligation. If the effect is material, provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments at the time value of money and, where appropriate, the risks specific to the liability.

**(j) Grants**

Unconditional grants related to the ongoing operations of the Court/Commission are recognised in the statement of income as revenue when the grant becomes receivable. Grants that compensate the Court/Commission for expenses incurred are recognised as revenue in the statement of income on a systematic basis in the same periods in which the expenses are incurred. Grants that compensate the Court/Commission for the cost of an asset are recognised in the statement of income as revenue on a systematic basis over the life of the asset.

---



## Notes to Financial Statements

December 31, 2004

---

**Significant accounting policies (continued)****(k) Impairment**

The carrying amounts of the Commission's assets, other than fixed assets and inventories, are reviewed at each balance sheet date to determine whether there is any indication of impairment. If such an indication exists, the asset's recoverable amount is estimated.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the income statement.

The recoverable amount of other assets is the greater of their net selling price and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset. For an asset that does not generate largely independent cash inflows, the recoverable amount is determined for the cash-generating unit to which the asset belongs.

An impairment loss is reversed if there has been a change in the estimates used to determine the recoverable amount. An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

**(l) Foreign currency transactions**

Transactions in foreign currencies are translated at the foreign exchange rate ruling at the date of the transaction. Monetary assets and liabilities denominated in foreign currencies at the balance sheet date are translated into Trinidad and Tobago dollars at the foreign exchange rate ruling at that date. Foreign exchange differences arising on translation are recognised in the income statement. Non-monetary assets and liabilities that are measured in terms of historical cost in a foreign currency are translated using the exchange rate ruling at the date of the transaction.

**(m) Taxation**

Pursuant to the terms of the Agreement establishing the Seat of the Caribbean Court of Justice, signed on 23<sup>rd</sup> February 2005 between the Court, the Commission and the Government of the Republic of Trinidad and Tobago, the property of the Court and the Commission shall be exempt from:

- (a) any form of direct or indirect taxation
  - (b) customs duties and prohibition and restriction on imports and exports in respect of articles imported or exported for their official use.
-

## Notes to Financial Statements

December 31, 2004

**1. Net Fixed assets**

		Computers	Furniture Fittings and Equipment	Total
<b>Cost</b>				
Cost at August 1, 2003	\$	-	-	-
Additions		<u>15,232</u>	<u>191,625</u>	<u>206,857</u>
<b>At December 31, 2004</b>		<u>15,232</u>	<u>191,625</u>	<u>206,857</u>
<b>Accumulated Depreciation</b>				
At August 1, 2003	\$	-	-	-
Charge for the period		<u>3,808</u>	<u>47,906</u>	<u>51,714</u>
<b>At December 31, 2004</b>		<u>3,808</u>	<u>47,906</u>	<u>51,714</u>
<b>Net book value</b>				
At December 31, 2004	\$	<u>11,424</u>	<u>143,719</u>	<u>155,143</u>

**2. Due from related party**

Due from related party is comprised of the following:

	2004
The Caribbean Court of Justice	\$ <u>556,996</u>

**3. Other receivables**

	2004
Due from Caribbean Court of Justice Trust Fund	\$ 5,000,000
VAT recoverable	93,792
Other receivables	<u>3,105</u>
	\$ <u>5,096,897</u>

## Notes to Financial Statements

December 31, 2004

**4. Deferred Income**

	UNDP	Office of the Attorney General	Total
Grant received	\$ 1,438,047	206,857	1,644,904
Less : United Nations Development Project (UNDP) approved expenditure	(448,230)	-	(448,230)
Amortisation of deferred income	-	(51,714)	(51,714)
Balance at December 31, 2004	\$ 989,817	155,143	1,144,960

The deferred income relates to:

- a grant of fixed assets from the Office of the Attorney General of the Republic of Trinidad and Tobago
- cash grants received from the United Nations Development Project (UNDP) which is available for set off against future expenses.

