

2017 ANNUAL REPORT
Regional Judicial and Legal Services Commission

Haiti

Jamaica

Montserrat

St. Kitts & Nevis

St. Lucia

St. Vincent

Suriname

Trinidad & Tobago





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The Chairman and Members of the Regional Judicial and Legal Services Commission



Standing Left to Right:
Dr. Peter Maynard, PhD, FCI Arb;
Mr. Delano Bart, QC;
Lady Beverley Walrond, QC;
Ms. Jennifer Astaphan, SAH, LLM (Deputy Chairman);
Rt. Hon. Sir Dennis Byron (Chairman);
Hon. Shirley Tyndall, OJ, CD;
Mr. Elton Prescott, SC;
Hon. Michael Hylton, OJ, QC;
Dr. Francis Alexis, QC.

Absent:
Hon. Dame Janice Pereira, CJ ECSC;
Hon. Dennis Morrison, OJ, CD



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”** or **“the RJLSC”** means the Regional Judicial and Legal Services Commission;
- **“the Court”** means the Caribbean Court of Justice;
- **“the CCJ”** means the Caribbean Court of Justice;
- **“CARICOM”** means the Caribbean Community and Common Market;
- **“ECSC”** means the Eastern Caribbean Supreme Court;
- **“OECS”** means the Organisation of Eastern Caribbean States;
- **“the Treaty”** means the Revised Treaty of Chaguaramas;
- **“the Trust Fund”** means the Caribbean Court of Justice Trust Fund established by the Revised Agreement dated January 12, 2004; and
- **“the Trustees”** means the Board of Trustees of the Trust Fund.



Vision and Mission of the Commission



Vision

To be a modern and effective administrative system exemplifying the best practices in support of the Caribbean Court of Justice discharging a fair and efficient system of justice.

Mission

The RJLSC will:

- appoint as judges of the Caribbean Court of Justice persons of high moral character, intellectual and analytical ability, sound judgment, integrity and understanding of people and society;
- ensure that the financial and human resources management of the Court and Commission is efficient, equitable and progressive; and
- cultivate an environment conducive to the development of professionalism, excellent work ethics, managerial competence and job satisfaction.

Introduction



Article V.10 of the Agreement provides that: “The Commission shall, no later than March 31 in every year, submit to the Heads of Government an Annual Report of its work and operations during the previous year”.

In its 2009 Annual Report, the Commission began a series of features on the Contracting Parties to the Agreement. In this year’s report the Contracting Party featured is St. Kitts and Nevis.

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;
 - 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 CARICOM Competition Commission.

Composition of the Commission

The Composition of the Commission is set out in Article V.1 of the Agreement.

This Article provides that:

- (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-

Table 1 below shows the persons who served as members of the Commission in 2017, the effective dates of their appointment and the basis for their appointment.

Date of Appointment	Name of Commissioner	Basis for Appointment	Relevant paragraph of Article V.1
September 1, 2011 [Term of office extended July 4, 2015]	The Rt. Hon. Sir Charles Michael Dennis Byron	President of the Court	(a)
August 20, 2013 [Re-appointed August 20, 2016]	Dr. Peter Maynard, Ph.D.	Nominated jointly by OCCBA & OECS Bar Associations	(b)
November 17, 2016	Mr. Delano Bart, QC		
September 11, 2012 [Re-appointed September 11, 2015]	The Hon. Mme. Justice Janice Pereira	Chairman, Judicial Services Commission of Grenada	(c)
January 1, 2017	Hon. Shirley Tyndall, OJ, CD	Chairman, Public Service Commission of Jamaica	(d)
November 6, 2015	Dr. Francis Alexis, QC	Nominated jointly by the Secretary-General of the Community and the Director-General of the OECS	(e)
November 6, 2012 [Re-appointed November 6, 2015]	Ms. Jennifer Astaphan, SAH, LLM		
October 29, 2016 [both]	Hon. Justice Dennis Morrison, OJ, CD Lady Beverley Walrond, QC	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, 2016 [both]	Mr. Michael Hylton, OJ, QC Mr. Elton Prescott, SC	Nominated by the Bar or Law Associations of the Contracting Parties	(g)

- 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;

Composition of the Commission (Continued)

Table 2 below shows the membership of the Commission in 2017, the date of expiration of the term of office of each member and his/her nationality.

Name of Commissioner	Nationality	Date of Expiration of Term of Office
The Rt. Hon. Sir Charles Michael Dennis Byron	St. Kitts and Nevis / Antigua and Barbuda / St. Lucia	July 3, 2018
Dr. Peter Maynard, Ph.D.	Commonwealth of the Bahamas	August 19, 2019
Mr. Delano Bart, QC	St. Kitts and Nevis	November 16, 2019
The Hon. Mme. Justice Janice Pereira	British Virgin Islands	September 10, 2018
Hon. Shirley Tyndall, OJ, CD	Jamaica	March 31, 2018
Dr. Francis Alexis, QC	Grenada	November 5, 2018
Ms. Jennifer Astaphan, SAH, LLM	Commonwealth of Dominica	November 5, 2018
Hon. Dennis Morrison, OJ, CD	Jamaica	October 28, 2019
Lady Beverley Walrond, QC	Barbados	October 28, 2019
Mr. Michael Hylton, QJ, QC	Jamaica	November 18, 2019
Mr. Elton Prescott, SC	Republic of Trinidad and Tobago	November 18, 2019

and

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

In 2017 there was only one (1) change in the membership of the Commission. On January 1, 2017, the Hon. Shirley Tyndall, OJ, CD was appointed for a period of three (3) years, pursuant to Article V.1(d) of the Agreement. Ms. Tyndall replaced Mrs. Cynthia Williams, B.S. whose term of office ended on December 31, 2016.

On January 6, 2017, being the Commission’s first meeting for the reporting year, five Commissioners who were appointed as Members of the Commission in 2016, took the oath of office: Mr. Delano Bart, QC; Ms. Shirley Tyndall, OJ, CD; Lady Beverley Walrond, QC; Mr. Elton Prescott, SC and Mr. Michael Hylton, QC. The Hon. Dennis Morrison, OJ CD, who was also appointed as a Member of the Commission in 2016, took the oath of Office on January 9, 2017. The Commission functioned with its full complement of eleven (11) members in 2017.

Composition of the Commission (Continued)

Biodata for Commissioner appointed in 2017 - The Hon. Shirley Tyndall OD, CJ,

Ms. Tyndall graduated with honours in Economics from the University of the West Indies. She worked for over thirty-five (35) years at the Ministry of Finance where she became the first female Accountant General and the first female Financial Secretary.

Throughout her tenure in the Civil Service she continued a consistent process of skills upgrading, attending courses at the International Monetary Fund Institute, OAS and IDB among others. She gained significant experience in public sector management, formulation of public policy, fiscal policy, public debt negotiation and management.

Ms. Tyndall interacted for over thirty years with major multilateral and bilateral institutions in the development and management of macroeconomic policies and programmes and proposals for project financing. Recognition of her outstanding public service saw her conferred with the honour of Order of Distinction (Commander Class) in 1988 and the Order of Jamaica in 1996. In 2005 she was also awarded the Stella Gregory Award for Public Service from the



The Hon. Shirley Tyndall OD, CJ, signs the oath of office in the presence of the RJLSC's Chairman, the Rt. Hon. Sir Dennis Byron after being sworn in as a Commissioner.

Soroptomist Club of Jamaica.

Ms. Tyndall has held directorships with the Central Bank, Deposit Insurance Scheme, Road Maintenance Fund, Financial Sector Adjustment Company, Jamaican Urban Transit Company and Petroleum Caribe Fund. She was also the Chairman of the National Contracts Commission and Director for the Civil Aviation Authority.

Currently Ms. Tyndall serves as Chairman for the Public Service Commission of Jamaica, a member of the Judicial Service Commission, a member of the Commissions

Board (Something does not sound right here) for the Jamaica Defence Force, Hon. Treasurer to the Council of the University of Technology, Jamaica and a Director on the Board of the JN General Insurance Company.



Activities of the Commission



In 2017, the Commission held six (6) meetings. At the first meeting on January 6, 2017, Ms. Jennifer Astaphan, SAH, LLM was appointed as Deputy Chairman of the Commission.

The various Committees of the Commission met on twenty-two (22) occasions in 2017. All Committee meetings were held on the day(s) preceding or following a Commission meeting. Some members participated in Committee and other meetings by Skype. 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 of Committees of the Commission are listed at Appendix D.

The Commission engaged in several activities during the year. Some of these activities are described in this and the succeeding sections of this Report. Activities of the Commission during the year 2017 included:

- Review of the Judges' Pensions Rule
- Review of the Protocol for the Interfacing and Interaction between the Court, Commission and Trust Fund, which expired in January 2010
- Review of draft Code of Conduct for Commissioners
- Review of the Agreement Establishing the Court and the Commission
- Review of the Staff Regulations for the employees of the Court and Commission.
- Review of the Financial Policy of the Court and Commission
- The recommendation to the Conference of Heads of Government of the person selected for appointment to the position of President of the Court
- Recruitment of a Judge due to the retirement of the Hon. Mr. Justice Rolston Nelson, as well as the Chief Protocol and Information Officer, Facilities & Asset Management Supervisor, Information Systems Analyst and Communications and Information Assistant for the Court and the Executive Officer and Senior Executive Assistant for the Commission.

Activities of the Committees

Human Resources and Selection Committee

During the year under review the Human Resources and Selection Committee (HRS Committee) held five (5) meetings. Its first meeting for 2017 was held on May 10, 2017 due to the activities related to the recruitment of a Judge of the CCJ and staff for the RJLSC Secretariat in the first months of 2017.

During the year under review the Human Resources and Selection Committee (HRS) conducted interviews for the positions of Chief Protocol and Information Officer for the Court, and the Executive Officer and Senior Executive Assistant for the Commission.

The HRSC also delegated responsibility to the management of the Court for recruitment of the Facilities & Asset Management Supervisor, Information Systems Analyst and Communications and Information Assistant. In February 2017, the Commission approved

Activities of the Commission

(Continued)

the re-organization of the Protocol & Information Unit to better serve the Court and the Commission.

The HRSC also brought to conclusion outstanding matters for certain positions arising from the Job Evaluation Exercise. In addition, the Committee undertook a further review of the Staff Regulations and directed research on specific human resource policy areas with a view to improving the management of the human resources of the Court and the Commission. By the end of 2017 this activity was still ongoing.

Strengthening of the capabilities of the Court was also the focus of the Committee during the year when it supported the confirmation of the IS Manager, Accountant, Deputy Registrar & Marshal, Judicial Assistants and Facilities & Asset Management Supervisor.

The use of technology continued to be a main factor in controlling the cost of recruitment activities for this Committee. Meetings and interviews were conducted via Skype where possible. This approach was also approved by the Commission for use by management when the recruitment function was delegated.

In 2017, the Committee also commenced work on the

recruitment of Commissioners of the CARICOM Competition Commission.

