



# REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION



**ANNUAL REPORT OF THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**  
FOR THE PERIOD JANUARY 1, 2007 TO  
DECEMBER 31, 2007



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  
YEAR JANUARY 1, TO DECEMBER 31, 2007



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## 1. 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 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 the Agreement."

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

- 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).
- the making of recommendations to the Heads as to the person to be appointed President and for the removal of the President from office; Article IV.6
- 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.
- the making of Regulations -
  - 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,
  - to prescribe the procedure governing the conduct of such proceedings, and
  - 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 for appointing the members of the Competition Commission.



## **2. DEFINITION OF TERMS**

In this Report the following terms which are frequently used have the meanings assigned to them below -

"the Agreement" means the Agreement Establishing the Caribbean Court of Justice;

"the Commission" means the Regional Judicial and Legal Services Commission;

"the Court" means the Caribbean Court of Justice;

"OECS" means the Organisation of Eastern Caribbean States;

"the Treaty" means the Revised Treaty of Chaguaramas;

"the Trustees" means the Board of Trustees of the Caribbean Court of Justice Trust Fund;

"the Trust Fund" means the Caribbean Court of Justice Trust Fund established by the Revised Agreement dated January 12, 2004.



### **3. INTRODUCTION**

Article V.10 of 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 for the year 2007 records a number of changes in the membership of the Commission. It also records some important firsts in the history of the Commission. It was the year in which, for the first time, a Meeting of the Commission was held by teleconference and for the first time, the Commission exercised its discretion under the Protocol signed on June 8, 2007 and extended the tenure of a Judge beyond the normal retirement age of 72.

The year 2007 was also the year in which the Commission appointed the first Chairman and part-time members of the Competition Commission pursuant to Article 172.1 of the Treaty.

#### **4. CHANGES IN MEMBERSHIP OF THE COMMISSION**

The first meeting of the Commission for 2007 was held on January 12. This was also the date on which Mr. Anthony Sylvestre of Belize was sworn in as a member of the Commission. Mr. Sylvestre replaced Sir David Simmons who had been appointed to the Commission in his capacity as Chairman of the Judicial and Legal Service Commission of Barbados. Commissioner Sylvestre, being the Chairman of the Judicial and Legal Services Commission of Belize, was appointed pursuant to Article V.1(c) of the Agreement, Belize being the next Contracting Party in the English alphabetical order after Barbados.

On August 19, 2007 the term of office of six (6) members of the Commission expired. The members whose terms expired were Commissioners Barnett, Archibald, Floissac, Alexander, Bishop and Hoever-Venoaks. Five of these members were re-appointed, having been nominated for another term by the designated officials and organisations.

Commissioners Barnett and Archibald were both nominated jointly by OCCBA and the OECS Bar Associations pursuant to Article V. 1(b) of the Agreement. Commissioners Floissac and Alexander were also nominated jointly by the Bar or Law Associations of the Contracting Parties to the Agreement pursuant to Article V.1(g) of the Agreement.

Commissioners Bishop and Hoever-Venoaks were nominees of the Dean of the Faculty of Law of the University of the West Indies, the Dean of the Faculty of Social Sciences of the Anton de Kom University of Suriname and the Chairman of the Council of Legal Education. Commissioner Hoever-Venoaks was nominated by the relevant officials and Professor A. Ralph Carnegie was nominated by the same officials to replace Professor Aubrey Bishop.

Commissioner Carnegie was sworn in as a member of the Commission on September 28, 2007. The five members who were re-appointed, all began their second term of office for a period of three years on August 20, 2007.

The composition of the Commission as set out in Article V.1 of the Agreement is as follows:

- “(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."

The following table shows the persons who served as members of the Commission in 2007 and the basis for their appointment:-

Table 1

<b>Date of Assumption</b>	<b>Name of Commissioner</b>	<b>Basis 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.	President of the Court	(a)
July 7, 2006 [Both re-appointed from August 20, 2007]	Dr. Joseph Archibald, Q.C.	Nominated jointly by OCCBA & OECS Bar Associations	(b)
September	Dr. the Hon. Lloyd		

12, 2003	George Barnett, O.J.		
January 12, 2007	Mr. Anthony Sylvestre, M.B.E.	Chairman, Judicial Services Commission of Belize	(c)
September 29, 2006	Mr. C. A. Blazer Williams B.A., M.Sc., LL.B.	Chairman of the Public Service Commission of St. Vincent and the Grenadines	(d)
August 21, 2003 [Both re-appointed from August 20, 2006]	Ms. Gloria Gray, B.Sc., M.Sc.  Ms. Nelcia Robinson, B.Sc.	Nominated jointly by the Secretary General of the Community and Director General of the OECS	(e)
September 28, 2007  August 21, 2003 [to August 20, 2007]  October 10, 2003 [re-appointed from August 19, 2007]	Professor A. Ralph Carnegie, B.A., M.A.  Professor Aubrey Bishop, OR, CCH, B.Sc., LL.M  Dr. Magda Hoever-Venoaks, M.Sc., Ph.D.	Nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, Deans of the Faculties of Law of the Contracting Parties and Chairman of the Council of Legal Education	(f)
August 21, 2003 [Both re-appointed from August 20, 2007]	The Rt. Hon. Sir Vincent Floissac, CMG, Q.C., LL.M.  Mr. Allan Alexander, S.C.	Nominated jointly by the Bar or Law Associations of the Contracting Parties	(g)



The following table shows the membership of the Commission in 2007, the date of expiration of the term of office of each member and the nationalities of the members.

Table 2

<b>Name of Commissioner</b>	<b>Nationality</b>	<b>Date of Expiration of Term of Office</b>
The Rt. Hon. Mr. Justice Michael de la Bastide T.C.	Trinidad and Tobago	July 18, 2009
Dr. Joseph Archibald, Q.C.	St. Kitts and Nevis	August 19, 2010
Dr. the Hon. Lloyd George Barnett, O.J.	Jamaica	August 19, 2010
Mr. Anthony Sylvestre, M.B.E.	Belize	January 11, 2010
Mr. C. A. Blazer Williams B.A., M.Sc., LL.B.	St. Vincent and the Grenadines	September 19, 2009
Ms. Gloria Gray, B.Sc., M.Sc.	Trinidad and Tobago	August 20, 2009
Ms. Nelcia Robinson, B.Sc.	St. Vincent and the Grenadines	August 20, 2009
Professor Aubrey Bishop, OR, CCH, B.Sc., LL.M	Guyana	August 19, 2007
Professor A. Ralph Carnegie, B.A., M.A.	Jamaica	August 19, 2010
Dr. Magda Hoever-Venoaks, M.Sc., Ph.D	Suriname	August 19, 2010
The Rt. Hon. Sir Vincent Floissac, CMG, Q.C., LL.M	St. Lucia	August 19, 2010
Mr. Allan Alexander, S.C.	Trinidad and Tobago	August 19, 2010



**THE CHAIRMAN AND MEMBERS OF THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

Back Row, L-R: Mr. Allan Alexander SC; Mr. Anthony Sylvestre; Ms. Nelcia Robinson, B.Sc; Professor Ralph Carnegie B.A., M.A; Mr. Cecil Williams BA, MSc, LL.B.

Front Row, L-R: Dr. The Hon. Lloyd Barnett OJ; Ms. Gloria Gray BSc, MSc; The Rt. Hon. Mr. Justice Michael de la Bastide, TC; Dr. Magda Hoever-Venoaks MSc, PhD; Dr. Joseph Archibald SC.

