



REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

2018

**ANNUAL
REPORT**

JANUARY 1, 2018 TO DECEMBER 31, 2018

TABLE OF CONTENTS

	Page
1.0 Definition of Terms	3
2.0 Vision and Mission of the Commission	4
3.0 Introduction	5
4.0 Functions of the Commission	6
5.0 Composition of the Commission	7
6.0 Activities of the Commission	12
7.0 Appointment and Inauguration of the Third President of the Court	18
8.0 Appreciation of former Chairman	19
9.0 Recognition of former Members	20
10.0 In Memoriam	21
11.0 Staff of the Commission	22
12.0 Projected and Actual Expenditure of the Court and Commission	23
13.0 Interaction with the Board of Trustees and the CCJ Trust Fund	23
14.0 Matters of Note	23
15.0 Message from the Chairman	25
16.0 Feature on Saint Lucia	26
 APPENDICES:	
Appendix A: Meetings of the Commission in 2018	29
Appendix B: Attendance of Members at Commission Meetings in 2018	29
Appendix C: Meetings of Committees of the Commission in 2018	30
Appendix D: Members of the Committees of the Commission in 2018	32
Appendix E: Audited Financial Statements of the Commission for the year ended December 31, 2018	33

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



SEATED LEFT TO RIGHT: Lady Beverley Walrond, QC | Hon. Mr. Justice Adrian Saunders (Chairman)
Mrs. Susan Branker Greene, MSc | Hon. Mme. Justice Yonette Cummings-Edwards, OR, CCH

STANDING LEFT TO RIGHT: Dr. Peter Maynard, Ph.D., FCI Arb | Mr. Elton Prescott, SC
Hon. Bryon St. Michael Hylton, OJ, QC | Mr. Alvin Mc Intosh CD, JP | Mr. Delano Bart, QC
Hon. Mr. Justice Dennis Morrison, OJ, CD | Dr. Francis Alexis, QC

1.0 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” or “the CCJ” means the Caribbean Court of Justice;
- “CARICOM” means the Caribbean Community and Common Market;
- “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.

2.0 VISION & MISSION OF THE 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.

3.0 INTRODUCTION

- 3.1 Article V.10 of the Agreement provides that: “The Commission shall, no later than 31 March in every year, submit to the Heads of Government an Annual Report of its work and operations during the previous year”.
- 3.2 This past year the Commission strengthened the disciplinary and other governance processes to support the reform adjustments embarked on in 2014 in keeping with best practices for good governance. The Commission also continued its focus on the finalisation of the amended Caribbean Court of Justice Judges’ Pensions Rules, 2017 submitted for approval to the Conference of Heads of Government.
- 3.3. The Pension Administration Committee advanced its work of reviewing the pension rules, the provision of Guidelines for future nominations and elections of plan members to sit on the Pension Administration Committee, providing online access of pension statements for pension plan members and realigning the structure of member representation on the Pension Administration Committee.
- 3.4 The Commission also remained committed to increased use of technology in its recruitment efforts for both the Court and the CARICOM Competition Commission as a key means of reducing costs. The Commission also published its own Code of Ethics.
- 3.5 Significant attention was paid to ensuring the finalization and the signing of the Protocol for Interfacing and Interaction between the RJLSC, CCJ and Trust Fund. Attention and support were also provided to the Caribbean Court of Justice in the development and design of its Strategic Plan 2019 to 2024.
- 3.6 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 Saint Lucia.

4.0 FUNCTIONS OF THE COMMISSION



4.1 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”.

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

- the exercise of disciplinary control over Judges of the Court, other than the President, and over officials and employees of the Court; Article V.3(2).
- the making of recommendations to the Heads as to the person to be appointed President and for the removal of the President from office; Article IV.6.
- the determination of the terms and conditions and other benefits of the President and other Judges of the Court with the approval of the Heads of Government; Article XXVIII as amended.
- the making of Regulations –
 - to govern the appointment, discipline, termination of appointment and other terms and conditions of service and employment for Judges, other than the President, and officials and employees of the Court,
 - to prescribe the procedure governing the conduct of such proceedings, and
 - generally to give effect to the Agreement; Article XXXI.

4.3 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.

5.0 COMPOSITION OF THE COMMISSION



- 5.1 The composition of the Commission as set out in Article V.1 of the Agreement is as follows:
- (a) the President who shall be the Chairman of the Commission;
 - (b) two persons nominated jointly by the Organisation of the Commonwealth Caribbean Bar Association (OCCBA) and the Organisation of Eastern Caribbean States (OECS) Bar Association;
 - (c) one chairman of the Judicial Services Commission of a Contracting Party selected in rotation in the English alphabetical order for a period of three years;
 - (d) the Chairman of a Public Service Commission of a Contracting Party selected in rotation in the reverse English alphabetical order for a period of three years;
 - (e) two persons from civil society nominated jointly by the Secretary-General of the Community and the Director General of the OECS for a period of three years following consultations with regional non-governmental organisations;
 - (f) two distinguished jurists nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, the Deans of the Faculties of Law of any of the Contracting Parties and the Chairman of the Council of Legal Education; and
 - (g) two persons nominated jointly by the Bar or Law Associations of the Contracting Parties.
- 5.2 In 2018 the Commission welcomed its third Chairman, the Hon. Mr. Justice Adrian Saunders who was appointed on July 4, 2018 upon the retirement of the Rt. Hon. Sir Dennis Byron.
- 5.3 During the year 2018 there were three other changes to the membership of the Commission. The Hon. Shirley Tyndall, OJ, CD who was a Member of the Commission by virtue of her Office as Chairman of the Public Service Commission of Jamaica, demitted office when her term as Chairman of the Public Service Commission of Jamaica ended on March 31, 2018. Ms. Tyndall was replaced on the Commission by Mr. Alvin Mc Intosh CD, JP.

- 5.4 The Hon. Justice Dame Janice Pereira's term of office expired on September 10, 2018. Since Guyana was next in the alphabetical order of the Contracting Parties, pursuant to Article V.1(c) of the Agreement, the Hon. Justice Dame Janice Pereira was replaced on the Commission by the Hon. Mme. Justice Yonette Cummings-Edwards, OR, CCH who took the oath of office as a Member of the Commission on September 28, 2018.
- 5.5 The third member of the Commission to demit office was Mrs. Jennifer Astaphan, SAH, LL.M, LEC, MPH a citizen of the Commonwealth of Dominica, who was one of two Commissioners nominated jointly by the Secretary-General of the Community and the Director General of the OECS pursuant to Article V.1(e) of the Agreement. Mrs. Astaphan was replaced on the Commission by Mrs. Susan Branker Greene who was appointed as a Member of the Commission on December 12, 2018. Mrs. Branker Greene will take the oath of office at the Commission's first meeting in 2019.
- 5.6 In 2018 the term of office of Dr. Francis Alexis, QC also expired, but he was re-nominated, pursuant to Article V.1.4 of the Agreement, by the Secretary-General of the Caribbean Community and the Director General of the OECS. The Commission functioned with its full complement of eleven (11) members in 2018.
- 5.7 The following table below shows the persons who served as members of the Commission in 2018, 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
July 4, 2018	Hon. Mr. Justice Adrian Saunders	President of the Court	(a)
August 20, 2013 [Re-appointed August 20, 2016] November 17, 2016	Dr. Peter Maynard, Ph.D., FCIArb Mr. Delano Bart, QC	Nominated jointly by OCCBA & OECS Bar Associations	(b)
September 11, 2012 [Re-appointed September 11, 2015] September 11, 2018	Hon. Justice Dame Janice Pereira Hon. Mme. Justice Yonette Cummings- Edwards, OR, CCH	Chairman, Judicial Services Commission of Grenada Chairman, Judicial Services Commission of Guyana	(c)
January 1, 2017 April 1, 2018	Hon. Shirley Tyndall, OJ, CD Mr. Alvin McIntosh, CD, JP	Chairman, Public Service Commission of Jamaica	(d)
November 6, 2015 [Re-appointed November 6, 2018] November 6, 2012 [Re-appointed November 6, 2015] December 12, 2018	Dr. Francis Alexis, QC Mrs. Jennifer Astaphan SAH, LL.M, LEC, MPH Mrs. Susan Branker Greene	Nominated jointly by the Secretary- General of the Community and the Director-General of the OECS	(e)
October 29, 2016 [both]	Hon. Mr. 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]	Hon. Byron St. Michael Hylton, OJ, QC Mr. Elton Prescott, SC	Nominated by the Bar or Law Associations of the Contracting Parties	(g)

5.8 The following table shows the membership of the Commission as reconstituted in 2018, 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
Hon. Mr. Justice Adrian Saunders	St. Vincent and the Grenadines	July 3, 2025
Dr. Peter Maynard, Ph.D., FCIArb	Commonwealth of the Bahamas	August 19, 2019
Mr. Delano Bart, QC	St. Kitts and Nevis	November 16, 2019
Hon. Mme. Justice Yonette Cummings-Edwards, OR, CCH	Guyana	September 10, 2021
Mr. Alvin McIntosh, CD, JP	Jamaica	December 31, 2019
Dr. Francis Alexis, Q.C.	Grenada	November 5, 2021
Mrs. Susan Branker Greene	Barbados	December 11, 2021
Hon. Mr. Justice Dennis Morrison OJ, CD	Jamaica	October 28, 2019
Lady Beverley Walrond, QC	Barbados	October 28, 2019
Hon. Byron St. Michael Hylton, OJ, QC	Jamaica	November 18, 2019
Mr. Elton Prescott, SC	Trinidad & Tobago	November 18, 2019

5.9 About the Members of the Commission appointed in 2018

Mr. Alvin McIntosh, CD, JP



Mr. Alvin McIntosh, CD, JP takes the oath of office in the presence of the RJLSC's former Chairman, the Rt. Hon. Sir Dennis Byron

Mr. McIntosh is a Hubert Humphrey Fulbright Fellow. He holds a Master's Degree in Criminology from the University of Wales, a Post Graduate Diploma in Management Studies, a Bachelor of Social Science Degree and a Teacher's Diploma from the University of the West Indies, Jamaica. He is currently the Chairman of the Public Service Commission and the Project Coordinator for the National Insurance Fund, Jamaica. Mr. McIntosh worked for over twenty-nine years with the Ministry of Labour and Social Security. In 2011 he was appointed Permanent Secretary in the Ministry until his retirement in 2014. He was also the Chief Inspector of Standards and Procedures at the Department of Correctional Services from 1976 to 1985.