Pension Administration Committee

The 3-year term of the previous members of the Pension Administration Committee (PAC) ended on July 31, 2016. In 2017, the following members served on the PAC: Dr. Francis Alexis, QC (Chairman, appointed by the Commission), the Honourable Mr. Justice Jacob Wit (nominated by the President of the Court), Mr. Glenn Cheong (nominated by the Board of Trustees of the CCJ Trust Fund), Ms. Susan Campbell-Nicholas (nominated by the employees of the CCJ as their representative), and Mrs. Sherry-Ann Ramhit (nominated by the employees of the RJLSC as their representative, and as Secretary to the PAC).

The newly appointed PAC held six (6) meetings in 2017, meeting on January 6, 2017 for the first time. At this meeting the PAC reviewed the final results of the audit exercise which was conducted by the management of the Court to compare the values stated on all Pension Plan (PP) members' statements up to December 31, 2015 with the corresponding historical records kept in-house.

This audit exercise was approved by

the Commission in 2015 in order to correct errors on PP members' prior benefit statements.

The audit results were submitted by the PAC to the Pension Plan Administrators (PPA) to make the appropriate adjustments to the members' benefit statements as at December 31, 2016. The 2016 benefit statements included information on not only the current year's credits and any adjustments made as a result of the audit, but also for the first time the total of such credits over a member's entire period of employment with the Court, so that the guaranteed minimum value of the account balance could be clearly assessed by PP members.

In July 2017, the PAC recommended, and the Commission approved, the implementation of the website access facility offered by the PPA, whereby PP members could access their pension statements online at any time. Website access was implemented for all PP members in October 2017. All feedback from PP members on their accessing and navigating the website has been positive. The PAC considers the successful introduction of this facility to be a noteworthy success in the life of the Pension Plan.

Activities of the Commission (Continued)

In August 2017, the Commission amended the Non-Judicial Staff Pension Rules to include two additional Commissioners and one additional CCJ Staff Representative to sit on the PAC. With effect from August 24, 2017, Commissioners Dennis Morrison, OJ, CD, and Delano Bart, QC, were appointed members of the PAC. The appointment of the additional CCJ Representative is expected to take place in 2018.

In December 2017, the PAC recommended and the Commission approved, the implementation of the use of Life Certificates for all pensioners, their beneficiaries and/or joint pensioners of the Non-Judicial Staff Pension Plan.

By the end of 2017, there were seventy-three (73) active members, eight (8) retirees and four (4) deferred pensioners on the Pension Plan.

Judges' Compensation and Pension Committee

The Judges' Compensation and Pension Committee (JCPC) met informally on several occasions in 2017. The JCPC completed a revision of the Judges' Pension Rules which was submitted to the CARICOM Conference of Heads of Government of the Caribbean Community for approval. On

February 16, 2017, a delegation of the Commission consisting of the Rt. Hon. Sir Dennis Byron (Chairman of the Commission), Ms. Jennifer Astaphan, SAH, LLM, (Deputy Chairman), Dr. Francis Alexis, QC (Chairman of the JCPC) and Mrs. Jacqueline Graham (Secretary to the Commission) attended the Twenty-Eighth Inter-Sessional Meeting of the Heads of Government of CARICOM held in Guyana where a presentation on the Pension Rules was made.

In March 2016, the Secretary-General of CARICOM communicated the decision of the Conference taken at the aforementioned meeting being, "The Conference-

Agreed that where a judge of the Caribbean Court of Justice dies-

- (a) *In office but would have been entitled to a gratuity or pension had he served as a Judge until reaching the compulsory age of retirement; or*
- (b) *after reaching the compulsory age of retirement, and is in receipt of or entitled to a gratuity or pension; his/her surviving spouse shall be entitled to one half of the gratuity or pension which would have been payable or was being paid to the Judge, subject to the following conditions -*
 - (i) *the pension payable to the*

surviving spouse of a Judge who dies in office before reaching the compulsory age of retirement shall be calculated on the basis of a calculation which assumes that the Judge retired at the compulsory age of retirement but only served for the period of his actual pensionable service;

- (ii) *the definition of "spouse" shall not include a "common law spouse" for the purposes of the pension arrangements;*
- (iii) *the pension shall be paid monthly for the life of the spouse or, where applicable, the gratuity benefit shall be paid as a lump sum;*
- (iv) *the spouse shall not be eligible for the receipt of the surviving spouse's benefit if he/she is appointed a Judge of the CCJ." (See these points reflected in the Amended 2017 Rules at rule 3.7.1(A) proviso, rule 1.2, rules 3.7.2 to 3.7.4 and rule 3.7.8.)*

Requested the RJLSC to prepare appropriate regulations, pursuant to Article XXVIII.2(c) of the CCJ Agreement, to reflect the modified pension arrangements in accordance with the decision of the Conference.

Activities of the Commission (Continued)

Also agreed that the regulations should be effective no earlier than 18 March 2017 or upon their finalization by the RJLSC, whichever date is earlier.”

After the receipt of the Decision of the Heads of Government, the JCPC revised the Pension Rules accordingly and resubmitted the revised Pension Rules to the Secretary-General for it to be tabled at the Thirty-Seventh Regular Meeting of the Conference of Heads of Government of the Caribbean Community in July 2017. The Pension Rules was not tabled at that meeting and by the end of 2017 steps were being taken to have it tabled at the Twenty-Ninth Intersessional Meeting of the Heads of Government to be held in February 2018.

Constituent Instruments Review and Regulations Committee

In 2017, the Constituent Instruments Review and Regulations Committee (CIRRC) held two (2) formal meetings. The CIRRC reviewed the Staff Regulations in relation to occupational diseases with a view to recommending changes to Schedule A of the Staff Regulations. The CIRRC also commenced an in-depth review of the Financial Policy of the Court and the Commission. At the end of 2017 the Staff Regulations and Financial Policy were still under consideration by the Committee.

Code of Conduct

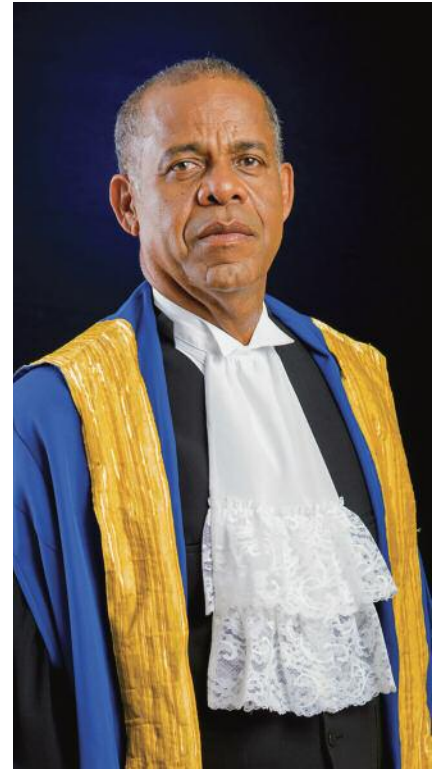
In 2017, the Commission formed a Sub-Committee to review and finalize the draft Code of Conduct for Commissioners. The Committee met informally on several occasions since then to review the draft Code. The draft Code of Conduct had not been finalized by the end of the year.

Appointment of Mr. Justice Denys Barrow

In 2016 the Commission had advertised for the position of Judge of the Caribbean Court of Justice in anticipation of the Hon. Mr. Justice Rolston Nelson’s retirement which was due on May 30, 2017. The post was advertised regionally and within the Commonwealth.

Nineteen (19) applications for the position of Judge were received of which seven (7) were shortlisted. Six (6) applicants, out of the seven (7) that were shortlisted, were interviewed. The Commission conducted interviews in February 2017 and selected the Honourable Mr. Justice Denys Barrow, a Belizean national, as a Judge of the Caribbean Court of Justice.

On June 1, 2017, the Honourable Mr. Justice Barrow assumed office after he was sworn in as a Judge of the Court by His Excellency Sir



Mr. Justice Denys Barrow

Colville Young, GCMG MBE, the Governor General of Belize at a ceremony at the Best Western Plus Belize, Biltmore Plaza.

Recruitment of a new President of the Court

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 2007. This Protocol gave the Commission the power to extend the

Activities of the Commission (Continued)

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.

The Commission had exercised its discretion and extended the tenure of the President of the Court, the Rt. Honourable Sir Dennis Byron, to July 3, 2018, that is the day prior to his attainment of seventy-five (75) years of age.

In preparation for the retirement of the President of the Court in 2018, the Commission advertised the position of President throughout the Caribbean and the Commonwealth in August 2017. Seven (7) candidates applied for the post, and on October 3, 2017 the Commission's Sub-Committee short-listed four (4) applicants to be interviewed. Interviews were held by the Commission on December 9, 2017 and a candidate was unanimously selected.

In accordance with Article IV.6 of the Agreement, the Commission on December 12, 2017 submitted its recommendation for appointment as President of the Caribbean Court of Justice to the Heads of Government for consideration at its Twenty-Ninth Inter-Sessional meeting



The Rt. Hon. Sir Dennis Byron, C.J. President, will demit office on 4 July 2018.

scheduled for February 27, 2018 in Haiti.

CARICOM Competition Commission

Under Article 172 of the Revised Treaty of Chaguaramas, the RJLSC is responsible for the appointment of members of the CARICOM Competition Commission (CCC).

On January 6, 2017 Dr. Andrew Downes and Mrs. Emalene Marcus-Burnett were sworn in as members of the CARICOM Competition Commission (CCC) for a period of five (5) years, renewable for a further period of not more than five (5) years.

The members of the CCC as reconstituted in 2017 were Dr. Kusha Haraksingh (Chairman), Mr. Patterson Cheltenham, QC, Mr. Hans Lim A Po, Mr. DeCoursey Eversley, Mr. Nester Alfred, Dr. Andrew Downes and Mrs. Emalene Marcus-Burnett.

At its meeting in October 2017, the Commission approved the recruitment and selection of three Commissioners, since the terms of office of three (3) of the CCC members - Dr. Kusha Haraksingh, Mr. Hans Lim A Po and Mr. Patterson Cheltenham, QC - were due to expire in January 2018.

In December 2017, the Commission extended the terms of office for Dr. Haraksingh, Mr. Lim A Po and Mr. Cheltenham, QC for a further three (3) months on the existing terms and conditions to facilitate the smooth flow of operations of the CCC until the selection and appointment of the three (3) new Commissioners. Interviews for the three (3) new CCC Commissioners would take place in early 2018.



Staff of the Commission



After the early retirement of Ms. Christine Foreshaw and Ms. Catherine Beard on September 30, 2016, the positions of Executive Officer and Senior Executive Assistant to the Commission remained vacant until the end of July 2017.

