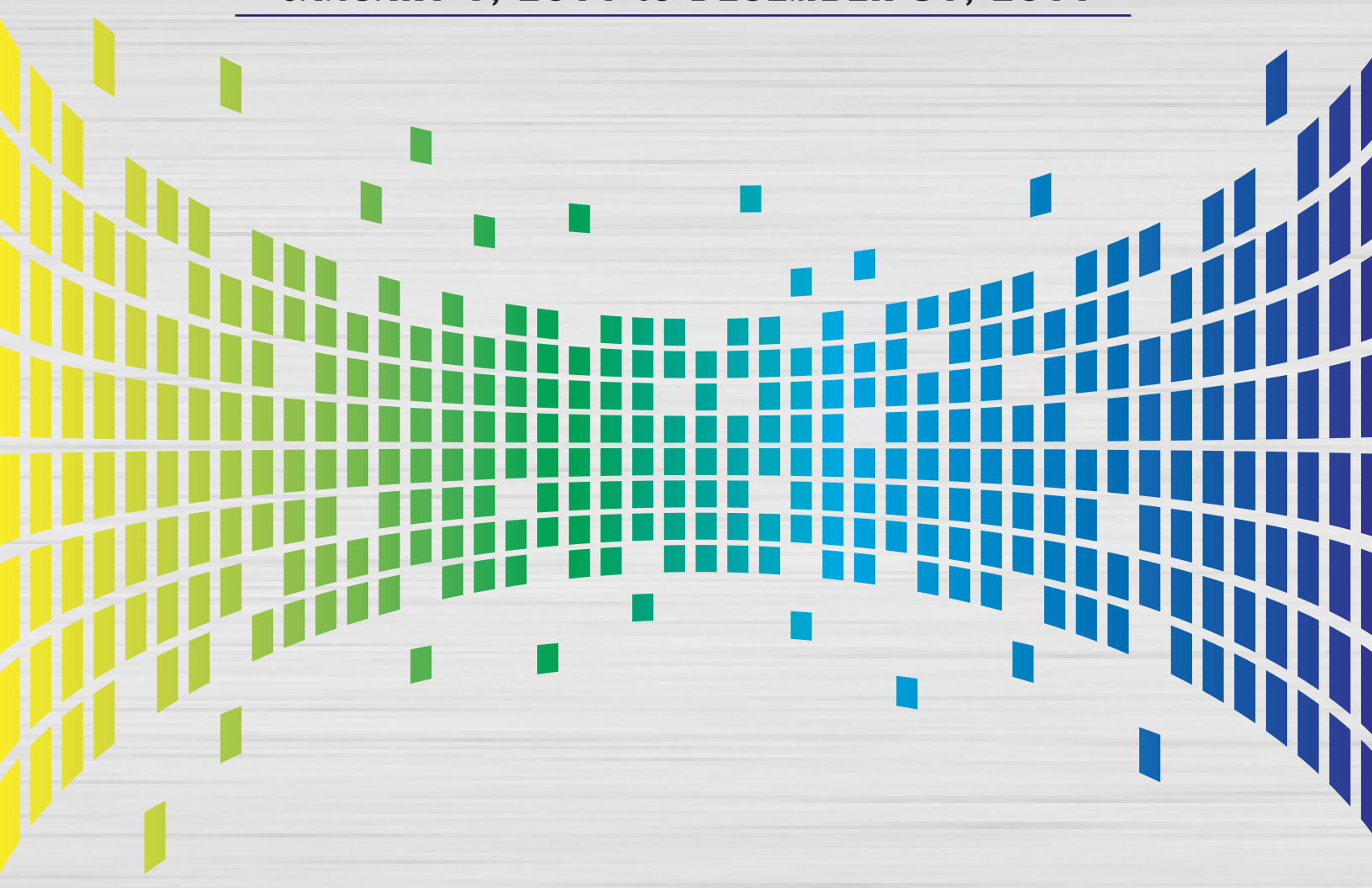


ANNUAL REPORT 2011

JANUARY 1, 2011 to DECEMBER 31, 2011



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 YEAR
JANUARY 1, TO DECEMBER 31, 2011



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



Seated L-R: Professor Harold Lutchman, B.Sc., M.Sc., LL.B., Ph.D.;
Mr. Jefferson Cumberbatch, LL.B.; the Rt. Hon. Sir Charles Dennis Byron;
Dr. Joseph Archibald, Q.C.; Dr. the Hon. Lloyd Barnett, O.J.

Standing L-R: Sir Fred Gollop, K.A., Q.C.; Mr. Martin Daly, S.C.;
the Hon. Mr. Justice Hugh A. Rawlins; Mr. Emile Ferdinand, LL.B., LL.M.;
Ambassador Wendell Lawrence, B.Sc., M.Sc., C.P.A.; Mr. Egbert Lionel, B.Sc.,
M.A.

1. 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 Trust Fund;

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

2. INTRODUCTION

- 2.1 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”.
- 2.2 The year 2011 was one of change, sadness, stability and introspection for the Commission. There was stability in terms of the membership of the Commission, the only change being that of the Chairman of the Commission, the Right Honourable Mr. Justice Michael de la Bastide, T.C., demitting office, and the Right Honourable Sir Charles Michael Dennis Byron, better known as Sir Dennis Byron, acceding to the post of Chairman.
- 2.3 The year also opened on a note of sadness for the Commission since one of the former members of the Commission, Professor A. Ralph Carnegie, whose term of office had ended in 2010, died on January 7, 2011. Professor Carnegie’s death came a few short months after the death of Sir Vincent Floissac, one of the foundation members of the Commission.
- 2.4 This was an important year for the Commission. Like many other organisations the Commission and the Court focused on governance structures. The focus of attention at this particular time was prompted by a Report of the Caribbean Development Bank. The referral of the budget of the Court and Commission for the period 2011-2012 was another factor which emphasized the need for a review of the governance structure at this time.
- 2.5 In its 2009 Annual Report, the Commission began a series of features on the Contracting Parties to the Agreement and the members of the Commission and the Court who are nationals of the featured CARICOM State. In this year’s report the Contracting Party featured is the Co-operative Republic of Guyana.

3. FUNCTIONS OF THE COMMISSION

3.1 In 2011 the Commission held its first meeting outside of Trinidad and Tobago. At its second meeting of 2011, the Commission took the decision to further cut costs by having meetings on a bi-monthly basis in 2011 and 2012. However, there were seven (7) meetings in 2011 – the seventh being arranged specifically to coincide with the attendance of the Commissioners at the inauguration of the new President of the Court on September 1 in St. Kitts and Nevis. Committees of the Commission met on six (6) occasions. Due to the exigencies of the Court, of the six (6) Committee meetings, only one (1) could be held ‘on the day preceding or following the day of a Commission meeting’. The dates on which meetings of the Commission and its Committees were held are listed at **Appendix A** and **Appendix C** respectively. The members who attended each meeting of the Commission are listed at **Appendix B**. Members appointed to Committees of the Commission are listed at **Appendix D**.

3.2 In January 2011, the Commission held its first meeting by videoconference.

3.3 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.”

3.4 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.

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

4. COMPOSITION OF THE COMMISSION

4.1 The year 2011 saw a changing of the baton in the chairmanship of the Commission, for the first time. New Chairman, the Right Honourable Sir Dennis Byron, was appointed on September 1, 2011 upon the retirement of the Right Honourable Mr. Justice Michael de la Bastide.