Missing: Sir Vincent Floissac CMG, QC, LL.M



## **CHAIRMAN:**

### **The Rt. Hon. Mr. Justice Michael de la Bastide, TC**

The Right Honourable Mr. Justice Michael de la Bastide, TC, a citizen of Trinidad and Tobago obtained the degrees of Bachelor of Arts (Jurisprudence) with First Class Honours in 1959 and the Bachelor of Civil Law, also with First Class Honours, in 1960. He was called to the Bar in 1961. After working as Crown Counsel in the Office of the Attorney General of Trinidad and Tobago, he entered private practice and was appointed Queen's Counsel in January 1975.

Mr. de la Bastide served as an Independent member of the Senate 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 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 was elected an Honourary Bencher of Gray's Inn in November 1996 and created Fellow of the Society for Advanced Legal Studies in 2000. Mr. Justice de la Bastide demitted office as Chief Justice on July 18, 2002. He was sworn in as a member of the Privy Council by her Majesty Queen Elizabeth II on July 27, 2004 and as President of the Caribbean Court of Justice on August 18, 2004. He was made an Honorary Student [Fellow] of Christ Church Oxford University in January 2005.

## **Members:**

### **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.

### **Dr. Joseph Archibald, Q.C.**

Joseph Samuel Archibald was born in St. Kitts and Nevis. He was admitted as a Barrister-at-Law of Lincoln's Inn, London on July 12, 1960. He is the holder of the Inns of Court Special Certificate in Public International Law, London (1960).

Dr. Archibald practised law in the Eastern Caribbean from Chambers in the British Virgin Islands (BVI) at all court levels in the Caribbean up to the Judicial Committee of the Privy Council in England. He has also held many senior official legal positions including High Court Registrar, Magistrate, Crown Counsel, Director of Public Prosecutions, Attorney-General in St. Kitts-Nevis-Anguilla. He was appointed Queen's Counsel in 1980.

Dr. Archibald acted as a Judge of the Supreme Court of the West Indies Associated States (1978) assigned to Dominica. He has also acted as a Judge of the Eastern Caribbean Supreme Court (ECSC) assigned to St. Lucia and served as a Justice of the Court of Appeal of the ECSC from June to July 2004. In 2005, he was awarded the Degree of Doctor of Laws (*honoris causa*) of the University of the West Indies.

Dr. Archibald's accomplishments as a Caribbean legal luminary have also won him appointment or election, on many legal and statutory bodies including Constitutional Committees, Task Forces and the BVI Bar Committee. He is also very involved with the Methodist Church regionally and internationally.

### **Mr. Anthony Sylvestre, M.B.E.**

Mr. Anthony Sylvestre, a national of Belize attended the Wesley Primary School in Belize City (1950-1957) and the Belize Technical College (1958-1962).

Mr. Sylvestre has had a distinguished career in the public service of Belize which included appointments to the posts of Permanent Secretary and Secretary to Cabinet.



Mr. Sylvestre is credited with being the first National Emergency Coordinator (NEC) and with the development of the National Emergency Management Organization (NEMO) Secretariat to a full time agency. He was elevated to the post of Chief Executive Officer in the Ministry of Foreign Affairs, Defence and the National Emergency Management Organization (NEMO). He was subsequently appointed Chairman of the Public Services Commission, which includes the Judicial and Legal Services Commission, the post he currently holds.

Mr. Sylvestre is the recipient of the award of the Member of the British Empire (M.B.E.)

**Mr. C. A. Blazer Williams B.A., M.Sc, LL.B.**

Mr. Cecil Alfred Blazer Williams, a citizen of St. Vincent and the Grenadines, obtained the B.A. from the University of the West Indies in 1973; he obtained the M.Sc. in National Development and Project Planning from the University of Bradford in England in 1979 and obtained the LL.B. degree from the University of London in 1996.

Mr. Williams is currently the Chairman of the Public Service Commission and Police Service Commission in St. Vincent and the Grenadines. He is a practising barrister-at-law.

His work experience spans many fields. He has served in the Civil Service of St. Vincent as a Customs Officer (1968-1969); as a Teacher (1969-1970, 1973-1975 and 1976-1978). He also served as the 2<sup>nd</sup> Vice President of the St. Vincent Union of Teachers (SVUT) (1976-1977) and as the President of the SVUT Co-operative Credit Union Limited (1983-1995).

Mr. Williams has held executive as well as general membership positions in youth, sporting and cultural organizations and is deeply involved in drama productions and the performing arts in St. Vincent and the Grenadines. He was the first Chairman of the Eastern Caribbean Popular Theatre Organisation (ECPTO) 1984-1986, the Founder and a Director of the New Artists Movement (1973) and a member of the Carnival Development Committee (CDC) and producer of numerous shows since 1974. Mr. Williams has written and directed many plays, some of which have been performed regionally. He has also written monographs and essays and presented numerous papers on economics, politics, and social issues.

Mr. Williams has also held the positions of Administrative Coordinator (1982-1988) and Managing Director of Projects Promotions Limited (1988-1995). He served as Secretary and President respectively of the St. Vincent and the

Grenadines Karate Association during the periods 1974-1978 and 1980-1982. He was also Legal Advisor to the Carnival Development Committee and a Member of the Subject Panel for CAPE Law.

Mr. Williams is married and is the father of three children.

**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 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 retired, as the Regional Economic Adviser.

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

Ms. Nelcia Robinson is a national of St. Vincent and the Grenadines. She is of Garifuna/Black Carib descent, and is currently Coordinator of the Caribbean Organisation of Indigenous Peoples. She has extensive experience in community development and knowledge of social issues in the Caribbean, and is the recipient of many awards, including the IICA Award for her contribution to agriculture and rural development. Ms. Robinson is also a member of the Commonwealth Foundation Civil Society Advisory Committee. Prior to her full time involvement in the NGO community, Ms. Robinson worked in senior public administration positions with the Government of St. Vincent and the Grenadines.

Ms. Nelcia Robinson is Coordinator of the Caribbean Association for Feminist Research and Action (CAFRA) and of the Caribbean Gender and Trade Network. A Kellogg Fellow, Ms. Robinson has majored in International Development. She



has wide experience in researching the social impact of trade agreements on Caribbean people and Caribbean women especially. She has also been actively involved in activities for the implementation of the Beijing Platform for Action at local, regional and global levels. Ms. Robinson is a community educator, lobbyist and researcher. Her special focus is human rights and economic development.

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

### **Professor A. Ralph Carnegie, B.A., M.A.**

Ralph Carnegie, a Jamaican by birth, is a Professor Emeritus of the University of the West Indies. He was a Rhodes Scholar at Oxford, a Senior Fulbright Scholar at Yale Law School, an Open Scholar at Mona, Jamaica, a graduate studentship awardee at London and later at Oxford.

After six years as an Oxford law don, he spent more than 30 years as a Professor of Law at the University of the West Indies, serving five terms as Dean of the Faculty of Law. He has published legal articles in learned journals including British Year Book of International Law, Year Book of World Affairs, Law Quarterly Review, International and Comparative Law Quarterly, West Indian Law Journal and Caribbean Law Review, an issue of which journal has been published in his honour.

His work has been cited by courts in Australia and Canada. He has also made numerous other scholarly presentations on legal matters in countries across the Commonwealth Caribbean and in the United States, Britain, Canada, Australia, Cyprus, Mauritius and Uruguay.

He has twice lectured in the Inter-American Juridical Committee's annual Curso de Derecho Internacional in Rio de Janeiro. He has been a member of Constitution Review Commissions for Grenada and Antigua and Barbuda, and a consultant to two Constitution Review Commissions in Barbados.

He has served in 2006 on a Technical Working Group established by the CARICOM Heads of Government to report on matters of Community governance, and is also a member of a Task Force on Economic Union for the Organisation of Eastern Caribbean States.

Professor Carnegie is married to Jeniphier Carnegie (née Nevers). They have two sons.



