

1.0. MEMBERSHIP OF THE JUDICIAL COUNCIL

As at 31 December 2007, the members of the Judicial 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 Blackman, 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 Barbados Bar Association
Mr. Clyde Turney Q.C.
Mr. Leslie Haynes Q.C.
Mrs. Beverley Walrond Q.C.
Professor Andrew Burgess
Dr. Jeanine Comma
Ms. Sandra Walker, Secretary

1.2. CHANGES IN MEMBERSHIP AND TRIBUTES

During the year, Mrs. Norma Roach, S.C.M., resigned as a member of the Council owing to ill health. She was replaced by Dr. Jeanine Comma. The Council deeply regretted the resignation of Mrs. Roach who was an active and enthusiastic member of the Council during her tenure. The Council warmly welcomed Dr. Comma to its membership.

At its first meeting, the Council congratulated the Hon. Frederick Waterman, Justice of Appeal on the conferment of the honour Companion of Honour, Barbados (CHB) on the occasion of national awards, 30 November 2006.

1.3. MEETINGS HELD

There were four meetings of the Council during the year.

1.4. SUB-COMMITTEES

In addition to the existing Sub-Committees on Continuing Education, the Library and Conferences, the Council established one other sub-committee during the year.

Rules Implementation Sub-Committee

The purpose of this Sub-Committee is to assist in co-ordinating the support systems for the new Rules of the Supreme Court and to ensure the smooth implementation of the Rules. Members of this Sub-Committee are:

Hon. Sir David A.C. Simmons, K.A., B.C.H., Chief Justice
 Hon. Peter D.H. Williams
 Hon. William Chandler
 Mr. Patterson K.H. Cheltenham Q.C.
 Mr. Leslie Haynes Q.C.
 Chief Parliamentary Counsel or nominee
 Registrar of the Supreme Court
 Solicitor-General or nominee
 Mrs. Marcia Thompson
 Mr. Mark Murray

1.5. SUB-COMMITTEE TO EXAMINE PROCEDURE FOR SERVICE OF PROCESS IN THE MAGISTRATES COURTS

The Council received a request from members of the Bar Association to consider whether an amendment was necessary in order to enable processes filed in the Magistrates Courts to be served by an agent. The Council appointed the following Sub-Committee to consider the matter:

Hon. Sherman Moore, Justice of Appeal (Chairperson)
 Hon. Frederick Waterman, Justice of Appeal
 Dr. the Hon. Sonia Richards, Judge of the High Court
 Ms. Monique Taitt, Attorney-at-Law
 Mr. Edmund Hinkson, Attorney-at-Law

1.6. The Sub-Committee reported that there was no need to amend the relevant Rules.

2.0. BUDGET OF THE JUDICIAL COUNCIL

2.1. For fiscal year 2007/2008, Parliament voted the sum of \$250, 000 to enable the Council to carry out its statutory responsibilities and facilitate its work programme. The vote is administered by the Cabinet Office.

3.0. STATEMENT OF ACCOUNTS

Approved by Parliament	\$250, 000.00
Expenditure as at 31 December 2007	<u>208, 348.11</u>
Balance available to 31 March 2008	<u>41, 651.89</u>

PART I

WORK AND ACTIVITIES 2007

4.0. In this Part, the Council reports on its work and activities for the year 2007.

5.0. APPOINTMENT OF MASTER OF THE HIGH COURT

During the year, the Cabinet approved the terms and conditions attaching to the post of Master of the High Court, following which the Judicial and Legal Service Commission conducted interviews for the post.

5.1. The Judicial and Legal Service Commission selected Mr. Keith Roberts, attorney-at-law, and he was duly appointed by His Excellency, the Governor-General.

5.2. The Council also settled and approved the relevant rules in respect of the appointment and jurisdiction of the Master.

5.3. The Council decided that, although the Master is not included in the Schedule to the Supreme Court Act, Cap.117A, as a member of the Judicial Council, the Master would, nevertheless, be invited to its meetings. It was also agreed that Council should seek to have the necessary amendment made to the legislation to provide for the Master's membership on the Council. The relevant Salary Order attaching to the post of Master was laid in Parliament on 6 March 2007.