The Executive Officer position was filled on August 2, 2017 when Mrs. Sherry-Ann Ramhit, a national of Trinidad and Tobago, accepted an appointment in that capacity. Mrs. Ramhit previously worked with the CCJ for over twelve (12) years. Mrs. Ramhit replaced the former Executive Officer, Ms. Christine Foreshaw, who was a national of Jamaica.

The position of Senior Executive Assistant was filled on August 2, 2017 by Ms. Simone Jackson, a national of Trinidad and Tobago. Ms. Jackson replaced the former Senior Executive Assistant, Ms. Catherine Beard, who is also a national of Trinidad and Tobago.

At the end of 2017, the Commission's staff comprised the following employees: Ms. Susan Campbell-Nicholas – Human Resources Officer, Mrs. Sherry-Ann Ramhit – Executive Officer and Ms. Simone Jackson – Senior Executive Assistant. Pursuant to Article V(12) of the Agreement, Mrs. Jacqueline Graham is the Secretary to the Commission.

To assist in performing their functions and providing administrative support to the Chairman and Members of the Commission, the Commission's staff was supported by various Departments of the Court including those of Finance and Administration, Communications and Information and Security and Logistics. The Commission expresses its appreciation to the staff of the Court for their unwavering support and assistance.



Staff of the RJLSC

(From Left to Right) **Mrs. Sherry-Ann Ramhit**, Executive Officer; **Mrs. Jacqueline Graham**, Secretary to the RJLSC; **Ms. Simone Jackson**, Senior Executive Assistant, and **Mrs. Susan Campbell-Nicholas**, Human Resources Manager.



Projected and Actual Expenditure of the Court and the Commission



During the period under review the Commission and the Court were financed by quarterly disbursements from the CCJ Trust Fund.

The budget for the year 2017 was based on conservative estimates of projected spending for 2017.

2017-2018 Biennial Budget

The budget was presented by the Court to the Commission in 2017 and approved subject to amendments as suggested by the Trust Fund.

In 2017, the Court continued to make pension payments to the past President and two (2) retired Judges. Pension payments to a third retired judge commenced in May 2017. The Court and Commission also continued to make pension payments to seven (7) retired

employees of the Court and Commission. Two (2) retirees were added during 2017. Pension payments for these new retirees of the Court commenced in August and October 2017.

In addition, under their Terms and Conditions, Judges are entitled to a Travel Grant every two (2) years. In 2017, this Travel Grant was payable to five (5) Judges.

Financial Oversight Committee (FOC)

The Financial Oversight Committee did not convene in 2017. Instead

there was one (1) major meeting with the Court, Commission and the Trust Fund in addition to informal exchanges of information between the three (3) bodies.

Appointment of Auditors

In 2015 the Commission approved the engagement of auditors, BDO, to conduct the annual audit of the financial statements of the Court and Commission for the three-year period 2015 to 2017. The audited financial statements of the Commission for the 12-month period ending December 31, 2017 are attached as Appendix E.

Interaction with the Board of Trustees of the CCJ Trust Fund



In 2017, the Court and the Commission continued to enjoy amicable relations with the Trust Fund.

The Protocol for the Interfacing and Interaction between the Commission, the Court and the Trust Fund (“the Protocol”) had expired in January 2010. Since then, a revised Protocol has not

been executed between the parties. There have been ongoing discussions on revisions of the draft Protocol. The last meeting was held on July 21, 2017. Pending finalization of the

agreement, the existing terms of the expired Protocol continued to be observed in 2017 as agreed by the Parties.



Matters of Note



Caribbean Community Administrative Tribunal

The Caribbean Community Administrative Tribunal (CCAT) is intended to be an independent institution to provide the means for resolving employment related disputes involving staff of CARICOM institutions. Of the twenty-two (22) CARICOM institutions, twenty-one (21) of them have signed off on the establishment of the CCAT and arrangements were in place for CCAT to be formally established on May 8, 2017. The only outstanding institution to sign-off is the CARICOM Secretariat.

The Secretariat expressed the view that before effect can be given to the Draft Statute agreed to by the Institutions of CARICOM, provisions to satisfy the CCAT's ability to contract required the approval of Conference of Heads of Government of the Caribbean Community. At the end of 2017 the CCAT had not been established. Efforts have been made for the Conference of Heads of Government of the Caribbean Community to operationalize CCAT at its meeting Twenty-Ninth Inter-session Meeting in February 2018.

Strategic Plan for the Court and Commission (2018-2023)

The strategic planning period for the Court ended on December 31, 2017. The Strategic Plan for 2012 to 2017 contained twenty-nine (29) strategies and nine (9) priority actions.

In November 2017, the Court engaged Dr. Daniel Straub, Strategic Planning and Management Consultant to commence the process of developing a new Strategic Plan for the Court for the period 2018 to 2023. Dr. Straub met (by Skype) with the Commission on December 8, 2017 with respect to also developing a Strategic Plan for the Commission. A Strategic Planning Committee for the CCJ was established and by the end of 2017 the Committee was in the process of collecting information to identify the issues in the Caribbean region confronting the Court. The 2018 to 2023 Strategic Plan is expected to be published in 2018.

Advanced Performance Exponents Inc. (APEX)

The Curia Court Management Suite which is an electronic case management system, was created by APEX to fulfill the needs of the regional courts with high-quality

judicial software. On January 1, 2017, the Caribbean Court of Justice commenced use of the CURIA System replacing the Judicial Enforcement Management System (JEMS). CURIA comprises three (3) main applications: (1) Folio (e-filing portal used by attorneys), (2) Attaché (electronic case management system used by registry staff and Judges to view and process cases filed) and (3) Sightlines (reporting tool used to generate data and provide performance measurement statistics).

The Chairman of the Commission and Commissioner Peter Maynard represented the RJLSC at the Advanced Performance Exponents Inc.'s (APEX) Inaugural Convention held on November 27, 2017 at Atlantis Paradise Island Resort, Bahamas.

APEX is a Caribbean not-for-profit agency established by the Caribbean Court of Justice in 2016 to deliver technology and capacity development solutions for Caribbean courts, law offices and justice sector practitioners. The Convention was held in conjunction with the Caribbean Telecommunications Union during its Information and Communications Technology (ICT) Week.

Matters of Note

(Continued)

Human Resources & Information System

In 2016, the Commission had approved the Court's acquisition of a Human Resource Information System (HRIS). By June 2017 the tendering process had been completed and a contract was awarded to Davyn Limited to design and implement a HRIS System for the Court and the Commission. The HRIS has four (4) elements; (1) Core HR, (2) Employee Self Service, (3) Time and Attendance System and (4) Payroll. By the end of 2017 the Core HR module had been implemented. It is expected that by end of April 2018, the HRIS system will be fully implemented for the Court and the Commission.

Judicial Reform and Institutional Strengthening (JURIST) Project

The Judicial Reform and Institutional Strengthening (JURIST) Project is a multi-year regional Caribbean judicial reform initiative funded under an arrangement with the Government of Canada to the value of C\$23,725,013, of which C\$19,400,000 will be provided under an arrangement with the Government of Canada. The Caribbean Court of Justice (CCJ) will contribute C\$1,441,686 and

regional partners will contribute C\$2,883,327 (in cash and kind).

The Project is being implemented on behalf of Global Affairs Canada (GAC) and the Conference of Heads of Judiciary of CARICOM (the Conference), by the Caribbean Court of Justice, which was appointed by the Conference as its Regional Executing Agency (REA). The project's ultimate goal is "to establish a judicial system that is more responsive to the needs of women, men, youth, business and the poor." The implementation period spans five (5) years commencing March 22, 2014 to March 31, 2019.

The Project Management Unit is staffed with Dr. Penny Reddie (Project Director), Mr. Mahendra Bethune (Project Accountant), Ms. Allison Ali (Communications Specialist), Mr. John Furlonge (Regional Coordinator) and Mrs. Jennifer Scipio-Gittens (Administrative Assistant). Mrs. Scipio-Gittens was seconded from the CCJ to the Project. In July 2017, Mrs. Candice Wallace-Henry, who was employed as a Regional Project Coordinator, resigned after serving nearly three (3) years on the Project. In September 2017, Ms. Anika Gray whose contract with UN Women as Gender Specialist had ended in

August 2017, assumed the position of Regional Project Coordinator and Gender Specialist with the JURIST Project.

In 2017, the JURIST Project focused on the following activities:

- Held two (2) Training Sessions on Gender Equality for the CCJ staff.
- Drafted the Bench Books for Regional Magistrates. The Bench Books are expected to be finalized by March 2018.
- Held collaborative planning meetings with the Chief Justices and other justice sector stakeholders in Barbados, Guyana, Belize and Jamaica.
- Finalization and handover of the draft Gender Protocols for Magistrates and Judges in Barbados and Trinidad and Tobago.
- Finalization and launch of the Model Guidelines for Sexual Offence Cases in the Caribbean Region in Curaçao, Barbados, Belize, Guyana and Jamaica.
- Provided financial support to the 5th Biennial CAJO Conference under the theme "Innovative, Independent, Responsive – The Modern Court".
- Reviewed the operations of the Barbados Supreme Court (Civil) Registry with a view to improving

Matters of Note (Continued)

efficiency and effectiveness.

- Commenced drafting of a Disaster Recovery Plan for Barbados Supreme Court (Civil) – expected to be completed in 2018.
- Provided financial support to the CCJ Academy for an Admiralty Law Lecture.
- Provided funding for the 5-year CCJ Strategic Plan (2018 to 2023).
- Reviewed the internal operations of the JURIST Project with a view of improving efficiency and effectiveness for implementation of activities.

In 2017, the following manpower planning activities for the Court, the Commission and the JURIST Project were undertaken by the Commission:

CCJ- Permanent Appointments: Judge

- **Hon Mr. Justice Denys Barrow** – June 1, 2017

Staff

- **Ricoy Zephyrine**, Facilities & Asset Management Supervisor – March 1, 2017
- **Amanda Ramsaran**, Information Systems Analyst – August 2, 2017
- **Ret'd Col. Sharon-Anne Alfonso-Farrell**, Chief Protocol and Information Officer - September 18, 2017

RJLSC - Permanent Appointments

- **Sherry-Ann Ramhit**, Executive



Professor Sarah Derrington, Academic Dean and Head of TC Bernie School of Law at the University of Queensland, will delivered a lecture on “Current Issues in Admiralty Law” to Judges from region. The Chairman of the CCJ Academy for Law, Mr. Justice Winston Anderson chaired the proceedings.