**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 in Administrative Law and Legislative Theory and Practice.

Dr. Hoever-Venoaks graduated from Teacher Training College in Suriname and from the Social Academy CISCA and the management training of the Netherlands Federation for Elderly Care in the Netherlands. In 1990 she was awarded her Masters degree in Law and commenced working as a Lecture 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 Surinames Environmental Law and the Memorial Book "Moi Wana 10 years Human Rights work 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.

**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 and 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.

#### **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.

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

During the period under review the support staff of the Commission comprised the Secretary to the Commission, Ms. Paula Pierre, (who is also the Registrar of the Court) and the Executive Secretary, Mrs. Mary Barrow, the Clerk, Ms. Roslyn Guvara and the Messenger/Driver, Mr. Hucliffe Samuel.

Ms. Roslyn Guvara who had assumed duty as Clerk to the Commission on October 2, 2006 resigned from her position with effect from 31<sup>st</sup> October 2007. The Commission decided to delegate to the Court Executive Administrator and the Secretary of the Commission the authority to select and appoint the Clerk to the Commission.

In order to accomplish its functions and provide administrative support to the Chairman and members of the Commission, the staff of the Commission's Secretariat continue to rely on the services provided by several units of the Court namely, Finance, Protocol, Information Technology, Security and Facilities. Although these services are provided throughout the year a special debt of gratitude is owed by the Secretariat to the Court Executive Administrator, Master Christie-Anne Morris-Alleyne and the Court staff for their assistance during the last quarter of 2007 when the Commission was engaged in the selection and appointment of the Chairman and members of the Competition Commission. The Commission wishes to express its gratitude to all those members of the Court staff who worked late and on weekends and gave unstintingly of their time to ensure that this process was completed within the required timeframe.



## 6. ACTIVITIES OF THE COMMISSION

Activities of the Commission during the period under review included:

- The selection and appointment of the Chairman and members of the Competition Commission;
- The settling of terms and conditions for the positions of Deputy Court Executive Administrator and Deputy Registrar and Deputy Marshal;
- The recruitment and appointment of the following personnel for the Court:

<b>POSITIONS</b>
Deputy Court Executive Administrator
Deputy Registrar and Deputy Marshal
Judicial IT User Support Technician
Information Systems Clerk

In carrying out these activities the Commission held eleven (11) meetings and sub-Committees of the Commission met on four (4) occasions. One of the meetings of the Commission was held over a two day period. The list of meetings of the Commission and the list of other meetings of the Commission including the sub-Committee meetings are set in **Appendix A** and **Appendix B** respectively.

## 7. APPOINTMENT OF REPLACEMENT JUDGE

In the Commission's report for 2006 it had been stated that reasons would be given in this report why no appointment had been made to the position of Judge of the Caribbean Court of Justice. The position of Judge of the CCJ had been advertised in 2006 in anticipation of the need to replace Mr. Justice Duke Pollard who was due to retire at age 72 on June 10, 2007.

After the Commission received nine applications in response to the advertisement for a Judge, it became aware that the Heads of Government were due to discuss the tenure of Judges at their meeting in February 2007. In 2004 when the position of Judge was first advertised, the terms and conditions for the position which had been posted on the Court's website included a footnote to the paragraph on 'Tenure' which stated that "*The Commission understands that the*

*Legal Affairs Committee has recently recommended to Heads of Government that the age of retirement should be changed from 72 to 75."*

At the meeting of the Heads of Government in February 2007 a decision was taken which would in effect give the Commission the power to extend the tenure of a Judge of the Court for a maximum period of three years that is, until that Judge attained the age of 75 years.

This decision was converted into a Protocol to the Agreement namely, The Protocol to the Agreement Establishing the Caribbean Court of Justice relating to the Tenure of Office of Judges of the Court, and was signed by the Contracting Parties in June 2007. The Protocol was provisionally applied from June 7, 2007, the date when it was signed by the twelfth Contracting Party to the Agreement. The full text of the Protocol is set out at **Appendix C**.

The Commission at its meeting on June 8, 2007 considered its first application for an extension of the tenure of a Judge. That was the application of Justice Pollard which was granted for a period of three years until the Judge attained the age of 75.

As a consequence the nine applicants for the position of Judge were informed that no appointment to the position would be made.

## **8. APPOINTMENT OF COURT STAFF**

In January 2007 the Commission noted the resignation of Mr. Janak Maraj, one of the Judicial IT User Support Technicians. A Selection sub-Committee of the Commission was appointed comprising Professor Aubrey Bishop, Mr. Allan Alexander, Ms. Gloria Gray and Ms. Nelcia Robinson. It was mandated to select and appoint a new Judicial IT User Support Technician. The post was advertised regionally. Applications were received and shortlisted. Applicants were interviewed. The successful applicant for the post was Ms. Lavaughn Agard who was promoted from her position as IS Clerk to replace Mr. Janak Maraj. Ms. Agard assumed duties in her new post on April 2, 2007.

As a result of Ms. Agard's promotion, the post of IS Clerk became vacant. This post was advertised on the Court's website and in Trinidad and Tobago newspapers. The Selection sub-Committee of the Commission comprising Commissioners Carnegie (Chairman), Mr. Allan Alexander, Mrs. Gloria Gray and Ms. Nelcia Robinson, interviewed applicants for this position and in December 2007, appointed Ms. Natalia Redman, a national of Trinidad and Tobago to the position of Information Systems Clerk. Ms. Redman assumed duty in 2008.



In October 2007 the posts of Deputy Court Executive Administrator and Deputy Registrar and Deputy Marshal of the Court were advertised after the Commission met to settle the terms and conditions of the two positions. Interviews for the positions were conducted in December 2007 by the Selection sub-Committee of the Commission. The sub-Committee made their recommendations for the two positions to the Commission at the meeting of the Commission held in January 2008.

## **9. INTERACTION WITH THE TRUSTEES AND THE TRUST FUND**

On 25<sup>th</sup> January 2007 the views of the Court and Commission and the Trust Fund were happily reconciled on the signing of the Protocol for the Interfacing and Interaction of the Regional Judicial and Legal Services Commission, the Caribbean Court of Justice and the Caribbean Court of Justice Trust Fund.

Throughout the course of 2007 relations between the parties continued to be amicable as all parties observed the provisions of the Protocol. A copy of the Protocol is attached as **Appendix D**.

## **10. PROJECTED AND ACTUAL EXPENDITURE OF THE COMMISSION**

In 2006 the Court and Commission submitted to the Trustees a biennial budget for the years 2007 and 2008. During the period under review the Commission was financed by funds disbursed periodically by the Trustees to the Court and Commission from the Trust Fund based on the biennial budget.

During the year the Commission faced some challenges in the implementation of the pension plan for the Judges and staff of the Court and the staff of the Commission, which had been placed with Colonial Life Insurance Company (CLICO), on the recommendation of the brokers, Trinidad and Tobago Insurance Consultants. Difficulties arose as a result of the extension of the tenure of a Judge beyond the age for which the plan catered.

KPMG, the external auditors of the Commission, conducted the annual audit of the financial statements of the Commission for the period January 1 to December 31, 2007. The audited financial statements of the Commission for the 12 month period ending December 31, 2007 are attached as **Appendix E**.



## **11. COMPETITION COMMISSION**

### Appointment of members of the Competition Commission

On September 28, 2007 a meeting of the Commission was convened at the request of the Secretary-General of the Caribbean Community. The meeting discussed the progress made by the Secretariat in settling the budget of the Competition Commission and the terms and conditions of its members.

At that meeting the Commission was also informed of the proposed date for the Inauguration of the Competition Commission on November 30, 2007. It was pointed out that based on the administrative work involved in selecting and appointing a Chairman and six members the proposed date was not feasible.

The Commission with the help of the CEA and the CARICOM Secretariat prepared application forms for the posts of Chairman and part-time Commissioners and an Information Package for applicants.