6.0. WORKING GROUP ON NIGHT COURT

6.1. The Council established a Working Group to examine the feasibility of a Night Court with a view to assisting in reducing the backlog of traffic cases in the District 'A' Magistrate's Court. The Working Group comprised the following persons:

- Her Worship Ms. Deborah Holder - Chairperson
- Registrar of the Supreme Court or nominee

- Senior Legal Assistant, Magistrates' Courts
- Chief Parliamentary Counsel or nominee
- Two nominees of the Bar Association
- Commissioner of Police or nominee
- Nominee of the Department of Defence and Security

7.0. WORKING GROUP ON DRUG TREATMENT COURT

7.1. The Council also set up a Working Group to examine the legislative, administrative and procedural requirements necessary to establish a Drug Treatment Court for Barbados. Its membership is as follows:

- His Worship Mr. Clyde Nicholls, Chief Magistrate – Chairperson
- Her Worship Ms. Pamela Beckles
- Registrar of the Supreme Court or nominee
- Nominee of the Bar Association
- Chief Parliamentary Counsel or nominee
- Commissioner of Police or nominee
- Nominee of the National Council on Substance Abuse
- Nominee of the Trustees of Verdun House
- Pastor Victor Roach

7.2. However, the Attorney-General requested that the work of the Working Group be suspended pending certain policy decisions to be made by the Cabinet. It is hoped that the Working Group may resume its deliberations during the next year since the Council is of opinion that the establishment of a Drug Treatment Court will greatly assist the administration of justice.

8.0. NEW RULES OF THE SUPREME COURT

8.1. During the year the Council monitored progress on the draft of new Rules of the Supreme Court. The Council noted that such progress was delayed owing to the onset of environmental problems which adversely affected the functioning of the department of the Chief Parliamentary Counsel and the Office of the Attorney-General generally.

9.0. NEW SUPREME COURT

9.1. The Council noted that work on the construction of a new Supreme Court at Whitepark Road was progressing but was somewhat behind schedule for completion. The Steering Committee established by the Cabinet met regularly and made useful contributions to the development of the new Court.

10.0. JUSTICE IMPROVEMENT PROGRAMME

10.1. The Council received reports at its meetings on the progress of the Justice Improvement Programme so far as material to the business of the courts and the judiciary. During the year the Programme facilitated training for two judges, continued to fund the attachment of judicial assistants and laid the groundwork for implementation of a comprehensive project for the introduction of court annexed Alternative Dispute Resolution (ADR).

10.2. Specifically, the Programme:

- facilitated training for Justices William Chandler and Kaye Goodridge at the High Court of England and Wales;
- funded the cost of four judicial assistants;
- spearheaded the process of appointing consultants to deliver the ADR project after international competitive bidding; and
- received the approval of the Cabinet for the use of Judicial Enforcement Management Systems (JEMS) software to support the operation of the new Rules of the Supreme Court.

10.3. Once again the Council wishes to record its deep gratitude and thanks to the Director and staff of the Programme for their ready assistance to the Council.

11.0. CONTINUING EDUCATION AND TRAINING

11.1. *The Judiciary and Magistracy*

Below is a list of the various activities in which members of the judiciary and magistracy participated by way of continuing education and training during the year.

- (i) Conference sponsored by the Caribbean Court of Justice, Port-of-Spain, 2 and 3 March 2007 – Hon. Sir David Simmons, K.A., B.C.H., Chief Justice, Hon. Peter Williams, Justice of Appeal, Hon. Christopher Blackman and Hon. Margaret Reifer, Judges of the High Court; their Worships, Ms. Deborah Holder and Mr. Christopher Birch, Magistrates.
- (ii) 15th Annual International Judicial Conference, Michigan, U.S.A., 16 to 18 May 2007 – Hon. Frederick Waterman, C.H.B., Justice of Appeal.

