

Report of the Judicial Council 2006

INTRODUCTION

In the Report of the Judicial Council 2005, I said that "the administration of justice was very much in a holding pattern, anticipating the launch of a series of initiatives in 2006 to enable the legal system to respond to the challenges and changing environment locally, regionally and internationally."

I am happy to report that my prediction for 2006 has been realised. The year 2006 is likely to be regarded as a watershed in the legal history of Barbados. Important steps were taken towards the reform and modernisation of the administration of justice. An overview of the initiatives immediately in train to reposition the administration of justice is included in this Report as Appendix 2.

The judiciary and the magistracy were increased and fully constituted; additional High Court facilities at Roebuck Street greatly accelerated the hearing of applications in Chambers; the tradition of Assizes was discontinued and replaced by continuous criminal trials in the High Court; draft legislation to provide for the grant of title to untitled land was submitted by the Judicial Council (the Council) to the Chief Parliamentary Counsel. In June the Council published a "Guide to Judicial Conduct" setting out in permanent form the essential principles of ethical conduct required of judicial officers.

I think, however, that I echo the sentiments of all involved in the administration of justice when I say that the commencement of construction of a new Supreme Court in February was the undoubted highlight of the year. The Council enthusiastically applauded the fact that, at last, the dreams and desires of so many of us have become a reality.

On "the debit side", I must again record that a shortage of key clerical staff in the Magistrates' courts and the absence of a statistician in the Registration Office have created problems for us in having this Report delivered on time.

Nevertheless, I thank all members of the Council, the Executive Secretary to the Chief Justice, Miss June Christian, Mr. Grida Grant and Ms. Valarie Rock of the Registry of the Court of Appeal and Mrs. Marcia Thompson of the Registration Department for their unstinting efforts in the compilation of this Report.

Thanks are also due to the Government Printer, Mr. Toppin, and the staff of the Government Printery for their ready assistance in printing this Report.

DAVID A.C. SIMMONS
Chairman, Judicial Council
29 April 2008

1.1. CHANGES IN MEMBERSHIP OF THE JUDICIAL COUNCIL

During the year 2006 the Supreme Court was fully constituted in accordance with the provisions of sections 4 and 5 of the Supreme Court of Judicature Act, Cap.117A as amended in 2003. The two vacancies which existed in the High Court at the end of 2005 were filled in the first quarter of 2006. Madam Justice Jacqueline Cornelius was appointed a Judge of the High Court on 1 February 2006 and Madam Justice Sonia Richards' appointment took effect from 1 April 2006. By virtue of their appointments, Madam Justice Cornelius and Madam Justice Richards became members of the Judicial Council (the Council).

Madam Justice Cornelius had an outstanding academic career at the University of the West Indies and the University of Cambridge. She practised at the Bar for 17 years and was, for many years, a part-time member of the academic staff of the Faculty of Law, Cave Hill, of the University of the West Indies (U.W.I.). Following the appointment of Mr. Justice Sherman Moore to the Court of Appeal, Madam Justice Cornelius was appointed as chairperson of the Family Law Council.

Madam Justice Richards also had a distinguished academic career in the law culminating in the award of the degree of Doctor of Philosophy from the University of the West Indies. Her Ph.D thesis "The Development of the Judiciary in Barbados" is among the volumes in the Law Library. At the date of her appointment Madam Justice Richards was the only Barbadian graduate of the University of the West Indies with the degree of Ph.D. in law. She served in the legal service of Barbados in the Chambers of the Attorney-General and as a Magistrate prior to her appointment as legal adviser to the Central Bank of Barbados.

Mrs. Maureen Crane-Scott Q.C. was appointed as Registrar of the Supreme Court during the year. She has had a distinguished career in the public sector serving in the Chambers of the Attorney-General and as Registrar of Corporate Affairs and Intellectual Property.

1.2. MEMBERSHIP OF THE JUDICIAL COUNCIL 2006

As at 31 December 2006, the members of the Council were as follows:

Hon. Sir David A.C. Simmons, K.A., B.C.H., Chief Justice, Chairman
 Hon. Frederick L.A. Waterman, C.H.B., Justice of Appeal
 Hon. Peter D.H. Williams, Justice of Appeal
 Hon. John A. Connell, Justice of Appeal
 Hon. Sherman R. Moore, Justice of Appeal

Hon. Elneth Kentish, Judge of the High Court
 Hon. Christopher A. Blackman, G.C.M., Judge of the High Court
 Hon. William Chandler, Judge of the High Court
 Hon. Margaret Reifer, Judge of the High Court
 Hon. Kaye Goodridge, Judge of the High Court
 Hon. Randall Worrell, Judge of the High Court
 Hon. Jacqueline Cornelius, Judge of the High Court
 Dr. the Hon. Sonia Richards, Judge of the High Court
 Ms. Jennifer Edwards, Q.C., Solicitor-General
 Mrs. Maureen Crane-Scott Q.C., Registrar of the Supreme Court
 Ms. Deborah Holder, Magistrate
 Mr. Wilfred Abrahams, President of the Bar Association
 Mr. Clyde Turney, Q.C.
 Mr. Leslie Haynes, Q.C.
 Mrs. Beverley Walrond, Q.C.
 Professor Andrew Burgess
 Mrs. Norma Roach, S.C.M.
 Ms. Sandra Walker, Secretary

1.3. WELCOME AND TRIBUTES

The Council welcomed new members on the appropriate occasions and wished them successful tenures. The Council noted, with pleasure, the appointment of Professor Burgess as a member of the Administrative Tribunal of the Inter-American Development Bank. The Council also noted the appointment of Sir David Simmons, Chief Justice, as an Honorary Bencher of the Honourable Society of Lincoln's Inn at a ceremony at the Inn in August 2006. Congratulations were extended to Sir David and Professor Burgess.