The positions were advertised on the Court's website and in newspapers throughout the region. One hundred and eighty-four applications were received. On November 3, 2007 the Commission met to short-list applications and on November 15 and 16, 2007 the Commission interviewed 20 applicants to fill the position of Chairman and the six positions of part-time Commissioner.

The Commission is indebted to Dr. Shelton Nicholls, the Deputy Governor of the Central Bank who served as a consultant to the Commission in its short-listing and interview processes.

Subsequently in keeping with a recommendation made by the Commission, the date of the Inauguration was rescheduled in January 2008. By December 20, 2007, the Commission had selected a Chairman and six members and had informed them of amended terms and conditions which all of the successful applicants accepted. Letters of appointment as Commissioners were issued to Dr. Kusha Haraksingh (Chairman), Mr. Patterson Cheltenham, Dr. Trevor Farrell, Mr. Hans Lim A Po, Dr. Maureen Paul, Dr. Barton Scotland and Ambassador Stewart Stephenson.



### **The Chairman and Members of the Competition Commission**

From Left: Dr. Trevor Farrell, Mr. Patterson Cheltenham, Q.C., Ambassador Stewart Stephenson, Dr. Kusha Haraksingh, Dr. Maureen Paul, Mr. Hans Lim A Po, Dr. Barton Scotland

#### **Chairman:**

#### **Dr. Kusha Haraksingh, (Trinidad and Tobago)**

Dr Haraksingh is an economist, historian and lawyer. He is the Head of the Department of History, UWI, St Augustine. He holds a BA in History and an LLB from the University of London and a PhD in Economic History. He is the Lead Negotiator for Legal and Institutional Issues for Cariforum/EPA negotiations and the Lead Consultant, Sugar Association of the Caribbean. Dr Haraksingh is an Associate Fellow of the Institute of International Relations, UWI

## **Members:**

### **Mr. Patterson Keith Herman Cheltenham, Q.C (Barbados)**

Mr. Cheltenham is an Attorney-at-law and Queen's Counsel with extensive experience in Insurance Law, Administrative Law, Labour Law and the Law of Trusts and specialized training in Taxation, Company Law and Insurance Law. He holds the Master of Laws and is a member of the Bars of Barbados, St. Lucia and St. Vincent.

### **Dr. Trevor Michael Augustine Farrell (Trinidad and Tobago)**

Dr. Farrell is an economist, business consultant and Senior Lecturer in Economics at UWI, St. Augustine. He holds a PhD in Economics and has over 15 years experience as a consultant in various fields including agro-industry, airport management, banking, export development, public utilities, tourism, oil and gas and stock exchange operations. Dr. Farrell's career to date has spanned business, government, academia and international organisations

### **Mr. Hans Rudolf Lim A Po (Suriname)**

Mr. Lim A Po is the Rector-Dean of the FHR Lim A Po Institute for Social Studies. His expertise includes economics, law, competition policy and practice, management and governance. He holds the Master of Laws degree from the University of Leyden in the Netherlands and has lectured in law at the University of Suriname. His majors were Civil and Corporate Law and Corporate Finance.

### **Dr. Maureen Paul (Dominica)**

Dr. Paul is an economist. She holds a PhD in Economics from Warwick University and a Postgraduate certificate in Competition Policy. She is an Economic Advisor to the UK Office of Fair Trading working on competition policy in the UK and European Union markets. She focuses on applied micro and macro-economics and in particular applied micro econometrics. She specializes in transfer pricing and has managed several global transfer pricing projects involving multiple countries.

### **Dr. Barton Umax Adolphus Scotland (Guyana)**

Dr. Scotland is an Attorney-at-law with a private practice in the areas of National Resources and Investment Law, Negotiations and International Law. He holds a Master of Laws degree and a PhD in International Law. He is a member of the Bars of Guyana, Barbados, St. Kitts and Nevis and England and Wales.



## **Ambassador A. B. Stewart Stephenson (Jamaica)**

Ambassador Stephenson is the General Manager of the Factories Corporation of Jamaica. His fields of expertise are finance, law, competition policy and practice and international trade. He is an attorney at law and holds both a B.Sc degree in Management Studies and an LLB from the University of the West Indies. He has been both Jamaica's Consul General to Toronto and Jamaica's Ambassador to Cuba and has lectured on Securities at the Jamaican Institute of Management.

The Commissioners are appointed for a period of five years and their appointments may be renewed for a further period of up to five years.

The Country of The Seat of the CARICOM Competition Commission is Suriname and the Commissioners will be sworn in at the inauguration of the Commission in Paramaribo, Suriname on Friday January 18, 2008.

### Functions of the Competition Commission

Commissioners may be required to carry out functions that are both investigative and adjudicatory. They also have monitoring and advocacy responsibilities in addition to administrative oversight and supervision of the Commission Secretariat. The functions of the Commission are comprehensively set out in Article 173 of the Treaty as follows:

*" 1. The Commission shall:-*

- (a) apply the rules of competition in respect of anti-competitive cross-border business conduct;*
- (b) promote and protect competition in the Community and co-ordinate the implementation of the Community Competition Policy; and*
- (c) perform any other function conferred on it by any competent body of the Community.*

*2. In discharging the functions set out in paragraph 1, the Commission shall:-*

- (a) monitor anti-competitive practices of enterprises operating in the CSME, and*

*investigate and arbitrate cross-border disputes;*

*(b) keep the community competition policy under review and advise and make recommendations to COTED to enhance its effectiveness;*

*(c) promote the establishment of institutions and the development and implementation of harmonized competition laws and practices by the Member States to achieve uniformity in the administration of applicable rules;*

*(d) review the progress made by the Member States in the implementation of the legal and institutional framework for enforcement;*

*(e) co-operate with competent authorities in the Member States;*

*(f) provide support to the Member States in promoting the protecting consumer welfare;*

*(g) facilitate the exchange of relevant information and expertise; and*

*(h) develop and disseminate information about competition policy, and consumer protection policy."*

## **12. APPRECIATION OF COMMISSIONER BISHOP WHO DEMITTED OFFICE IN 2007**

The Commission wishes to record its deep appreciation of the service rendered by Commissioner Bishop who demitted office in 2007. Commissioner Bishop was one of the founding members of the Commission and served from August 2003 to August 2007. He was a member of the Selection sub-Committee of the Commission and his insights and contributions to the meetings of the Commission and its sub-Committees were always thoughtful and thought-provoking.



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

Aubrey Fitz Ronald Bishop was born in Georgetown, Guyana and educated at Queen's College. He was called to the English Bar in July 1963. He enjoyed great success at both the Civil and Criminal Bars in Guyana. He was elevated to the High Court in 1976; to the Court of Appeal in 1987; became Chief Justice in 1992; and Chancellor and Head of the Judiciary in 1995. He has written two landmark judgments which are firsts in the entire Commonwealth, the better known being *Barnwell v The Attorney General of Guyana* [1994] 3 LRC 30.

Professor Bishop, who holds a B.Sc. degree in Industrial Relations and Management, as well as the LL.M. degree, has been lecturing for 30 years at the University of Guyana and was instrumental in developing the Industrial Relations and Management Programme of the Institute of Distance and Continuing Education (IDCE). Immediately upon demitting office as Chancellor of the Judiciary, Professor Bishop assumed a full-time Professorship of Law.

He has been Vice President of the Methodist Church in the Caribbean and the Americas (MCCA) and is currently legal adviser to the Methodist Conference in Guyana and a member of the Judicial Council of the MCCA.

He is a past President of the Guyana Football Association and represented Guyana nationally and overseas at cricket and football and was a FIFA International Soccer Referee. He was also nominated and appointed to the arbitration panel of the International Court of Arbitration for Sport (CAS) based in Lausanne, Switzerland.



Professor Bishop has twice been honoured nationally with the Cacique's Crown of Honour (CCH) and the Order of Roraima (OR), Guyana's third and second highest awards, respectively.