Hon. Mme. Justice Yonette Cummings-Edwards, OR, CCH



Hon. Mme. Justice Yonette Cummings-Edwards, OR, CCH, takes the oath of office in the presence of the RJLSC's Chairman, Hon. Mr. Justice Adrian Saunders.

Mme. Justice Cummings-Edwards OR, CCH began her legal career in 1988 as a State Counsel within the Chambers of the Director of Public Prosecutions. She served in various positions within the Chambers from 1988-2000. In June 2000, Mme. Justice Cummings-Edwards was appointed a Judge of the High Court of Guyana and in January 2008 she was elevated to Judge of the Court of Appeal. From December 2015 she acted as Chief Justice of the Judiciary of Guyana and in March 2017 she was appointed acting Chancellor of the Judiciary and currently serves in this position. She is the recipient of two National Awards: the Cacique Crown of Honour (CCH) and the Order of Roraima for her outstanding contribution to the legal field.

Mrs. Susan Branker Greene, MSc.



Mrs. Susan Branker Greene has over 20 years experience in leadership and management positions. Her rich professional experience spans the public, private and NGO sectors, including serving as a Senior Business Development Officer at the Ministry of Industry, Commerce and Business Development in Barbados, Regional Director for the Caribbean Management Development Association and Regional Programme Director at the Caribbean Centre for Development Administration's Caribbean Support Initiative Programme Management Unit. Mrs. Branker Greene is also a British Chevening Scholar, who holds a Master's of Science Degree in International Relations from the University of Southampton in the UK and a Bachelor of Science Degree from the University of the West Indies (UWI), Cave Hill Campus.

Mrs. Susan Branker Greene, MSc. takes the oath of office in the presence of the RJLSC's Chairman, Hon. Mr. Justice Adrian Saunders.

6.0 ACTIVITIES OF THE COMMISSION

- 6.1 There were five (5) meetings of the RJLSC in 2018.
- 6.2 In addition to its five meetings, the various Committees of the Commission met on twenty-one occasions in 2018. All Committee meetings were held on the day(s) preceding/following a Commission meeting. Some Members attended Committee and other meetings by skype. The dates on which meetings of the Commission were held are listed at **Appendix A**, and the Members who attended each meeting of the Commission are listed at **Appendix B**. The dates on which meetings of the Committees were held are listed at **Appendix C**, and the Members of Committees of the Commission are listed at **Appendix D**.
- 6.3 The Commission engaged in several activities during the year 2018. Some of these activities are described in this and the succeeding sections of this Report. In 2018 the Commission:
- Reviewed the Actuary's 2018 Report and proposed amendments to the Judges Pension Rules.
 - Finalised the Protocol for the Interfacing and Interaction between the Court, Commission and Trust Fund, which expired in January 2010.
 - Finalised the draft Code of Ethics for Commissioners.
 - Reviewed the Agreement Establishing the Court and the Commission and proposed amendments to Article 5(1)(c).
 - Reviewed and approved proposed amendments to the Non-Judicial Staff Pension Rules.
 - Reviewed the Staff Regulations for the employees of the Court and Commission.
 - Reviewed the Financial Policy of the Court and Commission.
 - Reviewed the Contract for CURIA's Case Management Software.
 - Recruited Judges to fill the vacancies created by the appointment of the Hon. Mr. Justice Adrian Saunders as President of the Court, and the impending retirement of the Hon. Mr. Justice David Hayton.
 - Recruited a Chairman and two Members of the CARICOM Competition Commission.
 - Settled Terms and Conditions for the Security & Logistics Manager and Communications & Information Assistant for the Court.
- 6.4 Although the Protocol for the Interfacing and Interaction between the Commission, the Court and the Trust Fund ("the Protocol") had expired in January 2010 and was not renewed, its terms had, however, continued to be observed as agreed by the Parties. The revised Protocol was signed by the Court, Commission and Trust Fund in December 2018.
- 6.5 In 2018, the following staffing activities for the Court and the Commission were undertaken by the Commission:



Permanent Confirmation - CCJ

- Ms. Amanda Ramsaran, Information Business Analyst – February 2, 2018
- Ms. Danielle McConney, Communication & Information Assistant – November 1, 2018

Permanent Confirmation - RJLSC

- Ms. Simone Jackson, Senior Executive Assistant - February 2, 2018

Contract Confirmation - CCJ

- Lt. Colonel (Ret'd) Sharon-Anne Alfonso-Farrell, Chief Protocol & Information Officer – March 18, 2018
- Ms. Kavita Deochan, Judicial Assistant – October 1, 2018

Separation - CCJ

- Mrs. Feli Renwick-Risbrooke, Accounting Support Officer– October 26, 2018

Expiration of Contract Employment - CCJ

- Ms. Kerine Dobson, Judicial Assistant – July 19, 2018
- Mr. Richard Layne, Judicial Assistant – August 31, 2018

Renewal/Extension of Contract Appointments - CCJ

- Mr. Tyrone Bailey, Judicial Assistant – November 1, 2018
- Ms. Tanya Alexis, Judicial Assistant – November 14, 2018
- Ms. Latoya McDowald, Judicial Assistant – September 1, 2018

6.6 Human Resources and Selection Committee.

6.6.1 The Human Resources and Selection Committee (HRS Committee) held five (5) meetings in 2018 with the first meeting on March 8, 2018. The Committee continued to be chaired by Commissioner Mrs. Jennifer Astaphan, SAH, LL.M, LEC, MPH until the end of her term of office as a Commissioner of the RJLSC on November 5, 2018. Commissioner Lady Beverley Walrond, QC was then appointed Chairperson of the Committee. In December 2018, Commissioner Hon. Mme. Justice Yonette Cummings-Edwards, OR, CCH was appointed as a Member of the Committee. The Committee then comprised Commissioners Lady Beverley Walrond, QC, Mr. Elton Prescott, SC and Hon. Mme. Justice Yonette Cummings-Edwards, OR, CCH.

6.6.2 During the period under review the Committee remained committed to the use of technology in the achievement of its goals and objectives. Members attended several statutory meetings including by skype or teleconference when necessary.

6.6.3 In February the Committee conducted interviews for Commissioners of the CARICOM Competition Commission. In September 2018, the Committee participated in the recruitment of Judges for the CCJ consequent on the appointment of the Hon. Mr. Justice Adrian Saunders as President of the CCJ and the impending retirement of the Hon. Mr. Justice David Hayton in 2019.

6.6.4 The Committee also fulfilled its remit with focus on staffing matters relative to recruitment, terms and conditions of employment, employee benefits and policies review. The Committee concluded its work to secure and strengthen the competencies of the Court when it supported and recommended the confirmation and/or extension of contracts for staff for the RJLSC and/or CCJ as follows:

RJLSC

- Senior Executive Assistant

CCJ

- Chief Protocol & Information Officer
- Judicial Assistants
- Communications & Information Assistant
- Information Business Analyst

The Committee also completed the selection and recruitment of a suitable candidate for the position of Security & Logistics Manager.

6.6.5 At its September meeting, the Committee undertook an extensive review of the allowances for Non-Judicial Staff which had been deferred when a Job Evaluation Exercise was conducted in 2016. The Committee also recommended and received approval of the Commission for the continued provision of employee benefits in terms of the Group Health Plans and Employee Assistance Programme. The Committee directed an examination of the Regional Group Health Plan and the possibility of membership by the Court and the Commission given the RJLSC desire for continued coverage of Judges and employees who may retire outside of the Seat of the Court, Trinidad and Tobago. This research exercise is expected to be concluded by mid-2019.

6.6.6 Upon the recommendation of the HRS Committee, the Commission assigned the review of the Staff Regulations, the draft Flexi Work Hours Policy and the Gender and Harassment Policy to the Constituent Instruments Review and Regulations Committee.

6.6.7 In December 2018 the Committee gained the Commission's approval for a review of the assignment of responsibilities for a more effective and efficient functioning Registry, Finance Unit and Human Resources Department. The re-assignment of staffing of the President's Chambers consequent upon the assumption of the Honourable Mr. Justice Adrian Saunders as President of the Court and the recruitment of a Legal Officer (On Contract) for that office also engaged the attention of the HRS Committee.