1.4. MEETINGS HELD

There were four meetings of the Council during the year.

1.5. SUB-COMMITTEES

Following the retirement of judges, the three Sub-Committees of the Council were re-constituted as follows:

(i) *Sub-Committee on Judicial Conferences*

Hon. Frederick L.A. Waterman – Chairman
 Hon. Madam Justice Kaye Goodridge
 Hon. Madam Justice Margaret Reifer
 Magistrate Deborah Holder
 Hon. Sir David Simmons, Chief Justice, *ex officio* member

(ii) Library Committee

Hon. John A. Connell – Chairman
 Hon. William Chandler
 Mr. Leslie F. Haynes, Q.C.
 Mrs. Maureen Crane-Scott Q.C.
 Mrs. Avaline Henry, Librarian

(iii) Sub-Committee on Continuing Education

Hon. Madam Justice Elneth Kentish – Chairperson
 Hon. Randall Worrell
 Hon. Madam Justice Margaret Reifer
 Hon. Madam Justice Jacqueline Cornelius
 Hon. Sherman R. Moore
 Mrs. Beverley Walrond, Q.C.
 Mr. Wilfred Abrahams

2.0. BUDGET OF THE JUDICIAL COUNCIL

2.1. For fiscal year 2006-2007, Parliament voted the sum of \$250, 000 to enable the Council to carry out its statutory responsibilities and facilitate its work generally. The vote was administered by the Cabinet Office.

3.0. STATEMENT OF ACCOUNTS

Approved by Parliament	\$250, 000.00
Expenditure as at 31 December 2006	<u>216, 473.00</u>
Balance available to 31 March 2007	<u>33, 527.00</u>

PART I**ACTIVITIES 2006**

4.0. This Part reports on the work and activities of the Council in 2006.

5.0. SPECIAL MEETING WITH THE ATTORNEY-GENERAL

5.1. On 9 January 2006 the Council met with the Hon. Mia Mottley, Q.C., Attorney-General. In its Report for 2005 (para.16.1) the Council reported that it had received correspondence from the Hon. Attorney-General indicating government's desire to establish a Commercial Court.

5.2. At the meeting with the Attorney-General, the following matters were discussed:

- (i) *Establishment of a Commercial Court.* It was agreed that the Chief Justice should set out the jurisdictional content of such a court and forward his recommendations to the Attorney-General. By letter dated 30 January 2006 the Chief Justice recommended that the jurisdiction of a Commercial Court should include –
 - 1. claims relating to the formation or governance of a company, partnership or commercial business;
 - 2. the winding up or bankruptcy of a business or corporate entity;
 - 3. the restructuring or payment of commercial debts by or to a business or commercial entity;
 - 4. construction of a business document or contract;
 - 5. the import or export of goods;
 - 6. banking and financial services;
 - 7. intellectual property rights including patents, copyright, trademarks, industrial designs;
 - 8. claims by or against the Securities Exchange;
 - 9. taxation matters including VAT;
 - 10. claims under the Exempt Insurance Act, Cap. 308A;
 - 11. insurance matters under the Insurance Act, Cap. 310;
 - 12. matters under the Offshore Banking Act, Cap. 325;
 - 13. matters under the Societies With Restricted Liability Act, Cap. 318B; and
 - 14. matters under the Sale of Goods Act, Cap. 318.
- (ii) *Establishment of a Family Court.* No request had ever formally been addressed to the Attorney-General concerning the establishment of a Family Court. It was decided that the Family Law Council would

prepare and submit a paper to the Attorney-General setting out proposals for the establishment of a Family Court.

- (iii) *Standardisation of Procedures for enforcement of maintenance orders.* It was noted that there was a disparity between the procedure for enforcement of maintenance orders in the High Court vis-à-vis the enforcement of maintenance orders in the Magistrates' Courts. Litigants in the Magistrates' Courts appeared to be disadvantaged by the difference in procedure. It was decided that the Family Law Council would prepare and submit to the Attorney-General a paper outlining the problems and making proposals for streamlining procedures as far as practicable.
- (iv) The Council noted government's proposal to support the creation of a special Magistrate's Court to try cases arising out of the fire which destroyed Glendairy Prison in March 2005. The *raison d'être* for a special court was to prevent clogging of the ordinary work of the District 'A' Magistrates' Court.
- (v) The meeting discussed the possibility of a national consultation on justice involving the judiciary and members of civil society.
- (vi) The meeting also discussed the disparity between the salaries of judges and public officers at the grade S:1 following the regrading and reclassification exercise and the anomalous situation of the Chief Magistrate whose salary is on the same level as other Magistrates who have served five or more years in the post.

6.0. SECURITY ISSUES

6.1. A scanner was installed at the entrance to the Supreme Court. The department of Defence and Security assigned security guards to manage and operate the scanner. However, the Council noted that there was often an absence of security guards at the entrance to the yard of the Supreme Court after midday. This matter was reported to the relevant authorities.

6.2. The Registrar and senior officers of the Royal Barbados Police Force held a series of meetings to improve the security of the curtilage of the Supreme Court and to rationalise difficulties in parking vehicles.

7.0. BACKLOG REDUCTION PROJECT

7.1. In its Reports of 2004 and 2005 the Council explained the reasons for the project to reduce backlog and gave some insights into its essential elements. Phase I of the project concentrated on the examination of

127 civil cases which had been in the system since 1990 and on which no action had been taken to complete them although the pleadings were closed.