- (iii) 20th Anniversary Conference of the Society for the Reform of the Criminal Law, Vancouver, Canada, 22 to 26 June 2007 – Hon. Christopher Blackman, Judge of the High Court.
- (iv) Commonwealth Meetings of Judges and Registrars of Appellate Courts – the European Court of Justice, the International Court of Justice and the Judicial Committee of the Privy Council, 1 to 13 July 2007 – Hon. Sir David Simmons K.A., B.C.H. Chief Justice, and Mrs. Maureen Crane-Scott, Registrar, at the invitation of the Commonwealth Secretariat in London.
- (v) Orientation Programme for Masters and Judges sponsored by the Eastern Caribbean Supreme Court, 24 to 25 July 2007 – Master Keith Roberts.
- (vi) Juvenile Justice Seminar sponsored by the Eastern Caribbean Supreme Court, St. Lucia, 26 to 28 July 2007 – Hon. Randall Worrell, Judge of the High Court, and His Worship Mr. Ian Weekes, Magistrate.
- (vii) Annual Judicial Conference of the Eastern Caribbean Supreme Court, St. Lucia, 31 July to 2 August 2007 – Hon. Randall Worrell, Judge of the High Court.
- (viii) Regional and Gender Conference of the Commonwealth Magistrates and Judges Association, Bermuda, 20 to 23 August 2007, Hon. Frederick Waterman, C.H.B., Justice of Appeal, His Worship Mr. Clyde Nicholls, Chief Magistrate, their Worships Ms. Michelle Weekes, Mr. Douglas Frederick, Magistrates.
- (ix) 15th Commonwealth Law Conference, Nairobi, Kenya, 7 to 13 September 2007 – Hon. Sir David Simmons K.A., B.C.H., Chief Justice, Hon. Sherman Moore, Justice of Appeal, Hon. Elneth Kentish, Judge of the High Court.
- (x) Environmental Law Sensitisation Meeting sponsored by the United Nations Environmental Programme (UNEP) and the Commonwealth Magistrates and Judges Association, Nairobi, Kenya, 12 to 14 September 2007 – Hon. John Connell, Justice of Appeal.

12.0. MATTERS AFFECTING THE FUNCTIONING OF MAGISTRATES' COURTS

12.1. During the year the Council gave particular attention to the following matters which affected the smooth functioning of Magistrates Courts.

(i) Delays in Criminal Trials

The Council recognised that there were long delays in completing preliminary inquiries into indictable offences. Discussions between the Chief Justice and the Magistrates identified some of the causes of delay as follows:

- excessive applications for adjournments;
- unavailability of files for prosecutors;
- unpunctuality on the part of medical practitioners;
- late start of business in Magistrates Courts.

12.2. Mr. Justice Blackman and a Judicial Assistant conducted a survey of cases to determine the length of time between the laying of a charge and the commencement of a preliminary inquiry into it. The survey revealed:

- (i) that the average time between charge and commencement of a preliminary inquiry was 20 months;
- (ii) that in the case of unrepresented accused persons, the average time was 32 months.

12.3. The Council decided that the National Task Force on Crime Prevention should be invited to carry out a further and in-depth study into the problem following the study by that Department in 2005. The Council further decided that the first day of the Judicial Retreat 2007 should be devoted to a discussion of the wider problem of delays in the criminal justice system as a whole. The recommendations of the Judicial Retreat are attached to this Report as Appendix I. A Sub-Committee will be established to analyse the recommendations in greater depth and recommend a programme for implementation.

(ii) Late Start of Business

12.4. Members of the Bar complained that some Magistrates' Courts were not commencing business on time. The Chief Justice agreed to send a Memorandum to all Magistrates reminding them of the statutory hours of business of Magistrates' Courts.

(iii) Poor Service of Process

12.5. Magistrates drew to the attention of the Council that the Court Process Department appeared to be malfunctioning with the consequence that service of documents was greatly delayed. The Registrar of the Supreme Court brought this and other matters to the attention of the Chief Marshal (Acting) but little improvement was noted.

12.6. The Council was concerned that poor inter-personal relationships between the leadership of the Court Process Officers was undermining the efficiency of the Court Process Department.