- 6.6.8 Issues arising from the utilization of vacation leave under the present Regulations which impact upon the Staff and the operations of the Court and Commission engaged the attention of the Committee. The Human Resources Manager was mandated to consult with the staff on possible solutions and recommendations to address the issues. The Committee's further consideration of this matter awaits the completion of the consultation.
- 6.6.9 The HRS Committee wishes to publicly thank former Commissioner and Chair of the Committee Mrs. Jennifer Astaphan for her yeoman service to the work of the Committee since its establishment at the 83rd Commission Meeting of February 15, 2013. The Committee, was established to strategically strengthen the governance and human resources management systems of the Caribbean Court of Justice and Commission. Under the stewardship of Commissioner Astaphan, the Committee developed, institutionalized and addressed several human resource management issues for the improved operations and functioning of the Court and Commission. Commissioner Astaphan's invaluable contribution to the functioning of the Committee which has fostered relationships with its internal and external stakeholders must be applauded. Former Commissioner Astaphan's energy and devotion to the role of Chair of the HRS Committee has left the Committee on a strong footing to serve the CCJ.
- 6.7 **Pension Administration Committee (PAC)**
- 6.7.1 In 2018 the following members served on the PAC: Dr. Francis Alexis, QC (nominated and appointed as Chairman by the Commission), Mr. Delano Bart, QC (nominated by the Commission), Hon. Mr. Justice Dennis Morrison, OJ, CD (nominated by the Commission), Hon. Mr. Justice Jacob Wit (nominated by the President of the Court), Mr. Glenn Cheong (nominated by the CCJ Trust Fund), Ms. Susan Campbell-Nicholas and Mrs. Sherry-Ann Ramhit (nominated by the Pension Plan members). Mrs. Ramhit was appointed by the Commission as Secretary to the PAC. The PAC held five (5) meetings in 2018.
- 6.7.2 In 2018 the PAC recommended and the Commission approved an amendment to the existing Life Certificate for all pensioners, their beneficiaries and/or joint pensioners of the Non-Judicial Staff Pension Plan. The amended Life Certificate included the Court's HR Manager as one of the persons residing in Trinidad and Tobago who can function as a Declarant.
- 6.7.3 In 2018 the Commission also approved Nomination and Election Guidelines ("Guidelines") which were proposed by the PAC. The Guidelines will facilitate future nominations and elections for staff representatives to sit on the PAC. The Commission also amended rules 1 and 15 of the Non-Judicial Staff Pension Rules to more clearly define the process for nominating representatives to sit on the PAC. The Commission further realigned the structure of the member representatives on the PAC.
- 6.7.4 In 2018 the PAC reviewed the existing Q&A document which had been distributed to Pension Plan (PP) members some time ago and developed a more up-to-date and comprehensive Q&A booklet for the benefit of PP Members. The Q&A booklet provides Members with easily understandable information on the benefits and characteristics of the Pension Plan. The Q&A booklet is expected to be published and circulated to members in 2019.

- 6.7.5 In 2018 the PP Members continued to successfully access their pension statements and other pension information online via the Pension Plan Administrator's website.
- 6.7.6 Throughout 2018 the PAC reviewed and responded to various queries and/or requests submitted by Pension Plan Members on matters relating to the Pension Plan.
- 6.7.7 By the end of 2018 there were seventy-five (75) active members on the Pension Plan, eight (8) retirees and five (5) deferred pensioners.

6.8 **Judges' Compensation and Pension Committee**

The Judges' Compensation and Pension Committee did not formally meet in 2018. However, as a result of the revised Judges' Pensions Rules submitted to the Conference of Heads of Government for approval, the Commission concentrated its work on preparing a brief on the revised Judges' Pensions Rules, 2017 for the benefit of the Conference Members. The brief included the salient information on the evolution of the CCJ Judges' Pension Rules with supporting documents and a comparison showing the disparity between the proposed Judges' Pension Rules and that of other CARICOM countries.

6.9 **Constituent Instruments Review and Regulations Committee.**

- 6.9.1 The Constituent Instruments Review and Regulations Committee (CIRRC) held five (5) formal meetings this year. It continued its in-depth review of the Financial Policy of the Court and Commission. Several added recommendations to the Staff Regulations were also considered by the Committee.
- 6.9.2 The Committee also reviewed other policies developed by the Court and Commission for its operations. These policies included the Sexual Harassment Policy, Protocol for Execution of Documents and Protocol for the Recording of Meetings. At the end of 2018 some of these policies continued to receive the attention of the Committee.

6.10 **Regional Judicial and Legal Services Commission's Code of Ethics**

- 6.10.1 The RJLSC's Code of Ethics was finalised at its 114th meeting held on Friday September 28, 2018. The Code of Ethics defines the principles that are considered fundamental to all aspects of the affairs of Commissioners and seeks to maintain the highest standards of public trust and integrity. The Code provides that independence and ethical conduct of the Commission are essential to its effectiveness and respect in the Court and the wider Caribbean Community. The Commission commits itself and its members to ethical and lawful conduct, including proper use of authority and appropriate decorum when performing its functions. The Code is printed in a brochure format and can be found on the RJLSC's webpage <http://www.caribbeancourtofjustice.org/about-the-ccj/rjlsc-2>.

6.11 **Appointment of Mr. Justice Andrew Burgess and Mr. Justice Peter Jamadar**

- 6.11.1 In 2018 the Commission had advertised the position of Judge of the Caribbean Court of Justice to fill the vacancy which was created when Hon. Mr. Justice Saunders was elevated to the Office of President of the Court. The post was advertised regionally and within the Commonwealth. Eighteen (18) applications were received of which eight (8) applicants were shortlisted to be interviewed.

- 6.11.2 The Commission conducted interviews in September 2018 and selected the Honourable. Mr. Justice Andrew Burgess, a Barbadian national, as a Judge of the Caribbean Court of Justice. Mr. Justice Burgess will be sworn-in as a Judge of the Court on 18th January 2019.
- 6.11.3 The Commission also noted that the Hon. Mr. Justice David Hayton is due to retire on July 12, 2019 and made a decision to select from the interviews for Judge a second Judge to fill that impending vacancy. The Hon. Mr. Justice Peter Jamadar of Trinidad & Tobago was selected. Mr. Justice Jamadar will be sworn-in as a Judge of the Court in July 2019.

6.12 **CARICOM Competition Commission**

- 6.12.1 Under Article 172 of the Revised Treaty of Chaguaramas, the RJLSC is responsible for the appointment of members of the CARICOM Competition Commission (CCC).
- 6.12.2 The term of office of the CCC's Chairman (Dr. Kusha Haraksingh) and two Members (Mr. Hans Lim A Po and Mr. Patterson Cheltenham) expired in July 2018. These three members were not eligible for re-appointment having all served two terms. The Commission commenced and completed the recruitment process to fill these three vacancies. On July 12, 2018 Mr. Justice Christopher Blackman (ret'd) and Mr. Anthony La Ronde were sworn in as Chairman and Member of the CCC, respectively, for a period of five (5) years, renewable for a further period of not more than five (5) years; and on September 28, 2018 Mr. Timothy Jonas was sworn in as a Member of the CCC for a period of five (5) years, renewable for a further period of not more than five (5) years.
- 6.12.3 The members of the CCC as reconstituted in 2018 were Mr. Justice Christopher Blackman (ret'd) (Chairman), Mr. DeCoursey Eversley, Mr. Nester Alfred, Dr. Andrew Downes, Mrs. Emalene Marcus-Burnett, Mr. Anthony La Ronde and Mr. Timothy Jonas. The table below shows the membership of the CCC in 2018, the date of expiration of the term of office of each member and their nationality.

Name of Commissioner	Nationality	Date of Appointment	Date of Expiration of Term of Office
Mr. Justice Christopher Blackman (Ret'd) - Chairman	Barbados	July 12, 2018	July 11, 2023
Mr. Decoursey Eversley	Barbados	October 16, 2015	October 15, 2020
Mr. Nestor Alfred	Saint. Lucia	October 16, 2015	October 15, 2020
Dr. Andrew Downes	Barbados	August 1, 2016	July 31, 2021
Mrs. Emalene Marcus-Burnett	Barbados Trinidad & Tobago	August 1, 2016	July 31, 2021
Mr. Anthony La Ronde	Dominica	July 12, 2018	July 11, 2023
Mr. Timothy Jonas	Guyana	July 12, 2018	July 11, 2023



7.0 APPOINTMENT AND INAUGURATION OF THE THIRD PRESIDENT OF THE COURT



7.1 The Honourable Mr. Justice Adrian Saunders was sworn in as the third President of the Caribbean Court of Justice before His Excellency The Most Hon. Sir Patrick Linton Allen, ON, GCMG, CD, KSt.J, the Governor-General of Jamaica. The inauguration ceremony was arranged and facilitated by CARICOM. Among the speakers at the ceremony held at the Montego Bay Convention Centre, Jamaica were outgoing President, the Right Honourable Sir Dennis Byron, along with several Heads of Government of the Member States of CARICOM and the Secretary-General of CARICOM.

7.2 In accordance with Article IV.6 of the Agreement, the Commission submitted its recommendation for the appointment of the Hon. Mr. Justice Adrian Saunders as the next President of the Court to the Heads of Government in December 2017. The recommendation was approved by the Heads of Government at its Inter-Sessional meeting held on February 26-27, 2018.

7.3 The Honourable Mr. Justice Saunders joined the Eastern Caribbean Supreme Court (ECSC) High Court Bench in 1996, after 19 years of private practice. On May 1, 2003 he was appointed to the ECSC's Court of Appeal and served as acting Chief Justice between 2004 and 2005. Mr. Justice

Saunders was among the first cohort of Judges to join the CCJ Bench in 2005, before being elevated to the Office of Court President on July 4, 2018. Mr. Justice Saunders chaired his first meeting of the Commission on July 12, 2018.