7.2. The Backlog Reduction Committee took the appropriate decisions based on submissions from attorneys-at-law. Sixty-six files were retired on the basis of the case having been settled or discontinued; Eighteen cases were listed for trial and adjournments were sought in respect of the remaining forty-three. These last mentioned were disposed of on 9 October 2006.

7.3. Phase II of the project began on 16 October 2006. In this Phase, the Committee dealt with those cases from 1990 to 2005 where the only documents filed were an originating process and an acknowledgement of service or no acknowledgement of service. There are some 3 000 files to be dealt with in Phase II.

8.0. CONSTRUCTION OF NEW SUPREME COURT

8.1. Construction of the long-awaited new facilities to house the Supreme Court, Registration Office and other ancillary services began 2006. The contractor is JADA Construction Ltd. The Council greeted news of the commencement of construction with enthusiasm and a heightened sense of anticipation. It is understood that completion of construction should be towards the end of 2008. The Council wishes to place on record its thanks to the Government of Barbados for bringing to the people of Barbados a modern facility in which to conduct litigation. The Council remains convinced that such a facility will have an immediate impact for the better when it is eventually opened for business.

8.2. Government established a Steering Committee under the Chairmanship of the Chief Justice to monitor progress on the construction of the new Supreme Court and to provide advice, input and suggestions at every stage of the works.

9.0. HIGH COURT FACILITIES AT ROEBUCK STREET

High Courts Nos.8 and 9

9.1. The work of renovating, fitting up and equipping premises at Roebuck Street to house additional High Courts (viz.Nos.8 and 9) was completed towards the end of 2005. With effect from 3 April 2006, Courts Nos.8 and 9 functioned at Roebuck Street on a daily basis to hear applications in family law matters in Chambers and other general civil applications.

9.2. These additional courts made a significant impact on the disposal of business in Chambers. One heartening outcome was that,

whereas prior to the operation of these two courts it took approximately four months between filing an application and the first hearing of it, that time was reduced to approximately four weeks after these courts began to function.

10.0. OTHER PHYSICAL ACCOMMODATION

10.1. Following repairs and renovation to the Magistrate's Court at District "D", this Magistrate's Court resumed the hearing of cases in 2006.

10.2. Construction of the new Judicial Centre began in early February 2006. Good weather throughout the year enabled construction to proceed smoothly and in accordance with the programme of works.

10.3. During the year the Library proved to be problematic. The air-conditioning system continued to malfunction too often. Air quality in the Library was poor. Officials of the Ministry responsible for the Environment were required to carry out tests of the air quality. Such recommendations as were made were carried out but the main air-conditioning unit was not replaced.

10.4. One consequence of the poor condition of the Law Library is that some of the volumes have been damaged or have deteriorated to the point where it will be necessary to replace them.

11.0. ABOLITION OF ASSIZES

11.1. In 2005 the Council examined and analysed the system of Assizes. It was found that if the traditional system of Assizes were continued in 2006, there would have been a total of 157 days to be devoted to criminal trials in the High Court. On the other hand, if the system were abolished and different dates were assigned for criminal trials with a view to holding trials on a continuous basis, an additional 50 days could be used for trials.

11.2. The Chief Justice therefore assigned new trial dates for criminal cases in the High Court as follows:

3 January to 7 April
18 April to 31 July
18 September to 15 December

12.0. HOURS OF BUSINESS

12.1. In the Supreme Court, the hours of business were 9.30 a.m. to 3.30 p.m. However, in respect of the Magistrates' Courts, there was a gap in the law. No subsidiary legislation had been promulgated setting out the hours of business in those Courts as required by the Magistrate's Courts Act.

12.2. The Chief Justice published an Order on 19 May 2006 re-affirming the hours of business for these Courts as 9.00 a.m. to 4.00 p.m.

13.0. NEW RULES OF COURT

13.1. The Chief Justice reported to the Council that he had returned a draft of the proposed new Rules of Court to the Chief Parliamentary Council on 21 August 2006 with comments and corrections for re-drafting and refinement. However, during the year, the Office of the Attorney General was plagued by serious environmental problems which adversely affected the functioning and output of the several departments in the Office. Consequently, publication of new Rules has been unavoidably delayed.

14.0. MASTER OF THE HIGH COURT

14.1. The terms and conditions of the post of Master of the High Court were approved and an advertisement inviting applications for the post was published in the Press.

15.0. TRAINING OF STAFF

15.1. During the week 14 to 18 August 2006, thirty members of the staff of the Registration Office and some members of the judiciary participated in a training workshop conducted by officials of the Royal Institute of Public Administration (RIPA) of England. The training which was conducted by Professor Richard Woolson and Dr. Joyce Plotnikoff was extremely useful as preparation for introduction of the new Rules of Court.

15.2. Justice of Appeal Peter Williams, Mrs. Marcia Thompson, Systems Administrator of the Registration Office, and Mr. Vasco Phillips of the Office of the Attorney General, attended a Workshop in Jamaica to familiarise themselves with the technology to be used in the new Judicial Centre.

16.0. REFORM OF THE PROCEDURE FOR TITLING LAND

16.1. The Council submitted to the Chief Parliamentary Counsel its report and draft legislation to support reform of the existing procedure for acquiring title to land which has not title.

17.0. GUIDE TO JUDICIAL CONDUCT

17.1. The Council approved and published in June 2006 a booklet "Guide to Judicial Conduct". The Guide sets out the essential principles of ethical conduct required of judicial officers. The principles are not legal rules.