Officer – August 2, 2017

- **Simone Jackson**, Senior Executive Assistant – August 2, 2017

CCJ- Renewal/Extension of Contracts

- **Maurice Piggott**, Security & Logistics Manager – February 4, 2017
- **Kerine Dobson**, Judicial Assistant - July 20, 2017
- **Richard Layne**, Judicial Assistant - September 1, 2017

CCJ- Retirement: Judge

- **The Honourable Mr. Justice Rolston Nelson**, Judge – May 30, 2017

Staff

- **Dr. Michael Anthony Lilla**, Court Protocol and Information Manager – January 30, 2017

- **Mr. Jeffrey Benjamin**, Driver – July 10, 2017

CCJ- Post-Retirement Contract Appointment

- **Dr. Michael Anthony Lilla**, Court Protocol and Information Manager – February 1 to September 30, 2017

JURIST Project- Contract Appointment

- **Anika Gray**, JURIST Regional Coordinator and Gender Specialist – September 1, 2017

JURIST Project- Resignation

- **Mrs. Candice Wallace-Henry**, Regional Project Coordinator – September 1, 2017



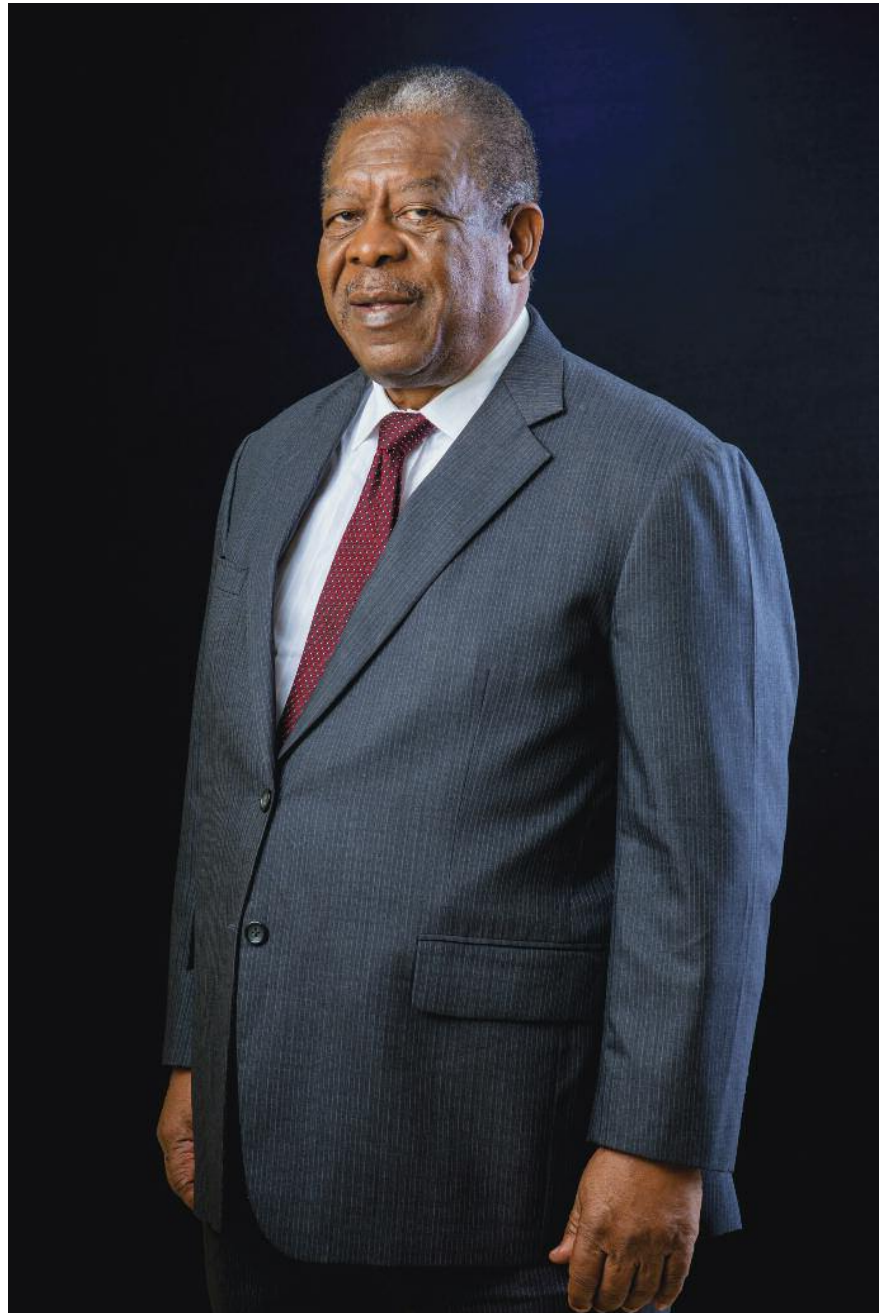
Message from the Chairman, The Rt. Hon. Sir Dennis Byron



The calendar year of 2017 brought challenges and successes. It commenced without a dedicated staff unit to provide the administrative and secretarial services to fulfil the mandate of the Commission. I would like to take this opportunity to commend the Secretary of the Commission, Mrs. Jacqueline Graham, for rising to the occasion with the assistance of the Human Resources Manager, Mrs. Susan Campbell-Nicholas.

The recruitment process for the posts of Executive Officer and Senior Executive Assistant in the RJLSC was completed with the hiring of Mrs. Sherry-Ann Ramhit and Ms. Simone Jackson, respectively, on 2nd August 2017. I warmly welcome them both and congratulate them on their dynamism and rapid acclimatisation to the Commission and the excellence with which they have discharged their duties.

One of the year's successes was the completion of the job evaluation process which resulted in an improved wage structure for staff members of the Court and Commission. This was based on a methodological and extensive process that ensures that their remuneration is commensurate with their skills and experience. This exercise is in keeping with the



The Right Honourable Sir Charles Dennis Byron
Chairman of the RJLSC

Message from the Chairman (Continued)

ongoing efforts of the Court and the Commission to improve the morale of staff and the general work environment.

The Commission continued to strengthen its relations with the Trust Fund. The approved budgets of the Court and Commission have been fully funded which enabled the Commission to discharge its duties with efficiency and the Court to manage its judicial workload with excellence and in a timely manner. During this period, the Trust Fund also supported the Commission in its efforts to have the pension arrangements for the Judges finalised, and, in this regard, special appreciation should be expressed for the tireless and innovative work of its Chairman, Dr. Linton Lewis.

In this calendar year we were pleased to welcome the Hon. Mr. Justice Denys Barrow who was formally sworn in as a Judge of the Court on June 1, 2017. I welcome Mr. Justice Barrow, whose dynamic entry into the Court has been very impressive. He has fully embraced a high work ethic and joined in the writing of learned judgments.

Mr. Justice Barrow replaced Mr. Justice Rolston Nelson whose tenure at the Court ended after distinguished service since its inauguration in 2005. I wish him all

the best in his future endeavours as he embarks on a new phase of his journey in life.

A major concern for the Court, and the independence of the Judges, has been the absence of approved pension rules that are prepared and periodically amended by the Commission since the inauguration of the Court. After years of effort, it seemed that the Heads of Government responded favourably to the efforts of the Commission which had sent a high-powered team comprising the Chairman, Deputy Chairman (Commissioner Astaphan), the Chairman of the Judges Compensation and Pension Committee (Commissioner Alexis) and the Secretary to the Commission to the Meeting in Guyana on February 16, 2017. At that session, the CARICOM Heads passed a resolution approving the pension arrangements for Judges and ultimate approval of the Judges' Draft Pension Scheme, including spousal benefits.

However, this did not resolve the issue as the officials in the CARICOM Secretariat failed to table the Revised Pension Scheme at the subsequent meeting of the Heads of Government in July held in Grenada, in accordance with the prescribed protocols. To date, it has not yet been formally entered into

the CARICOM records. Efforts are being made to ensure that it is finalised in the meeting to be held in February 2018 in Haiti. This also brings into focus the urgent need for CARICOM to expedite arrangements for the establishment of an independent commission for the remuneration of the CCJ Judges which they have already agreed is an essential element of good governance for an independent Court, and which has already been adopted for the national judiciaries in some Member States.

I have been extremely pleased with the various cost-cutting initiatives which have been implemented in the Court and the prudent management of its financial resources. One of these measures has been the "green policy" of the Court moving towards a paperless existence and supporting the CARICOM programmes on climate change. This initiative, coupled with the increased use of court technology with the introduction of our e-Filing systems, has realised significant savings in the cost of paper and related expenses as well as courier services.

However, this has not insulated the Court from the impact of global market conditions and negative fluctuations in value and returns.

Message from the Chairman (Continued)

Additionally, the objectives and scope of the Court's operations have increased considerably. The successive Adequacy Reports of the Trust Fund have consistently drawn to the attention of the Heads of Government the urgent need to top up the Fund to realise the goal of funding the Court and the Commission into perpetuity.

While we are pleased at the collaboration between the Commission and the Trust Fund on this issue, we call on the Heads of CARICOM Governments to address this and the other important issues of court governance.

We also have supported the view that the time has come to construct a purpose-built facility to accommodate the Court, its sister organisations of the Commission and the Trust Fund, as well as the new Caribbean Community Administrative Tribunal. The costs incurred in rental would support mortgage payments for accommodation that is more in keeping with our core functions and expanding service and space requirements.

A notable achievement this calendar year was the preparation for the establishment of the Caribbean Community Administrative Tribunal (CCAT) which is an

independent institution focused on resolving disputes between employees and their CARICOM institution employers that enjoy immunity from civil suits. This tribunal will finally fill a lacuna that has long existed in the constituent instruments of most CARICOM institutions for the settlement of employment disputes. As of May 8, 2017, all institutions of CARICOM, except the Secretariat, were in support of the tribunal. It is my hope that the Heads of Government will address this issue which is critical to the effective functioning of the regional rule of law at its session in February 2018 in Haiti.

The Court continued to make advances in innovative and effective case management supported by the CURIA e-Filing and Case Management suite. Surprisingly, the judiciaries in the region, despite the continued delay in their judicial administration and growing backlogs, have not accepted the programmes which would undoubtedly improve the quality of the service they offer.

Another transformative initiative is the Advanced Performance Exponents Inc. (APEX), which is a special-purpose, not-for-profit agency, committed to delivering technology-based solutions and services to



Ms. Jacqueline Swaby, Court Support Officer at the CCJ, is one of the users of the Curia Court Management software.

Message from the Chairman (Continued)

support court ecosystems. APEX is owned by the CCJ, the regional judiciaries and bar associations and I believe that it has the potential to further advance the justice landscape of the region. As APEX develops, I envision it continuing to facilitate programmes and initiatives aimed at strengthening the justice systems of the region and improving the standards of efficiency of court-related services.

On the pathway forward, a vision of mine is for the Commission to follow the lead of the Court in developing its own Strategic Plan which would be aimed at further improving its day-to-day financial and resources

management operations. Such a framework, if effectively employed, could strengthen the performing capacity of the Commission thereby serving as a model for efficiency and accountability to similar institutions across the region.

In concluding what is my final message as Chairman before I demit office, I wish to express that it has been one of the absolute privileges of my life to serve as Chairman for a body whose mandate has done so much to foster regional integration. The success of this Commission has been built on a solid foundation of excellence in governance, account-

ability and integrity. This culture has been a key source of ongoing strength and stability for the Court during some challenging times over the years. It has been an honour to serve amongst some of our region's finest men and women, all of whom took immense pride and diligence in discharging their duties. I have no doubt that the Commission will continue to blaze the pathway to regional integration and prosperity in the future.