**5. Other payables**

	2004
Accounts payable	\$ 14,351
Accruals	13,930
	\$ 28,281

**6. Revenue**

	2004
CARICOM grant	\$ 555,990
Government of the Republic of Trinidad and Tobago	7,245,643
United Nations Development Project (UNDP) approved expenditure	448,230
Amortisation of deferred income	51,714
Interest income	22,789
	\$ 8,324,366

## Notes to Financial Statements

December 31, 2004

---

**7. Administrative Expenses**

	<u>2004</u>
Salaries and allowances	\$ 387,680
Depreciation	51,714
Other administrative expenses	1,960,503
Bank charges	4,622
	<u>\$ 2,404,519</u>

**8. Financial Instruments**

The following summarises the major methods and assumptions used in estimating the fair values of financial instruments.

*Other receivables and payables*

For receivables and payables with a remaining life of less than one year, the notional amount is deemed to reflect the fair value. All other receivables and payables are discounted to determine the fair value.

---





Supplementary Financial Information

**THE REGIONAL JUDICIAL AND LEGAL  
SERVICES COMMISSION**

December 31, 2004

---

**Auditors' Report On  
The Supplementary Financial Information**

**To: The Court Executive Administrator of the  
Regional Judicial and Legal Services Commission**

We have audited the financial statements of the Regional Judicial and Legal Services Commission for the seventeen months ended December 31, 2004, and have issued our report thereon dated May 31, 2006.

We conducted our audits in accordance with International Standards on Auditing, issued by the International Federation of Accountants. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements.

We conducted our audits for the purpose of expressing an opinion on the financial statements of the Regional Judicial and Legal Services Commission taken as a whole. The accompanying supplementary financial information, set out on pages 14 to 15, consisting of the balance sheet and statement of income, is presented for the purpose of additional analysis and should not be considered necessary to the presentation of the basic financial statements. This information has been subjected to the audit procedures applied to the basic financial statements and, in our opinion, is fairly presented, in all material respects, when taken as a whole with the basic financial statements.

Signed KPMG  
Chartered Accountants

Port of Spain  
Trinidad, W.I.  
May 31, 2006

---

## Balance Sheet

December 31, 2004

*(Expressed in United States Dollars)*

---

	2004
<b>Assets</b>	
<b>Non-current assets</b>	
Net fixed assets	\$ 24,626
<b>Current assets</b>	
Due from related party	88,412
Other receivables	809,031
Cash and cash equivalents	<u>207,948</u>
<b>Total current assets</b>	<u>1,105,391</u>
<b>Total assets</b>	<u>\$ 1,130,017</u>
<b>Reserves and Liabilities</b>	
Retained earnings	\$ 944,378
Foreign currency translation reserve	<u>5,179</u>
	<u>939,199</u>
<b>Current liabilities</b>	
Deferred income	186,329
Other payables	<u>4,489</u>
<b>Total current liabilities</b>	<u>190,818</u>
<b>Total reserves and liabilities</b>	<u>\$ 1,130,017</u>

---

## Statement of Income

For the 17 months ended December 31, 2004

*(Expresses in United States Dollars)*

---

	2004
Revenue	\$ 1,326,048
Administrative expenses	<u>381,670</u>
<b>Surplus of income over expenditure for the period</b>	<b>\$ <u>944,378</u></b>

---





## Appendix C

Audited Financial Statements for 2005





Financial Statements of

**THE REGIONAL JUDICIAL AND LEGAL  
SERVICES COMMISSION**

December 31, 2005

---



## Contents

	Page Nos
Auditors' Report to the Court Executive Administrator.....1 of the Regional Judicial and Legal Services Commission	1
Balance Sheet .....	2
Statement of Income .....	3
Statement of Changes in Retained Earnings .....	4
Statement of Cash Flows .....	5
Notes to Financial Statements .....	6-12
 <b>Supplementary Financial Information</b> <b>(Stated in United States Dollars)</b>	
Auditors' Report on Supplementary Financial Information.....	13
Balance Sheet .....	14
Statement of Income .....	15

---





**KPMG Chartered Accountants**  
Scotia Centre  
56-58 Richmond Street  
PO Box 1328  
Port of Spain, Trinidad and Tobago, WI

Telephone (868) 623 1081  
Facsimile (868) 623 1084  
E-mail kpmg@kpmg.co.tt

## **Auditors' Report to the Court Executive Administrator of the Regional Judicial and Legal Services Commission**

We have audited the balance sheet of The Regional Judicial and Legal Services Commission (the Commission) at December 31, 2005 and the statements of income, changes in retained earnings and cash flows for the year then ended as set out on pages 2 to 12. These financial statements are the responsibility of the organisation's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with International Standards on Auditing. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Commission as at December 31, 2005 and the results of its operations and its cash flows for the year then ended in accordance with International Financial Reporting Standards.