13.0. PROCEDURAL PROBLEMS

13.1. Five matters relating to practice and procedure were discussed by the Council in 2007. They were:

- (i) *The assignment of case files in contentious Family Law matters.* The Council recommended that files involving contentious family law matters should be assigned to all High Court judges who were not engaged in criminal trials. It was decided that, as far as practicable, a Judge before whom a case commenced should hear the matter to its completion.
- (ii) *Listings.* It was decided that after ten continuous days of work, the hearing lists should be so organised to allow a judge at least one day to be used as a “reading or writing day”.
- (iii) *Non-compliance with Practice Direction relating to the use of “Pink and Green Forms”.* It was represented to the Council that attorneys-at-law were still not complying fully with the Practice Direction relating to the use of the Pink and Green Forms. The Council recommended that the Senior Legal Assistant responsible for listing cases in the High Court should enforce the practice and procedure set out in the Practice Direction.
- (iv) *Proof of citizenship in Divorce Applications.* The Chief Justice informed the Bar Association that, with effect from 2 April 2007, attorneys-at-law appearing in divorce proceedings should have, among their case papers, evidence of an applicant’s citizenship in the event that proof of citizenship was required by a Judge. However, proof of citizenship was not a mandatory requirement.

- (v) *Orders in Family Law cases.* It was decided that where there were no children of a marriage and orders were made simultaneously under sections 27 and 42 of the Family Law Act, the procedure for preparation of the decree should accord with the practice and procedure instituted from the commencement of the Act.

14.0. RECOMMENDATIONS FOR AMENDMENTS OF LEGISLATION

14.1. During the year the Council considered the need to amend various legislation and the status of draft legislation relating to the following:

(i) Increase in User Fees

14.2. The Council noted that it had approved an increase in fees applicable to the Supreme Court since 2004. A draft Bill had been approved by the Council. However, the final draft of the Bill could not be considered by the Council because the Department of the Chief Parliamentary Council was plagued by environmental problems which affected productivity in that department.

14.3. The Council also acknowledged that the department had been required to produce legislation for Cricket World Cup 2007 against a very tight time schedule.

14.4. The Council recommends that a decision be taken in respect of the enactment of the relevant legislation as a matter of urgency since there has been no increase in fees since 1982. The recommended increases would go a long way towards defraying all of the expenditure incurred and to be incurred in connection with the increase in the establishment of the judiciary and the magistracy as well as additional administrative and clerical staff that will become necessary after completion of construction of the new Supreme Court.

(ii) New Legislation re Titling of Land

14.5. The Council noted information received from the Chief Parliamentary Counsel that the draft Bill prepared by the Council was receiving active attention.

(iii) Legislation to Provide for Wasted Costs

14.6. The Council noted that the Supreme Court of Judicature Act, Cap.117A, was amended by the enactment of the Supreme Court of Judicature (Amendment) Act, 2007-35. The following sections of the Act were amended:

sections 25(2); 53(1); 57; 59; 60(3); 82; 85; 93(1), to provide for the introduction of wasted costs orders.

(iv) Amendment of Supreme Court of Judicature Act to allow for multiple and dissenting judgments.

14.7. The same amending legislation also provided for the delivery of more than one judgment in the Court of Appeal and dissenting judgments.

(v) Amendments to the Evidence Act

14.8. In response to the Council's recommendations for amendment of the Evidence Act, Cap.121, Parliament passed the Evidence (Amendment) Act, 2007-44 amending sections 2, 16, 19, 24, 61, 63, 72, 76, 77, 88, 98, 100, 102, 104, 108, 116, 126, 127, 129, 132, 132B, 132C, 139, 156 and the First Schedule of the parent Act.

(vi) Compensation Orders in the Supreme Court

14.9. A request was made to amend the Penal System Reform Act to provide authority for judges of the Supreme Court to make orders for compensation in criminal cases.

15.0. THE LAW LIBRARY

15.1. The Library continued to be problematic during the year. It was often closed because of the polluted environment. The contaminated air quality adversely affected staff and caused damage to a large number of volumes. It will be necessary to replace this large number of volumes when the new Supreme Court building becomes operational.