The CCJ welcomed a delegation from the Bahamas to view the operations of the CCJ including the court's technology. The delegation from the Bahamas included: (L to R) **His Lordship the Hon. Mr. Justice Bernard Turner**; Attorney General, **Senator the Hon. Mr. Carl W. Bethel**; DPP, **Mr. Garvin Gaskin** and the **Hon. Mr. Elsworth Johnson**, Minister of State.



Feature on ST. KITTS & NEVIS



Saint Christopher and Nevis gained independence in 1983 as the Federation of Saint Kitts and Nevis. The two-island country lies in the northern part of the Leeward Islands group of the Lesser Antilles in the Eastern Caribbean, and the two (2) islands are separated by a channel some 3 km in width.

The capital city is Basseterre on the larger island of Saint Kitts and the smaller island of Nevis lies approximately 3 km southeast of Saint Kitts across a shallow channel called "The Narrows". The total land area consists of 261.6 sq km: St Kitts (168.4 sq km) and Nevis (93.2 sq km). The country consists of two (2) mountainous islands of volcanic origin in the



Eastern Caribbean. The larger island, St Kitts, is 37 km long, with a central mountain range broken by ravines and a spacious fertile valley running down to the capital Basseterre. The highest point is Mount Liamuiga (1,156 metres).

The following are the National Symbols of St. Kitts and Nevis:

The National Flag of St. Kitts and Nevis was officially adopted on September 19, 1983. The colors

Feature on ST. KITTS & NEVIS

(Continued)



and symbols carry cultural, political, and regional meanings. The green is said to be symbolic of the country's fertile land, while the red evokes the fight for freedom against slavery and colonialism. The two (2) white stars on the black band symbolise Saint Christopher and Nevis, the two (2) islands that make up the federation, and also represent hope and liberty.

The center of the Coat of Arms is dominated by a shield at the base of which is a lighter in full sail. The lighter is one of the traditional means of transportation. A red chevron is highlighted by two (2) Poinciana flowers - the national

flower. At the top of the shield on the dark blue background, is the head of a Carib Indian supported by the Fleur-de-lis and a red rose. This depicts the original Carib Indian inhabitants and the fleur de lis and rose signify the French and English influences who arrived in 1620s. A helmet topped with the battlements of a tower appears with a flaming torch upheld by the hands of an African, European and a person of mixed decent. The torch signifies the struggle and quest for freedom by a people of diverse ethnic origins, but united in purpose.

Supporters of the shield are Pelicans, the national bird, with



extended wings. By the side of the bird can be seen a sugar cane plant and a coconut tree which demonstrates the fertility of the land. The Motto of the Federation "Country Above Self" is below the shield and can be said to be the foundation of everything else.

The National Wear is a combination of African and European influences which have shaped the history of St. Kitts and Nevis and is evident in both the male and female outfits.

The National Bird of St. Kitts and Nevis is the brown pelican, whose scientific name is the *Pelecanus Occidentalis*.

Feature on ST. KITTS & NEVIS (Continued)



The National Flower of St. Kitts and Nevis is the Poinciana or Flamboyant, named after Monsieur de Poincy, a French Governor of St. Kitts who is said to have introduced it to the region. Its scientific name is *Delonix Regia*.

The National Dish of Saint Kitts and Nevis was created by Jacqueline Ryan. It is normally served as a main entrée. It is a delicious mixture of stewed saltfish served with spicy plantains, coconut dumplings and seasoned breadfruit.

The National Anthem “O Land of Beauty!” is the national anthem of the Federation of Saint Kitts and Nevis. Written and composed by Kenrick Georges, it was officially adopted as the national anthem of the newly independent nation in 1983, when the federation received its independence from Great Britain. By the end of 2016, the population

of Saint Kitts and Nevis was 56,000 people, which represents an increase of 428 people when compared to 2015. The population of Saint Kitts and Nevis, is predominantly African (92.7%) or mixed (2.2%). Two point two percent (2.2%) of the population is white and 1.9% East Indian. In 2001, sixteen (16) people belonged to the Amerindian population (0.03% of the total population). The remaining 0.7% of the population includes people from the Middle East (0.05%) and Chinese (0.09%). The official language of the country is English, but the main spoken language is Saint Kitts Creole English.

The majority of the people of Saint Kitts and Nevis are Christians, Anglicanism being the most popular denomination. Minority religions include Hinduism, Islam and the Rastafari movement. About 0.5%

of the people of Saint Kitts and Nevis are Buddhists. The climate in St. Kitts and Nevis is tropical, hot and humid all year round, with a relatively cool and dry season from January to mid-April, and a hot, humid and rainy season from mid-June to mid-November.

St. Kitts and Nevis is the birthplace for many talented and distinguished individuals, seven (7) of whom have served as Commissioners/Chairman of the Regional Judicial and Legal Services Commission (Commission) during the period 2005 to 2016: Dr. Joseph Archibald Q.C. (deceased); Ambassador Wendell Lawrence, B.Sc., M.Sc., C.P.A.; Honourable Mr. Justice Sir Hugh A Rawlins; Mr. Emile Ferdinand, Q.C.; Ms. Cynthia Williams, B.Sc.; the Rt. Hon. Sir Dennis Byron (current President of Court and Chairman of the Commission) and Mr. Delano Bart Q.C.

Feature on ST. KITTS & NEVIS (Continued)



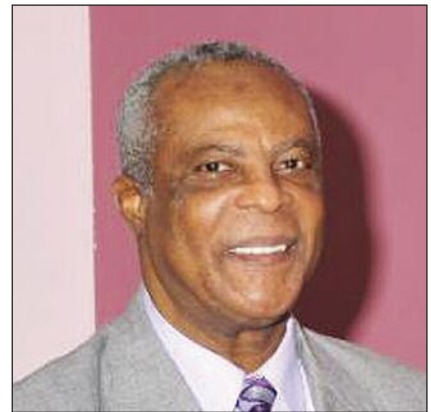
Dr. Joseph Archibald Q.C. (deceased) was the first Commissioner from St. Kitts and Nevis to serve on the Commission. He was nominated jointly by the Organisation of Commonwealth Caribbean Bar Association (OCCBA) and the Organisation of Eastern Caribbean States Bar Association (OECS) pursuant to Article V.1(b) of the Agreement Establishing the Caribbean Court of Justice (Agreement) as member of the Commission.

Dr. Archibald served on the Commission with distinction from July 7, 2006 until the end of his term on August 19, 2013. During his tenure Dr. Archibald's zeal and energy were remarkable. He possessed a wealth of knowledge and a willingness to serve in any capacity required. His accomplishments as a Caribbean legal luminary were outstanding, not to mention his devout involvement with the Methodist Church, regionally and internationally.



Ambassador Mr. Wendell Lawrence B.Sc., M.Sc., C.P.A.

was nominated jointly by the Secretary-General of CARICOM and the Director-General of the OECS Secretariat to serve on the Commission in accordance with Article V.1 (e) of the Agreement. Dr. Lawrence served on the Commission from September 11, 2009 until the end of his term on September 10, 2012. During his tenure Dr. Lawrence played a leading role in the Governance Review of the Court and establishment of the Financial Oversight Committee which was created to provide a collaborative, pre-emptive forum whereby the Court, Commission and CCJ Trust Fund would impart their respective expertise and mandates to strategically guide the Court and protect the longevity of the Fund. He selflessly continued to provide assistance to the Commission even after he demitted office in 2013.



The Honourable Sir Hugh Rawlins

was appointed to the Commission pursuant to Article V.I (c) of the Agreement which states that one member of the Commission shall be "one Chairman of the Judicial Services Commission of a Contracting Party selected in rotation in the English alphabetical order for a period of three (3) years". At the time of his appointment, Sir Hugh was the Chairman of the Judicial and Legal Services Commission for the Eastern Caribbean States, including Dominica.

Sir Hugh served on the Commission with distinction from January 28, 2010 until the end of his term on January 27, 2013. His tremendous wealth of knowledge on regional and international law earned him the admiration and respect of his fellow Commissioners.

Feature on ST. KITTS & NEVIS (Continued)



Mr. Emile Ferdinand Q.C.

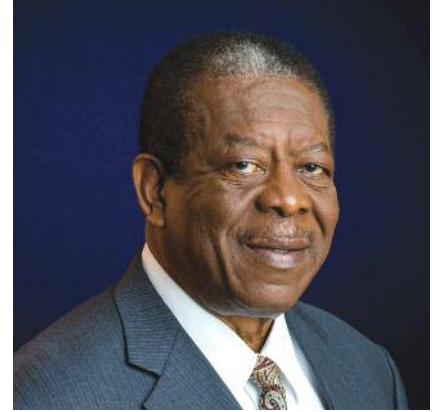
was born in St. Kitts and is also a citizen of Dominica. He was nominated jointly by the Bar and Law Associations of the Contracting parties, under, under Article V.1(g) of the Agreement to be a member of the Commission. Mr. Ferdinand served on the Commission from November 19, 2010 until the end of his term on November 18, 2013. Mr. Ferdinand has also served as President of the St. Kitts and Nevis Bar Associations, Vice President of the St. Kitts and Nevis Chamber of Industry and Commerce, President of the Rotary Club of St. Kitts and Chairman of the Caribbean's Council of Legal Education. Mr. Ferdinand's astute leadership qualities redounded to the benefit of the Commission during his tenure. His advice and avid guidance on many matters that came to the Commission's attention were invaluable.



Mrs. Cynthia Williams, B.Sc.

was appointed to the Commission pursuant to Article V.I (d) of the Agreement which states that one member of the Commission shall be "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 (3) years".

Mrs. Williams was appointed as a Commissioner on January 1, 2013. Her term of office expired on December 31, 2016. During her tenure, Mrs. Williams provided invaluable assistance as a member of the Human Resources and Selection Committee. She also gave insightful contributions to the Job Evaluation and Classification Exercise undertaken by the Commission. Her attention and dedication to the work of the Commission was indeed commendable.



The Right Honourable Sir Dennis Byron

took the oath of office as President of the Caribbean Court of Justice before His Excellency Sir Cuthbert Sebastian, Governor-General of St. Kitts and Nevis in his home country. He was appointed President by the Conference of Heads of Government upon the retirement of The Right Honourable Mr. Justice Michael de la Bastide TC, former President of the CCJ. By virtue of Article V(a) of the Agreement, Sir Dennis is also the Chairman of the Commission. Sir Dennis Byron has been a leading advocate for judicial reform, access to justice, and the rule of law. In 2000, he was knighted by Queen Elizabeth II, and in 2004 he was appointed a member of the Privy Council and was also made a Bencher of the Honourable Society of the Inner Temple. Sir Dennis' passion for transformation of Court processes by technology embraced the thrust to establish a Caribbean Centre for Court Excellence (CCCE)

Feature on ST. KITTS & NEVIS (Continued)

Sir Dennis Byron continued

to improve the administration of justice in courts and related agencies across the Caribbean. He promoted the establishment of a non-profit company to be owned by the Regional Judiciaries and Public and Legal Profession under the name “Advanced Performance Exponents Inc.” (APEX) intended to be self-sustained through fees for services and software licenses, grants and donor contributions.