They are not absolute and are not backed by sanctions set out in the Guide. Copies of the Guide were laid in Parliament and distributed to members of both Houses.

18.0. INCREASE IN FEES

18.1. The Council had previously approved increases in the fees chargeable for services provided by the Registration Office. These fees had not changed for 24 years but, in the meantime, the administrative costs of providing the services had increased by over 200%. The increases recommended by the Council were approved by the Cabinet. The department of the Chief Parliamentary Counsel was in the process of drafting the relevant legislation.

19.0. JUSTICE IMPROVEMENT PROGRAMME

19.1. The Council worked closely with the Secretariat of the Justice Improvement Programme during the year. The following activities at (i) to (vi) below, were the principal areas in which the parties collaborated.

(i) OVERSEAS ATTACHMENTS

Mr. Justice William Chandler and Madam Justice Kaye Goodridge are to be attached to the High Court of England and Wales in March 2007. The purpose of these attachments is to familiarise the judges with the practicalities of operating Rules of Court which provide for case management since the proposed new Rules of Court will have case management at their centre.

(ii) JUDICIAL ASSISTANTS

Four judicial assistants were contracted during the year. They were:

Ms. Ona Harewood
Mrs. Sylvia Moss
Mrs. Jacqueline Gibson
Mr. Carlitos Beckles

These persons were of great benefit to the judiciary and the Council recommends that Government take steps to create at least four permanent posts of Judicial Assistant on the Civil Establishment.

(iii) *ALTERNATIVE DISPUTE RESOLUTION*

During the year the Secretariat of the Justice Improvement Programme prepared the heavy documentation necessary to support a project for the introduction of ADR in Barbados. The project will be subject to international competitive bidding.

(iv) *INFORMATION TECHNOLOGY*

During the year officials of the Justice Improvement Programme met with the Chairman of the Council, the Chief Justice, and discussed the implementation of an Integrated Justice Information System (IJIS) on a phased basis and the implementation of a Judicial Enforcement Management System (JEMS). JEMS is in use in Trinidad and Tobago, Jamaica and the Eastern Caribbean Supreme Court.

(v) *CONSULTANT TO COURT REPORTERS*

Mrs. Jennifer Leach continued her consultancy providing training for the court reporters in computer-aided transcription technology (CAT) and use. Mrs. Leach has been an invaluable resource and has introduced the CAT reporters to many innovations.

(vi) *COURT REPORTERS*

Four additional court reporters joined the staff in 2006. The complement of court reporters is now 13. The Council recommends that government should devise and implement a strategic programme for training and recruitment of additional CAT reporters to service the civil jurisdiction of the High Court and, ultimately, the Magistrates' Courts.

19.2. The Council again records its thanks to Mrs. Lana Wade-Chandler and Ms. Natalie Johnson of the Justice Improvement Secretariat for the assistance which they rendered to ensure the implementation of various projects or programmes. Mrs. Sharon Miller of the Inter-American Development Bank was always a charming guide and willing supporter of the Justice Improvement Project.

20.0. JUDICIAL RETREAT

20.1. The Council sponsored the Judicial Retreat 2006 at the Barbados Hilton Hotel. Former Deputy President of the Court of Appeal of Trinidad and Tobago, Mr. Justice Mustapha Ibrahim, delivered an illuminating lecture "Getting Summations Right". Mr. Derek Jones, a Jamaican lawyer contracted

to Cricket World Cup gave an equally illuminating presentation on “The Sunset Legislation relating to Cricket World Cup 2007”.

21.0. DUTY JUDGES

21.1. The Council approved the introduction of a Duty Judge with effect from July 2006. The Duty Judge would be on call during a particular week to deal with urgent applications.

22.0. ADDITIONAL COURT STAFF

22.1. The Council supported a request by the Registrar to the Ministry of the Civil Service for additional staff to work in the courts. Additional staff were required for the Magistrates’ Courts, the Coroner’s Court and the Registration Office. A request was also made for additional Marshals.

23.0. WORKSHOP ON OFFENDER ASSESSMENT INSTRUMENTS

23.1. On 20 October 2006, members of the judiciary and magistracy attended a Workshop at Tamarind Cove Hotel to make them conversant with a new and sophisticated methodology to assist in the determination of an appropriate sentence in criminal cases. The Workshop was sponsored and organised by the National Task Force on Crime Prevention. It was conducted by Dr. David Simourd, a Canadian Forensic Psychologist.

24.0. PLEA AND DIRECTIONS HEARINGS

24.1. The Council expressed concern during the year that the Plea and Directions Hearings were not working satisfactorily. There was evidence that both the prosecution and the defence were bypassing the proper procedures and Judges were too lenient in ensuring compliance. Attorneys-at-law were not completing the questionnaires prior to appearance in court.

25.0. CONTINUING EDUCATION AND TRAINING

25.1. Members of the judiciary and the magistracy were exposed to various activities, including attendance at judicial conferences to ensure that their skills were sharpened and they are kept abreast of contemporary legal thought and developments. Below, is a list of the various activities in which judicial officers participated during the year.

- (1) Madam Justice Margaret Reifer went on an observation attachment to the Supreme Court of Trinidad and Tobago to observe procedures and practice in criminal trials in the High Court (22 to 28 January 2006).