7.4 The Honourable Mr. Justice Adrian Saunders is a native of St. Vincent and the Grenadines. He holds a Bachelor of Laws Degree from the University of the West Indies (Cave Hill) and a Legal Education Certificate from the Hugh Wooding Law School in Trinidad & Tobago. On October 20, 2018 Mr. Justice Saunders was conferred an Honorary Degree of Doctor of Laws by the University of the West Indies.

8.0 APPRECIATION OF FORMER CHAIRMAN

8.1 The Rt. Hon. Sir Dennis Byron who served in the capacity of President of the Court and Chairman of the Commission until his retirement on July 3, 2018, chaired his last meeting of the Commission on Friday, April 27, 2018. At this meeting the Commission took the opportunity to host a retirement appreciation event for him.



Sir Dennis Byron chairing one of the Commission's meetings



Dr. Francis Alexis, QC presents a token of appreciation to Sir Dennis Byron at a Special Sitting of the RJLSC's Pension Administration Committee in Sir Dennis' honour



Sir Dennis Byron presented with a token of appreciation by the Executive Officer of the Commission

9.0 RECOGNITION OF FORMER MEMBERS

Mrs. Jennifer Astaphan SAH, LL.M, LEC, MPH is an Attorney-at-Law and a qualified Public Sector Administrator and Technical Advisor, with more than 25 years' experience in Public Administration, Project Management, Negotiation, Mediation and Organisational Development. She was a Permanent Secretary in various Ministries with the Government of the Commonwealth of Dominica for 15 years. Mrs. Astaphan was the Executive Director of the Caribbean Centre for Development Administration, an Institution of CARICOM from 2004 until her retirement in 2015. In 2016 Mrs. Astaphan was conferred with the Sisserou Award of Honour by the Commonwealth of Dominica

in recognition for her work in the public sector both at a national and regional level. Mrs. Astaphan served on the Commission from November 6, 2012 for two terms until the end of her tenure on November 5, 2018. Mrs. Astaphan served as Deputy Chairperson of the Commission following the end of tenure of the Hon. Dr. Lloyd Barnett, O.J. on August 19, 2016. She was also the Chairperson of the Human Resources & Selection Committee and Member of the Constituent Instruments Review and Regulations Committee. During her tenure Mrs. Astaphan gave tirelessly of her time and resource to the work of the Commission and the Committees she chaired or was a member.



Mrs. Jennifer Astaphan
SAH, LL.M, LEC, MPH



Hon. Justice Dame Janice M.
Pereira, DBE.

Hon. Justice Dame Janice M. Pereira, DBE was sworn in as the first female Chief Justice of the Eastern Caribbean Supreme Court on October 24, 2012. She joined the Eastern Caribbean Supreme Court as a High Court Judge in 2003 and was elevated to the position of Justice of Appeal in 2009. In May 2013 she was awarded Dame Commander of the Order of the British Empire by Her Majesty, Queen Elizabeth II.

Born in the Territory of the Virgin Islands, Dame Janice attended the University of the West Indies, Cave

Hill Campus where she received her LLB (Hons). In 1981 she was called to the Bar in the Territory of the Virgin Islands. On March 26, 2018 Dame Janice was called to the Bench as an Honorary Bencher of the Honourable Society of the Middle Temple. Hon. Dame Justice Janice M. Pereira served on the Commission from September 11, 2012 for two terms until the end of her tenure on September 10, 2018. Dame Janice's insight and willingness to assist in any area required was greatly appreciated by the Commission.

Hon. Shirley Tyndall, OJ, CD graduated with honours in Economics from the University of the West Indies. She worked for over thirty-five years at the Ministry of Finance where she became the first female Accountant General and the first female Financial Secretary. 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 from the Soroptomist Club of Jamaica for

Public Service. 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. Hon. Shirley Tyndall, OJ, CD served on the Commission for a short period, from January 1, 2017 to March 31, 2018 when her term of office as the Chairman of the Public Service Commission of Jamaica ended.



Hon. Shirley Tyndall, OJ, CD

10.0 IN MEMORIAM



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

The Commission regrets the passing of Sir Fred Gollop, K.A., Q.C. who died on June 20, 2018 at the age of 78. Sir Fred was appointed as a Commissioner of the Regional Judicial and Legal Services Commission on October 29, 2010 in his capacity as "distinguished jurist nominated jointly by the Dean of the Faculty of Law of UWI, the Deans of the Faculty of Law of any Contracting Parties and the Chairman of the Council of Legal Education" (Article V.1(f)). He contributed three (3) years of sterling service to the Commission until his term of office expired on October 28, 2013.

The Commission also regrets the passing of Mr. Egbert Lionel, B.Sc., M.A. Mr. Lionel passed away at his residence at Bonne Terre, Gros-Islet in St. Lucia on September 29, 2018. He was 72 years old. Mr. Lionel was appointed to the Commission pursuant to Article V.1(d) of the Agreement which states that one of the Members 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 years."



Mr. Egbert Lionel, B.Sc., MA.



Mrs. Mary Barrow

The Commission regrets the passing of Mrs. Mary Barrow who died suddenly on August 31st, 2018. Mrs. Barrow was 75 years old. The late Mrs. Mary Barrow worked as the first Executive Secretary to the Commission. She served the Commission for the period November 17, 2003 to December 31, 2009. Mrs. Barrow will be remembered for her professionalism and humility.

11.0 STAFF OF THE COMMISSION

11.1 During the period under review the staff of the Regional Judicial and Legal Services Commission's Secretariat comprised the following employees: Ms. Susan Campbell-Nicholas (Human Resources Manager), Mrs. Sherry-Ann Ramhit (Executive Officer) and Ms. Simone Jackson (Senior Executive Assistant). The Registrar and Chief Marshal of the Caribbean Court of Justice, Mrs. Jacqueline Graham is the Secretary and Chief Administrative Officer of the Commission pursuant to Article V.11 of the Agreement. The Commission expresses its appreciation to its staff for their dedication and commitment to the work of the Commission.

11.2 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 Departments of the Court including those of Finance & Administration, Communication & Information, Security & Logistics and Human Resources.



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

12.0 PROJECTED AND ACTUAL EXPENDITURE OF THE COURT AND THE COMMISSION

- 12.1 During the period under review the Commission and Court were financed by quarterly disbursements from the CCJ Trust Fund. The budget for the year 2018 was based on conservative estimates of projected spending for 2018.
- 12.2 **2017-2018 Biennial Budget**
- 12.2.1 The budget was presented by the Court to the Commission in 2017 and approved subject to amendments as suggested by the Trust Fund.
- 12.2.2 In 2018, the Court continued to make pension payments to the first retired President and three retired Judges. Pension payments to the second retired President commenced in July 2018. In 2018, the Court and Commission also continued to make pension payments to eight (8) retired employees.
- 12.3 **Financial Oversight Committee (FOC).** Much of the business of this Committee for this year involved oversight of the 2019-2020 biennial budget preparation of the RJLSC and the CCJ. With the signing of the Protocol for Interfacing and Interaction between the Commission, the Court and the Trust Fund on December 3, 2018, the FOC's existing Charter is now under review to determine its relevance and whether it should be amended.
- 12.4 **Appointment of Auditors.** In 2018 the contract to conduct the annual audit of the finances and compliance with the International Financial Reporting Standards (IFRS) of the Commission and the Court was renewed with BDO Trinidad Limited for the three-year period 2018 to 2020. The audited financial statements of the Commission for the 12-month period ending December 31, 2018 are attached as **Appendix E**.

13.0 INTERACTION WITH THE BOARD OF TRUSTEES AND THE CCJ TRUST FUND

- 13.1 The Court and the Commission enjoyed very collaborative and amicable relations with the Trust Fund.
- 13.2 **The Protocol for the Interfacing and Interaction between the Commission, the Court and the Trust Fund** had expired in January 2010. The existing terms of the Protocol continued to be observed for most of 2018 as agreed by the Parties. After ongoing discussions on revisions to the draft Protocol, on December 3, 2018 the revised Protocol was signed by the Commission, the Court and the Trust Fund.

14.0 MATTERS OF NOTE

- 14.1 **Referenda to replace the Judicial Committee of the Privy Council with the CCJ**
- 14.1.1 On November 6, 2018 both Antigua & Barbuda and Grenada held a referendum to replace the Privy Council with the Caribbean Court of Justice as its highest court. The Grenadian results of the referenda were 12,133 votes to maintain the current final court of appeal, with 9,846 votes in favour of the CCJ. In Antigua and Barbuda, the "no" vote secured 9,234 as against 8,509 for the CCJ. Both countries require a two-thirds majority from their electorate to allow for the necessary changes to be made to their constitutions.

14.2 Caribbean Community Administrative Tribunal.

14.2.1 During 2018, the approval and establishment of the CARICOM Community Administrative Tribunal (CCAT) was not realized as was anticipated. Nevertheless, the CARICOM Secretariat continued its effort to seek approval from the Community Council and the Legal Affairs Committee to put the request for approval and establishment before the next Intersessional Meeting of the Conference of Heads of Government fixed for February 4, 2019 in St. Kitts.

14.2.2 The CCAT is intended to be an independent judicial tribunal to provide the means for resolving employment related disputes of staff members of CARICOM Institutions. The CCAT is also intended to safeguard the objectives of CARICOM of observing best labour relations practice. Currently, because of the immunity from legal suit enjoyed by these bodies, employees are unable to access the courts of the domestic jurisdiction where the institutions sit. Neither can they access the original jurisdiction of the CCJ.