In January 2017 the Caribbean Court of Justice commenced use of the CURIA System which comprises three (3) main applications:

- (1) Folio (e-filing portal used by attorneys),
- (2) Attaché (electronic case management system used by registry staff and Judges to view and process cases filed) and
- (3) Sightlines (reporting tool used to generate data and provide performance measurement statistics).

Sir Dennis' term of office will expire on July 4, 2018.



Mr. Delano Bart Q.C.

was nominated jointly by the Organisation of Commonwealth Caribbean Bar Association (OCCBA) and the Organisation of Eastern Caribbean States Bar Association (OECS) pursuant to Article V.1(b) of the Agreement Establishing the Caribbean Court of Justice (Agreement) to be a member of the Commission. Mr. Bart's term of office as a Commissioner will run from November 17, 2016 to November 16, 2019. Mr. Bart brings a wealth of knowledge and experience to the Commission. He is a lawyer and a former diplomat and Attorney General in St. Kitts and Nevis. His professional experience also includes the practice of law in England from 1977 to 1995 as a member of the Bar of England and Wales. He has also been admitted to the bars of Antigua and Barbuda, Saint Kitts and Nevis, and Anguilla.

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Appendix

Appendix A

Meetings of the Regional Judicial and Legal Services Commission in 2017

No.	Meeting No.	Dates of Meetings of the Commission
1.	105	January 6, 2017
2.	106	February 10, 2017
3.	107	May 12, 2017
4.	108	July 21, 2017
5.	109	October 6, 2017
6.	110	December 8, 2017

Appendix B

Attendance of Members at Commission Meetings in 2017

Name of Commissioner	Jan 6	Feb 10	May 12	July 21	Oct 6	Dec 8
The Rt. Hon. Sir Dennis Byron	✓	✓	✓	✓	✓	✓
Dr. Peter Maynard, Ph.D.	✓	✓	✓	✓	✓	✓
Mr. Delano Bart, QC	✓	✓	✓	✓	✓	✓
The Hon. Mme Justice Janice Pereira	x	x	x	✓	x	x
Hon. Shirley Tyndall, OJ, CD	✓	✓	✓	✓	✓	✓
Dr. Francis Alexis, QC	✓	✓	✓	✓	✓	✓
Ms. Jennifer Astaphan, SAH LL.M.	✓	✓	✓	✓	x	✓
Hon. Dennis Morrison, OJ, CD	x	✓	✓	x	x	✓
Lady Beverly Walrond, QC	✓	✓	x	✓	x	✓
Mr. Michael Hylton OJ, QC	✓	✓	✓	✓	✓	✓
Mr. Elton Prescott, SC	✓	✓	✓	✓	✓	✓
Total number of members who attended	9	10	9	10	7	10

Key:

- ✓ Attended meeting
- x Absent from meeting

Appendix (Continued)

Appendix C

Meetings of Committees and Other Meetings in 2017

No.	Date of Meetings	Commission's Representative(s)	Purpose of Meeting
1.	January 6, 2017	Dr. Francis Alexis, QC	Pension Administration Committee
2.	January 27, 2017	Mr. Elton Prescott, SC	Interviews for the position of Executive Officer - RJLSC
3.	February 7, 2017	Dr. Francis Alexis, QC	Pension Administration Committee
4.	February 8, 2017	The Rt. Hon. Sir Dennis Byron Ms. Jennifer Astaphan, SAH, LLM Dr. Peter Maynard, PhD, FCI Arb Mr. Delano Bart, QC Hon. Shirley Tyndall, OJ, CD Dr. Francis Alexis, QC Hon. Dennis Morrison, OJ, CD Lady Beverley Walrond, QC Mr. Elton Prescott, SC Hon. Michael Hylton, OJ, QC	Interviews for the position of Judge
5.	February 9, 2017	The Rt. Hon. Sir Dennis Byron Ms. Jennifer Astaphan, SAH, LLM Dr. Peter Maynard, PhD, FCI Arb Mr. Delano Bart, QC Hon. Shirley Tyndall, OJ, CD Dr. Francis Alexis, QC Hon. Dennis Morrison, OJ, CD Lady Beverley Walrond, QC Mr. Elton Prescott, SC Hon. Michael Hylton, OJ, QC	Interviews for the position of Judge
6.	February 10, 2017	Dr. Francis Alexis, QC Hon. Dennis Morrison, OJ, CD Hon. Michael Hylton, OJ, QC	Judges' Compensation and Pension Committee
7.	March 6, 2017	Mr. Elton Prescott, SC	Human Resources and Selection Committee
8.	May 10, 2017	Ms. Jennifer Astaphan, SAH, LLM Lady Beverley Walrond, QC	Human Resources and Selection Committee
9.	May 10, 2017	Dr. Francis Alexis, QC Mr. Delano Bart, QC	Pension Administration Committee
10.	July 19, 2017	Dr. Francis Alexis, QC	Pension Administration Committee
11.	July 19, 2017	Ms. Jennifer Astaphan, SAH, LLM Lady Beverley Walrond, QC Mr. Elton Prescott, SC	Tribunal Hearing

Appendix (Continued)

Appendix C (Continued)

Meetings of Committees and Other Meetings in 2017

No.	Date of Meetings	Commission's Representative(s)	Purpose of Meeting
12	July 20, 2017	Ms. Jennifer Astaphan, SAH, LLM Lady Beverley Walrond, QC Mr. Elton Prescott, SC	Human Resources and Selection Committee
13	July 20, 2017	Ms. Jennifer Astaphan, SAH, LLM Mr. Elton Prescott, SC Dr. Peter Maynard, PhD, FCI Arb Mr. Delano Bart, QC	Constituent Instruments Review and Regulations Committee
14	August 23, 2017	Ms. Jennifer Astaphan, SAH, LLM Lady Beverley Walrond, QC Mr. Elton Prescott, SC	Tribunal Hearing
15	October 3, 2017	Mr. Elton Prescott, SC	Shortlisting of Applicants for the position of President
16	October 4, 2017	Dr. Francis Alexis, QC Mr. Delano Bart, QC Hon. Dennis Morrison, OJ, CD	Pension Administration Committee
17	October 5, 2017	Ms. Jennifer Astaphan, SAH, LLM Lady Beverley Walrond, QC Mr. Elton Prescott, SC	Human Resources and Selection Committee
18	October 5, 2017	Mr. Elton Prescott, SC (Chairman) Dr. Peter Maynard, PhD, FCI Arb Mr. Delano Bart, QC	Constituent Instruments Review and Regulations Committee
19	October 9, 2017	Mr. Elton Prescott, SC	Meeting with Members of the Trust Fund
20	December 6, 2017	Dr. Francis Alexis, QC Mr. Delano Bart, QC Hon. Dennis Morrison, OJ, CD	Pension Administration Committee
21	December 7, 2017	Mr. Elton Prescott, SC Dr. Peter Maynard, PhD, FCI Arb Mr. Delano Bart, QC	Constituent Instruments Review and Regulations Committee
22.	December 7, 2017	Ms. Jennifer Astaphan, SAH, LLM Lady Beverley Walrond, QC Mr. Elton Prescott, SC	Human Resources and Selection Committee

Appendix (Continued)

Appendix D

Members of Committees in 2017

Name of Committee	Members
Constituent Instruments Review and Regulations Committee	<ul style="list-style-type: none"> • Mr. Elton Prescott, SC (Chairperson) • Ms. Jennifer Astaphan, SAH, LLM • Dr. Peter Maynard, PhD, FCI Arb • Mr. Delano Bart, QC
Human Resources and Selection Committee	<ul style="list-style-type: none"> • Ms. Jennifer Astaphan, SAH, LLM (Chairperson) • Lady Beverley Walrond, QC • Mr. Elton Prescott, SC
Judges' Compensation and Pension Committee	<ul style="list-style-type: none"> • Dr. Francis Alexis, QC • Hon. Dennis Morrison, OJ, CD • Hon. Michael Hylton, OJ, QC
Pension Administration Committee	<ul style="list-style-type: none"> • Dr. Francis Alexis, QC (Chairperson) • Mr. Delano Bart, QC (effective August 24, 2017) • Hon. Dennis Morrison, OJ, CD (effective August 24, 2017)
Financial Oversight Committee	<ul style="list-style-type: none"> • Dr. Peter Maynard, PhD, FCI Arb • Hon. Shirley Tyndall, OJ, CD • Hon. Michael Hylton, OJ, QC

APPENDIX E



The Regional Judicial and Legal Services Commission

Audited Financial Statements

For the year ended December 31, 2017

Audited Financial Statements

For the year ended December 31, 2017
(Expressed in Trinidad and Tobago Dollars)

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Independent Auditor's Report

The Commissioners
The Regional Judicial and Legal Services Commission

Opinion

We have audited the financial statements of The Regional Judicial and Legal Services Commission (the "Commission"), which comprise the statement of financial position as at December 31, 2017 and the statement of comprehensive income, statement of changes in accumulated surplus/(deficit), and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion the accompanying financial statements present fairly, in all material respects, the financial position of the Commission as at December 31, 2017, and of its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards ("IFRSs").

Basis for Opinion

We conducted our audit in accordance with International Standards on Auditing ("ISAs"). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Commission in accordance with the International Ethics Standards Board for Accountants' *Code of Ethics for Professional Accountants* ("IESBA Code") and we have fulfilled our ethical responsibilities in accordance with the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with IFRSs, 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.

In preparing the financial statements, management is responsible for assessing the Commission's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Commission or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Commission's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.



Independent Auditor's Report (continued)

Auditor's Responsibilities for the Audit of the Financial Statements (continued)

As part of an audit in accordance with ISAs, we exercise professional judgment and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 Commission's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Commission to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

A smaller, stylized version of the BDO logo, with the letters 'BDO' in a blue, handwritten-style font.

April 27, 2018

Port-of-Spain,
Trinidad and Tobago

Statement of Financial Position


As at December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

	Notes	2017	2016
Assets			
Non-current assets			
Property, plant and equipment	3	55,355	124,240
Retirement benefits due from Trust Fund	4	1,578,840	1,235,911
Total non-current assets		1,634,195	1,360,151
Current assets			
Cash and cash equivalents		1,675,612	979,798
Other receivables	6	36,583	50,389
Total current assets		1,712,195	1,030,187
Total assets		\$3,346,390	\$2,390,338
Accumulated Surplus and Liabilities			
Accumulated surplus/(deficit)		639,310	(282,763)
Non-current liability			
Retirement benefit liability	7	1,578,840	1,235,911
Current liabilities			
Due to related party	5	1,070,493	1,326,548
Accounts payables and accruals	9	57,747	110,642
Total current liabilities		1,128,240	1,437,190
Total accumulated surplus and liabilities		\$3,346,390	\$2,390,338

See accompanying notes to the financial statements.