- (2) Magistrate Faith Marshall-Harris attended the Regional and Gender Conference of the Commonwealth Magistrates and Judges Association held in Hamilton, Bermuda. The theme of the Conference was "Equality and the Courts – Exploring the Commonwealth Experience" (19 to 23 March 2006).
- (3) Madam Justice Margaret Reifer attended the Annual Judicial Conference of the Eastern Caribbean Supreme Court in Dominica (31 July to 4 August 2006).
- (4) Mr. Justice Christopher Blackman and Madam Justice Sonia Richards attended a Workshop on Mediation in Family Law matters in Jamaica (8 to 9 August 2006).
- (5) Some judges participated in a Training Workshop conducted by officials of the Royal Institute of Public Administration of the United Kingdom. The purpose of the Workshop was to provide training for judges and court staff of the Registration Office in preparation for the introduction of new Rules of the Supreme Court. The Workshop was held at Sherbourne Conference Centre (14 to 18 August 2006).
- (6) Justice of Appeal Peter Williams and Mrs. Marcia Thompson, Systems Administrator of the Registration Office, attended a Conference in Jamaica for users of court technology (16 to 18 August 2006).
- (7) Madam Justice Kaye Goodridge and Madam Justice Jacqueline Cornelius went on attachment to the Supreme Court of Trinidad and Tobago for purposes similar to those mentioned at (1) *supra* (20 to 26 August 2006).
- (8) Justice of Appeal Sherman Moore and Mr. Justice Randall Worrell attended a Workshop on Competition Law sponsored by the Fair Trading Commission of Jamaica (6 to 9 September 2006).
- (9) Mr. Justice Christopher Blackman attended the 38th Meeting of the Council of Legal Education in St. Kitts (7 to 9 September 2006).
- (10) Sir David Simmons, Chief Justice, Justice of Appeal John Connell, Madam Justice Elneth Kentish and Mr. Clyde Nicholls, Chief Magistrate, were delegates to the 14th Triennial Conference of the Commonwealth Magistrates and Judges Association, Toronto, Canada (10 to 15 September 2006).
- (11) Madam Justice Sonia Richards went on attachment to the Supreme Court of Trinidad and Tobago for purposes similar to the attachments mentioned at (1) and (7) *supra* (19 to 25 November 2006).

- (12) Sir David Simmons, Chief Justice, delivered a paper on Judicial Independence and Accountability to the Judiciary, Magistracy and Legal Profession of Guyana (16 to 21 November 2006).

25.2. The Council places on record its gratitude and profound thanks to the Chief Justice of Trinidad and Tobago (Hon. Satnarine Sharma) for facilitating the attendance of the judges who were attached to the Supreme Court of Trinidad and Tobago during the year.

26.0. MIDDLE TEMPLE VISIT

26.1. One of the highlights of 2006 was a visit by members of the Honourable Society of Middle Temple, one of the Inns of Court, to Barbados. Twenty-seven Middle Templars spent 10 days in Barbados. They generously offered to present seminars on various aspects of law and procedure to the Bench and Bar free of charge. Topics included: Preparation of skeleton arguments; expert witnesses and the Civil Procedure Rules.

26.2. The group comprised judges of the High Court of England and Wales, Silks and junior Barristers. They were accompanied by the Under Treasurer of Middle Temple, Commander Peter Hilling and his wife, Anne.

26.3. The Council facilitated arrangements for the Seminars at the Barbados Hilton Hotel. The Seminars were so well attended that there was often standing room only available.

26.4. Members of the visiting group were:

Derek Wood CBE, QC and Barbara Wood
 Adrian Whitfield QC and Niamh Whitfield
 Tony Arlidge QC and Constance Briscoe
 The Hon. Mr. Justice David Eady and Lady Catherine Eady
 Michael Sherrard CBE, QC and Shirley Sherrard
 Patrick Milmo QC and Marina Milmo
 Paul Darling QC and Emma Smith
 Anna Worrall QC and Graeme Williams QC
 Paul Worsley QC and Jennifer Worsley
 Nigel Wilkinson QC and the Hon. Mrs. Justice Heather Hallett DBE
 Helen Khan and David Lyons
 Sheilagh Davies and Michael Bereford-West
 Charles Wright
 Peter Hilling and Anne Hilling

26.5. The Council is deeply appreciative of the efforts and contributions of His Excellency, the Governor-General, Sir Clifford Husbands, himself a Middle Templar, and Chief Justice, Sir David Simmons, both of

whom conceptualised and arranged the visit. The visit coincided with the official celebration of the birthday of Her Majesty, Queen Elizabeth II on 21 April 2006, and Sir Clifford generously invited the visitors to Government House for the celebration as well as a special dinner on 18 April.

27.0. PRACTICE DIRECTION

27.1. On 11 October 2006 the Chief Justice issued a Practice Direction to facilitate the work of the Backlog Reduction Committee. The Practice Direction is reproduced as Appendix I to this Report.

28.0. REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

28.1. The Chairman of the Council, Sir David Simmons, ended his term of office as a member of the Regional Judicial and Legal Services Commission in August 2006. Sir David was appointed as the first Chairman of the Commission in August 2003. He was also appointed by the Heads of Government of CARICOM to chair the High Level Task Force to prepare for the inauguration of the Caribbean Court of Justice.