14.3 Strategic Plan (2019-2024) for the Court.

14.3.1 In support of the development of the Court's 2019-2024 Strategic Plan, in December 2017 the Court engaged Dr. Daniel Straub, a Strategic Planning and Management Consultant to commence the process of developing a new Strategic

Plan for the Court. During the period under review the Court's Strategic Planning Committee engaged both the Courts' internal and external stakeholders on the development of the new Strategic Plan. The new Strategic Plan contains six (6) strategies:

- *Communication*
- *Independence & Accountability*
- *High Performance Environment*
- *Equality, Fairness and Integrity in Promoting the Rule of Law*
- *Organizational Capacity for Caseload Growth*
- *Enhanced Regional System Capacity & Performance.*

The theme for the Court's 2019 - 2024 Strategic Plan is **"Unlocking Potential - Strengthening Caribbean Jurisprudence"**. By the end of 2018 the Strategic Plan was completed and is due to be published and launched in January 2019.

14.4 Judicial Reform and Institutional Strengthening (JURIST) Project

14.4.1 The Judicial Reform and Institutional Strengthening (JURIST) Project is a five-year regional Caribbean judicial reform initiative funded under an arrangement with the Government of Canada. 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).

14.4.2 The JURIST Project commenced activities on April 1, 2014 and has been working with judiciaries in the region to support their own efforts to improve court administration and strengthen the ability of the courts and the judiciary to resolve cases efficiently and fairly.

14.4.3 In 2018 the JURIST Project introduced Project management tools to ensure more effective allocation of resources and time. As part of this, several major initiatives of the Project with inter-related sub components were packaged into Project Charters that tied the components together, ensuring alignment with the Project's Project Management Framework (PMF) and buy-in on the part of stakeholders.

14.4.4 In the second half of 2018, the JURIST Project focused its attention on developing a proposal requesting a four-year extension for the period 2019-2023. The proposed Project extension builds upon considerable foundational work which started in 2014 and will continue to 2019. If granted, the extension will allow the Project to continue its work with the Judiciaries across the Region. By 2023, it will exceed the expected results of the Project as originally designed and will ensure that its significant achievements are more sustainable.

14.5.5 On May 14, 2018, Mrs. Gloria Richards-Johnson replaced Dr. Penny Reddie as Project Director following the end of her contract.

15.0 MESSAGE FROM THE CHAIRMAN



**Hon. Mr. Justice Adrian Saunders
Chairman**

I am pleased to give this message in the capacity of Chairman of the Regional Judicial and Legal Services Commission (“Commission”). Since its inception in 2003, the Commission has ably and effectively executed its mandate as specified in the Agreement Establishing the Caribbean Court of Justice. It is my aim to build on this legacy and the successes of my predecessors. In particular, I wish to express my unreserved appreciation to the Rt. Hon. Sir Dennis Byron for his sterling contribution to the Commission during his tenure as Chairman.

The first thing that struck me as I assumed the position of Chair was the volume of work Commissioners undertake on behalf of the Court and the Commission. This work is all done voluntarily. The Commissioners continuously and tirelessly give of their time and expertise to attend meetings, make decisions of the greatest weight and address a host of matters concerning the work of the Court and the Commission. I express my sincere appreciation and gratitude to all the Commissioners, both past and present, for their dedication and commitment in discharging the responsibilities of the Commission. Caribbean jurisprudence owes them all a huge debt of gratitude.

I congratulate and express my gratitude to each of the Commissioners who demitted office in 2018 for their contribution to the work of the Commission. It would be remiss of me if I did not single out Commissioner Jennifer Astaphan for her sterling service and astute guidance as Deputy Chairman of the Commission and Chairperson and Member of the Human Resources and Selection Committee and Constituent Instruments Review and Regulations Committee, respectively.

In 2018 the Commission selected judges to fill two vacancies on the Bench. The Hon. Mr. Justice Andrew Burgess of Barbados was appointed to fill the vacancy which was created when I assumed the position of President of the Court and the Hon. Mr. Justice Peter Jamadar of Trinidad & Tobago was selected to fill the vacancy which will arise from the impending retirement of the Hon. Mr. Justice David Hayton on July 12, 2019. Both Justices Burgess and Jamadar will be sworn-in as Judges of the Court in 2019. The Court is fortunate to have on board these two eminent Caribbean jurists and I look forward to working with them.

The Commission, the Court and the Trust Fund continued to have fruitful relations in 2018 and I am pleased to report that the Protocol for the Interfacing and Interaction between the Commission, the Court and the Trust Fund, which had expired in January 2010, was revised and signed off by the respective parties on December 3, 2018.

The staff of the Commission continue to play a vital role in the day-to-day operations of the Commission and I thank them for their commitment, energy and drive to always improving our capability as a Caribbean Institution.

In the upcoming year, the Commission and its staff will continue to adhere to the highest standards of transparency, commitment and innovation as we continue to forge ahead. Greater utilization of technological innovations will be employed not only to lessen the number of in-person meetings held by the Commission but also to make the Commission’s work more efficient and effective.

16.0 FEATURE ON SAINT LUCIA



Saint Lucia (St. Lucia) is one of many small land masses composing the insular group known as the Windward Islands. Unlike large limestone areas such as Florida, Cuba, and the Yucatan Peninsula, or the Bahamas, St. Lucia is a typical Windward Island formation of volcanic rock that came into existence long after much of the region had already been formed.

St. Lucia's physical features are strikingly beautiful. Dominated by high peaks and rain forests in the interior, the 616-square-kilometer island is known for the twin peaks of Gros Piton and Petit Piton on the southwestern coast, its soft sandy beaches, and its magnificent natural harbors. Mount Gimie, the highest peak, is located in the central mountain range and rises to 958 meters above sea level, a contrast that is also evident in the abrupt climatic transition from coastal to inland areas. The steep terrain also accentuates the many rivers that flow from central St. Lucia to the Caribbean. Fertile land holdings, which support banana farming, are scattered throughout the island.

St. Lucia has a tropical, humid climate moderated by northeast trade winds that allow for pleasant year-round conditions. Hurricanes are the most severe climatic disturbance in this area and have been known to cause extensive damage. Although St. Lucia has historically been spared from serious hurricane destruction, Hurricane Allen decimated the agricultural sector and claimed nine lives in 1980. St. Lucia was first settled by Arawak Indians around 200 A.D., though by 800 their culture had been superseded by that of the Caribs. These early Amerindian cultures called the island "Iouanalao" and "Hewanorra," meaning "Island of the Iguanas."

St. Lucia's culture has evolved from the intermingling of the many different groups of people who have participated in its history. Each has brought different beliefs and traditions, all of which are reflected in the life of the island today. A visitor is likely to drive on the British side of the road to an Indian restaurant in a French town, greeted all along the way in Creole patois. But St. Lucia's culture extends far beyond the table, as the island has long held a reputation for its intellectual and artistic talents. St. Lucia has produced two Nobel Prizewinners: the late Sir W. Arthur Lewis, who won the Nobel Prize for Economics in 1979, and poet Derek Walcott, who won the 1992 Nobel Prize for Literature.

St. Lucia's economy depends primarily on revenue from tourism and banana production, with some contribution from small-scale manufacturing. All sectors of the economy have benefited from infrastructure improvements in roads, communications, water supply, sewerage, and port facilities. These improvements, combined with a stable political environment and educated work force, have attracted foreign investors in several different sectors.

The Government of St. Lucia became a Contracting Party to the Georgetown Accord on May 1, 1974. This Accord established the Caribbean Community (CARICOM) Treaty on July 4, 1973 and its coming into effect in August 1973. St. Lucia was thus considered to be a Founder Member of the Caribbean Community. It is also a full and participating member of the Organisation of Eastern Caribbean States (OECS).

On February 14, 2001, St. Lucia was also among the first group of Member States to sign the

Agreement Establishing the Caribbean Court of Justice (CCJ). The Protocol on the Provisional Application of the Revised Treaty of Chaguaramas was signed by the Government of St. Lucia on February 4, 2002.

The Protocol to the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy regarding the Relationship between Provisions on the Original Jurisdiction and the Constitutions of States Parties was signed by the Government of St. Lucia on February 17, 2005.

On December 23, 2005, the Government of St. Lucia signed the Agreement to Enable the Entry into Force of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy (CSME).

The following are the **national symbols** of St. Lucia:



The National Flag of Saint Lucia

The National flag of St. Lucia was officially adopted on March 1, 1967. The blue field represents the Caribbean Sea, and the triangles symbolize the island's famous Pitons - the twin volcanic peaks.



Saint Lucia Coat of Arms

The **St. Lucia Coat of Arms** is an amalgamation of different symbols. The Tudor Rose represents the English influence on the island. The Fleur de lis represents the French influence on the island. The small brown stool in the center of the shield is a symbol of the African heritage of the people brought to the island. The torch is a beacon to light the path to the future. On the ribbon below the shield is the national motto, "The Land, The People, The Light". The shield is held up by two St. Lucia parrots.

The **National Anthem** of St. Lucia is "Sons of Daughters of Saint Lucia". The anthem was first adopted in 1967 upon achieving self-government and confirmed as the official anthem upon independence in 1979. The lyrics were written by Rev. Charles Jesse, and the music by Mr. Leton Thomas.



The National Bird of St. Lucia

The **St. Lucia amazon** (also known as the St. Lucia parrot) (*Amazona versicolor*) is a species of parrot in the family Psittacidae. It is endemic to St. Lucia and is the country's national bird.