16.0. JUDICIAL RETREAT 2007

16.1. The Judicial Retreat was held at the Colony Club hotel, St. James on 16 and 17 November 2007. The special guests of the Council were Mr. Justice Hugh Rawlins of the Eastern Caribbean Supreme Court and Mr. Justice Ivor Archie of the Supreme Court of Trinidad and Tobago. At the time of preparation of this Report, the Council notes with pleasure that, shortly after attending the Retreat, both gentlemen were elevated to the office of Chief Justice in their respective jurisdictions. The Council wishes to record its congratulations to them on their appointments.

16.2. Mr. Justice Archie made a highly informative presentation to attendees of the Retreat on "*A Structured Approach to Judicial Education and Training*".

16.3. The entire first day of the Retreat was devoted to an in-depth discussion of the causes of delay in the criminal justice system. The Council issued invitations to participate in the day's discussion to a wide range of persons in the criminal justice system.

16.4. Thus, presentations were made by the Deputy Director of Public Prosecutions, the Commissioner of Police, the private Bar, the Chief Probation Officer, in addition to representatives of the judiciary and magistracy.

16.5. It was agreed that the discussion were very timely, worthwhile and productive. Some 102 recommendations were made. A summary of the recommendations is included in this Report at Appendix I.

16.6. The Council wishes to express its gratitude to the four judicial assistants who acted as rapporteurs and compiled and collated the recommendations. They were Ms. Ona Harewood, Mrs. Jacqueline Gibson, Mr. Carlitos Beckles and Mrs. Sylvia Moss.

PART II

VOLUME OF LITIGATION

17.0. VOLUME OF LITIGATION IN THE SUPREME COURT

17.1. (A) *The Court of Appeal*

The number of appeals filed remained virtually on par with 2006. Whereas in 2006, 69 appeals were filed, in 2007 there were 68. The Court of appeal heard 80 appeals in 2007 – 8 more than in 2006. However, whereas 62 decisions were rendered in 2006, that number increased spectacularly to 90 in 2007. This increased productivity was due in part to support from the judicial assistants and the delivery of more oral judgments.

17.2. Tables 1 to 4 below set out the volume of appeals and the pace of disposals for the period 1 January to 31 December 2007. Tables 5 to 7 compare similar information for the years 2004 to 2007 inclusive.

**TABLE 1 - APPEALS FILED
(January 1 to December 31, 2007)**

CRIMINAL APPEALS (HIGH COURT)	19
CIVIL APPEALS (HIGH COURT)	27
CRIMINAL APPEALS (MAGISTERIAL)	7
CIVIL APPEALS (MAGISTERIAL)	15
TOTAL	68

TABLE 2 - APPEALS HEARD 2007
(January 1 to December 31, 2007)

CRIMINAL APPEALS (HIGH COURT)	34
CIVIL APPEALS (HIGH COURT)	29
CRIMINAL APPEALS (MAGISTERIAL)	8
CIVIL APPEALS (MAGISTERIAL)	9
TOTAL	80

TABLE 3 - DECISIONS RENDERED
(January 1 to December 31, 2007)

CRIMINAL APPEALS (HIGH COURT)	37
CIVIL APPEALS (HIGH COURT)	34
CRIMINAL APPEALS (MAGISTERIAL)	8
CIVIL APPEALS (MAGISTERIAL)	11
TOTAL	90

TABLE 4 - CHAMBER APPLICATIONS
(January 1 to December 31, 2007)

CHAMBERS APPLICATIONS HEARD (BAIL)	22
CHAMBERS APPLICATIONS HEARD (EXCLUDING BAIL)	58
TOTAL	80

TABLE 5
APPEALS FILED 2004- 2007

	2004	2005	2006	2007
CRIMINAL APPEALS (HIGH COURT)	53	36	20	19
CIVIL APPEALS (HIGH COURT)	29	40	32	27
CRIMINAL APPEALS (MAGISTERIAL)	10	5	7	7
CIVIL APPEALS (MAGISTERIAL)	20	7	10	15
TOTAL	112	88	69	68