29.0. THE CARIBBEAN COURT OF JUSTICE

29.1. In 2006, four (4) criminal appeals were filed with the Caribbean Court of Justice. Two of the appeals were applications for Special Leave to appeal. The four appeals/applications were:

- (i) *Mitchell Ken O'Neale Lewis v. The Queen - CR1/2006 (BB Criminal Appeal No.2 of 2005)*
- (ii) *Tyrone DaCosta Cadogan v. The Queen - AL6/2006 (BB Criminal Appeal No.16 of 2005)*
- (iii) *Dennis Maynard v. The Queen - AL5 of 2006 (BB Criminal Appeal No.44 of 2000)*
- (iv) *Dennis Maynard v. The Queen - CR2 of 2006 (BB Criminal Appeal No.44 of 2000)*

29.2. There was one civil appeal from the Court of Appeal to the Caribbean Court of Justice:

Alfred Sparman v. Zaida Rodriguez - CV1 of 2006 (BB Matrimonial Appeal No.7A and 8 of 2005)

30.0. THE MAGISTRACY

30.1. With effect from 1 March 2006 all posts of Magistrates were filled. The present number of Magistrates is ten plus the Chief Magistrate. District "D" Magistrate's Court was re-opened on 20 February 2006. The District "A" Special Court was located at the site of the former Glendairy Prison to conduct preliminary inquiries into charges arising out of incidents at Glendairy Prison on 29 March 2005.

31.0. DISTRICT "A" TRAFFIC COURT

31.1. Owing to the exceptionally heavy case load and backlog of cases in the District "A" Traffic Court, the Chief Justice re-assigned certain magistrates and the business of some magistrates' courts. Some of the cases within the District "A" jurisdiction were assigned to other courts with a view to making an attack on the backlog.

31.2. Thus, with effect from 20 February 2006, some of District "A" cases were assigned to the Magistrate for District "D" and others were assigned to the Magistrate for District "C".

32.0. PROMOTIONS

32.1. During the year Ms. Marva Clarke, a former Magistrate, was promoted to the post of Deputy Solicitor-General. Ms. Heather Clarke, former Magistrate, was promoted to act as Registrar of Corporate Affairs and Intellectual Property.

33.0. NEW MAGISTRATES

33.1. Mr. Christopher Birch and Mr. Douglas Frederick assumed duties as Magistrates on 20 February 2006. Mr. Ian Weekes replaced Ms. Heather Clarke as the Magistrate for District "E" on 1 March 2006. Ms. Michelle Weekes was permanently appointed as Magistrate on 1 January 2006 and is assigned to Oistins.

34.0. JURISDICTIONS

34.1. With effect from 20 February 2006, seven Magistrates were re-assigned as follows:

Ms. Deborah Holder	-	District "A" Special Court
Mr. Christopher Birch	-	District "A" Traffic (Bridgetown)
Mrs. Barbara Cooke-Alleyne	-	District "A" Civil (St. Matthias)
Mr. Robert Simmons	-	District "B" (Boarded Hall) and District "F" (Horse Hill)

Mr. Valton Bend	-	District "C" and part of District "A" Traffic (St. Matthias)
Mr. Douglas Frederick	-	District "D", District "F" (Belleplaine) and part of District "A" Traffic
Mrs. Faith Marshall-Harris	-	Islandwide Coroner and District "A" Domestic and Juvenile jurisdictions

PART II

VOLUME OF LITIGATION

35.0. VOLUME OF LITIGATION IN THE SUPREME COURT

35.1. (A) *The Court of Appeal*

In 2006 there was a marked decline in the number of appeals filed from 88 in 2005 to 69 in 2006. The Court of Appeal heard 63 appeals in open court. Decisions were rendered in 77 appeals.

In addition to the appeals which were heard, Judges of the Court of Appeal disposed of 86 applications in Chambers.

35.2. Tables 1 to 4 below show the volume of appeals and the pace of disposals for the period 1 January to 31 December 2006. Tables 5 to 9 compare the same information for the years 2003 to 2006 inclusive.

TABLE 1 - APPEALS FILED
(January 1 to December 31, 2006)

CRIMINAL APPEALS (HIGH COURT)	20
CIVIL APPEALS (HIGH COURT)	32
CRIMINAL APPEALS (MAGISTERIAL)	7
CIVIL APPEALS (MAGISTERIAL)	10
TOTAL	69

TABLE 2 - APPEALS HEARD
(January 1 to December 31, 2006)

CRIMINAL APPEALS (HIGH COURT)	30
CIVIL APPEALS (HIGH COURT)	31
CRIMINAL APPEALS (MAGISTERIAL)	4
CIVIL APPEALS (MAGISTERIAL)	7
TOTAL	72

TABLE 3 - DECISIONS GIVEN
(January 1 to December 31, 2006)

CRIMINAL APPEALS (HIGH COURT)	30
CIVIL APPEALS (HIGH COURT)	23
CRIMINAL APPEALS (MAGISTERIAL)	4
CIVIL APPEALS (MAGISTERIAL)	5
TOTAL	62

TABLE 4 - CHAMBERS APPLICATIONS
(January 1 to December 31, 2006)

CHAMBERS APPLICATIONS HEARD (BAIL)	61
CHAMBERS APPLICATIONS HEARD (EXCLUDING BAIL)	14
TOTAL CHAMBERS APPLICATIONS HEARD	75

TABLE 5 - APPEALS FILED
(2003 to 2006)

	2003	2004	2005	2006
CRIMINAL APPEALS (HIGH COURT)	35	53	36	20
CIVIL APPEALS (HIGH COURT)	30	29	40	32
CRIMINAL APPEALS (MAGISTERIAL)	6	10	5	7
CIVIL APPEALS (MAGISTERIAL)	11	20	7	10
TOTAL	82	112	88	69

TABLE 6 - APPEALS HEARD
(2003 to 2006)

	2003	2004	2005	2006
CRIMINAL APPEALS (HIGH COURT)	46	35	39	28
CIVIL APPEALS (HIGH COURT)	20	22	28	23
CRIMINAL APPEALS (MAGISTERIAL)	7	5	10	5
CIVIL APPEALS (MAGISTERIAL)	14	10	7	7
TOTAL	87	72	84	63