Signed KPMG  
Chartered Accountants

Port of Spain  
Trinidad and Tobago, W.I.  
May 31, 2006

**THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

2

Balance Sheet

December 31, 2005

*(with comparative figures for the 17 months ended December 31, 2004)*

	Notes	2005	2004
<b>Assets</b>			
<b>Non-current assets</b>			
Net fixed assets	1	\$ <u>103,429</u>	<u>155,143</u>
<b>Current assets</b>			
Due from related party	2	4,906,301	556,996
Other receivables	3	133,417	5,096,897
Cash and cash equivalents		<u>745,305</u>	<u>1,284,052</u>
<b>Total current assets</b>		<u>5,785,023</u>	<u>6,937,945</u>
<b>Total assets</b>		\$ <u>5,888,452</u>	<u>7,093,088</u>
<b>Accumulated Fund and Liabilities</b>			
<b>Accumulated fund</b>			
Retained earnings		\$ <u>5,068,485</u>	<u>5,919,847</u>
<b>Current liabilities</b>			
Deferred income	4	784,468	1,144,960
Other payables	5	<u>35,519</u>	<u>28,281</u>
<b>Total current liabilities</b>		<u>819,987</u>	<u>1,173,241</u>
<b>Total accumulated fund and liabilities</b>		\$ <u>5,888,452</u>	<u>7,093,088</u>

*See accompanying notes to financial statements.*

On behalf of the Regional Judicial and Legal Services Commission

Signed Michael de la Bastide

**Chairman**

Signed Commissioner  
Christopher R. Thomas

**Commissioner**

## Statement of Income

For the year ended December 31, 2005

*(with comparative figures for the 17 months ended December 31, 2004)*

---

	Notes	2005	2004
<b>Revenue</b>	6	\$ 61,740	8,324,366
Administrative expenses	7	(913,122)	(2,404,519)
<b>(Deficit) surplus of expenditure over income for the year/period</b>		\$ (851,382)	<u>5,919,847</u>

---

*See accompanying notes to financial statements.*

## Statement of Changes in Retained Earnings

For the year ended December 31, 2005

---

	Retained Earnings
<b>17 Months ended December 31, 2004</b>	
Surplus of income over expenditure for the period	\$ <u>5,919,847</u>
Balance as at December 31, 2004	\$ <u>5,919,847</u>
<b>Year ended December 31, 2005</b>	
Balance as at January 1, 2005	\$ 5,919,847
Deficit of expenditure over income for the year	<u>(851,382)</u>
Balance as at December 31, 2005	\$ <u>5,068,465</u>

---

*See accompanying notes to financial statements.*

## Statement of Cash Flows

For the year ended December 31, 2005

*(with comparative figures for the 17 months ended December 31, 2004)*

	2005	2004
<b>Cash Flows from Operating Activities</b>		
(Deficit) surplus of expenditure over income for the year/period	\$ (851,382)	5,919,847
Adjustments to reconcile (deficit) surplus of expenditure over income for the year/period to net cash used in operating activities		
Depreciation	51,714	51,714
Amortisation of deferred income	(360,492)	(499,944)
Due from related party	(4,349,305)	(556,996)
Other receivables	4,963,480	(5,096,897)
Other payables	7,238	28,281
<b>Net cash used in operating activities</b>	<u>(538,747)</u>	<u>(153,995)</u>
<b>Cash Flows from Financing Activities</b>		
Grants received	<u>-</u>	1,438,047
<b>Net cash (used in) from financing activities</b>	<u>(308,778)</u>	1,438,047
Increase in cash and cash equivalents at the beginning of the year	1,284,052	-
<b>Cash and cash equivalents at the end of the year</b>	\$ <u>745,305</u>	<u>1,284,052</u>
<b>Analysis of cash and cash equivalents</b>		
Cash and cash equivalents	\$ <u>745,305</u>	<u>1,284,052</u>

*See accompanying notes to financial statements.*



Notes to Financial Statements

December 31, 2005

---

**Establishment and Principal activity**

The Agreement establishing the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission was signed on 14<sup>th</sup> February 2001 by the following Caribbean Communities (Caricom) states of Antigua & Barbuda, Barbados, Belize, Grenada, Guyana, Jamaica, St. Kitts & Nevis, St. Lucia, Suriname and Trinidad & Tobago. Two further states, Dominica and St. Vincent & The Grenadines, signed the agreement on 15<sup>th</sup> February 2003, bringing the total number of signatories to 12.