TABLE 6
APPEALS HEARD 2004 – 2007

	2004	2005	2006	2007
CRIMINAL APPEALS (HIGH COURT)	35	39	28	34
CIVIL APPEALS (HIGH COURT)	22	28	23	29
CRIMINAL APPEALS (MAGISTERIAL)	2	10	5	8
CIVIL APPEALS (MAGISTERIAL)	10	7	7	9
TOTAL	69	84	63	80

TABLE 7
DECISIONS RENDERED 2004 – 2007

	2004	2005	2006	2007
CRIMINAL APPEALS (HIGH COURT)	32	44	33	37
CIVIL APPEALS (HIGH COURT)	21	24	33	34
CRIMINAL APPEALS (MAGISTERIAL)	5	8	4	8
CIVIL APPEALS (MAGISTERIAL)	8	3	7	11
TOTAL	66	79	77	90

18.0. (B) *The High Court*

18.1 The number of civil cases filed in the High Court during 2007 increased by 100 to a total of 2 396. However, there was a substantial increase in the number of criminal cases filed – from 125 (2006) to 201 (2007). A slight decrease was observed in applications for divorce – from 494 (2006) to 464 (2007). There were only 9 more applications in family matters other than divorce in 2007; 252 as against 243 in 2006. The figures for 2007 are set out in Table 8 below and comparative statistics for the four year period 2004 to 2007 inclusive, are shown at Table 9.

TABLE 8 – CASES FILED IN THE HIGH COURT
(January 1 to December 31, 2007)

CIVIL CASES	2 396
CRIMINAL CASES	201
DIVORCE APPLICATIONS	464
FAMILY MATTERS OTHER THAN DIVORCE	252
TOTAL	3 313

18.2. The comparative statistics show that, in each of the last three years, total filings in the High Court have exceeded 3 000. Indeed, the year 2004 was an exception to that trend because in 2003 the total number of cases filed was 3 139.

TABLE 9 – COMPARISON OF CASES FILED IN THE HIGH COURT
(2004 to 2007)

	2004	2005	2006	2007
CIVIL CASES	1 937	2 490	2 296	2 396
CRIMINAL CASES	152	130	125	201
DIVORCE APPLICATIONS	507	501	494	464
CIVIL APPEALS (MAGISTERIAL)	243	216	243	252
TOTAL	2 839	3 337	3 158	3 313

18.3. With respect to criminal cases filed in the High Court, the substantial increase in these cases is attributable to increases in the number of indictments for offences against the person (excluding murder and related homicides) and increases in firearm offences filed. For example, in 2006, there were 22 indictments involving offences against the person whereas in 2007, there were 50 such indictments. Indictments for firearm offences numbered 18 in 2006 whereas, in 2007, 44 indictments were preferred for these offences. Table 10 shows the classification of criminal cases.

TABLE 10
CLASSIFICATION OF CRIMINAL CASES

OFFENCE	TOTAL
Wounding, GBH, Assault, Cruelty to person under 18	50
Murder, Manslaughter, Causing death by dangerous driving, Concealment of birth	28
Burglary, Larceny, Receiving Stolen Goods, House-Breaking, Building Breaking	15
Malicious Damage to Property	1
Escaping Legal Custody, Harboursing a Prisoner	6
Fraud, Robbery of a person, Aggravated Robbery, Embezzlement	7
Rape, Indecent Assault	9
Buggery	1
Breach of Probation	0
Arson	3
Possession of Drugs, Drug Trafficking	13
Conspiracy to Corrupt Public Morals	0
Sacrilege	0
Firearms, Illegal possession of firearm	44
Criminal deception	0
Theft	15
Other	9
TOTAL	201

19.0. SENTENCES IN THE HIGH COURT

19.1. In this Report, for the first time, the Council provides information in respect of sentences imposed by the High Court. These are classified hereunder under the headings, "Custodial Sentences 2007" and "Non-custodial Sentences 2007".