Professor Aubrey Bishop is married to Dr. Carole Maison-Bishop. They are the parents of three adult children, all University graduates.

**APPENDIX A: Meetings of the Commission**

During 2007 the Commission met on the following dates.

<b>No.</b>	<b>Meeting No.</b>	<b>Dates of Meetings of Commission</b>
1.	34	January 12
2.	35	February 9
3.	36	March 1
4.	37	April 20
5.	38	June 8
6.	39	July 30
7.	40	August 14
8.	41	September 28
9.	42	November 3
10.	43	November 15 & 16
11.	44	December 7

**APPENDIX B: Other Meetings**

Other Meetings including Sub-Committee Meetings of the Commission were held on the following dates

<b>No.</b>	<b>Dates of Other Meetings</b>
1.	January 26 - IT User Support Tech Interviews
2.	March 8 ----do----
3.	September 28 - Competition Commission
4.	December 8- Interviews for Deputies & IS Clerk

**APPENDIX C**

**PROTOCOL  
TO THE  
AGREEMENT ESTABLISHING THE  
CARIBBEAN COURT OF JUSTICE  
RELATING TO THE  
TENURE OF OFFICE OF JUDGES OF  
THE COURT**



**PROTOCOL TO THE AGREEMENT ESTABLISHING THE CARIBBEAN  
COURT OF JUSTICE RELATING TO THE TENURE OF OFFICE OF JUDGES  
OF THE COURT**

**THE CONTRACTING PARTIES,**

**NOTING** that the Agreement establishing the Caribbean Court of Justice (hereinafter referred to as "the Agreement") entered into force on 23 July 2002 and that the Court was inaugurated on 16 April 2005;

**BEARING IN MIND** that Article IV of the Agreement provides that 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;

**TAKING INTO ACCOUNT** that the current composition of the Court is the President and six other Judges and that Article IX of the Agreement provides that a Judge of the Court shall hold office until he attains the age of seventy-two years;

**COGNIZANT** that the Court is integral to the deepening of the regional integration process and will play a critical role in the organization of the CARICOM Single Market and Economy;

**COGNIZANT ALSO** that the current composition of the Court underscores the special need for the relevant institutional capacity to be maintained, especially during its evolutionary phase, that is, until the Court is constituted in accordance with paragraph 1 of Article IV of the Agreement,

**HEREBY AGREE AS FOLLOWS:**

**ARTICLE I  
INTERPRETATION AND CONSTRUCTION**

The provisions of this Protocol shall be read and construed as one with the Agreement.

**ARTICLE II**  
**SPECIAL PROVISION**  
**RELATING TO TENURE OF JUDGES**

1. Notwithstanding paragraphs 2 and 3 of Article IX of the Agreement, the Commission may, if it appears to the Commission at any time during the evolutionary phase of the Court that special circumstances so require, extend the tenure in office of a Judge of the Court by a period,
  - (a) in the case of the President, that is not beyond the date on which he attains the age of seventy-five years or the date on which he completes seven years in office, whichever of those events first occurs;
  - (b) in the case of any other Judge of the Court, that is not beyond the date on which he attains the age of seventy-five years.

Where the Commission is considering an extension of the tenure of the President under this Article, the Chairman of the Commission shall take no part in any deliberations or decision of the Commission relating to the matter.

2. The provisions of paragraphs 2 and 3 of Article IX of the Agreement relating to the continuance in office of the President or any other Judge for the purpose of delivering judgment or dealing with part heard proceedings, shall apply at the end of any extension of tenure granted to the President or a Judge pursuant to paragraph 1 hereof.
3. Save as otherwise provided in this Protocol, the provisions of the Agreement and any Protocol thereto shall apply to the President or any other Judge holding office pursuant to this Protocol.
4. For the purposes of paragraph 1, "the evolutionary phase of the Court" means the period ending with the appointment of the maximum number of Judges as provided for in paragraph 1 of Article IV of the Agreement.

**ARTICLE III**  
**SIGNATURE**

This Protocol shall be open for signature by the Contracting Parties.

**ARTICLE IV**  
**RATIFICATION**

This Protocol shall be subject to ratification by the Contracting Parties in accordance with their respective constitutional procedures.

**ARTICLE V**  
**PROVISIONAL APPLICATION**

This Protocol shall be provisionally applied upon signature by all the Contracting Parties.

**ARTICLE VI**  
**ENTRY INTO FORCE**

This Protocol shall enter in force one month after the date of deposit of the last instrument of ratification by the Contracting Parties.

**IN WITNESS WHEREOF** the undersigned duly authorized in that behalf by their respective Governments have executed this Protocol.

Signed by  
For the Government of Antigua and Barbuda on the 26th day  
of May, 2007 at Kingstown, St. Vincent and the Grenadines

Signed by  
For the Government of Barbados on the 3<sup>rd</sup> day of June,  
2007 at Bridgetown, Barbados



Signed by  
For the Government of Belize on the 7<sup>th</sup> day of June  
2007 at Belize City Belize

Signed by  
For the Government of the Commonwealth of  
Dominica on the 5<sup>th</sup> day of June 2007 at Roseau, Dominica

Signed by  
For the Government of Grenada on the 4<sup>th</sup> day of June 2007  
at St. Georges, Grenada

Signed by  
For the Government of the Co-operative Republic of  
Guyana on the 2<sup>nd</sup> day of June 2007 at Port of Spain,  
Trinidad and Tobago

Signed by  
For the Government of Jamaica on the 6<sup>th</sup> day of June 2007  
at Kingston, Jamaica

Signed by  
For the Government of St. Kitts and Nevis on the 26<sup>th</sup> day of  
May 2007 at Kingstown, St. Vincent and the Grenadines

Signed by  
For the Government of Saint Lucia on the 4<sup>th</sup> day of June  
2007 at Castries, St. Lucia

Signed by  
For the Government of St. Vincent and the Grenadines  
on the 26<sup>th</sup> day of May 2007 at Kingstown, St. Vincent and  
the Grenadines

Signed by  
For the Government of The Republic of Suriname on 7<sup>th</sup> day  
of June 2007 at Port of Spain

Signed by  
For the Government of The Republic of Trinidad and  
Tobago on the 2<sup>nd</sup> day of June 2007 at Port of Spain,  
Trinidad.

**APPENDIX D**

**PROTOCOL FOR THE INTERFACING AND INTERACTION OF  
THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION,  
THE CARIBBEAN COURT OF JUSTICE AND  
THE CARIBBEAN COURT OF JUSTICE TRUST FUND**

PROTOCOL FOR THE INTERFACING AND INTERACTION OF  
THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION,  
THE CARIBBEAN COURT OF JUSTICE AND  
THE CARIBBEAN COURT OF JUSTICE TRUST FUND

The Regional Judicial and Legal Services Commission ("the RJLSC"), the Caribbean Court of Justice ("the Court") **and** the Caribbean Court of Justice Trust Fund ("the Fund");

**Recognising** that it is the intention of the Contracting Parties to the Agreement Establishing the Caribbean Court of Justice ("the CCJ Agreement") and the Revised Agreement Establishing the Caribbean Court of Justice Trust Fund ("the CCJTF Agreement") that the Caribbean Court of Justice shall be the highest judicial organ in the Community;

**Conscious** that the Court is intended to play a critical role in the efficient administration of justice in the Member States and in the efficient functioning of the CARICOM Single Market and Economy;

**Acknowledging** that the Contracting Parties have stated their determination to promote and safeguard the independence, integrity and credibility of the Court and that the financial viability of the Court is essential for its efficiency, effectiveness and independence in the performance of its functions;

**Noting** that the implementation of the CCJ Agreement and the CCJTF Agreement requires the cooperative interaction of the Court, the Commission and the Fund to ensure the enhancement and preservation of the independence and integrity of the Court by protecting the autonomy of the Commission and the Court in relation to their operations, while recognising and respecting the fiduciary responsibilities of the Board of Trustees ("the Trustees") in the investment and allocation of the trust fund;