4.2 There was no change in the membership of the Commission during the year under review.

4.3 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.”

4.4 The following table shows the persons who served as members of the Commission in 2011 and the basis for their appointment.

Date of Assumption	Name of Commissioner	Basis for Appointment	Relevant paragraph of Article V.1
September 1, 2011	The Rt. Hon. Sir Charles Michael Dennis Byron	President of the Court	(a)
August 18, 2004	The Rt. Hon. Mr. Justice Michael de la Bastide, T.C.	President of the Court	(a)
September 12, 2003 July 7, 2006 [Both re-appointed August 20, 2010]	Dr. the Hon. Lloyd George Barnett, O.J. Dr. Joseph Archibald, Q.C.	Nominated jointly by OCCBA & OECS Bar Associations	(b)
January 28, 2010	The Hon. Mr. Justice Hugh A. Rawlins	Chairman, Judicial Service Commission of Dominica	(c)
April 23, 2010	Mr. Egbert Lionel, B.Sc., M.A.	Chairman, Public Service Commission of St. Lucia	(d)
September 11, 2009 [both]	Mr. Jefferson Cumberbatch, LL.B. Ambassador Wendell Lawrence, B.Sc., M.Sc., C.P.A.	Nominated jointly by the Secretary-General of the Community and the Director-General of the OECS	(e)
October 29, 2010 [both]	Professor Harold Lutchman, B.Sc., M.Sc., LL.B., Ph.D. Sir Fred Gollop, K.A., Q.C.	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)
November 19, 2010 [both]	Mr. Martin Daly, S.C. Mr. Emile Ferdinand, LL.B., LL.M.	Nominated by the Bar or Law Associations of the Contracting Parties	(g)

4.5 The following table shows the membership of the Commission in 2011, the date of expiration of the term of office of each member and the nationalities of the members.

Name of Commissioner	Nationality	Date of Expiration of Term of Office
The Rt. Hon. Mr. Justice Michael de la Bastide, T.C.	Trinidad and Tobago	August 17, 2011
The Rt. Hon. Sir Charles Dennis Byron	St. Kitts and Nevis / Antigua and Barbuda / St. Lucia	August 31, 2018
Dr. the Hon. Lloyd George Barnett, O.J.	Jamaica	August 19, 2013
Dr. Joseph Archibald, Q.C.	St. Kitts and Nevis	August 19, 2013
The Hon. Mr. Justice Hugh A. Rawlins	St. Kitts and Nevis	January 27, 2013
Mr. Egbert Lionel, B.Sc., M.A.	St. Lucia	November 19, 2012
Mr. Jefferson Cumberbatch, LL.B.	Barbados	September 10, 2012
Ambassador Wendell Lawrence, B.Sc., M.Sc., C.P.A.	St. Kitts and Nevis	September 10, 2012
Professor Harold Lutchman, B.Sc., M.Sc., LL.B., Ph.D.	Guyana	October 28, 2013
Sir Fred Gollop, K.A., Q.C.	Barbados	October 28, 2013
Mr. Martin Daly, S.C.	Trinidad and Tobago	November 18, 2013
Mr. J. Emile Ferdinand, LL.B., LL.M.	St. Kitts and Nevis / Dominica	November 18, 2013

5. STAFF OF THE COMMISSION

- 5.1 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); the Executive Assistant, Ms. Christine Foreshaw; the Executive Secretary, Ms. Catherine Beard and the Messenger/Driver, Mr. Hucliffe Samuel.
- 5.2 With the increase in the number of personnel in 2010, the Commission's staff was able to begin in 2011, the intensive task of records management for the period 2003 (the year the Commission came into being) to date, making information more easily accessible and streamlined.
- 5.3 The library collection of the Commission was also increased, in tandem with the demand for information related to policy-making decisions of the Commission.
- 5.4 In order to perform their functions and provide administrative support to the Chairman and members of the Commission, the Commission's staff continued to rely on the services provided by several units of the Court, namely, Finance, Protocol, Information Technology, Security and Facilities.



STAFF OF THE COMMISSION

Extreme Left: Ms. Paula Pierre, Secretary to the Commission

Extreme Right: Ms. Christine Foreshaw, Executive Assistant to the Commission

Seated: Mrs. Catherine Beard, Executive Secretary to the Commission

Middle, Standing: Mr. Hucliffe Samuel, Driver/Messenger to the Commission

6. ACTIVITIES OF THE COMMISSION

6.1 In order to carry out its functions set out in section 3 above and its duties and responsibilities, the Commission engaged in several activities during the year 2011. Some of these activities are described in this section and the others in the succeeding sections of this Report.

6.2 Activities of the Commission during the year 2011 included:

- Review of the Caribbean Development Bank Report, dated June 2010 and received by the Court and Commission in January 2011.
- Review of the Protocol for the Interfacing and Interaction between the Court, Commission and Trust Fund, which had expired in January of 2010.
- Consideration of the terms of an acting appointment in the office of the President.
- Review of the Agreement Establishing the Court and the Commission and the CCJ Staff Regulations.
- The approval of a guide to the classification of illnesses for the purpose of extended Sick Leave.
- The settling of terms and conditions for the positions of Senior Accounting Assistant, Human Resources Officer, Facilities and Assets Supervisor, Court Protocol and Information Assistant and the regularization of the status of Security Officers.
- The recommendation to the Conference of Heads of Government of the person selected for appointment to the position of President of the Court.
- The appointment of the following personnel for the Court:

POSITIONS
Senior Accounting Assistant
Protocol and Information Assistant
Public Education and Communications Officer
Human Resources Assistant
Clerical Officer (Library)

6.3 Review of the Protocol for the Interfacing and Interaction of the Commission, Court and the Trust Fund

6.3.1 On January 17, 2011, representatives of the Court, Commission and Trust Fund met to discuss the Protocol for the Interfacing and Interaction between the Commission, Court and Trust Fund ('the Protocol') which had expired in January 2010. Prior to the meeting it had been suggested that the Protocol be extended for a further period of three (3) years. Discussions were held with a view to amending certain provisions of the Protocol. However by the end of the year, no progress was made regarding actual amendments and the parties continued to abide by the existing provisions pending the resumption of discussions.

6.4 Consideration of the Terms of an Acting Appointment in the Office of President

6.4.1 Article VIII of the Agreement provides that if the President is unable to perform the functions of his office, such functions shall be performed by the most senior Judge according to his date of appointment. The acting appointment is made by letter signed by the Chairman of the Conference. It was pointed out that no provision was made for the calculation of an acting allowance. To avoid any ambiguity in the calculation of the allowance, the Commission proposed a formula for the calculation of the allowance for inclusion in the letter of appointment.

6.5 Classification of Illnesses

6.5.1 In June 2010 the Commission had approved the use of Staff Regulations applicable to the Court and Commission and noted that the Regulations would be subject to constant review by the Commission. During the course of 2011 the Commission had cause to consider the terms upon which extended sick leave would be granted to staff and developed a guide for the classification of illnesses for the purpose of extended sick leave.

6.6 Review of the Agreement Establishing the Court and the CCJ Staff Regulations

6.6.1 The Commission had cause to review the Agreement in terms of the delegation of its disciplinary function. In drafting the CCJ Staff Regulations it was recognized that it would be impossible for the Commission to carry out disciplinary procedures which would be required on an ongoing basis and that such procedures should be left to the Court's administration for reasons of expediency and efficiency. However the Agreement made no provision for any member of the Commission or anyone other than the Commission, to carry out the disciplinary function.