TABLE 11
CUSTODIAL SENTENCES 2007

OFFENCE	SENTENCE										
	Under 6 months	Over 6 months	1--3 years	4--5 years	6--10 years	11--15 years	Over 15 years	Life in Prison	Death Penalty	Until Her Majesty's Pleasure be known	TOTAL
Firearms, Illegal possession of firearm				1	1						2
Possession of ammunition			2								2
Robbery, Theft, Fraud			1	5						2	8
Handling stolen goods			1								1
Wounding, GBH, Assault	1		2		1						4
Rape, Indecent assault			1								1
Possession of drugs, Trafficking of Drugs				1	2						3
Murder, Manslaughter, Causing death by Dangerous driving			2	4	2	5	5		2	1	21
Burglary, Larceny, House breaking				1	4						5
Criminal damage			1								1
Buggery			1								
Escape, Harboursing a prisoner	2										2
Other											
TOTAL	3		11	12	10	5	5		2	3	51

TABLE 12
NON-CUSTODIAL SENTENCES 2007

OFFENCE	SENTENCE GIVEN									
	Not Guilty	Dismissed	C.R.D.	Probation		Community service	Suspended sentence	Fines		Total
				1-3 years	Over 3 years			\$1000 & under	over \$1000	
Firearms, Illegal possession of firearm	6	3							7	16
Possession of ammunition	6	1						1	7	15
Robbery, Theft, Fraud, Fraudulent accounting	5	1					8			14
Wounding, GBH, Assault, SBH	12	13		3			4		4	36
Indecent assault, Rape	4	3								7
Importation of a controlled drug	2									2
Possession of drugs, Drug trafficking	8									8
Murder, Manslaughter, Causing death by dangerous driving	5	1								6
Burglary, Larceny, House breaking	6	1								7
Arson	1	2								3
Serious Indecency	2	1								3
Attempted Kidnapping	1									1
Violent Disorder	3									3
Buggery	1									1
Escape	2			1						2
TOTAL	64	26	0	4	0	0	12	1	18	125

20.0. VOLUME OF LITIGATION IN MAGISTRATES COURT

20.1. Delay in producing relevant statistics for some Magistrates' Courts has, once again, precluded the Council from being in a position to vouch for the accuracy of all of the final out-turn figures. However, the Council trusts that the information provided in the Tables below will, at least, give a fairly accurate representation of the volume of work done by Magistrates.

20.2. What is evident, however, is that there was a massive number of lodgments in the Magistrates Courts in 2007 (29 443) – see Table 13. So far as disposals are concerned, the reassignment of Magistrates in 2006 yielded tremendous benefits, particularly in relation to the vast backlog in traffic cases in the District 'A' jurisdiction. In that year, 12 634 traffic cases were disposed of. The backlog was virtually cleared up in that single year. The result has been that in 2007, some semblance of normalcy has been restored. Magistrates disposed of 3 468 cases.

20.3. Although disposals in District 'A' No.1 were 672 less than in 2006 (1 399), this is largely attributable to the magisterial reassignments of February 2006 and the deliberate transfer of some of the workload of this Court to others.

20.4. The Council wishes, however, to draw attention to the District 'E' jurisdiction which covers, broadly, the parishes of St. James, St. Peter and St. Lucy. A total of 4 911 cases was lodged in this jurisdiction in 2007. The Magistrate disposed of 2 612 cases during the year. The Council will monitor the workload of this Court over the next year but it may well be that consideration should be given to the appointment of another Magistrate to reduce the burden placed on the single Magistrate currently responsible for District 'E'.