The Court was inaugurated on April 16, 2005 in Port of Spain, Trinidad and Tobago.

The first Commissioners took office on 21<sup>st</sup> August 2003. The Commission works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves. The functions of the Commission include:

- Making appointments to the office of Judge of the Court, other than that of President;
- Making appointments of officials and employees of the Court;
- Determination of the salaries and allowances to be paid to such officials and employees;
- The determination of the terms and conditions of service of officials and employees; and
- The termination of appointments in accordance with the provisions of this Agreement.

The Court is the highest judicial tribunal, designed to be more than a Court of last resort for member states of the Caribbean Community. It is the Final Appellate Court for those Contracting Parties who wish to access it and it is vested with an original jurisdiction in respect of the interpretation and application of the Treaty Establishing the Caribbean Community. The Court is designed to exercise both an appellate and an original jurisdiction.

These financial statements were approved for issue by the Court Executive Administrator on May 31, 2006.

---

Notes to Financial Statements

December 31, 2005

---

**Significant accounting policies**

**(a) *Statement of compliance***

These financial statements have been prepared in accordance with the International Financial Reporting Standards and its interpretations issued by the International Accounting Standards Board.

**(b) *Basis of preparation***

These financial statements have been prepared on the historical cost basis.

**(c) *Reporting currency***

These financial statements have been prepared in Trinidad and Tobago dollars.

**(d) *Use of estimates***

The preparation of these financial statements requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results could differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

---

## Notes to Financial Statements

December 31, 2005

**1. Net fixed assets**

	Computers	Furniture Fittings and Equipment	Total
<b>Cost of valuation</b>			
At January 1, 2005	\$ 15,232	191,625	206,857
Additions	-	-	-
<b>At December 31, 2005</b>	<u>15,232</u>	<u>191,625</u>	<u>206,857</u>
<b>Accumulated depreciation</b>			
At January 1, 2005	\$ 3,808	47,906	51,714
Charge for the year	<u>3,808</u>	<u>47,906</u>	<u>51,714</u>
<b>At December 31, 2005</b>	<u>7,616</u>	<u>95,812</u>	<u>103,428</u>
<b>Net book value</b>			
<b>At December 31, 2004</b>	\$ <u>11,424</u>	<u>143,719</u>	<u>155,143</u>
<b>At December 31, 2005</b>	\$ <u>7,616</u>	<u>95,813</u>	<u>103,429</u>

**2. Due from related party**

	December 31 2005	17 months to December 31 2004
The Caribbean Court of Justice	\$ <u>4,906,301</u>	<u>556,996</u>

**3. Other receivables**

	December 31 2005	17 months to December 31 2004
Due from Caribbean Court of Justice Trust Fund	-	5,000,000
VAT recoverable	133,080	93,792
Other receivables	<u>337</u>	<u>3,105</u>
	\$ <u>133,417</u>	<u>5,096,897</u>

## Notes to Financial Statements

December 31, 2005

**4. Deferred Income**

	UNDP	Office of the Attorney General	Total
<b>Period ended December 31, 2004</b>			
Grant received	\$ 1,438,047	206,857	1,644,904
Less : United Nations Development Project (UNDP) approved expenditure	(448,230)	-	(448,230)
Amortisation of deferred income	-	(51,714)	(51,714)
Balance at December 31, 2004	\$ <u>989,817</u>	<u>155,143</u>	<u>1,144,960</u>
<b>Year ended December 31, 2005</b>			
Balance at January 1, 2005	\$ 989,817	155,143	1,144,960
Less : United Nations Development Project (UNDP) approved expenditure	(308,778)	-	(308,778)
Amortisation of deferred income	-	(51,714)	(51,714)
Balance at December 31, 2005	\$ <u>681,039</u>	<u>103,429</u>	<u>784,468</u>

The deferred income relates to:

- a grant of fixed assets from the Office of the Attorney General of the Republic of Trinidad and Tobago
- cash grants received from the United Nations Development Project (UNDP) which is available for set off against future expenses.