6.6.2 As a result, a Committee comprising Commissioners Cumberbatch and Daly was asked to review the Agreement in consultation with the Court Executive Administrator and the Deputy Court Executive Administrator, in order to discuss and propose amendments to the Agreement so that the Commission could delegate some of its disciplinary functions to the Court. Proposed amendments to the Agreement were submitted to the Secretary-General for consideration by the Heads of Government.

6.7 Recruitment and Appointment of Staff of the Court

6.7.1 In 2010, the Commission had approved the creation of the positions of Facilities and Assets Supervisor and Senior Accounting Assistant; the latter would replace the position of Junior

Accounting Assistant, which was made obsolete after the resignation of the employee who held that post. On January 10, 2011, the Selection Committee, comprising Commissioner Cumberbatch - Chairman, and Commissioners Lionel and Lutchman, conducted interviews for the positions of Facilities and Assets Supervisor and Senior Accounting Assistant. However, the Commission later decided to fill only the position of Senior Accounting Assistant. Mr. Venold O'Garro, a citizen of St. Vincent and the Grenadines, was appointed Senior Accounting Assistant and assumed duty on March 28, 2011.

- 6.7.2 On February 4, 2011, the Selection Committee, comprising Commissioner Cumberbatch - Chairman, and Commissioner Lutchman, conducted interviews for the positions of Human Resources Officer and Court Protocol and Information Assistant, which positions had been created by the Commission in 2010. The latter position was to replace that of Secretary to the Protocol and Information Officer. In consideration of the budget, the Commission decided to fill only the latter position. Mr. Joel Chee Alloy, a citizen of Trinidad and Tobago was appointed Court Protocol and Information Assistant and assumed duty on April 15, 2011.
- 6.7.3 Effective March 1, 2011, the Commission approved the granting of a contract to Ms. Seanna Annisette for a period of five (5) years in the position of Public Education and Communications Officer.
- 6.7.4 Ms. Annette Clarke, who formerly held the position of Secretary in the Court's Human Resources Department, was appointed Human Resources Assistant, effective March 1, 2011 and the position of Secretary previously held by Ms. Clarke was abolished.
- 6.7.5 To provide customer service support and clerical assistance to the Court's Library, Ms. LeShaun Salandy was appointed Clerical Officer on contract for three (3) years, effective March 1, 2011.

7. PROJECTED AND ACTUAL EXPENDITURE OF THE COURT AND COMMISSION

- 7.1 In 2010 the Court and Commission had submitted to the Trustees a biennial budget for the years 2011 and 2012. During the period under review the Commission was financed by funds disbursed quarterly by the Trustees to the Court and Commission from the Trust Fund, based on this biennial budget. The budget of the year 2010 was used for the entire duration of 2011 due to the fact that the 2011-2012 budget submitted to the Trust Fund had still not yet been approved. The Trust Fund's non-approval was based on a 2010 Report by the Caribbean Development Bank (copied to the Court and Commission in 2011), proposing structural changes in the expenses of the Court and Commission. The CDB Report was discussed at length at the Inter-Sessional Meeting of the Heads of Government on February 25-26, and throughout the year, at various meetings with the Lead Head of Government for Justice and Governance.
- 7.2 Judges' Pension Rules and Alteration of the Retirement Benefits of the President. These matters were also linked to the Caribbean Development Bank Report and treated as a unit in the discussion of the Court's expenses.

- 7.3 Colonial Life Insurance Company Limited (CLICO). In early 2011, the President of the Court wrote to the Minister of Finance of Trinidad and Tobago, asking that the Court be given special consideration for recovery of monies owed by CLICO – to be treated as an institutional investor. Upon the receipt of professional advice, the Court decided to accept the Government’s offer for policies valued at TT\$75,000 or less and the Commission approved the assignment of these policies to the Court. These payments were received by the Court in December 2011.
- 7.4 In its meeting of February 10, 2012, the Commission approved the employment of auditors KPMG, to conduct the annual audit of the financial statements of the Commission for the period January 1 to December 31, 2011. The audited financial statements of the Commission for the 12-month period ending December 31, 2011 are attached as **Appendix E**.

8. APPOINTMENT AND INAUGURATION OF NEW PRESIDENT OF THE COURT

- 8.1 The Protocol to the Agreement Establishing the Caribbean Court of Justice relating to the Tenure of Office of Judges of the Court was signed by the Contracting Parties in June 2007. This Protocol gave the Commission the power to extend the tenure of a President of the Court not beyond the date on which he attains seventy-five (75) years of age or the date on which he completes seven (7) years in office, whichever of these events first occurs.
- 8.2 The Commission had exercised its discretion and extended the tenure of the President of the Court, the Right Honourable Mr. Justice Michael de la Bastide, to August 17, 2011, the date on which he would have completed seven (7) years of service.
- 8.3 In preparation for the retirement of the President of the Court in 2011, the Commission had advertised the position of President throughout the Caribbean and the Commonwealth in 2010. Six (6) candidates had applied for the post, and on November 19, 2010, the Commission had met and short-listed three (3) applicants for interview. Interviews were held by the Commission on December 9, 2010 and the Right Honourable Sir Charles Michael Dennis Byron was the unanimous recommendation of the Commission.
- 8.4 In accordance with Article IV.6 of the Agreement, the Commission submitted its recommendation for appointment as President of the Caribbean Court of Justice to the Heads of Government in January 2011. The recommendation was approved by the Heads of Government at its Inter-Sessional Meeting held on February 25-26, 2011.
- 8.5 The Right Honourable Sir Charles Michael Dennis Byron was sworn in as the second President of the Caribbean Court of Justice in his homeland of St. Kitts and Nevis by the Governor General Sir Cuthbert Sebastian on September 1, 2011. The inauguration ceremony was arranged by the Caribbean Court of Justice and facilitated by the Governor General’s office. Among the speakers at the ceremony were outgoing President, the Right Honourable Mr. Justice Michael de la Bastide and Prime Minister of St. Kitts and Nevis and CARICOM Chairman, the Right Honourable Dr. Denzil Douglas.

9. INTERACTION WITH THE TRUSTEES AND THE TRUST FUND

- 9.1 In the year under review, issues of the governance structure of the Court *vis-à-vis* the Commission, came to the fore. The Trust Fund expressed concerns regarding the President of the Court also being the Chairman of the Commission, and the potential of a conflict of interest regarding the Commission's decisions related to the Court or to him.
- 9.2 In January 2011, the Court received a copy of a Report dated June 16, 2010 from the Caribbean Development Bank (CDB), which reflected a negative review of the Court's expenses and proposed structural and other changes. This Report was the subject of the Commission's first videoconference on January 19, 2011, and occupied a major portion of the Commission's time and attention during the entire year. It also resulted in the matter of the Court's and Commission's budget being referred to a Select Committee for approval, and the Chairman meeting with the Bureau of the Council for Finance and Planning (COFAP) on January 21, 2011, and with various other organizations during the latter part of January and early part of February. The Report was also a topic of discussion on the agenda of the Inter-sessional Meeting of Heads of Government on February 25-26.
- 9.3 Further to the Heads of Government Meeting, the matter of the CDB Report was referred to the Legal Affairs Committee (LAC), to be dealt with by the Heads during the Conference of Heads of Government of July 1, 2011. It was decided that the matter would be referred to a Select Committee, which would be set up specifically for this purpose. The first meeting of this Committee was held on July 15 at the Hyatt Regency in Port-of-Spain. After having completed part of the work programme set out by the Committee, on September 14, 2011, an agreement was signed by the Court, Commission and Trust Fund to suspend the proceedings of the Select Committee until further notice on certain conditions. On November 11, 2011, the Court and Commission resolved to appoint a team to review the framework for consultation between the Court, Commission and Trust Fund on financial matters, as there is no entity named in the Agreement to perform an oversight role of the Court.
- 9.4 On January 17, the Chairman met with the Trust Fund to discuss the extension of the Protocol for the Interfacing and Interaction between the Commission, the Court and the Trust Fund ('the Protocol'), which Protocol had expired in November of 2010 and had not yet been renewed. During the period under review, the Court and Commission treated the expired Protocol as still being in force, since the meeting did not result in a renewal of same.
- 9.5 In the year under review, the Judges' Pension Rules and the Alteration of the Retirement Benefits of the President continued to be a matter for discussion between the Court, Commission and Trust Fund, but these matters were not finalized by the end of the year.