TABLE 7 - DECISIONS GIVEN
(2003 to 2006)

	2003	2004	2005	2006
CRIMINAL APPEALS (HIGH COURT)	37	32	44	33
CIVIL APPEALS (HIGH COURT)	19	21	24	33
CRIMINAL APPEALS (MAGISTERIAL)	6	5	8	4
CIVIL APPEALS (MAGISTERIAL)	11	8	3	7
TOTAL	73	66	79	77

**TABLE 8 - CHAMBERS APPLICATIONS
(2003 to 2006)**

	2003	2004	2005	2006
CHAMBERS APPLICATIONS HEARD (BAIL)	42	56	60	59
CHAMBERS APPLICATIONS HEARD (EXCLUDING BAIL)	51	24	10	27
TOTAL CHAMBERS APPLICATIONS HEARD	93	80	70	86

36.0. (B) *The High Court*

36.1. There was generally a decline in the number of cases filed in the High Court in 2006. Civil cases declined by 194; criminal cases by 5; divorce applications by 5. However, the number of applications in Family matters other than divorce increased by 27. Table 9 sets out the figures for 2006.

**TABLE 9 - CASES FILED IN THE HIGH COURT
(January 1 to December 31, 2006)**

CIVIL CASES	2 296
CRIMINAL CASES	125
DIVORCE APPLICATIONS	494
FAMILY MATTERS OTHER THAN DIVORCE	243
TOTAL	3 158

**TABLE 10 - COMPARISON OF CASES FILED IN THE HIGH COURT
(2003 to 2006)**

	2003	2004	2005	2006
CIVIL CASES	2 301	1 937	2 490	2 296
CRIMINAL CASES	128	152	130	125
DIVORCE APPLICATIONS	458	507	499	494
FAMILY MATTERS OTHER THAN DIVORCE	252	243	216	243
TOTAL	3 139	2 839	3 335	3 158

TABLE 11 - CRIMINAL CASES FILED 2006

OFFENCE	TOTAL
Wounding, GBH, Assault, Cruelty to a person under 18	22
Murder, Manslaughter, Causing death by dangerous driving, Concealment of birth	20
Burglary, Larceny, Receiving Stolen Goods, House-Breaking, Building Breaking	16
Malicious Damage to Property	1
Escaping Legal Custody, Harboursing a Prisoner	3
Fraud, Robbery of a person, Aggravated Robbery, Embezzlement	4
Rape, Carnal Knowledge, Indecent Assault	14
Buggery	
Breach of Probation	
Arson	2
Possession of Drugs, Drug Trafficking	5
Sacrilege	1
Firearms, Illegal Possession, Ammunition	18
Criminal Deception	2
Theft	2
Other	15
TOTAL	125

37.0. VOLUME OF LITIGATION IN MAGISTRATES' COURTS

37.1. A shortage of clerical staff in the Magistrates' Courts and the promotion of the officer responsible for collection and compilation of statistical data in the Registration Office combined to preclude the Council from providing accurate information concerning the volume of litigation in the Magistrates' Courts. Representations were made to the Ministry of the Civil Service for additional clerical staff to fill the voids created. The dearth of clerical staff has been especially acute in the District 'A' jurisdictions.

37.2. The information given in Table 12 is therefore incomplete so far as District 'A' is concerned. It is nevertheless provided in order to indicate such trends as may be deducible in respect of Magistrates' Courts other than those in District 'A'.

37.3. A similar comment applies to Table 13 which indicates the number of cases disposed of in each Magistrate's Court.

TABLE 12 - CASES LODGED IN EACH MAGISTRATE'S COURT 2006

COURT	CASE TYPE						TOTAL
	CRIMINAL	TRAFFIC	CIVIL	DOMESTIC	DOMESTIC VIOLENCE	JUVENILE	
District 'A' No.1	667						667
District 'A' No.2	886						886
District 'A' Traffic		1 635					1 635
District 'A' Civil	2 904						2 904
District 'A' Domestic				772			772
Juvenile						117	117
District 'B'	330	383	7	239	27	11	997
District 'B' Oistins	454	641	79	203	63	3	1 443
District 'C'	182	346	37	270	54	1	890
District 'D'	98	287	1	72	10		468
District 'E'	371	1 288	39	88	25	5	1 816
District 'E' Holetown	329	2 291	45	81	27		2 773
District 'F'	23	50		17	1		91
District 'F' Belleplaine	18	105		15	1		139
TOTAL	6 262	7 026	208	1 757	208	137	15 598

TABLE 13 - CASES DISPOSED OF IN EACH MAGISTRATE'S COURT 2006

COURT	CASE TYPE							TOTAL
	CRIMINAL	TRAFFIC	CIVIL	DOMESTIC	DOMESTIC VIOLENCE	JUVENILE	CORONER'S INQUESTS	
District 'A' No.1	1 399							1 399
District 'A' No.2	1 328							1 328
District 'A' Traffic		12 634						12 634
District 'A' Civil			1 686					1 686
District 'A' Domestic				1 723				1 723
Coroner							59	59
Juvenile						85		85
District 'B'	473	1 529	19	299	30	11		2 361
District 'B' Oistins	438	567	43	447	50	8		1 553
District 'C'	315	173	32	270	64	3		857
District 'D'	144	389	7	121	10	1		672
District 'E'	197	429	14	144	27	5		816
District 'E' Holetown	226	499	12	127	43	1		908
District 'F'	64	99	4	75	2	1		245
District 'F' Belleplaine	68	124		44	4	1		241
TOTAL	4 652	16 443	1 817	3 250	230	116	59	26 567