These financial statements were approved for issue by the Commissioners on April 27, 2018 on behalf of the Regional Judicial and Legal Services Commission.

Statement of Comprehensive Income

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

	Notes	2017	2016
Funding from the Trust Fund	8	4,094,929	3,791,321
Other income		354	460
		4,095,283	3,791,781
Administrative expenses	10	(3,106,310)	(3,123,298)
Surplus		988,973	668,483
Other comprehensive loss:			
<i>Items that will not be reclassified to profit or loss</i>			
Re-measurements of defined benefit pension plan	7	(66,900)	(160,334)
Total comprehensive surplus for the year		\$922,073	\$508,149

See accompanying notes to the financial statements.

Statement of Changes in Accumulated Deficit

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

	<u>Accumulated Surplus/(Deficit)</u>
Year Ended December 31, 2017	
Balance at January 1, 2017	\$(282,763)
Total comprehensive surplus for the year	922,073
Balance at December 31, 2017	\$639,310
Year Ended December 31, 2016	
Balance at January 1, 2016	(790,912)
Total comprehensive surplus for the year	508,149
Balance at December 31, 2016	\$(282,763)

See accompanying notes to the financial statements.

Statement of Cash Flows

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

	Notes	2017	2016
Cash Flows from Operating Activities			
Total comprehensive surplus for the year		922,073	508,149
Adjustments to reconcile total comprehensive surplus for the year to net cash provided by operating activities:			
Depreciation		68,885	97,120
Increase in retirement benefits due from Trust Fund		(342,929)	(576,711)
Increase in retirement benefit liability		342,929	576,711
Decrease in other receivables		13,806	13,068
Decrease in due to related party		(256,055)	(241,170)
(Decrease)/increase in accounts payables and accruals		(52,895)	23,252
Net cash provided by operating activities		695,814	400,419
Increase in cash and cash equivalents for the year		695,814	400,419
Cash and cash equivalents at January 1		979,798	579,379
Cash and cash equivalents at December 31		\$1,675,612	\$979,798

See accompanying notes to the financial statements.

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

1. Establishment and principal activity

The Caribbean Court of Justice (the “Court”) and the Regional Judicial and Legal Services Commission (the “Commission”) were established on February 14, 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; 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 February 15, 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 the 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.

The Court is primarily financed by the Caribbean Court of Justice Trust Fund (the “Trust Fund”) who in turn transfers funds to the Commission. The Trust Fund was established by the CARICOM states signing the Agreement, who together invested US\$100 million into the Trust Fund, which generates income to finance the expenditures of the Court and Commission.

2. Significant accounting policies

(a) Basis of preparation

The financial statements are prepared in accordance with International Financial Reporting Standards (“IFRS”), under the historic cost convention and are expressed in Trinidad & Tobago dollars, which is the Commission’s functional and presentation currency.

(b) Changes in accounting policy and disclosures

(i) New and amended standards adopted by the Commission

There were no new IFRSs or IFRIC interpretations that are effective for the first time for the financial year beginning on or after January 1, 2017 that were adopted and had a material impact on the Commission.

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(b) Changes in accounting policy and disclosures (continued)

(ii) New standards, amendments and interpretations issued but not effective and not early adopted

The following new standards, interpretations and amendments, which have not been applied in these financial statements, will or may have an effect on the Commission's future financial statements:

IFRS 9, *Financial instruments* - This new standard introduces new requirements for the classification, measurement and recognition of financial assets and financial liabilities and replaces parts of IAS 39. The standard is effective for annual periods beginning on or after January 1, 2018 with early adoption permitted. IFRS 9 is required to be applied retrospectively. IFRS 9 uses business model and contractual cash flow characteristics to determine whether a financial asset is measured at amortized cost or fair value, replacing the four category classification in IAS 39. The determination is made at initial recognition. The approach is also based on how an entity manages its financial instruments (its business model) and the contractual cash flow characteristics of the financial assets. For financial liabilities, the standard retains most of the IAS 39 requirements. The main change is that, in cases where the fair value option is taken for financial liabilities, the part of a fair value change due to an entity's own credit risk is recorded in other comprehensive income rather than the income statement, unless this creates an accounting mismatch. The Commission is yet to assess IFRS 9's full impact and intends to adopt IFRS 9 no later than the accounting period beginning on or after January 1, 2018.

IFRS 16 *Leases* supersedes IAS 17 *Leases* and its related interpretations. IFRS 16 eliminates the classification by a lessee of leases as either operating or finance. Instead all leases are treated in a similar way to finance leases in accordance with IAS 17. Under IFRS 16, leases are recorded on the statement of financial position by recognizing a liability for the present value of its obligation to make future lease payments with an asset (comprised of the amount of the lease liability plus certain other amounts) either being disclosed separately in the statement of financial position (within right-of-use assets) or together with property, plant and equipment. The most significant effect of the new requirements will be an increase in recognized lease assets and financial liabilities. However, IFRS 16 exempts a lessee to recognize assets and liabilities for short term leases and leases of low-value assets. IFRS 16 clarifies that a lessee separates lease components and service components of a contract, and applies the lease accounting requirements only to the lease components. IFRS 16 applies to annual periods commencing on or after January 1, 2019.

Other standards, amendments and interpretations to existing standards in issue but not yet effective are not considered to be relevant to the Commission and have not been disclosed.

(iii) Standards and amendments to published standards early adopted by the Commission

The Commission did not early adopt any new, revised or amended standards.

(c) Use of estimates

The preparation of these financial statements in conformity with IFRS 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.

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(c) Use of estimates (continued)

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 judgments in applying accounting policies that have the most significant effect on the amounts recognized in the financial statements is included in the following notes:

- Note (d) - Property, plant and equipment
- Note (e) - Other receivables
- Note (h) - Provisions
- Note (k) - Impairment

(d) Property, plant and equipment

Items of property, plant and equipment are measured at cost, net of 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 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 the statement of comprehensive income. When revalued assets are sold, any related amount included in the revaluation reserve is transferred to accumulated fund.

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 of property, plant and equipment are recognized in statement of comprehensive income 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 the statement of comprehensive income 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

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(e) Other receivables

Other receivables are stated net of any specific provision established to recognize anticipated losses for bad and doubtful debts. Bad debts are written off during the year in which they are identified.

(f) Cash and cash equivalents

For the purposes of the statement of cash flows, cash and cash equivalents comprise cash at bank and in hand, and cash deposited with money market income funds.

(g) Accounts payable and accruals

Accounts payables and accruals are stated at cost.

(h) Provisions

A provision is recognized 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 rate that reflects current market assessments of the time value of money and, where appropriate, the risks specific to the liability. The unwinding of the provision is recognized as finance cost.

(i) Revenue recognition

Funds from the Caribbean Court of Justice Trust Fund

Unconditional funding related to the ongoing operations of the Commission is recognized in the statement of comprehensive income as income in the period in which the funds become receivable from the Trust Fund.

Grants

Subventions that compensate the Commission for expenses incurred are recognized as income in the statement of comprehensive 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 recognized in the statement of comprehensive income as revenue on a systematic basis over the life of the asset.

All other revenue is recorded on an accruals basis.

(j) Foreign currency transactions

Foreign currency transactions are translated into the functional currency using the exchange rates prevailing at the date of the transactions. Gains and losses resulting from the settlement of such transactions and from the translation of monetary assets and liabilities denominated in foreign currencies are recognized in the statement of comprehensive income. Year-end balances are translated at year-end exchange rates.

(k) 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.

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(k) Impairment (continued)

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 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 amortization, if no impairment loss had been recognized.

(l) Taxation

Pursuant to the terms of an agreement entered into on July 4, 2003 between the Court, 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.

(m) Employee benefits

Defined benefit plan

The Trust Fund had previously proposed that since the retirement arrangements of the Court and the Commission are already funded from within the Trust Fund with a legislature from the Heads of Government to ensure that the resources are always adequate; the retirement benefits due to non-judicial staff should be paid from the Trust Fund as they fall due. These proposals were accepted by the Court and the Commission. Refer to Notes 4 and 7.

Non-judicial staff pension plan

The Commission provides its staff with a pension plan. Under this plan, the employees of the Commission make contributions which are deducted from their salaries and are matched with employer contributions from the Commission.

Balances accumulated under this plan are calculated by an independent third-party administrator, in accordance with an agreed formula between the Commission and their employees. The administrator advises the Commission of the accumulated amounts at the end of each financial year.

When a staff member reaches retirement, the Commission's actuary will determine the pension entitlement for that employee based on their accumulated balance using appropriate actuarial assumptions. The Trust Fund will, at the request of the Commission, provide to the Commission the funds necessary to pay the pension for each employee on this basis.

However, since there is no separate external fund where the contributions are placed (other than the Trust Fund), under IAS 19 these arrangements with respect to its employees are treated as a defined benefit obligation of the Commission.

(n) Accumulated fund/(deficit)

The accumulated fund represents the excess funding received over expenditure. Accumulated deficit represents excess expenditure over funding received.

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

3. Property, plant and equipment

	Library Books	Furniture, Fittings and Computer Equipment	Vehicles	Total
Year ended December 31, 2017				
Cost				
At January 1, 2017	24,815	410,342	200,283	635,440
Additions	-	-	-	-
Disposals	-	-	-	-
At December 31, 2017	24,815	410,342	200,283	635,440
Accumulated depreciation				
At January 1, 2017	24,815	386,243	100,142	511,200
Charge for the year	-	18,813	50,072	68,885
At December 31, 2017	24,815	405,056	150,214	580,085
Net book value				
At December 31, 2017	\$ -	\$5,286	\$50,069	\$55,355
Year ended December 31, 2016				
Cost				
At January 1, 2016	24,815	410,342	200,283	635,440
Additions	-	-	-	-
Disposals	-	-	-	-
At December 31, 2016	24,815	410,342	200,283	635,440
Accumulated depreciation				
At January 1, 2016	24,815	339,194	50,071	414,080
Charge for the year	-	47,049	50,071	97,120
At December 31, 2016	24,815	386,243	100,142	511,200
Net book value				
At December 31, 2016	\$ -	\$24,099	\$100,141	\$124,240

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

4. Retirement benefits due from Trust Fund

	2017	2016
This balance is determined by the total of the employee account balances of the staff of the Commission. Refer to Notes 2 (m) and 7	\$1,578,840	\$1,235,911

5. Related Party Transactions

The following balances/transactions were held/carried out with related parties:

The Court:

	2017	2016
a) Due to related party: - The Court	\$1,070,493	\$1,326,548

Amounts due from the Court are interest free, with no fixed repayment terms.

	2017	2016
b) Income received from the Trust Fund via the Court	\$3,579,799	\$3,223,460
c) Expenses charged to the Commission by the Court	\$62,482	\$65,168

The Commission works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves.