10. MATTERS OF NOTE

10.1 Public Education. The Court conducted intensive public education programmes with a wide cross-section of the public in Grenada and also took the opportunity to do the same while in St. Kitts and Nevis for the inauguration of the new President of the Court.

10.2 On May 27, 2011, the Chief Minister of Montserrat, His Excellency Reuben Meade, paid a courtesy call on the President of the Court, and also met with members of the Commission during their regular meeting.

10.3 During 2011 several Prime Ministers and other distinguished persons made statements in support of increased accession to the Appellate Jurisdiction of the Court.

10.4 During this period, the members of the Competition Commission remained unchanged. They are 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.

10.5 Resignations

Mr. Joel Chee Alloy, Protocol and Information Assistant – August 19, 2011

Ms. Natasha George, Judicial Research Assistant – November 4, 2011

Ms. Lindsay Hosein, Judicial Research Assistant – November 14, 2011

10.6 Retirement

The Right Honourable Mr. Justice Michael de la Bastide, President – August 17, 2011

Ms. Sandra Cameron, Executive Secretary – August 26, 2011

10.7 Expiration of Contract

Ms. Christine Callender, Secretary – May 31, 2011

10.8 Termination of Contract

Mr. Francis Pierre – August 5, 2011

10.9 Termination of Employment

Mr. George Thomas, Library Messenger – November 25, 2011

11. APPRECIATION OF FORMER CHAIRMAN



The Right Honourable Mr. Justice Michael de la Bastide, T.C.

- 11.1 On August 18, 2004, the Right Hon. Mr. Justice Michael de la Bastide, T.C., a citizen of Trinidad and Tobago, was sworn in as the first President of the Caribbean Court of Justice and the **first Chairman of the Regional Judicial and Legal Services Commission**.
- 11.2 He obtained the degrees of Bachelor of Arts (Jurisprudence) in 1959 and the Bachelor of Civil Law 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. Justice 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.
- 11.3 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 Honorary 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 was sworn in as a member of the Privy Council by her Majesty Queen Elizabeth II on July 27, 2004 and was made an Honorary Student [Fellow] of Christ Church Oxford University in January 2005.
- 11.4 The Right Honourable Mr. Justice Michael de la Bastide was sworn in as President of the Court on August 18, 2004 and chaired his first meeting of the Commission on August 19, 2004. He served in the capacity of President of the Court and Chairman of the Commission until his retirement on August 17, 2011.



Chairing one of the early meetings of the Commission in 2005



With Professor A. Ralph Carnegie, B.A., M.A.
(deceased), former member of the Commission

With Mr. Allan Alexander, S.C., former
member of the Commission



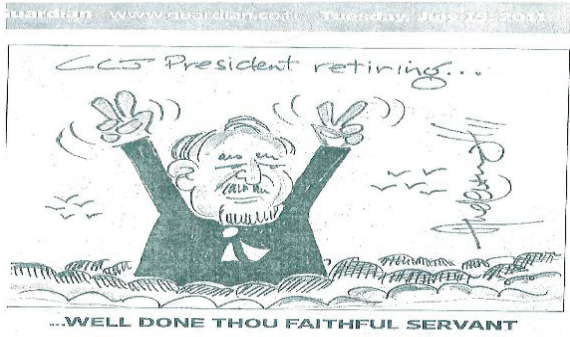


With Mr. Cecil Williams, B.A., M.Sc., LL.B.,
former member of the Commission

With Mr. Martin Daly, S.C., member of the
Commission



11.5 On Thursday, July 14, 2011, the Right Honourable Mr. Justice Michael de la Bastide chaired his last meeting of the Commission. The Commission took the opportunity to host a retirement and appreciation event for him, presenting him with a book of tributes from former and current Commissioners, as well as a pictorial depiction of him surrounded by all twenty-five (25) Commissioners with whom he had served.



The Trinidad Guardian
July 19, 2011

12. IN MEMORIAM



Prof. A. Ralph Carnegie, B.A., M.A.

- 12.1 The Commission regrets the passing of Professor A. Ralph Carnegie, B.A., M.A., who died suddenly on January 7, 2011.
- 12.2 Professor Carnegie served on the Commission with distinction from September 28, 2007 until the end of his term on August 19, 2010. During his tenure, he displayed a keenness of mind, a wealth of knowledge and a willingness to serve in any capacity required, enhanced by an affable personality. In addition to his general duties on the Commission, he also served as a member of the Pensions Committee and as Chairman of the Staff Selection Committee.
- 12.3 A Jamaican by birth, Ralph Carnegie was 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 and 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 published legal articles in learned journals including British Yearbook of International Law, Yearbook 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.
- 12.4 His work has been cited by courts in Australia and Canada. He 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.

13. FEATURE ON GUYANA

Geographically located on the northern coast of South America, but forming part of the Caribbean community by virtue of history, politics and economics, **the Co-operative Republic of Guyana** is the **headquarters of Caribbean Community (CARICOM) Secretariat, established in Georgetown on May 1, 1968 and known then as the Commonwealth Caribbean Regional Secretariat**, following a decision taken during the 1967 Heads of Government Conference. Its neighbor to the immediate east is the Republic of Suriname, a sister state in CARICOM.

It was at the Eighth Heads of Government Conference of the Caribbean Free Trade Association (CARIFTA) held in April 1973 in Georgetown, Guyana that the decision to establish the Caribbean Community (CARICOM) was brought to fruition; the process (the Georgetown Accord) being named after the capital.

Guyana was therefore one of the original signatories to the Treaty of Chaguaramas, signing the Agreement to become a full member of CARICOM on August 1, 1973.

Guyana was also among the first group of CARICOM countries to sign the Agreement Establishing the Caribbean Court of Justice (CCJ) on February 14, 2001. On April 1, 2005, it became the first CARICOM state to accept the Appellate and Original Jurisdictions of the CCJ.

