

# REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

## 2016 ANNUAL REPORT





Report of the Regional Judicial and Legal Services Commission ,pursuant to Article V.10 of the 'Agreement Establishing the Caribbean Court of Justice', for the year 1 January to 31 December 2016.

In its 2009 Annual Report, the Commission began a series of features on the Contracting Parties to the Agreement and the members of the Commission and the Court who are nationals of the featured CARICOM State.

In this year's report, the Contracting Party featured is Trinidad and Tobago.



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# MEET THE COMMISSIONERS

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



*Seated Left to Right:*

**Mrs. Cynthia Williams, B.S.**  
**The Hon. Dame Janice Pereira, D.B.E.**  
**Ms. Jennifer Astaphan, LL.M**

*Standing Left to Right:*

**Dr. Peter Maynard, Ph.D.**  
**Dr. Francis Alexis, Q.C.**  
**Dr. the Hon. Lloyd George Barnett, O.J. (Deputy Chairman)**  
**the Rt. Hon. Sir Charles Dennis Byron (Chairman)**  
**Mr. Justice Peter Williams, CHB, Q.C.**  
**Mr. Martin Daly, S.C.**  
**Mr. Tyrone Chong, Q.C.**

*Absent: Mrs. Jacqueline Marshalleck, S.C.*



## 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 Trustees”** means the Board of Trustees of the Trust Fund; and
- “the Trust Fund”** means the Caribbean Court of Justice Trust Fund established by the Revised Agreement dated January 12, 2004.





# INTRODUCTION

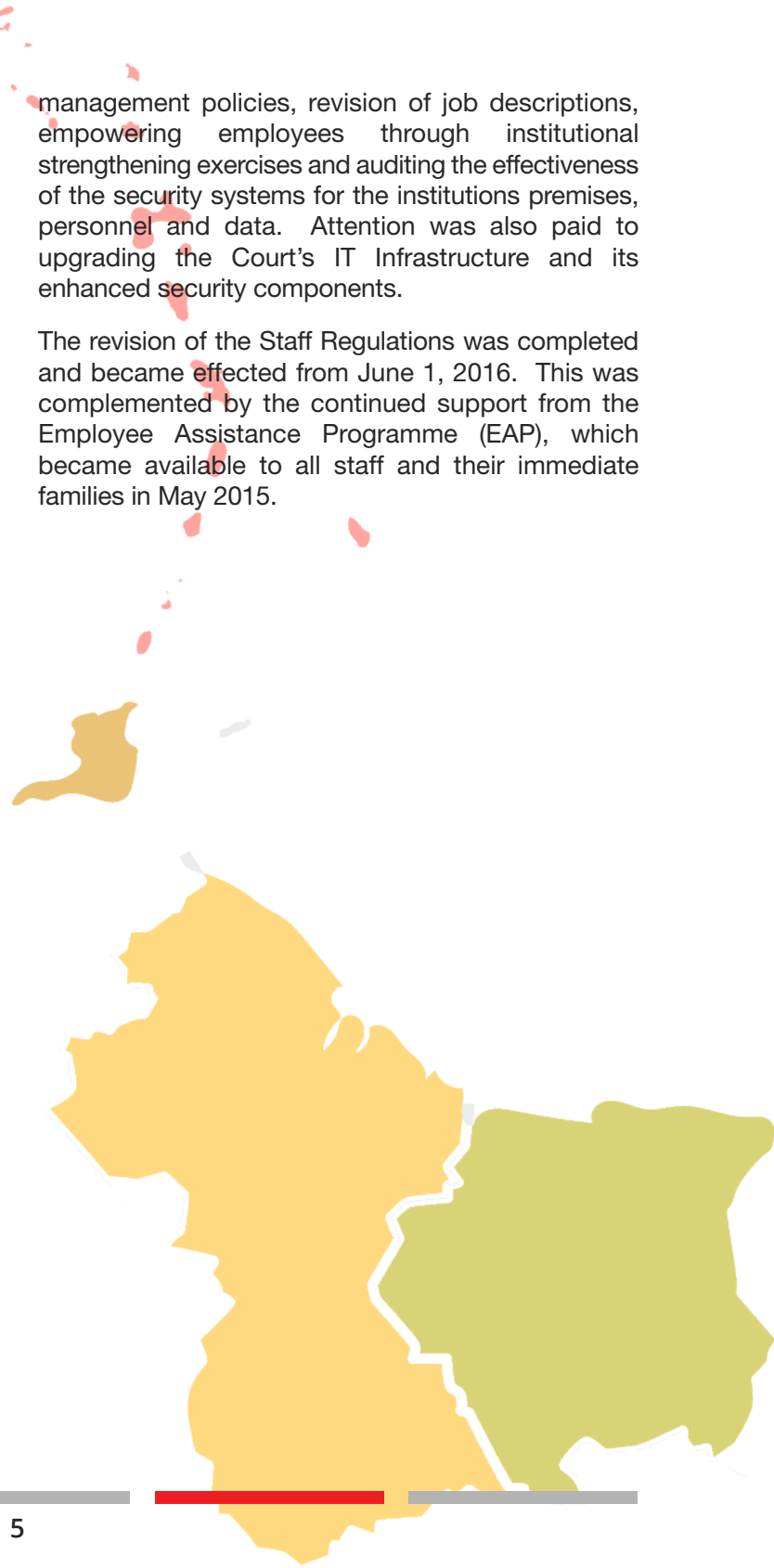
Article V.10 of the Agreement provides that: “The Commission shall no later than 31 March in every year, submit to the Heads of Government an Annual Report of its work and operations during the previous year”.