**5. Other payables**

	December 31 2005	17 months to December 31 2004
Accounts payable	\$ 13,519	14,351
Accruals	<u>22,000</u>	<u>13,930</u>
	\$ <u>35,519</u>	<u>28,281</u>



## Notes to Financial Statements

December 31, 2005

**6. Revenue**

	December 31 2005	17 months to December 31 2004
CARICOM grant	\$ -	555,990
Government of the Republic of Trinidad and Tobago	-	7,245,643
United Nations Development Project (UNDP) Approved Expenditure		448,230
Amortisation of deferred income	51,714	51,714
Interest income	10,026	22,789
	<u>\$ 61,740</u>	<u>8,324,366</u>

**7. Administrative expenses**

	December 31 2005	17 months to December 31 2004
Salaries and allowances	\$ 138,574	387,680
Depreciation	51,714	51,714
Other administrative expenses	719,667	1,960,503
Bank charges	3,167	4,622
	<u>\$ 913,122</u>	<u>2,404,519</u>

**8. Financial instruments**

The following summarises the major methods and assumptions used in estimating the fair values of financial instruments.

*Other receivables and payables*

For receivables and payables with a remaining life of less than one year, the notional amount is deemed to reflect the fair value. All other receivables and payables are discounted to determine the fair value.





Supplementary Financial Information

**THE REGIONAL JUDICIAL AND LEGAL  
SERVICES COMMISSION**

December 31, 2005

---

**Auditors' Report On  
The Supplementary Financial Information**

**To: The Court Executive Administrator of the  
Regional Judicial and Legal Services Commission**

We have audited the financial statements of the Regional Judicial and Legal Services Commission for the year ended December 31, 2005, and have issued our report thereon dated May 31, 2006.

We conducted our audits in accordance with International Standards on Auditing, issued by the International Federation of Accountants. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements.

We conducted our audits for the purpose of expressing an opinion on the financial statements of the Regional Judicial and Legal Services Commission taken as a whole. The accompanying supplementary financial information, set out on pages 14 to 15, consisting of the balance sheet and statement of income, is presented for the purpose of additional analysis and should not be considered necessary to the presentation of the basic financial statements. This information has been subjected to the audit procedures applied to the basic financial statements and, in our opinion, is fairly presented, in all material respects, when taken as a whole with the basic financial statements.

Signed KPMG  
Chartered Accountants

Port of Spain  
Trinidad, W.I.  
May 31, 2006

---

## Balance Sheet

December 31, 2005

*(with comparative figures for the 17 months ended December 31, 2004)**(Expressed in United States Dollars)*

	2005	2004
<b>Assets</b>		
<b>Non-current assets</b>		
Net fixed assets	\$ 16,417	24,626
<b>Current assets</b>		
Due from related party	778,778	88,412
Other receivables	21,177	809,031
Cash and cash equivalents	120,570	207,948
<b>Total current assets</b>	<u>920,525</u>	<u>1,105,391</u>
<b>Total assets</b>	\$ <u>936,942</u>	<u>1,130,017</u>
<b>Reserves and Liabilities</b>		
Retained earnings	\$ 809,238	944,378
Foreign currency translation reserve	<u>(3,894)</u>	<u>5,179</u>
	805,344	939,199
<b>Current liabilities</b>		
Deferred income	125,960	186,329
Other payables	<u>5,638</u>	<u>4,489</u>
<b>Total current liabilities</b>	<u>131,598</u>	<u>190,818</u>
<b>Total reserves and liabilities</b>	\$ <u>936,942</u>	<u>1,130,017</u>

## Statement of Income

For the year ended December 31, 2005

*(with comparative figures for the 17 months ended December 31, 2004)**(Expressed in United States Dollars)*

---

	2005	2004
Revenue	\$ 61,740	1,326,048
Administrative expenses	(913,122)	(381,670)
<b>(Deficit) surplus of expenditure over income for the year/period</b>	<b>\$ (851,382)</b>	<b>944,378</b>

---