The country's national symbols adopted upon receiving independence from Great Britain on May 26, 1966, include:

- **Coat of Arms**, on which the **National Flower** (Victoria Amazonica/Regia lily); the **National Animal** (Jaguar) and the **National Amerindian Headdress** symbolizes Diamonds on either side representing monarchical insignia; the two Sugar Cane and one of Rice, main agricultural industries – sugar National Flower and represents the protection of the nation; the three Blue Wavy Lines reflect the many waters of Guyana; the National Bird is at the bottom of the Shield and represents the rich fauna. The country's motto – One People, One Nation, One Destiny - is reflected on the lowermost part of the Coat of Arms.
- **Flag**, known as **The Golden Arrowhead**. The five (5) colours are symbolic: the **green background** for Guyana's agriculture and forests; the **white border** for its waters and rivers; the **golden arrow** for mineral wealth and the country's forward thrust into the future; the **black border** represents the endurance that will sustain the golden arrow's forward thrust; the **red triangle** symbolizes the zeal and dynamism of nation-building.



eco-tourists. It also boasts bauxite, gold and diamonds. By far the largest of the CARICOM countries, its vast land space measures 214,969 sq km (82,978 sq miles). Known as ‘The Land of Many Waters’, Guyana has more than 1500 rivers and over 900 river islands as well as more than 100 waterfalls.

By July 2007, the capital - and largest city - Georgetown, had an estimated population of 170,000ⁱ while Guyana itself had a total population of 769,095ⁱⁱ; the unofficial growth rate in 2006 was 3.2%. The country’s 2002 population census reflects a vast majority of the population being of East Indian descent, with African descendants in second place and peoples of mixed races coming in a distant third; the fourth major grouping is Amerindians. There are smatterings of Portuguese, Chinese and others.

In addition to its great gifts of nature, Guyana is also blessed with a number of talented persons, among whom is **Professor Aubrey Fitz Ronald Bishop, O.R., C.C.H., B.Sc., LL.M.**, whose achievements include the following:



- **Head, Department of Law – University of Guyana**
- **Former Member, Regional Judicial and Legal Services Commission**
- **Former Chief Justice of Guyana**
- **Retired Chancellor and Head of Judiciary, Guyana**

Aubrey Fitz Ronald Bishop was called to the English Bar in July 1963 and practised at both the Civil and Criminal Bars in Guyana. In 1976, he was elevated to the High Court and in 1987, to the Court of Appeal. He became Chief Justice of Guyana in 1992 and Chancellor and Head of the Judiciary in 1996. After retiring from the judiciary, Professor Bishop was appointed a Professor of Law at the University of Guyana. He was twice honoured by his country with the Cacique Crown of Honour and the Order of Roraima – Guyana’s third and second highest honours, respectively.

He has also served on the Code of Ethics & Disciplinary Committee of the West Indies Cricket Board (WICB) and was made an Honorary Member of the Fédération Internationale de Football Association (FIFA), having served previously as an International Referee.

In his capacity as ‘distinguished jurist nominated jointly by the Dean of the Faculty of Law of UWI, the Deans of the Faculty of Law of any contracting Parties and the Chairman of the Council of Legal Education’ [Article V. 1 (f)], he was sworn in as **one of the first Commissioners of the Regional Judicial and Legal Services Commission on August 21, 2003**. He contributed four (4) years of sterling service to this august body until his tenure ended on August 19, 2007.

On October 29, 2010, a second noted Guyanese Professor was sworn in as **Commissioner of the Regional Judicial and Legal Services Commission**, in his capacity as one of the ‘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 the Contracting Parties and the Chairman of the Council of Legal Education’. He is **Professor Harold Lutchman, B.Sc., M.Sc., LL.B., Ph.D.**



Harold Alexander Lutchman received his Doctorate in Government from the Victoria University of Manchester, UK, in 1967 after completing a Master's degree in 1965 as the first student to undertake studies and be awarded the latter degree in the field of Government at the University of the West Indies. His first degree (B.Sc. – Econ., Hons.), was earned from the University of London in 1964 after completion of studies at the then University College of the West Indies (later renamed the University of the West Indies). Subsequently, he pursued studies in law in the United Kingdom, was called to the Bar by The Honourable Society of Gray's Inn in November 1975, and earned the LL.B. (Hons.) degree from the University of London in 1979. He was admitted to practice as an Attorney-at-Law by the Supreme Court of Judicature of Guyana in December 1975.

He gained membership at the Fellowship level (FCI Arb and FCMI respectively), of both the Chartered Institute of Arbitrators (formerly The Institute of Arbitrators) in 1977 and the Chartered Management Institute (formerly The British Institute of Management), in 1979.

Professor Lutchman joined the teaching faculty of the University of Guyana in 1968. He served at that institution for a period of eighteen (18) years as full-tenured Professor; Head of Department of Political Science and Law; Head of Department of Management and two (2) terms as Dean of the Faculty of Social Sciences.

He joined the University of the Virgin Islands (UVI) in August 1986 as Professor of Political Science and was subsequently tenured at that university. He directed its Master of Public Administration Programme, and headed its Division of Social Sciences. After 10 years at UVI, Professor Lutchman was appointed Vice-Chancellor of the University of Guyana in which capacity he served from 1996 to 2000.

Professor Lutchman was among the original appointees as a Trustee of the Caribbean Court of Justice Trust Fund, and served in this capacity from August 2003 to September 2009, in addition to being a member of the Audit Committee of the Fund.

Professor Lutchman had bestowed upon him in 2002 by the University of the Virgin Islands, the distinction and honour of Professor Emeritus.

Two other **distinguished Guyanese nationals have been appointed by the Regional Judicial and Legal Services Commission to the Caribbean Court of Justice; they are the Honourable. Mr. Justice Duke E. E. Pollard, and the Honourable Mme. Justice Désirée Bernard.**

The Hon. Mr. Justice Pollard is a member of the Bars of Guyana and Jamaica, a Fellow at the Centre for International and Comparative Law of McGill University and temporary Justice of the Belize Court of Appeal. He participated in drafting the original and revised Treaty of Chaguaramas and many of the agreements and protocols that pertain specifically to the Caribbean Court of Justice. Within the CARICOM Secretariat, he was Officer-in-Charge of the Legal and Institutional Development Division and Director of the CARICOM Legislative Drafting Facility, before being appointed to the Caribbean Court of Justice, where he sat as a jurist from 2005 until his retirement in June 2010.

The Hon. Mme Justice Désirée Bernard – the first female judge of the Caribbean Court of Justice – was conferred with the honour of the eighth CARICOM Triennial Award for Women. She began her legal career in 1963 when she attained a Bachelor of Laws Degree from the University of London. By 1964 she was a qualified Solicitor and practised in the Guyana Law Courts until 1980, when she was appointed the first female judge in the High Court of the Supreme Court of Guyana, where she had practised since 1965. In 1992, she was appointed the first female Justice of Appeal in the Court of Appeal of the Supreme Court of Guyana; in 1996, the first female Chief Justice; in 2001, the first female Chancellor of the Judiciary of Guyana and the Caribbean and in 2005, the first female Judge of the Caribbean Court of Justice, where she continues to sit as a jurist.

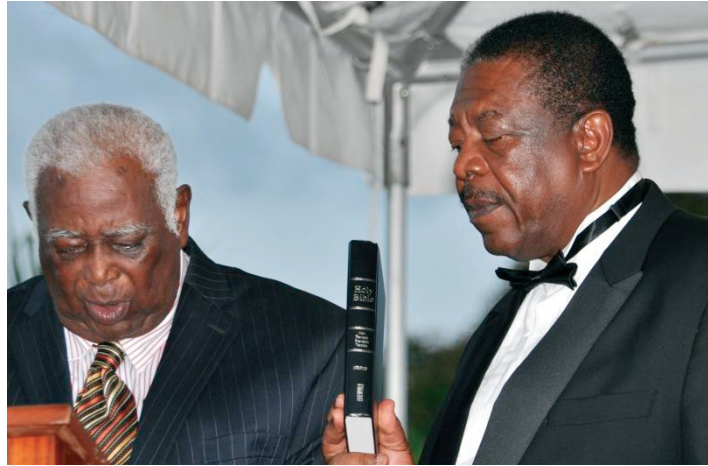
ⁱ Guyana, Hansib 2008 edition

ⁱⁱ Guyana, Hansib 2008 edition

Guyanaguide.com

Wikipedia

14. SNAPSHOTS OF 2011



Swearing-in of new President of the Caribbean Court of Justice, the Right Honourable Sir Charles Michael Dennis Byron



WELCOME, SIR CHARLES!