St. Lucia's National Wear

The **Madras** is a traditional St. Lucian costume comprising five pieces. Also known as the national dress, it is worn by women and girls and is almost identical to the traditional costumes worn in other Caribbean countries, which were colonised by the French.



Calabash tree



Bamboo tree



Rose

The **Rose** and the **Marguerite** are the symbols of the two flower societies of St. Lucia. They emerged as winners of the National Flower Competition in September 1985. The national tree of St. Lucia is **Calabash**, and the national plant is **Bamboo**.

The RJLSC has benefitted from several talented and distinguished individuals who were its Members from St. Lucia. To date five (5) individuals who are citizens of St. Lucia have served on the Commission. They are the Rt. Hon. Sir Vincent Floissac, C.M.G., Q.C., L.L.M. (deceased); Mr. Frank Myers, B.Sc., M.Sc; Mr. Egbert Lionel, B.Sc., M.A. (deceased); Mr. Evaristus Jn. Marie and Mr. Tyrone Chong, QC.



The **Rt. Hon. Sir Vincent Floissac, C.M.G., Q.C** (deceased) was nominated jointly by the Bar and Law Associations of the Contracting Parties to serve on the Commission in accordance with Article V.1(g) of the Agreement. Sir Vincent was one of the first Commissioners to be appointed to the Commission and contributed to the growth and development of the Commission from inception. He served on the Commission with distinction from August 21, 2003 to November 24, 2008 when he resigned.

Mr. Frank Myers B.Sc., M.Sc was appointed to the Commission pursuant to Article V.1(d) of the Agreement which states that one of the Members 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 years." Mr. Myers served on the Commission from November 20, 2009 to February 28, 2010 when his tenure as Chairman of the Public Service Commission of St. Lucia came to an end. His expertise as a Chartered Accountant was a valuable asset for the Commission during his term of office.



Mr. Egbert Lionel, B.Sc., M.A. (deceased) continued the term of office began by Commissioner Frank Myers. Mr. Lionel served on the Commission from November April 23, 2010 until his term ended on November 19, 2012. During Mr. Lionel's tenure he served the Commission with distinction and was always willing to participate in Committee meetings when requested.

Mr. Evaristus Jn. Marie was nominated jointly by the Secretary-General of CARICOM and the Director-General of the OECS to serve on the Commission in accordance with Article V.1(e) of the Agreement. Mr. Jn Marie served on the Commission from November 6, 2012 to November 5, 2015. During his tenure Mr. Jn Marie served as a member of the Financial Oversight Committee during the implementation of special financial and administrative systems to enhance the Court support structures.



Mr. Tyrone Chong, QC was appointed to the Commission in his capacity as a distinguished jurist nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, the Deans of the Faculties of Law of the Contracting Parties and the Chairman of the Council of Legal Education, pursuant to Article V.1(f) of the Agreement. Mr. Chong served on the Commission with distinction from October 29, 2013 to October 28, 2016.

APPENDIX A

Meetings of the Regional Judicial and Legal Services Commission held in 2018

No.	Meeting No.	Dates of Meetings of Commission
1.	111	March 9, 2018
2.	112	April 27, 2018
3.	113	July 12, 2018
4.	114	September 28, 2018
5.	115	December 7, 2018

APPENDIX B

Attendance of Members at Commission Meetings held in 2018

Name of Commissioner	Mar 9	Apr 27	Jul 12	Sep 28	Dec 7
The Rt. Hon. Sir Dennis Byron	✓	✓	x	x	x
Hon. Mr. Justice Adrian Saunders	**	**	✓	✓	✓
Dr. Peter Maynard, Ph.D., FCI Arb	✓	✓	✓	✓	✓
Mr. Delano Bart, QC	✓	✓	✓	✓	✓
Hon. Justice Dame Janice Pereira	X	X	✓	x	x
Hon. Mme. Justice Yonette Cummings Edwards, OR, CCH	--	--	--	✓	✓
Hon. Shirley Tyndall, OJ, CD	✓	x	x	x	x
Mr. Alvin Mc Intosh, CD, JP	--	✓	✓	✓	✓
Dr. Francis Alexis, QC	✓	✓	✓	✓	X
Mrs. Jennifer Astaphan, SAH, LL.M, LEC, MPH	✓	✓	✓	✓	x
Hon. Mr. Justice Dennis Morrison, OJ, CD	X	✓	✓	✓	✓
Lady Beverly Walrond, QC	✓	✓	✓	X	✓
Hon. Byron St. Michael Hylton, OJ, QC	✓	✓	✓	✓	✓
Mr. Elton Prescott, SC	✓	✓	✓	✓	✓
Total No. of Members who Attended	9	10	11	10	9

Key:

- ✓ **Attended meeting**
- x **Term of Office Expired**
- ** **Attended as an Observer**
- X **Absent from meeting**
- **Not yet appointed a member of the RJLSC**

APPENDIX C

Meetings of Committees held in 2018

No.	Date of Meetings	Commission's Representative(s)	Purpose of Meeting
1.	February 23, 2018	Mrs. Jennifer Astaphan, SAH, LL.M Mr. Elton Prescott, SC Lady Beverley Walrond, QC	Reviewed and amended the Guidelines for recruiting Members of the CARICOM Competition Commission
2.	March 7, 2018	Dr. Francis Alexis, QC Mr. Delano Bart, QC Hon. Mr. Justice Dennis Morrison, OJ, CD	Pension Administration Committee
3.	March 7, 2018	Mrs. Jennifer Astaphan, SAH, LL.M Mr. Elton Prescott, SC Lady Beverley Walrond, QC	Human Resources and Selection Committee
4.	March 8, 2018	Mr. Elton Prescott, SC Dr. Peter Maynard, Ph.D., FCI Arb Mr. Delano Bart, QC	Constituent Instruments Review and Regulations Committee
5.	April 25, 2018	Dr. Francis Alexis, QC Mr. Delano Bart, QC Hon. Mr. Justice Dennis Morrison, OJ, CD	Pension Administration Committee
6.	April 26, 2018	Mr. Elton Prescott, SC Mrs. Jennifer Astaphan, SAH, LL.M Lady Beverley Walrond, QC	Human Resources and Selection Committee
7.	April 26, 2018	Mr. Elton Prescott, SC Dr. Peter Maynard, Ph.D., FCI Arb Mr. Delano Bart, QC Mrs. Jennifer Astaphan, SAH, LL.M	Constituent Instruments Review and Regulations Committee
8.	April 28, 2018	Mrs. Jennifer Astaphan, SAH, LL.M Mr. Elton Prescott, SC Lady Beverley Walrond, QC	Interviews for the position of Commissioner – CARICOM Competition Commission
9.	July 11, 2018	Dr. Francis Alexis, QC Mr. Delano Bart, QC Hon. Mr. Justice Dennis Morrison, OJ, CD	Pension Administration Committee
10.	July 11, 2018	Mrs. Jennifer Astaphan, SAH, LL.M Lady Beverley Walrond, QC	Human Resources and Selection Committee
11.	July 11, 2018	Mr. Elton Prescott, SC Dr. Peter Maynard, Ph.D., FCI Arb Mr. Delano Bart, QC Mrs. Jennifer Astaphan, SAH, LL.M	Constituent Instruments Review and Regulations Committee
12.	September 25, 2018	Mrs. Jennifer Astaphan, SAH, LL.M Mr. Elton Prescott, SC Lady Beverley Walrond, QC	Interviews for the position of Security & Logistics Manager – CCJ

13.	September 26, 2018	Dr. Francis Alexis, QC Mr. Delano Bart, QC Hon. Mr. Justice Dennis Morrison, OJ, CD	Pension Administration Committee
14.	September 26, 2018	Mrs. Jennifer Astaphan, SAH, LL.M Mr. Elton Prescott, SC Lady Beverley Walrond, QC	Human Resources and Selection Committee
15.	September 27, 2018	Mr. Elton Prescott, SC Dr. Peter Maynard, Ph.D., FCI Arb Mr. Delano Bart, QC Mrs. Jennifer Astaphan, SAH, LL.M	Constituent Instruments Review and Regulations Committee
16.	September 28, 2018	Hon. Mr. Justice Adrian Saunders Mrs. Jennifer Astaphan, SAH, LL.M Dr. Peter Maynard, Ph.D., FCI Arb Mr. Delano Bart, QC Hon. Mme. Justice Yonette Cummings-Edwards, OR, CCH Mr. Alvin Mc Intosh, CD, JP Dr. Francis Alexis, QC Hon. Mr. Justice Dennis Morrison, OJ, CD Lady Beverley Walrond, QC Mr. Elton Prescott, SC Hon. Byron St. Michael Hylton, OJ, QC	Interviews for the position of Judge - CCJ
17.	September 29, 2018	Hon. Mr. Justice Adrian Saunders Mrs. Jennifer Astaphan, SAH, LL.M Dr. Peter Maynard, Ph.D., FCI Arb Mr. Delano Bart, QC Hon. Mme. Justice Yonette Cummings-Edwards, OR, CCH Mr. Alvin Mc Intosh, CD, JP Dr. Francis Alexis, QC Hon. Mr. Justice Dennis Morrison, OJ, CD Lady Beverley Walrond, QC Mr. Elton Prescott, SC Hon. Byron St. Michael Hylton, OJ, QC	Interviews for the position of Judge - CCJ
18.	December 5, 2018	Mr. Delano Bart, QC Hon. Mr. Justice Dennis Morrison, OJ, CD	Pension Administration Committee
19.	December 5, 2018	Mr. Elton Prescott, SC Mr. Delano Bart, QC	Constituent Instruments Review and Regulations Committee
20.	December 6, 2018	Lady Beverley Walrond, QC Mr. Elton Prescott, SC Hon. Mme. Justice Yonette Cummings-Edwards, OR, CCH	Human Resources and Selection Committee
21.	December 6, 2018	Dr. Peter Maynard, Ph.D., FCI Arb Mr. Alvin Mc Intosh, CD, JP	Financial Oversight Committee