**Recognising** that the Court's judicial independence must be preserved and that the three elements of judicial independence are:

- i). *Substantive Independence - which means that in the discharge of his functions a judge is subject to nothing but the law and the commands of his conscience;*
- ii). *Internal Judicial Independence - which requires that the judge be independent from directives or pressures from his fellow judges regarding his adjudicative functions;*
- iii). *Collective Independence - which extends to the independence of the Judiciary as a whole, as a corporate body and is measured by its administrative independence.*



**Acknowledging** that the Contracting Parties have declared that the purpose of the Fund shall be to provide the resources necessary to finance the biennial capital and operating budget of the Court and the Commission in perpetuity;

**Acknowledging** that it is the intention of the Contracting Parties to the CCJTF Agreement that the financial resources of the Fund to wit:

- (a) the contributions of Members;
- (b) income derived from operations of the Fund or otherwise accruing to the Fund; and
- (c) contributions of third parties being contributions which are not likely to prejudice the independence or integrity of the Court,

should be vested in the Fund and that its Trustees should have the responsibility, *inter alia*, to invest the trust fund properly and to use the same for the purpose of providing the resources necessary to finance the capital and operating budgets of the Court and the Commission in perpetuity;

**Cognisant** that whilst the fiduciary responsibilities of the Trustees in the asset allocation, investment selection and disbursement of the Fund must be recognised, respected and adhered to, there must be a process of consultation between the Trustees, the Court and the Commission in respect of the requisitioning and disbursement of monies of the Fund for the operations of the Court and the Commission;

**Bearing** in mind that the financing of the Court and the Commission must be governed by considerations of economy, efficiency and cost effectiveness, the need to safeguard the independence and sustainability of the Court and to provide access to justice and foster public confidence in the Court;

**Accepting** that the management and operations of the Court and the Commission involve complex, technical and specialist systems and procedures and that it is for the Court and Commission to determine what is needed for their operations;

**Accepting** also that the management of the investment portfolio of the Fund involves technical and sensitive financial issues and procedures and that it is for the Trustees and the fund administrators to determine how this shall be conducted;

**Have Agreed** as follows:

PART 1  
USE OF TERMS

In this Protocol unless the context otherwise requires all words shall bear the meanings ascribed to them under the CCJ Agreement and the CCJTF Agreement.

PART 2  
CO-OPERATION AMONG THE ORGANS

1. All funding, contributions and/or grants shall, unless the Trustees agree otherwise in writing, be channeled through the Fund.
2. Bearing in mind the sensitivities attached to the Court as a judicial body, the Trustees shall consult with the Court before soliciting or accepting contributions or grants from any source or agreeing the terms on which such contributions or grants are to be provided and shall not override any objection by the Court either to the source or the terms of the contribution or grant without first referring the objection of the Court to the Contracting Parties and obtaining the Contracting Parties' consent to the overriding of the Court's objection.
3. The Commission and the Court will make every effort to operate within the provisions set out in the biennial budget and in the event of anything occurring which appears likely to create a need for an increase or substantial variation in the budget, will consult promptly with the Trustees.
4. The Trustees will provide the Court at least once every year with information on the expected and actual income of the Fund in order to assist the Court and Commission in its budgeting process.
5. The Trustees shall not disclose to the President and Judges or officers of the Court the names of corporate or other entities in which the trust fund is invested.
6. Although the budget will be prepared biennially, each year the Court, Commission and the Fund shall undertake a joint review of the financial status and projected expenses of the Court and Commission and the adequacy of the Fund in relation thereto, in order to facilitate the alignment of the long-term investment returns of the Fund with the long-term financial requirements of the Court and Commission. The joint review shall take place no later than November 2nd in each year and shall incorporate examination of the biennial budget and the 5-year projected expenses of the Court and Commission together with the targeted long-term investment returns of the Fund.

7. The Trustees will in carrying out their responsibility to report to the Contracting Parties on any inadequacy of the Trust Fund, consult with the Commission and the Court.
8. The Court, Commission and the Fund shall co-operate with each other in good faith in their interface in fulfilling their responsibilities under the CCJ Agreement, the CCJTF Agreement, and this protocol.

### PART 3 EXPENDITURE AND DISBURSEMENT

#### **1. *Budgetary Procedure:***

The procedure for preparing and finalising the biennial budget of the Court and Commission shall be as follows:

1. The Budget Committee of the Court and the Commission shall prepare a draft biennial budget.
2. The draft biennial budget shall be discussed by the Budget Committee with the Executive Officer of the Fund not later than November 2<sup>nd</sup> in the year preceding the first year of that budget. The Executive Officer may submit in writing (not later than 10 working days thereafter) such recommendations as he may have with respect thereto for the consideration of the Court and Commission.
3. The Court and the Commission shall thereafter consider the draft biennial budget together with any recommendations made by the Executive Officer and approve the biennial budget with or without amendment.
4. The approved budget shall be submitted to the Board of Trustees via the Executive Officer.
5. If requested by the Trustees, the Budget Committee shall meet with a Committee of the Board of Trustees for the purpose of clarifying any matters relating to the biennial budget and receiving any comments or suggestions which the Trustees may wish to make with respect to it.
6. The Court and Commission shall confirm the biennial budget subject to such amendments (if any) as may be made by them in the light of the comments and suggestions (if any) made by the Trustees.



## **2. Referral to a Select Committee:**

### 2.1 Where:

- (a) the total expenditure projected by the biennial budget of the Court and the Commission for any year will, by reason of any items of expenditure which in the opinion of the Trustees are unreasonable or imprudent, threaten the longevity of the Fund; and
- (b) the Trustees have made a recommendation in writing to the Court and the Commission for an adjustment of the said projected expenditure of the Court and the Commission in that year; and
- (c) the Court and the Commission have rejected such recommendation;

the Trustees shall have the option of referring the matter to a Select Committee comprising the Secretary-General of CARICOM as Chairman, two Trustees, one member of the Commission and one representative of the Court, and such Select Committee shall make a decision which shall be binding on the Court and the Commission and on the Trustees as to whether or to what extent the recommendation of the Board should be implemented.

2.2 A recommendation of the Trustees made under 2.1 above shall be deemed to have been rejected if the Court and the Commission do not indicate to the Trustees in writing within 21 days after receiving it that it has been accepted.

2.3 The procedure for referring a matter to the Select Committee shall be as follows:

- (a) The referral shall be made by notice in writing served on the Secretary-General and on the Court and the Commission.
- (b) Such service shall be effected not more than 14 days after the Board's recommendation is, or is deemed to be, rejected.

2.4 The Select Committee shall determine the procedure it shall adopt for the purpose of determining the matter referred to it, but shall in any event render a decision on any reference to it not later than 21 days from reference.

**3. Disbursement of Funds to the Court and Commission:**

- 3.1 Not more than ten (10) working days after the end of each calendar quarter, the Court and Commission shall submit to the Executive Officer of the Fund a request for disbursement which shall be based on and shall disclose:
- (a) the actual expenditure made for the year to date in relation to the approved biennial budget, together with any explanations for any significant variations therefrom
  - (b) the estimated expenditure for the quarter to which the request relates ('the relevant quarter') in keeping with the biennial budget and any relevant decision of the Select Committee
  - (c) the amount of any expenditure to which the Court or Commission is committed but which has not been, or will not have been, made prior to the start of the relevant quarter
  - (d) the amount of unspent funds in hand.
- 3.2 The Trustees shall authorise the provision of the funds and the amount requested shall be disbursed within six (6) working days of the date of the request.