The Trinidad Guardian
March 22, 2012



*A collage of the members who served on the
Regional Judicial and
Legal Services Commission*



Regional Judicial and Legal Services Commission REPORT 2003-2011



The Hon. Sir David Simmonds
K.A., B.C.H.



Ms. Nelcia Robinson
B.Sc.



Mr. Kenneth Lalla
C.M.T., S.C.

REGIONAL
AND
LEGAL SERVICES
COMMISSION
2003



Ambassador Christopher R. Thomas
C.M.T., D.Law



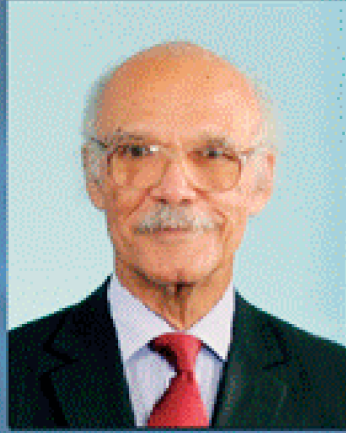
Mr. Anthony Sylvester
M.B.E.



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



Mr. Cecil A. Blazer Williams
B.A., M.Sc., LL.B.



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



Mr. Rodney Neal
B.Sc., M.Sc.



The Rt. Hon. Mr. Justice
T.



The Hon. Mr. Justice Hugh A. Rawlins
Chief Justice



Ambassador Wendell Lawrence
B.Sc., M.Sc., CPA



Mr. Egebet Lioriel
B.Sc., M.A.



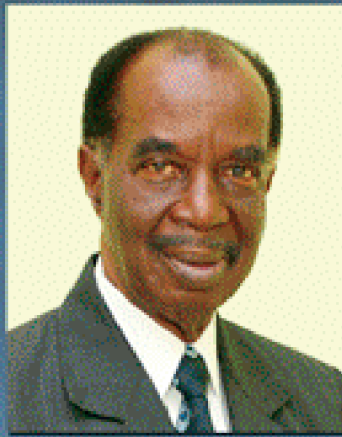
Professor H.
B.Sc., M.Sc.

L JUDICIAL
ND
SERVICES
MISSION

2011



The Rt. Hon. Sir Vincent Etienne
C.M.G., Q.C.



Professor Aubrey Bishop
O.R., C.C.H., B.Sc., LL.M.



Mr. Othaniel Sylvester
C.M.G., Q.C.



Dr. Lloyd Barnett
O.J.



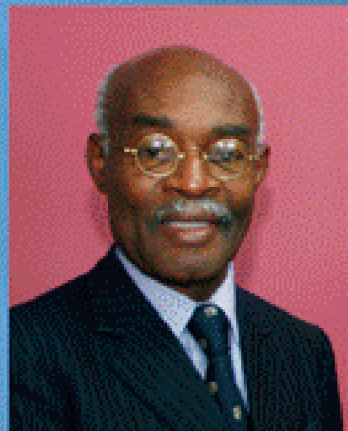
Mr. Allan Alexander
S.C.



Dr. Magda Hoover-Venosa
M.Sc., Ph.D.



Justice Michael de la Bastide
J.C.



Dr. Joseph S. Archibald
Q.C.



Mr. Jefferson Cumberbatch
LL.B.



Mr. Frank Myers
B.Sc., FCCA



Mr. David Lutchman
LL.B., Ph.D.



Sir Fred Gallop
K.A., Q.C.



Mr. Martin Daly
S.C.



Mr. Eusie Ferdinand
LL.B., LL.M.

Regional Judicial and Legal Services Commission REPORT 2003-2011



*The Regional Judicial and Legal Services Commission
was established in 2003
under Article V of the Agreement
Establishing the Caribbean Court of Justice*



APPENDIX A Meetings of the Regional Judicial and Legal Services Commission in 2011

No.	Meeting No.	Dates of Meetings of Commission
1.	70	January 19, 2011 (held by videoconference)
2.	71	February 18, 2011
3.	72	April 1, 2011
4.	73	May 27, 2011
5.	74	July 14, 2011
6.	75	September 1, 2011
7.	76	November 25, 2011

APPENDIX B Attendance of Members at Meetings of the Commission in 2011

Name of Commissioner	Jan 19	Feb 18	April 1	May 27	July 14	Sep 1	Nov 25
The Rt. Hon. Mr. Justice Michael de la Bastide, T.C.	✓	✓	✓	✓	✓	*	*
The Rt. Hon. Sir Charles Dennis Byron	--	--	--	--	--	✓	✓
Dr. the Hon. Lloyd George Barnett, O.J.	✓	✓	✓	✓	✓	✓	✓
Dr. Joseph Archibald, Q.C.	✓	✗	✓	✓	✗	✓	✓
The Hon. Mr. Justice Hugh A. Rawlins	✓	✓	✓	✓	✓	✓	✓
Mr. Egbert Lionel, B.Sc., M.A.	✗	✓	✓	✓	✗	✓	✓
Mr. Jefferson Cumberbatch, LL.B.	✓	✓	✓	✓	✓	✗	✓

Ambassador Wendell Lawrence, B.Sc., M.Sc., C.P.A.	x	✓	x	✓	✓	✓	✓
Professor Harold Lutchman, B.Sc., M.Sc., LL.B., Ph.D.	✓	✓	✓	✓	✓	✓	✓
Sir Fred Gollop, K.A., Q.C.	✓	✓	✓	✓	✓	✓	✓
Mr. Martin Daly, S.C.	x	✓	✓	✓	✓	✓	✓
Mr. J. Emile Ferdinand, LL.B., LL.M.	✓	✓	x	x	✓	✓	✓
Total No. of Members who Attended	8	10	9	10	9	10	11

Key:

✓ Member attended meeting
* Term expired

-- Not yet appointed a member of the RJLSC
x Member absent from meeting

APPENDIX C Meetings of Committee and Other Meetings in 2011

No.	Dates of Meetings	Committee / Commission's Representatives	Purpose
1	January 10, 2011	Commissioners Cumberbatch, Lionel and Lutchman	To conduct interviews for the posts of Facilities and Assets Supervisor and Senior Accounting Assistant
2	January 17, 2011	-----	To discuss the extension of / amendments to, the Protocol for the Interfacing and Interaction between the Court, Commission and Trust Fund
3.	January 27, 2011	Commissioner Barnett	To discuss the CDB Report submitted to CARICOM in June 2010 with representatives of the Court
4.	January 28, 2011	Commissioner Barnett	To discuss the CDB Report with representatives of the Court, Trust Fund and the CDB
5.	February 4, 2011	Commissioners Cumberbatch and	To conduct interviews for the posts of Human Resources Officer and Court Protocol and Information Assistant