	2017	2016
d) Key management compensation Salaries and other short-term benefits	\$688,651	\$676,835

6. Other receivables

	2017	2016
VAT recoverable	23,392	12,601
Employee receivable and prepayment	8,277	32,874
Due from JURIST Project	4,914	4,914
	<u>\$36,583</u>	<u>\$50,389</u>

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

7. Retirement benefit liability

The Commission and its employees contribute towards a pension plan which is managed by a Pension Administration Committee made up of representatives of the Commission, employees, the Trust Fund and the Court. The data and benefit administration services are provided by Bacon Woodrow and De Souza Limited. However, since there is no separate external fund where the contributions are placed (other than the Trust Fund), under IAS 19 these arrangements are treated as a defined benefit obligation of the Commission. Refer to Notes 2 (m) and 4.

	2017	2016
Movement in present value of defined benefit obligation		
Defined Benefit Obligation at start of year	1,235,911	659,200
Foreign exchange loss on opening obligation	1,739	28,902
Current service cost	93,660	120,251
Interest cost	53,520	40,084
Contributions paid	46,830	60,125
Past service cost	301,050	247,182
Re-measurements experience adjustment	66,900	160,334
Benefits paid	(220,770)	(80,167)
Defined Benefit Obligations at end of year	\$1,578,840	\$1,235,911

Liability profile

The defined benefit obligations as at the year ends was allocated as follows:

	2017	2016
Active members	46%	60%
Pensioners	54%	40%

The weighted average duration of the defined obligation at the year-end was 8.4 years (2016: 8.4 years).

52% of the benefits accrued by active members were vested (2016: 44%).

0% of the defined benefit obligation for active members was conditional on future salary increases (2016: 1%).

Movement in fair value of plan assets/asset allocation

The Plan's assets are held by the Trust Fund in an amount equal to the Plan's liabilities.

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

7. Retirement benefit liability (continued)

	2017	2016
Expense recognized in profit and loss		
Current service cost	93,660	120,251
Net interest on net defined benefit liability	53,520	40,084
Past service cost	301,050	247,182
Net pension costs	\$448,230	\$407,517
Re-measurements recognized in Other Comprehensive Income		-
Experience losses	66,900	160,334
Total amount recognized in Other Comprehensive Income	\$66,900	\$160,334
Opening Defined Benefit Liability	1,235,911	659,200
Foreign exchange loss on opening obligation	1,739	28,902
Net pension cost	448,230	407,517
Re-measurements recognized in Other Comprehensive Income	66,900	160,334
Contributions paid	46,830	60,125
Benefits paid	(220,770)	(80,167)
Closing defined benefit liability	\$1,578,840	\$1,235,911
Summary of principal assumptions as at December 31	2017	2016
Discount rate	3.5% pa	3.5% pa
Salary increases	1.0% pa	1.0% pa

Assumptions regarding future mortality are based on published mortality tables. The life expectancies underlying the value of the defined benefit obligation as at December 31, 2017 are as follows:

Life expectancy at age 65 for current pensioner in years:

- Male	16.9	16.9
- Female	20.7	20.7

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

7. Retirement benefit liability (continued)

Sensitivity Analysis

The calculation of the defined benefit obligation is sensitive to the assumptions used. The following table summarizes how the defined benefit obligation as at the year ends would have changed as a result of a change in the assumption used.

As at December 31, 2017

	1% pa higher	1% pa lower
- Discount rate	\$(80,280)	\$93,600
- Salary increases	\$-	\$-

As at December 31, 2016

	1% pa higher	1% pa lower
- Discount rate	\$(93,528)	\$106,890
- Salary increases	\$6,681	\$(6,681)

An increase of 1 year in the assumed life expectancies shown above would decrease the defined benefit obligation at December 31, 2017 by \$20,070 (2016: \$26,720).

These sensitivities were calculated by re-calculating the defined benefit obligations using the revised assumptions.

Funding

RJLSC provides benefits under the Plan on a pay as you go basis and thus pays benefits as and when they fall due. RJLSC expects benefits totalling \$60,210 in 2018.

8. Funding from the Trust Fund

	2017	2016
Funding received from the Trust Fund	3,579,799	3,223,460
Pension income receivable from the Trust Fund	515,130	567,861
	\$4,094,929	\$3,791,321

9. Accounts payables and accruals

	2017	2016
Accruals	49,142	103,288
Accounts payable	8,605	7,354
	\$57,747	\$110,642

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

	2017	2016
Commissioners and recruitment expenses	1,072,347	1,024,830
Salaries and allowances	918,304	1,177,795
Pension cost	514,706	491,335
Professional fees	307,858	106,929
Other expenses	134,395	125,140
Depreciation	68,885	97,120
Insurance expense	50,945	60,470
Foreign exchange loss	30,521	21,038
Bank charges	8,349	18,641
	<u>\$3,106,310</u>	<u>\$3,123,298</u>

11. Financial Risk Management

Financial risk factors

The main financial risks arising from the Commission's operations are foreign exchange currency risk, credit risk and liquidity risk. Risk management is carried out by the Finance and Administration Manager under policies approved by the Commission.

Foreign exchange risk

The Commission is mainly exposed to foreign exchange risk arising from financial instruments denominated in United States dollars. Foreign exchange risk arises when future commercial transactions or recognized assets or liabilities are denominated in a currency that is not the entity's functional currency.

The table below summarizes the Commission's asset, at the year ended, which is denominated in United States dollars.

	2017	2016
Assets		
Retirement benefits due from Trust Fund	1,578,840	1,235,911
Cash and cash equivalents	1,603,485	947,497
Liability		
Retirement benefit liability	1,578,840	(1,235,911)

The table below summarizes the sensitivity of the Commission's assets to changes in foreign exchange movements at the year end. The analysis is based on the assumptions that the relevant foreign exchange rate increased/decreased by 5% to the Trinidad and Tobago dollars (2016: 5%), with all other variables held constant. This represents management's best estimate of a reasonable possible shift in the foreign exchange rates, having regard to historical volatility of those rates.

	Effect on accumulated fund	
	2017	2016
Foreign exchange risk		
<i>Increased by 5%</i>	\$80,174	\$47,375
<i>Decreased by 5%</i>	\$(80,174)	\$(47,375)

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Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

11. Financial Risk Management (continued)

Credit risk

Credit risk is the risk that a borrower or counter-party fails to meet its contractual obligation. Credit risk of the Commission arises from cash and cash equivalents as well as credit exposures from staff loans receivable. The Commission is mainly exposed to credit risk from cash and cash equivalents.

The credit quality of staff, their financial position, past experience and other factors are taken into consideration in assessing credit risk and are minimized through the use of contractual agreements.

Cash and deposits are held with reputable financial institutions.

The carrying value of financial assets on the statement of financial position represents their maximum exposure.

Liquidity risk

Liquidity risk arises from the Commission's management of working capital. It is the risk that the Commission will encounter difficulty in meeting its financial obligations as they fall due. Prudent risk management implies maintaining sufficient cash to fund its day to day operations.

The table below summarizes the maturity profile of the Commission's financial liabilities as at the yearend based on contractual undiscounted payments:

	Less than three (3) months
At December 31, 2017	
Financial liabilities:	
Due to related party	1,070,493
Accounts payables and accruals	57,747
Total liabilities	\$1,128,240
At December 31, 2016	
Financial liabilities:	
Due to related party	1,326,548
Accounts payables and accruals	110,642
Total liabilities	\$1,437,190

12. Subsequent Events

Management evaluated all events that occurred from January 1, 2018 through April 27, 2018, the date the financial statements were available to be issued. During the period, the Commission did not have any subsequent events requiring recognition or disclosure in the financial statements.

Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

The Regional Judicial and Legal Services Commission

Supplementary Financial Information
(Expressed in United States Dollars)

For the year ended December 31, 2017



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Trinidad and Tobago

Independent Auditors' Report on the Supplementary Financial Information

The Commissioners
The Regional Judicial and Legal Services Commission
Port of Spain, Trinidad

We have audited the financial statements of the Regional Judicial and Legal Services Commission for the year ended December 31, 2017, and have issued our report thereon dated, April 27, 2018.

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

We conducted our audit for the purpose of expressing an opinion on the financial statements of the Regional Judicial and Legal Services Commission taken as a whole. The accompanying supplementary financial information, consisting of the statements of financial position, comprehensive income and changes in accumulated deficit, is presented for the purpose of additional analysis in United States Dollars 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.

April 27, 2018

*Port of Spain,
Trinidad, West Indies*

Statement of Financial Position

As at December 31, 2017

(Expressed in United States Dollars)

	2017	2016
Assets		
Non-current assets		
Property, plant and equipment	8,274	18,597
Retirement benefits due from Trust Fund	236,000	185,000
Total non-current assets	244,274	203,597
Current assets		
Cash and cash equivalents	250,465	146,663
Other receivables	5,468	7,543
Total current assets	255,933	154,206
Total assets	US\$500,207	US\$357,803
Accumulated Surplus and Liabilities		
Accumulated surplus/(deficit)	95,562	(42,326)
Non-current liability		
Retirement benefit liability	236,000	185,000
Current liabilities		
Due to related party	160,014	198,567
Accounts payables and accruals	8,631	16,562
Total current liabilities	168,645	215,129
Total accumulated surplus and liabilities	US\$500,207	US\$357,803

Translation rate used - 2017: US\$ 1.00 - TT\$6.69 (2016: US\$1.00 - TT\$6.68)

Statement of Comprehensive Income

For the year ended December 31, 2017

(Expressed in United States Dollars)

	Notes	2017	2016
Funding from the Trust Fund		612,097	576,040
Interest income		53	70
		612,150	576,110
Administrative expenses		(464,321)	(474,543)
Surplus		147,829	101,567
Other comprehensive loss:			
<i>Items that will not be reclassified to profit or loss</i>			
Re-measurements of defined benefit pension plan		(10,000)	(24,361)
Total comprehensive surplus for the year		US\$137,829	US\$77,206

Translation rate used - 2017: US\$ 1.00 - TT\$6.69 (2016: US\$1.00 - TT\$6.58)

Statement of Changes in Accumulated Surplus/(Deficits)

For the year ended December 31, 2017

(Expressed in United States Dollars)

	Accumulated Surplus/(Deficit)
Balance as at January 1, 2017	(42,326)
Foreign exchange gain on opening accumulated deficit	59
Total comprehensive surplus for the year	137,829
Balance as at December 31, 2017	USD\$95,562
Balance as at January 1, 2016	(123,581)
Foreign exchange gain on opening accumulated deficit	4,049
Total comprehensive surplus for the year	77,206
Balance as at December 31, 2016	USD\$(42,326)

Translation rate used - 2017: US\$ 1.00 - TT\$6.69 (2016: US\$1.00 - TT\$6.68)



Notes





Notes



**Regional Judicial and
Legal Services Commission (RJLSC)**

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