**4. Emergency Expenditure:**

- a) Where in the opinion of the President there is need for a disbursement of additional funds as a result of an emergency not provided for in the budget, the President shall through the Court Executive Administrator request the disbursement of additional funding, such request being accompanied by relevant supportive documentation.
- b) The Trustees shall approve an emergency disbursement of such sum as it considers justified by the documentation and advise the Court of same. Should the Court disagree with the sum approved, the Trustees shall refer the matter to the Select Committee in accordance with the procedure set out in paragraph 2 above, save that the Committee shall render its decision on an expedited basis within a period of 5 days.

PART 4  
REVIEW

This Protocol shall be subject to review and amendment by the parties from time to time but in any event not later than three (3) years after it was signed by the parties, at the expiration of which period the binding force of this Protocol shall be spent unless it is extended with or without amendment by agreement between the parties.

IN WITNESS WHEREOF the undersigned representatives, being duly authorised by their respective Institutions have signed this Protocol on the 25<sup>th</sup> day of January, 2007.

Signed on behalf of  
the Caribbean Court of Justice by

M.A. de la Bastide  
President

*Witnessed by*

*Paula Pierre  
Registrar and Chief Marshal*

Signed on behalf of  
the Regional Judicial and Legal Services Commission by

M.A. de la Bastide  
Chairman

*Witnessed by*

*Paula Pierre  
Registrar and Chief Marshal*

Signed on behalf of  
the Caribbean Court of Justice Trust Fund by

Rollin Bertrand  
Chairman

*Witnessed by*

*Richard Kellman  
Executive Officer CCJ Trust Fund*



**APPENDIX E**

Audited Financial Statements for the year ended December 31, 2007

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**Auditors' Report to the Commissioners  
of the Regional Judicial and Legal Services Commission**

We have audited the financial statements of The Regional Judicial and Legal Services Commission (the Commission), set out on pages 2 to 13, which comprise the balance sheet as at December 31, 2007, and the statements of income, changes in retained earnings and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory notes.

*Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with International Financial Reporting Standards. This responsibility includes: designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and consistently applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

*Auditors' Responsibility*

Our responsibility is to express an opinion on the financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

*Opinion*

In our opinion, the financial statements, which have been prepared in accordance with International Financial Reporting Standards, present fairly, in all material respects, the financial position of the Commission as at December 31, 2007 and of its financial performance, changes in retained earnings and cash flows for the year then ended.

Chartered Accountants

Port of Spain  
Trinidad and Tobago, W.I.  
April 25, 2008



**THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

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Balance Sheet

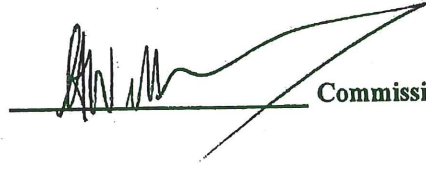
December 31, 2007

	Notes	2007	2006
<b>Assets</b>			
<b>Non-current assets</b>			
Net fixed assets	1	\$ 126,835	58,015
<b>Current assets</b>			
Due from related party	2	3,191,857	3,588,932
Other receivables	3	148,735	13,470
Cash and cash equivalents		57,883	271,500
<b>Total current assets</b>		<u>3,398,475</u>	<u>3,873,902</u>
<b>Total assets</b>		\$ <u>3,525,310</u>	<u>3,931,917</u>
<b>Accumulated Fund and Liabilities</b>			
<b>Accumulated fund</b>			
Retained earnings		\$ 3,504,310	3,864,877
<b>Current liabilities</b>			
Deferred income	4	-	51,715
Other payables	5	21,000	15,325
<b>Total current liabilities</b>		<u>21,000</u>	<u>67,040</u>
<b>Total accumulated fund and liabilities</b>		\$ <u>3,525,310</u>	<u>3,931,917</u>

*The accompanying notes form an integral part of these financial statements*

On behalf of the Regional Judicial and Legal Services Commission

  
 \_\_\_\_\_ Commissioner

  
 \_\_\_\_\_ Commissioner

**THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

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Statement of Income

For the year ended December 31, 2007

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	Notes	2007	2006
<b>Revenue</b>	6	\$ 1,565,570	57,222
Administrative expenses	7	(1,926,137)	(1,260,810)
<b>Deficit of expenditure over income for the year</b>		\$ <u>(360,567)</u>	<u>(1,203,588)</u>

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*The accompanying notes form an integral part of these financial statements*

**THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

4

Statement of Changes in Retained Earnings

For the year ended December 31, 2007

	Retained Earnings
<b>Year ended December 31, 2006</b>	
Balance as at January 1, 2006	\$ 5,068,465
Deficit of expenditure over income for the year	<u>(1,203,588)</u>
<b>Balance as at December 31, 2006</b>	<b>\$ <u>3,864,877</u></b>
<b>Year ended December 31, 2007</b>	
Balance as at January 1, 2007	\$ 3,864,877
Deficit of expenditure over income for the year	<u>(360,567)</u>
<b>Balance as at December 31, 2007</b>	<b>\$ <u>3,504,310</u></b>

*The accompanying notes form an integral part of these financial statements.*



**THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

5

Statement of Cash Flows

For the year ended December 31, 2007

	2007	2006
<b>Cash Flows from Operating Activities</b>		
Deficit of expenditure over income for the year	\$ (360,567)	(1,203,588)
Adjustments to reconcile deficit of expenditure over income for the year to net cash used in operating activities:		
Depreciation	94,693	53,814
Amortisation of deferred income	(51,715)	(732,753)
Due from related party	397,075	1,317,369
Other receivables	(135,265)	119,947
Other payables	<u>5,675</u>	<u>(20,194)</u>
<b>Net cash used in operating activities</b>	<u>(50,104)</u>	<u>(465,405)</u>
<b>Cash Flows from Investing Activities</b>		
Purchase of fixed assets	(163,513)	(8,400)
<b>Net cash used in investing activities</b>	<u>(163,513)</u>	<u>(8,400)</u>
Decrease in cash and cash equivalents for the year	(213,617)	(473,805)
Cash and cash equivalents at the beginning of the year	<u>271,500</u>	<u>745,305</u>
<b>Cash and cash equivalents at the end of the year</b>	\$ <u>57,883</u>	<u>271,500</u>
<b>Analysis of cash and cash equivalents</b>		
Cash and cash equivalents	\$ <u>57,883</u>	<u>271,500</u>

*The accompanying notes form an integral part of these financial statements*

Notes to Financial Statements

December 31, 2007

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**Establishment and principal activity**

The Caribbean Court of Justice (the Court) and the Regional Judicial and Legal Services Commission (the Commission) were established on 14<sup>th</sup> February 2001 by the Agreement Establishing the Caribbean Court of Justice (the Agreement). The Agreement was signed on that date by the following Caribbean Community (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 Commission came into force on August 21, 2003 and 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. For, in addition to replacing the Judicial Committee of the Privy Council, the Court is vested with an original jurisdiction in respect of the interpretation and application of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the Caricom Single Market and Economy. The Court is designed to exercise both an appellate and an original jurisdiction.

These financial statements were approved for issue by the Commissioners on April 25, 2008

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## Notes to Financial Statements

December 31, 2007

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

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

**(b) Basis of preparation**

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

**(c) Functional and reporting currency**

The financial statements are presented in Trinidad and Tobago dollars which is the Commission's functional currency.

**(d) Use of estimates**

The preparation of these financial statements in conformity with IFRSs 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.

In particular, information about significant areas of estimation uncertainty and critical judgements in applying accounting policies that have the most significant effect on the amount recognised in the financial statements are described in the notes.

**(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.

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## Notes to Financial Statements

December 31, 2007

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

When parts of an item of fixed assets have different useful lives, those components are accounted for as separate items of fixed assets.

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****Funds from the Caribbean Court of Justice Trust Fund**

Unconditional funding related to the ongoing operations of the Commission is recognised in the statement of income as revenue in the period in which the funds are received.