		Lutchman	
6.	February 14, 2011	Chairman	To discuss with COFAP Bureau, Trust Fund Representative and CDB representatives to discuss CDB Report (by videoconference)
7.	March 31, 2011	Commissioners Cumberbatch and Daly	To propose amendments to the Agreement Establishing the Caribbean Court of Justice and the CCJ Staff Regulations
8.	July 15, 2011	Chairman, Commissioners Barnett and Daly	First Meeting of the Select Committee to determine terms of reference and rules of procedure
9.	July 22, 2011	Chairman, Commissioners Barnett and Daly	Resumption of First Meeting of Select Committee to determine terms of reference and rules of procedure
10.	September 1, 2011	Chairman and Commissioner Barnett	Meeting with Prime Minister of St. Kitts and Nevis
11.	December 5, 6, 7 and 8, 2011	Commissioner Lawrence	To meet with officers of the CCJ to draft CCJ/RJLSC Governance Report

APPENDIX D Members of the Commission appointed to Committees of the Commission

Staff Selection	Pension	Delegation of Disciplinary Function	Staff Regulations
Commissioner Cumberbatch (Chairman)	Commissioner Barnett (Chairman)	Commissioner Cumberbatch	Commissioner Barnett (Chairman)
Commissioner Lutchman	Commissioner Cumberbatch	Commissioner Daly	Commissioner Lawrence
Commissioner Lionel	Commissioner Daly		Commissioner Cumberbatch

Commissioner Ferdinand			
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APPENDIX E

Audited Financial Statements for the Year ended December 31, 2011

Financial Statements of

**THE REGIONAL JUDICIAL AND LEGAL
SERVICES COMMISSION**

December 31, 2011



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Supplementary Financial Information (Stated in United States Dollars)	
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Statement of Comprehensive Income	18



KPMG
Chartered Accountants
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Port of Spain
Trinidad and Tobago, W.I.

Telephone (868) 623 1081
Fax (868) 623 1084
e-Mail kpmg@kpmg.co.tt

Independent Auditor's Report to the Commissioners of the Regional Judicial and Legal Services Commission

Report on the Financial Statements

We have audited the accompanying financial statements of The Regional Judicial and Legal Services Commission (the Commission), which comprise the statement of financial position as at December 31, 2011, and the statements of comprehensive income and retained earnings, changes in cash flows for the year then ended, and notes, comprising 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 these financial statements in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

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 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 our 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, we consider 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.



**Independent Auditor's Report to the Commissioners
of the Regional Judicial and Legal Services Commission**

Report on the Financial Statements (continued)

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Commission as at December 31, 2011, and of its financial performance and its cash flows for the year then ended in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities.

A handwritten signature in black ink that reads 'KPMG' in a stylized, cursive font.

Chartered Accountants

May 7, 2012

Port of Spain

Trinidad and Tobago

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Statement of Financial Position

December 31, 2011

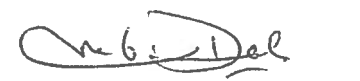
	Notes	2011	2010
Assets			
Non-current assets			
Property, plant and equipment	1	\$ 3,447	11,375
Current assets			
Due from related party	2	1,415,935	2,118,133
Other receivables	3	55,504	53,441
Cash and cash equivalents		196,532	160,172
Total current assets		1,667,971	2,331,746
Total assets		\$ 1,671,418	2,343,121
Accumulated Fund and Liabilities			
Accumulated fund			
Retained earnings		\$ 1,642,568	2,193,939
Current liabilities			
Other payables	4	28,850	149,182
Total current liabilities		28,850	149,182
Total accumulated fund and liabilities		\$ 1,671,418	2,343,121

The notes on pages 7 to 14 are 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

Statement of Comprehensive Income and Retained Earnings

For the year ended December 31, 2011

	Notes	2011	2010
Revenue	5	\$ 1,741,480	1,734,338
Administrative expenses	6	(2,292,851)	(2,686,288)
Deficit of income over expenditure for the year being total comprehensive deficit for the year		(551,371)	(951,950)
Retained earnings at the beginning of the year		<u>2,193,939</u>	<u>3,145,889</u>
Retained earnings at the end of the year		\$ <u>1,642,568</u>	<u>2,193,939</u>

The notes on pages 7 to 14 are an integral part of these financial statements.

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Statement of Cash Flows

For the year ended December 31, 2011

	2011	2010
Cash Flows from Operating Activities		
Deficit of income over expenditure for the year being total comprehensive deficit for the year	\$ (551,371)	(951,950)
Adjustments to reconcile deficit of income over expenditure for the year being total comprehensive deficit for the year to net cash from operating activities:		
Depreciation	7,928	48,804
Changes in due from related party	702,198	845,547
Changes in other receivables	(2,063)	(36,438)
Changes in other payables	(120,332)	122,361
Net cash from operating activities	<u>36,360</u>	<u>28,324</u>
Cash Flows used in Investing Activities		
Acquisition of property, plant and equipment	-	(6,895)
Net cash used in investing activities	<u>-</u>	<u>(6,895)</u>
Increase in cash and cash equivalents for the year	36,360	21,429
Cash and cash equivalents at January 1	<u>160,172</u>	<u>138,743</u>
Cash and cash equivalents at December 31	\$ <u>196,532</u>	<u>160,172</u>
Analysis of cash and cash equivalents		
Cash and cash equivalents	\$ <u>196,532</u>	<u>160,172</u>

The notes on pages 7 to 14 are an integral part of these financial statements.

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Notes to Financial Statements

December 31, 2011

Establishment and principal activity

The Caribbean Court of Justice (the Court) and the Regional Judicial and Legal Services Commission (the Commission) were established on 14th 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 15th 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:

- Appointments to the office of Judge of the Court, other than that of President;
- Appointments of officials and employees of the Court;
- Determination of the terms and conditions of service of officials and employees;
- The termination of appointments in accordance with the provisions of this Agreement.
- Exercise of disciplinary control over judges other than the President, and over officials and employees of the Court; and
- Appointment of members of the Community Competition Commission

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 May 7, 2012.

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Notes to Financial Statements

December 31, 2011

Significant accounting policies

(a) *Statement of compliance*

These financial statements have been prepared in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities (IFRS for SMEs).

(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 IFRS for SMEs requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets, liabilities, income and expenses. Actual results could differ from these estimates.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the period in which the estimates are revised and in any future periods affected. Information about critical judgements in applying accounting policies that have the most significant effect on the amounts recognised in the financial statements is included in the following notes:

Note (e)	-	Property, plant and equipment
Note (f)	-	Accounts receivable

(e) *Property, plant and equipment*

Items of property, plant and equipment are measured at cost less accumulated depreciation and accumulated impairment losses.

Cost includes expenditure that is directly attributable to the acquisition of the asset. The cost of self-constructed assets includes the cost of materials and direct labour, any other costs directly attributable to bringing the assets to a working condition for their intended use, the costs of dismantling and removing the items and restoring the site on which they are located, and capitalized borrowing costs. Purchased software that is integral to the functionality of the related equipment is capitalized as part of the equipment.

When parts of an item of property, plant and equipment have different useful lives, they are accounted for as separate items of property, plant and equipment.

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Notes to Financial Statements

December 31, 2011

Significant accounting policies (continued)

(e) *Property, plant and equipment (continued)*

The gain or loss on disposal of property, plant and equipment is determined by comparing the proceeds from disposal with the carrying amount of the property, plant and equipment, and is recognized net within other income/other expenses in profit or loss. When revalued assets are sold, any related amount included in the revaluation reserve is transferred to retained earnings.