38.0. (C) *The Coroner's Court*

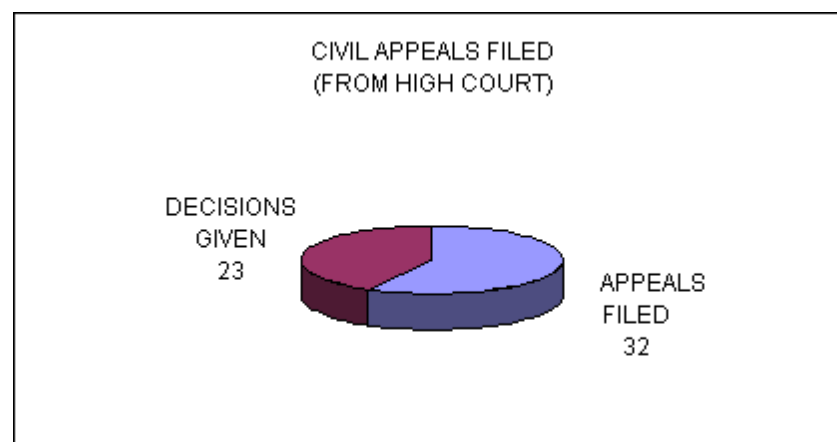
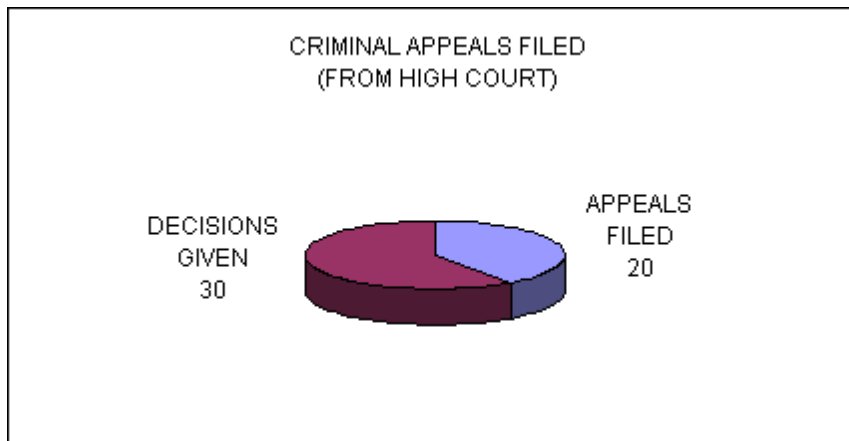
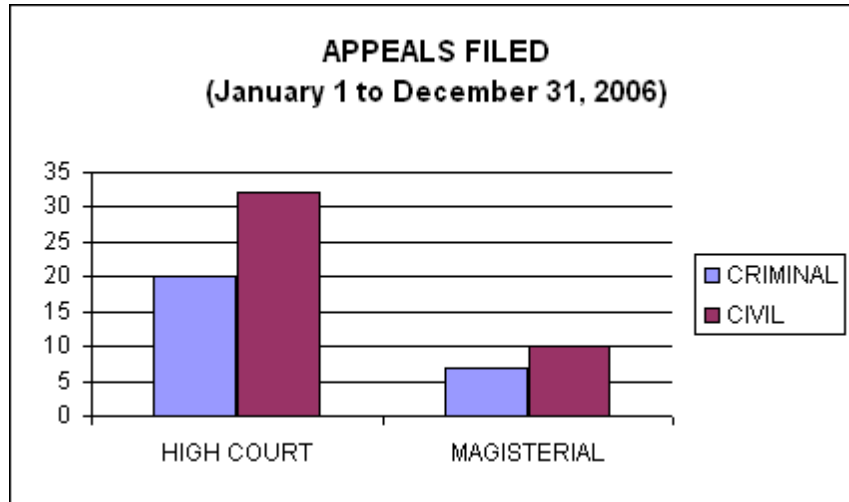
38.1. Table 14 shows the number of inquiries held by the Coroner in 2006 and for the years 2002 to 2006.

TABLE 14 - REPORT FROM THE CORONER'S COURT

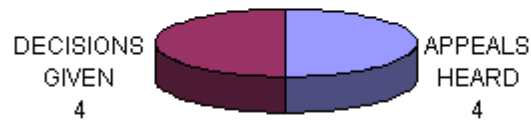
Verdict	2002	2003	2004	2005	2006
Suicide	9	31	21	24	11
Accidental death by fire	1	2	4	6	6
Accidental death by drowning	3	17	5	9	0
Accidental death by vehicular collision	2	54	24	7	6
Open	1	10	7	5	3
Dependence on drugs	0	1	0	0	0
Misadventure	6	36	20	23	11
Unlawfully killed	0	5	5	0	2
Accidental death	1	7	16	28	16
Natural causes	0	3	0	1	0
Lawful killing	0	4	5	0	2
Industrial accident	1	1	0	1	1
Unavoidable accident	2	0	1	0	0
Avoidable accident	0	0	1	2	4
TOTAL	26	171	109	106	62

39.0. OBITUARY

The Council records with sadness the passing of Mr. John Workman, attorney-at-law. Mr. Workman qualified first in the nineteen sixties as a solicitor and for many years practised with the firm of Yearwood & Boyce. He subsequently established his own very successful private practice. A man of deep religious conviction and a cheerful personality, he will be deeply missed.



**CRIMINAL APPEALS
(FROM MAGISTRATES' COURTS)**



**CIVIL APPEALS
(FROM MAGISTRATES' COURTS)**



CHAMBER APPLICATIONS HEARD