**Grants**

Grants that compensate the 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 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.

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## Notes to Financial Statements

December 31, 2007

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**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 to the respective functional currency of the Commission at exchange rates at the dates of the transactions. Monetary assets and liabilities denominated in foreign currencies at the reporting date are retranslated to the functional currency at the exchange rate at that date. The foreign currency gain or loss on monetary items is the difference between amortised cost in the functional currency at the beginning of the period, adjusted for effective interest and payments during the period, and the amortised cost in foreign currency translated at the exchange rate at the end of the period. Non-monetary assets and liabilities denominated in foreign currencies that are measured at fair value are retranslated to the functional currency at the exchange rate at the date that the fair value was determined.

Foreign currency differences arising on retranslation are recognised in profit or loss, except for differences arising on the retranslation of available-for-sale equity instruments or a financial liability designated as a hedge of the net investment in a foreign operation.

**(m) Taxation**

Pursuant to the terms of an agreement entered into on July 4, 2003 between the Commission and the Government of the Republic of Trinidad and Tobago, the Commission is exempt from all direct and indirect taxes, duties and levies imposed in Trinidad and Tobago.

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## Notes to Financial Statements

December 31, 2007

**1. Net fixed assets**

	Computers	Furniture Fittings and Equipment	Vehicles	Total
<b>Cost of valuation</b>				
At January 1, 2007	\$ 15,232	200,025	-	215,257
Additions	-	-	163,513	163,513
<b>At December 31, 2007</b>	<b>\$ 15,232</b>	<b>200,025</b>	<b>163,513</b>	<b>378,770</b>
<b>Accumulated depreciation</b>				
At January 1, 2007	\$ 11,424	145,818	-	157,242
Charge for the year	3,808	50,006	40,879	94,693
<b>At December 31, 2007</b>	<b>\$ 15,232</b>	<b>195,824</b>	<b>40,879</b>	<b>251,935</b>
<b>Net book value</b>				
<b>At December 31, 2006</b>	<b>\$ 3,808</b>	<b>54,207</b>	<b>-</b>	<b>58,015</b>
<b>At December 31, 2007</b>	<b>\$ -</b>	<b>4,201</b>	<b>122,634</b>	<b>126,835</b>

**2. Due from related party**

	2007	2006
The Caribbean Court of Justice	\$ 3,191,857	3,588,932

**3. Other receivables**

VAT recoverable	\$ 26,745	11,994
Other receivables	121,990	1,476
	<b>\$ 148,735</b>	<b>13,470</b>

Notes to Financial Statements

December 31, 2007

**4. Deferred Income**

	UNDP	Office of the Attorney General	Total
<b>Year ended December 31, 2006</b>			
Balance at January 1, 2006	\$ 681,039	103,429	784,468
Less : United Nations Development Project (UNDP) approved expenditure Amortisation of deferred income	(681,039)	-	(681,039)
	-	(51,714)	(51,714)
Balance at December 31, 2006	\$ -	51,715	51,715
<b>Year ended December 31, 2007</b>			
Balance at January 1, 2007	\$ -	51,715	51,715
Amount of deferred Income	-	(51,715)	(51,715)
Balance at December 31, 2007	\$ -	-	-

The deferred income relates to:

- a grant of fixed assets from the Office of the Attorney General
- cash grants received from the UNDP which is available for set off against future expenses.

**5. Other payables**

	2007	2006
Accounts payable	\$ -	5,325
Accruals	21,000	10,000
	\$ 21,000	15,325

Notes to Financial Statements

December 31, 2007

**6. Revenue**

	2007	2006
Funds received from the Caribbean Court Of Justice Trust Fund	\$ 1,512,000	-
Amortisation of deferred income	51,715	51,714
Interest income	1,855	5,508
	<u>\$ 1,565,570</u>	<u>57,222</u>

**7. Administrative expenses**

Salaries and allowances	\$ 252,034	208,699
Depreciation	94,693	53,814
Administrative expenses	605,290	524,712
Commission and recruitment expenses	936,092	460,511
Audit fees	33,764	10,000
Bank charges	4,264	3,074
	<u>\$ 1,926,137</u>	<u>1,260,810</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.



## Notes to Financial Statements

December 31, 2007

**9. IFRS not yet effective**

At the date of authorisation of the financial statements, there were certain standards and interpretations which were in issue but were not yet effective. The effective dates of those standards and interpretations are as follows:

IFRS 2	Share-Based Payment – Amendment relating to Vesting Conditions and Cancellations	January 1, 2009
IFRS 3	Business Combinations – Comprehensive revision on applying the Acquisition Method	July 1, 2009
IFRS 8	Operating Segments	January 1, 2009
IFRIC 11	Group and Treasury Share Transactions	March 1, 2007
IFRIC 12	Service Concession Arrangement	January 1, 2008
IFRIC 13	Customer Loyalty Programmes	July 1, 2008
IFRIC 14	IAS 19 – The Limit of a Deferred Benefit Asset, Minimum Funding Requirements and their Interaction	January 1, 2008
IAS 1	Amendment: Presentation of Financial Statements - Comprehensive revision including requiring a Statement of Comprehensive Income	January 1, 2009
IAS 1	Amendment: Presentation of Financial Statements - Amendments relating to disclosure of puttable instruments and obligations arising on liquidation	January 1, 2009
IAS 23	Amendment: Borrowing Costs – Capitalisation of Borrowing Costs	January 1, 2009
IAS 27	Consolidated and Separate Financial Statements – Consequential Amendments arising from Amendments to IFRS 3	July 1, 2009
IAS 28	Investments in Associates – Consequential Amendments arising from Amendments to IFRS 3	July 1, 2009
IAS 31	Interest in Joint Ventures - Consequential Amendments arising from Amendments to IFRS 3	July 1, 2009
IAS 32	Financial Instruments : Presentation - Amendments relating to puttable instruments and obligations arising on liquidation	January 1, 2009

Except for additional disclosures, the adoption of these standards and interpretations is not expected to have a material impact on the financial statements.





Supplementary Financial Information

**THE REGIONAL JUDICIAL AND LEGAL  
SERVICES COMMISSION**

December 31, 2007

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

**To: The Commissioners 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, 2007, and have issued our report thereon dated April 25, 2008.

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 Commission taken as a whole. The accompanying supplementary financial information, set out on pages 15 to 16, 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.

Chartered Accountants

Port of Spain  
Trinidad and Tobago, W.I.  
April 25, 2008

**THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

15

Balance Sheet

December 31, 2006

*(Expressed in United States Dollars)*

	2007	2006
<b>Assets</b>		
<b>Non-current assets</b>		
Net fixed assets	\$ 20,133	9,209
<b>Current assets</b>		
Due from related party	506,644	569,672
Other receivables	23,609	2,138
Cash and cash equivalents	9,188	43,095
<b>Total current assets</b>	<u>539,441</u>	<u>614,905</u>
<b>Total assets</b>	<u>\$ 559,574</u>	<u>624,114</u>
<b>Reserves and Liabilities</b>		
Retained earnings	\$ 556,241	614,288
Foreign currency translation reserve	-	(815)
	<u>556,241</u>	<u>613,473</u>
<b>Current liabilities</b>		
Deferred income	-	8,209
Other payables	3,333	2,432
<b>Total current liabilities</b>	<u>3,333</u>	<u>10,641</u>
<b>Total reserves and liabilities</b>	<u>\$ 559,574</u>	<u>624,114</u>

**THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

Statement of Income

For the year ended December 31, 2007  
*(Expressed in United States Dollars)*

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	2007	2006
Revenue	\$ 248,503	9,083
Administrative expenses	(305,736)	(200,129)
<b>Deficit of expenditure over income for the year</b>	<b>\$ (57,233)</b>	<b>(191,046)</b>

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