The cost of replacing a component of an item of property, plant and equipment is recognized in the carrying amount of the item if it is probable that the future economic benefits embodied within the component will flow to the Commission, and its cost can be measured reliably. The carrying amount of the replaced component is derecognized. The costs of the day-to-day servicing property, plant and equipment are recognized in profit or loss as incurred.

Depreciation is based on the cost of an asset less its residual value. Significant components of individual assets are assessed and if a component has a useful life that is different from the remainder of that asset, that component is depreciated separately. Depreciation is recognized in profit or loss on a straight-line basis over the estimated useful lives of each component of an item of property, plant and equipment.

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:

Depreciation methods, useful lives and residual values are reviewed at each reporting date and adjusted if appropriate.

(f) *Other receivables*

Other receivables are stated net of any specific provision established to recognise anticipated losses for bad and doubtful debts. Bad debts are written off during the year 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 amortised cost.

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Notes to Financial Statements

December 31, 2011

Significant accounting policies (continued)

(i) *Provisions*

A provision is recognised if, as a result of a past event, the Commission has a present legal or constructive obligation that can be estimated reliably, and it is probable that an outflow of economic benefits will be required to settle the obligation. Provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments of the time value of money and, where appropriate, the risks specific to the liability. The unwinding of finance cost is recognised as finance cost.

(j) *Revenue recognition*

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

Subventions that compensate the Commission for expenses incurred are recognised as revenue in the statement of revenue and expenditure 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 revenue and expenditure as revenue on a systematic basis over the life of the asset.

All other revenue is recorded on an accruals basis.

(k) *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.

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Notes to Financial Statements

December 31, 2011

Significant accounting policies (continued)

(l) Impairment

The carrying amounts of the Commission's assets are reviewed at each reporting 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 statement of comprehensive income.

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.

(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.

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Notes to Financial Statements

December 31, 2011

1. Property, plant and equipment

	Library Books	Furniture, Fittings, Computers and Equipment	Vehicles	Total
<i>Year ended December 31, 2011</i>				
Cost of valuation				
At January 1, 2011	\$ 24,815	222,152	163,513	410,480
Additions	-	-	-	-
At December 31, 2011	\$ <u>24,815</u>	<u>222,152</u>	<u>163,513</u>	<u>410,480</u>
Accumulated depreciation				
At January 1, 2011	\$ 18,611	216,981	163,513	399,105
Charge for the year	<u>6,204</u>	<u>1,724</u>	-	<u>7,928</u>
At December 31, 2011	\$ <u>24,815</u>	<u>218,705</u>	<u>163,513</u>	<u>407,033</u>
Net book value				
At December 31, 2010	\$ <u>6,204</u>	<u>5,171</u>	-	<u>11,375</u>
At December 31, 2011	\$ <u>-</u>	<u>3,447</u>	-	<u>3,447</u>
<i>Year ended December 31, 2010</i>				
Cost of valuation				
At January 1, 2010	\$ 24,815	215,257	163,513	403,585
Additions	-	6,895	-	6,895
At December 31, 2010	\$ <u>24,815</u>	<u>222,152</u>	<u>163,513</u>	<u>403,585</u>
Accumulated depreciation				
At January 1, 2010	\$ 12,408	215,257	122,636	350,301
Charge for the year	<u>6,203</u>	<u>1,724</u>	<u>40,877</u>	<u>48,804</u>
At December 31, 2010	\$ <u>18,611</u>	<u>216,981</u>	<u>163,513</u>	<u>399,105</u>
Net book value				
At December 31, 2009	\$ <u>12,407</u>	-	<u>40,877</u>	<u>53,284</u>
At December 31, 2010	\$ <u>6,204</u>	<u>5,172</u>	-	<u>11,375</u>

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Notes to Financial Statements

December 31, 2011

2. Due from related party		<u>2011</u>	<u>2010</u>
The Caribbean Court of Justice (CCJ)	\$	<u>1,415,935</u>	<u>2,118,133</u>
Amounts due from the CCJ are interest free, with no fixed repayment terms.			
3. Other receivables			
VAT recoverable	\$	29,308	31,438
Other receivables		<u>26,196</u>	<u>22,003</u>
	\$	<u>55,504</u>	<u>53,441</u>
4. Other payables			
Accruals	\$	28,661	149,182
Accounts Payable		<u>189</u>	<u>-</u>
	\$	<u>28,850</u>	<u>149,182</u>
5. Revenue			
Funds received from the Caribbean Court Of Justice Trust Fund	\$	1,739,443	1,734,230
Interest income		<u>2,037</u>	<u>108</u>
	\$	<u>1,741,480</u>	<u>1,734,338</u>
6. Administrative expenses			
Salaries and allowances	\$	541,129	426,166
Depreciation		7,928	48,806
Administrative expenses		747,338	782,906
Commission and recruitment expenses		814,727	1,382,378
Professional fees		148,964	15,100
Audit fees		25,790	26,103
Bank charges		<u>6,975</u>	<u>4,829</u>
	\$	<u>2,292,851</u>	<u>2,686,288</u>

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Notes to Financial Statements

December 31, 2011

7. **IFRS Not Yet Effective**

A number of new standards, amendments to standards and interpretations are effective for annual periods beginning after January 1, 2011, and have not been applied in preparing these financial statements. None of these is expected to have a significant effect on the financial statements of the Commission, except for IFRS 9, which becomes mandatory in 2015 for the Commission's financial statements and could change the classification and measurement of financial assets. The Commission does not plan to adopt this standard early and the extent of the impact has not been determined.

Supplementary Financial Information

**THE REGIONAL JUDICIAL AND LEGAL
SERVICES COMMISSION**

December 31, 2011





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**Independent Auditor's Report to the Commissioners
of the Regional Judicial and Legal Services Commission**
Report on the Supplementary Financial Information

We have audited the financial statements of the Regional Judicial and Legal Services Commission for the year ended December 31, 2011, and have issued our report thereon dated May 7, 2012.

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, consisting of the statement of financial position 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

May 7, 2012
Port of Spain
Trinidad and Tobago

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Statement of Financial Position

December 31, 2011

(Expressed in United States Dollars)

	2011	2010
Assets		
Non-current assets		
Net fixed assets	\$ 546	1,806
Current assets		
Due from related party	224,752	336,212
Other receivables	8,810	8,483
Cash and cash equivalents	31,196	25,423
Total current assets	<u>264,758</u>	<u>370,118</u>
Total assets	<u>\$ 265,304</u>	<u>371,924</u>
Reserves and Liabilities		
Retained earnings	\$ 260,724	348,245
Current liabilities		
Other payables	4,580	23,679
Total current liabilities	<u>4,580</u>	<u>23,679</u>
Total reserves and liabilities	<u>\$ 265,304</u>	<u>371,924</u>

Translation Rate used - US\$1.00:TT\$6.30

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Statement of Comprehensive Income and Retained Earnings

For the year ended December 31, 2011

(Expressed in United States Dollars)

		2011	2010
Revenue	\$	276,425	275,292
Administrative expenses		<u>(363,945)</u>	<u>(426,395)</u>
Deficit of income over expenditure for the year being total comprehensive deficit for the year		(87,520)	(151,103)
Retained earnings at the beginning of the year		<u>348,244</u>	<u>499,348</u>
Retained earnings at the end of the year	\$	<u>260,724</u>	<u>348,245</u>

Translation Rate used - US\$1.00:TT\$6.30

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REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

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