TABLE 13
CASES LODGED IN EACH MAGISTRATE'S COURT - 2007

COURT	CRIMINAL	TRAFFIC	CIVIL	DOMESTIC	DOMESTIC VIOLENCE	JUVENILE	TOTAL
District 'A' No 1	339	25					364
District 'A' No 2	1489	69			3		1561
District 'A' Traffic	1414	12171				1	13586
District 'A' Civil			3085				3085
District 'A' Domestic				858			858
Juvenile						83	83
District 'B'	547	798	95	6	1	1	1448
District 'B' Oistins	484	658	72	191	43	4	1452
District 'C'	364	190	41	232	86	4	917
District 'D'	119	239	25	68	10		461
District 'E'	195	1640	3	124	9		1971
District 'E' Holetown	279	2428	46	90	90	7	2940
District 'F'	21	248	6	45	9		329
District 'F' Belleplaine	26	322	8	28	4		388
TOTAL	5277	18788	3381	1642	255	100	29443

TABLE 14
CASES DISPOSED OF IN EACH MAGISTRATE'S COURT - 2007

COURT	CRIMINAL	TRAFFIC	CIVIL	DOMESTIC	DOMESTIC VIOLENCE	JUVENILE	CORONER	TOTAL
District 'A' No.1	658	38	11		19	1		727
District 'A' No.2	1280	63			48			1391
District 'A' Traffic	635	2757	3		73			3468
District 'A' Civil			1606					1606
District 'A' Domestic				1434				1434
Special Coroner							30	30
Juvenile						74		74
District 'B'	544	650	52	301	25	3		1575
District 'B' Oistins	421	314	66	333	42	2		1178
District 'C'	265	141	35	340	36	14		831
District 'D'	154	207	16	105	16			498
District 'E'	278	571	12	136	27			1024
District 'E' Holetown	253	1130	59	109	36	1		1588
District 'F'	112	94	4	71	13	1		295
District 'F' Belleplaine	61	168	2	43	6	1		281
TOTAL	4661	6133	1866	2872	341	97	30	16000

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

20.6. Table 15 shows the number of inquiries held by the Coroner in 2007.

TABLE 15 – REPORT FROM THE CORONER'S COURT

Verdict	2007
Suicide	6
Accidental death	4
Accidental death in a house fire	1
Accidental death by vehicular collision	7
Accidental death from overdose of sleeping pill and alcohol	1
Accidental killing in police action	1
Open	4
Misadventure	5
Death caused by babysitter who was unaware of the effect of her actions	1
TOTAL	30

21.0. ATTORNEYS-AT LAW

21.1. At 31 January 2007, 430 attorneys-at-law had registered to practise law in Barbados.

21.2. At a special sitting of the Supreme Court on 19 October 2007, the following 22 attorneys-at-law were admitted to practise law.

1. Richard Arthur
2. Brian Bissessar
3. Taijwatie Boodhoo
4. Silbert Cadogan
5. Dana Clarke
6. Hazelyn Devonish
7. Alana Gore
8. Rashda Daisley
9. Nekeisha Hercules
10. Merlene Holder
11. Tonya Howard
12. Doreen Johnson
13. Lisa Kadirullah
14. Philip Kingston
15. Michelle Knight

16. Pearson Leacock
17. Amanda Mohammed
18. Hilford Murrell
19. Angelina Naime
20. Joia Reece
21. Rommell St. Hill
22. Tammy Thornhill

21.3. On 10 December 2007 the following attorneys-at-law were appointed to the honour and dignity of Queen's Counsel on motion of the Hon. Dale Marshall Q.C., Attorney-General.

1. Mr. Randall Belgrave
2. Mr. Michael Fitzwilliam
3. Mr. T. David Gittens
4. Sir Fred Gollop K.A.
5. Ms. Margo Greene
6. Mr. Anthony Hewitt
7. Mr. Erskine Hinds
8. Ms. Sandra Osborne
9. Mr. Garth Patterson
10. Mrs. Faith Seale
11. Mr. Ralph Thorne

22.0 OBITUARY

22.1. It is with profound regret and deep sadness that the Council records the death of former Justice of Appeal, Colin Williams. Colin Williams died on 1 July 2007. The Supreme Court paid tribute to him in a Special Sitting on Friday, 3 August 2007 at which the Hon. Chief Justice, the Hon. Attorney-General, Mr. Dale Marshall Q.C., Mr. Vernon Smith Q.C., and Mr. Anthony Reece delivered tributes. Colin Williams' passing will be keenly felt. Apart from being a most knowledgeable person in the law, he was only too willing to promote collegiality among the judiciary and others in the administration of justice.