APPENDIX D

Members of Committees in 2018

Name of Committee	Members
Constituent Instruments Review and Regulations Committee	<ul style="list-style-type: none"> • Mr. Elton Prescott, SC (Chairperson) • Mrs. Jennifer Astaphan, SAH, LL.M • Dr. Peter Maynard, Ph.D., FCI Arb • Mr. Delano Bart, QC
Human Resources and Selection Committee	<ul style="list-style-type: none"> • Mrs. Jennifer Astaphan, SAH, LL.M (Chairperson) • Lady Beverley Walrond, QC • Mr. Elton Prescott, SC
Judges' Compensation and Pension Committee	<ul style="list-style-type: none"> • Hon. Mr. Justice Dennis Morrison, OJ, CD (Chairperson) • Dr. Francis Alexis, QC • Hon. Byron St. Michael Hylton, OJ, QC
Pension Administration Committee	<ul style="list-style-type: none"> • Dr. Francis Alexis, QC (Chairperson) • Mr. Delano Bart, QC • Hon. Mr. Justice Dennis Morrison, OJ, CD
Financial Oversight Committee	<ul style="list-style-type: none"> • Dr. Peter Maynard, Ph.D., FCI Arb (Chairperson) • Mr. Alvin Mc Intosh, CD, JP

APPENDIX E

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

**AUDITED
FINANCIAL
Statements**



For the year ended December 31, 2018



Audited Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

CONTENTS

Page(s)

Independent Auditors' Report	35
Statement of financial position	37
Statement of comprehensive income	38
Statement of changes in accumulated surplus	39
Statement of cash flows	40
Notes to the financial statements	41
Supplementary Financial Information (Stated in United States Dollars)	53
Independent Auditors' Report on the Supplementary Financial Information	54
Statement of financial position	55
Statement of comprehensive income	56
Statement of changes in accumulated surplus	57



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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, 2018, and the statement of comprehensive income, statement of changes in accumulated surplus, 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, 2018, and of its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards ("IFRS").

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 IFRS, 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.



Independent Auditor's Report (continued)

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

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.

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

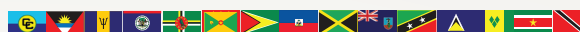
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting 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.

May 24, 2019

Port-of-Spain,

Trinidad and Tobago



Statement of Financial Position

As at December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

	Notes	2018	2017
Assets			
Non-current assets			
Property, plant and equipment	3	-	55,355
Retirement benefits due from Trust Fund	4	1,665,810	1,578,840
Total non-current assets		1,665,810	1,634,195
Current assets			
Other receivables	6	44,569	36,583
Cash and cash equivalents		2,144,340	1,675,612
Total current assets		2,188,909	1,712,195
Total assets		\$3,854,719	\$3,346,390
Accumulated surplus and liabilities			
Accumulated surplus		1,082,844	639,310
Non-current liability			
Retirement benefit liability	7	1,665,810	1,578,840
Current liabilities			
Due to related party	5	947,182	1,070,493
Accounts payables and accruals	8	158,883	57,747
Total current liabilities		1,106,065	1,128,240
Total accumulated surplus and liabilities		\$3,854,719	\$3,346,390

See accompanying notes to the financial statements.

These financial statements were approved for issue by the Commissioners on May 24, 2019, on behalf of the Regional Judicial and Legal Services Commission.

Commissioner

Commissioner



Statement of Comprehensive Income

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

	Notes	2018	2017
Funding from the Trust Fund	9	3,505,125	4,094,929
Other income		800	354
		3,505,925	4,095,283
Administrative expenses	10	(3,142,671)	(3,106,310)
Surplus		363,254	988,973
Other comprehensive gain/loss:			
<i>Items that will not be reclassified to profit or loss</i>			
Re-measurements of defined benefit pension plan	7	80,280	(66,900)
Total comprehensive surplus for the year		\$443,534	\$922,073

See accompanying notes to the financial statements.



Statement of Changes in Accumulated Surplus

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

	Accumulated surplus
Year ended December 31, 2018	
Balance as at January 1, 2018	639,310
Total comprehensive surplus for the year	443,534
Balance as at December 31, 2018	1,082,844
Year ended December 31, 2017	
Balance as at January 1, 2017	(282,763)
Total comprehensive surplus for the year	922,073
Balance as at December 31, 2017	\$639,310

See accompanying notes to the financial statements.



Statement of Cash Flows

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

	Notes	2018	2017
Cash Flows from operating activities			
Total comprehensive surplus for the year		443,534	922,073
Adjustments to reconcile total comprehensive surplus for the year to net cash provided by operating activities:			
Depreciation		55,355	68,885
		498,889	990,958
Increase in retirement benefits due from Trust Fund		(86,970)	(342,929)
(Increase)/decrease in other receivables		(7,986)	13,806
Increase in retirement benefit liability		86,970	342,929
Decrease in due to related party		(123,311)	(256,055)
Increase/(decrease) in accounts payables and accruals		101,136	(52,895)
Net cash provided by operating activities		468,728	695,814
Increase in cash and cash equivalents for the year		468,728	695,814
Cash and cash equivalents as at January 1		1,675,612	979,798
Cash and cash equivalents as at December 31		\$2,144,340	\$1,675,612

See accompanying notes to the financial statements.



Notes to the Financial Statements

For the year ended December 31, 2018

(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 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 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 historical 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

The Commission adopted IFRS 9 *Financial Instruments* and IFRS 15 *Revenue from Contracts with customers* with a transition date of January 1, 2018. There were no material changes to these financial statements resulting from the adoption of these two new standards.



Notes to the Financial Statements

For the year ended December 31, 2018

(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 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.

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 (e)	-	Property, plant and equipment
Note (j)	-	Financial assets
Note (k)	-	Financial liabilities
Note (h)	-	Other receivables
Note (n)	-	Provisions

(d) 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.



Notes to the Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(e) *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 the 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 the 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 adjusted if appropriate.

(f) *Impairment of non-financial assets*

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.

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.



Notes to the Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(g) 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.

(h) 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.

(i) 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 with original maturities of three months or less.

(j) Financial assets

The Commission classifies its financial assets at amortized cost. These assets arise principally from the Commission's normal operations (e.g. advances to staff and VAT recoverable) but also incorporate other types of financial assets where the objective is to hold these assets in order to collect contractual cash flows and the contractual cash flows are solely payments of principal and interest. They have been initially recognized at fair value plus transaction costs that are directly attributable to their acquisition or issue and are subsequently carried at amortized cost using the effective interest rate method, less provision for impairment.



Notes to the Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(j) *Financial assets (continued)*

Impairment provisions for other receivables are recognized based on the simplified approach within IFRS 9 using a provision matrix in the determination of the lifetime expected credit losses. During this process, the probability of the non-payment of the other receivables is assessed. This probability is then multiplied by the amount of the expected loss arising from default to determine the lifetime expected credit loss for the other receivables. For other receivables, which are reported net, such provisions are recorded in a separate provision account with the loss being recognized within cost of sales in the statement of comprehensive income. On confirmation that the other receivable will not be collectable, the gross carrying value of the asset is written off against the associated provision.

Impairment provisions for receivables from related parties and loans to related parties are recognized based on a forward-looking expected credit loss model. The methodology used to determine the amount of the provision is based on whether there has been a significant increase in credit risk since initial recognition of the financial asset. For those where the credit risk has not increased significantly since initial recognition of the financial asset, twelve months expected credit losses along with gross interest income are recognized. For those for which credit risk has increased significantly, lifetime expected credit losses along with the gross interest income are recognized. For those that are determined to be credit impaired, lifetime expected credit losses along with interest income on a net basis are recognized.

The Commission's financial assets measured at amortized cost comprise other receivables, retirement benefits due from Trust Fund and cash and cash equivalents in the statement of financial position.

(k) *Financial liabilities*

The Commission classifies its financial liabilities as financial liabilities at amortised cost. This primarily consists of accounts payable and accruals.

Accounts payable and other short-term monetary liabilities are initially recognised at fair value and subsequently carried at amortised cost.

(l) *Accumulated fund/(deficit)*

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

(m) *Accounts payable and accruals*

Accounts payables and accruals are stated at cost.

(n) *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.



Notes to the Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(o) 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.

(p) Administrative expenses

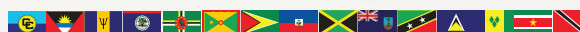
Expenses are recorded at cost on the transaction date and are recognised on the accrual basis in the statement of comprehensive income.

(q) 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.

3. Property, plant and equipment

	Library books	Furniture, fittings and computer equipment	Vehicles	Total
Year ended December 31, 2018				
Cost				
As at January 1, 2018	24,815	410,342	200,283	635,440
As at December 31, 2018	24,815	410,342	200,283	635,440
Accumulated depreciation				
As at January 1, 2018	(24,815)	(405,056)	(150,214)	(580,085)
Charge for the year	-	(5,286)	(50,069)	(55,355)
As at December 31, 2018	(24,815)	(410,342)	(200,283)	(635,440)
Net book value				
As at December 31, 2018	\$-	\$-	\$-	\$-



Notes to the Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

3. Property, plant and equipment (continued)

	Library books	Furniture, fittings and computer equipment	Vehicles	Total
Year ended December 31, 2017				
Cost				
As at January 1, 2017	24,815	410,342	200,283	635,440
As at December 31, 2017	24,815	410,342	200,283	635,440
Accumulated depreciation				
As at January 1, 2017	(24,815)	(386,243)	(100,142)	(511,200)
Charge for the year	-	(18,813)	(50,072)	(68,885)
As at December 31, 2017	(24,815)	(405,056)	(150,214)	(580,085)
Net book value				
As at December 31, 2017	\$-	\$5,286	\$50,069	\$55,355

4. Retirement benefits due from Trust Fund

	2018	2017
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	\$1,665,810	\$1,578,840

5. Related party transactions

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

The Court:

	2018	2017
a) Due to related party:		
- The Court	\$947,182	\$1,070,493
Amounts due from the Court are interest-free, with no fixed repayment terms.		
	2018	2017
b) Income received from the Trust Fund via the Court	\$3,424,845	\$3,579,799
c) Expenses charged to the Commission by the Court	\$78,861	\$62,482
The Commission works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves.		
	2018	2017
d) Key management compensation		
Salaries and other short-term benefits	\$689,158	\$688,651



Notes to the Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

6. Other receivables

	2018	2017
VAT recoverable	35,330	23,392
Due from JURIST Project	4,914	4,914
Employee receivable	4,325	8,277
	\$44,569	\$36,583

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 (f) and 4.

	2018	2017
Movement in present value of defined benefit obligation		
Defined Benefit Obligation as at start of year	1,578,840	1,235,911
Foreign exchange loss on opening obligation	-	1,739
Current service cost	107,040	93,660
Interest cost	53,520	53,520
Contributions paid	66,900	46,830
Past service cost	-	301,050
Re-measurements		
- Experience adjustment	(40,140)	66,900
- Actuarial gains from changes in financial assumptions	(40,140)	-
Benefits paid	(60,210)	(220,770)
Defined benefit obligations as at end of year	\$1,665,810	\$1,578,840

Liability profile

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

Active members	53%	46%
Pensioners	47%	54%

The weighted average duration of the defined obligation as at the year-end was 4.9 years (2017: 8.4 years).

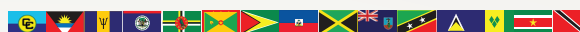
48% of the benefits accrued by active members were vested (2017: 52%).

0% of the defined benefit obligation for active members was conditional on future salary increases (2017: 0%).

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.

	2018	2017
Expense recognized in profit and loss		
Current service cost	107,040	93,660
Net interest on net defined benefit liability	53,520	53,520
Past service cost	-	301,050
Net pension costs	\$160,560	\$448,230



Notes to the Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

7. Retirement benefit liability (continued)

	2018	2017
Re-measurements recognized in Other Comprehensive Income		-
Experience (gains)/losses	(80,280)	66,900
Total amount recognized in Other Comprehensive Income	\$(80,280)	\$66,900
Opening defined benefit liability	1,578,840	1,235,911
Foreign exchange loss on opening obligation	-	1,739
Net pension cost	160,560	448,230
Re-measurements recognized in Other Comprehensive Income	(80,280)	66,900
Contributions paid	66,900	46,830
Benefits paid	(60,210)	(220,770)
Closing defined benefit liability	\$1,665,810	\$1,578,840

Summary of principal assumptions as at December 31	2018	2017
Discount rate	4.0% 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, 2018, are as follows:

Life expectancy at age 65 for current pensioner in years:

- Male	16.9	16.9
- Female	20.7	20.7

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.

	1% pa higher	1% pa lower
As at December 31, 2018		
- Discount rate	\$66,900	\$(80,280)
- Salary increases	\$-	\$-
As at December 31, 2017		
- Discount rate	\$(80,280)	\$93,600
- Salary increases	\$-	\$-

An increase of 1 year in the assumed life expectancies shown above would decrease the defined benefit obligation at December 31, 2018, by \$20,070 (2017: \$20,070).

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 2019.



Notes to the Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

8. Accounts payables and accruals

	2018	2017
Accruals	118,700	49,142
Accounts payable	40,183	8,605
	<u>\$158,883</u>	<u>\$57,747</u>

9. Funding from the Trust Fund

	2018	2017
Funding received from the Trust Fund	3,424,845	3,579,799
Pension income receivable from the Trust Fund	80,280	515,130
	<u>\$3,505,125</u>	<u>\$4,094,929</u>

10. Administrative expenses

	2018	2017
Salaries and allowances	1,240,648	918,304
Commissioners and recruitment expenses	996,791	1,072,347
Pension cost	266,872	514,706
Professional fees	318,687	307,858
Other expenses	103,841	78,148
Depreciation	55,355	68,885
Printing and publication	49,340	11,504
Insurance expense	45,306	50,945
Office supplies	26,904	16,938
Entertainment	22,850	5,434
Janitorial	22,214	22,371
Bank charges	15,639	8,349
Foreign exchange (gain)/loss	(21,776)	30,521
	<u>\$3,142,671</u>	<u>\$3,106,310</u>

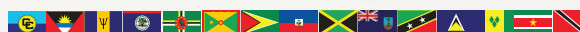
11. Financial risk management

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.



Notes to the Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

11. Financial risk management (continued)

Foreign exchange risk (continued)

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

	2018	2017
Assets		
Retirement benefits due from Trust Fund	1,665,810	1,578,840
Cash and cash equivalents	1,831,135	1,603,485
Total assets	\$3,496,945	\$3,182,325

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 (2017: 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 the historical volatility of those rates.

	Effect on accumulated fund	
	2018	2017
Foreign exchange risk		
Increased by 5%	\$174,847	\$159,116
Decreased by 5%	\$(174,847)	\$(159,116)

Credit risk

Credit risk is the risk that a borrower or counterparty 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.



Notes to the Financial Statements

For the year ended December 31, 2018

(Expressed in Trinidad and Tobago Dollars)

11. Financial risk management (continued)

Liquidity risk (continued)

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

	Less than three months
As at December 31, 2018	
Financial liabilities:	
Due to related party	947,182
Accounts payables and accruals	158,883
Total liabilities	\$1,106,065
As at December 31, 2017	
Financial liabilities:	
Due to related party	1,070,493
Accounts payables and accruals	57,747
Total liabilities	\$1,128,240

12. Subsequent events

Management evaluated all events that occurred from January 1, 2019, through May 24, 2019, 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.



SUPPLEMENTARY FINANCIAL INFORMATION

(Expressed in United States Dollars)

For the year ended December 31, 2018



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Trinidad and Tobago

Independent Auditors' Report on the Supplementary Financial Information

The Commissioners

The Regional Judicial and Legal Services Commission

We have audited the financial statements of the Regional Judicial and Legal Services Commission for the year ended December 31, 2018, and have issued our report thereon dated, May 24, 2019.

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 surplus, 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.

May 24, 2019

Port of Spain,

Trinidad, West Indies

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BDO is the brand name for the BDO network and for each of the BDO Member Firms.



Statement of Financial Position

As at December 31, 2018

(Expressed in United States Dollars)

	2018	2017
Assets		
Non-current assets		
Property, plant and equipment	-	8,274
Retirement benefits due from Trust Fund	249,000	236,000
Total non-current assets	249,000	244,274
Current assets		
Other receivables	6,662	5,468
Cash and cash equivalents	320,529	250,465
Total current assets	327,191	255,933
Total assets	US\$576,191	US\$500,207
Accumulated surplus and liabilities		
Accumulated surplus	161,860	95,562
Non-current liability		
Retirement benefit liability	249,000	236,000
Current liabilities		
Due to related party	141,582	160,014
Accounts payables and accruals	23,749	8,631
Total current liabilities	165,331	168,645
Total accumulated surplus and liabilities	US\$576,191	US\$500,207

Translation rate used - 2018: US\$ 1.00 - TT\$6.69 (2017: US\$1.00 - TT\$6.69)



Statement of Comprehensive Income
For the year ended December 31, 2018

(Expressed in United States Dollars)

	2018	2017
Funding from the Trust Fund	523,935	612,097
Other income	120	53
	524,055	612,150
Administrative expenses	(469,757)	(464,321)
Surplus	54,298	147,829
Other comprehensive gain/loss:		
<i>Items that will not be reclassified to profit or loss</i>		
Re-measurements of defined benefit pension plan	12,000	(10,000)
Total comprehensive surplus for the year	US\$66,298	US\$137,829

Translation rate used - 2018: US\$ 1.00 - TT\$6.69 (2017: US\$1.00 - TT\$6.69)



Statement of Changes in Accumulated Surplus
For the year ended December 31, 2018

(Expressed in United States Dollars)

	Accumulated surplus
Year ended December 31, 2018	
Balance as at January 1, 2018	95,562
Total comprehensive surplus for the year	66,298
<hr/>	
Balance as at December 31, 2018	USD\$161,860
<hr/>	
Year ended December 31, 2017	
Balance as at January 1, 2017	(42,326)
Total comprehensive surplus for the year	59
	137,829
<hr/>	
Balance as at December 31, 2017	USD\$95,562


Translation rate used - 2018: US\$ 1.00 - TT\$6.69 (2017: US\$1.00 - TT\$6.69)







REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Constituted under the Agreement Establishing the Caribbean Court of Justice

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