The Commission remained committed to its effort to support the achievement of the strategic goals and objectives of the Court and the Commission. Significant attention focused on the Job Evaluation Exercise which determined appropriate job descriptions and specifications to enhance existing human resource management systems, policies, procedures and processes. The Job Evaluation Exercise was aligned with human resource management best practices to improve the process of fairness, transparency and equity in recruitment, retention and remuneration of employees. This was a major step towards developing and promoting the Commission’s vision to “ensure that the financial and human resources management of the Court and Commission is efficient, equitable and progressive.”

Significant attention also focused on completion of the review of the 2010 Staff Regulations, the review of the Finance and Accounting Department operational structure and build out as well as its financial

management policies, revision of job descriptions, empowering employees through institutional strengthening exercises and auditing the effectiveness of the security systems for the institutions premises, personnel and data. Attention was also paid to upgrading the Court’s IT Infrastructure and its enhanced security components.

The revision of the Staff Regulations was completed and became effected from June 1, 2016. This was complemented by the continued support from the Employee Assistance Programme (EAP), which became available to all staff and their immediate families in May 2015.





# FUNCTIONS OF THE COMMISSION

The main functions of the Commission are set out in Article V.3(1) of the Agreement. This Article provides that:

“The Commission shall have responsibility for:

- (a) making appointments to the office of Judge of the Court, other than that of President;
- (b) making appointments of those officials and employees referred to in Article XXVII and for determining the salaries and allowances to be paid to such officials and employees;
- (c) the determination of the terms and conditions of service of officials and employees; and
- (d) the termination of appointments in accordance with the provisions of the Agreement.”

The RJLSC also exercises disciplinary control over judges of the Court, other than the President, and over the officials and employees of the Court.

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

- o 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).
- o 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.
- o 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.
- o 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.

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





## COMPOSITION OF THE COMMISSION

On August 20, 2016, Dr. Peter Maynard was re-appointed to serve a further period of three (3) years to August 19, 2019 pursuant to Article V.1(b) of the Agreement. On August 19, 2016, Dr. Lloyd Barnett's tenure as a Commissioner ended. Dr. Barnett served the Commission for some 13 years and attended 100 of its 101 meetings. He was replaced with Mr. Delano Bart, Q.C. appointed to serve for three (3) years from November 17, 2016 by the OCCBA & OECS Bar Associations pursuant to Article V.1(b).

On December 31, 2016, the tenure of Mrs. Cynthia Williams, B.S., ended as a Commissioner of the RJLSC. She was re-appointed for a further period of two (2) years on December 31, 2014, pursuant to Article V.1(d) of the Agreement. Commissioner Williams was replaced with Commissioner Shirley Tyndall, OJ, CD of the Public Service Commission pursuant to Article V.1(d). Her tenure commences January 1, 2017.

On October 28, 2016, the tenures of Mr. Tyrone Chong, QC and Mr. Justice Peter Williams, CHB, QC ended. They were replaced with Mr. Justice Dennis Morrison, OJ, CD, President of the Jamaica Court of Appeal and Lady Beverly Walrond, QC of Barbados, each for a term of three (3) years, pursuant to Article V.1(f) of the Agreement.

On November 19, 2016, Mr. Elton Prescott, QC was appointed for a period of three (3) years to replace Mr. Martin Daly, QC, of Trinidad and Tobago, pursuant to Article V.1(g) of the Agreement. Also appointed to serve for a period of three (3) years, from November 19, 2016, was Mr. B. Michael Hylton, OJ, QC pursuant to Article V.1(g) of the Agreement.

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."



## COMPOSITION OF THE COMMISSION Continued

The following table shows the persons who served as members of the Commission in 2016, the effective dates of their appointment and the basis on which the appointment was made.

Date of Appointment	Name of Commissioner	Basis for Appointment	Relevant paragraph of Article V.1
September 1, 2011 [Term of office extended to July 3, 2018]	The Rt. Hon. Sir Charles Dennis Byron	President of the Court	(a)
August 20, 2013 [Re-appointed August 20, 2016]	Dr. Peter Maynard, Ph.D.	Nominated jointly by OCCBA & OECS Bar Associations	(b)
November 17, 2016	Mr. Delano Bart, Q.C.		
September 11, 2012 [Re-appointed September 11, 2015]	Dame Janice Pereira, D.B.E.	Chairman, Judicial Services Commission of Grenada	(c)
January 1, 2013 [Re-appointed January 1, 2015]	Mrs. Cynthia Williams, B.S.	Chairman, Public and Police Service Commission of St. Kitts and Nevis	(d)
November 6, 2015	Dr. Francis Alexis, Q.C.	Nominated jointly by the Secretary-General of the Community and the Director-General of the OECS	(e)
November 6, 2012 [Re-appointed November 6, 2015]	Ms. Jennifer Astaphan, LL.M.		
October 29, 2016 [both]	Mr. Justice Dennis Morrison, O.J. C.D. Lady Beverley Walrond, Q.C.	Nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, Deans of the Faculties of Law of the Contracting Parties and Chairman of the Council of Legal Education	(f)
November 19, 2016 [both]	Mr. Michael Hylton, O.J. QC. Mr. Elton Prescott, S.C.	Nominated by the Bar or Law Associations of the Contracting Parties	(g)

## COMPOSITION OF THE COMMISSION Continued

The following table shows the membership of the Commission as reconstituted in 2016, the date of expiration of the term of office and the nationality of each member.

Name of Commissioner	Nationality	Date of Expiration of Term of Office
The Rt. Hon. Sir Charles Dennis Byron	St. Kitts and Nevis / Antigua and Barbuda / St. Lucia	July 3, 2018
Dr. the Hon. Lloyd George Barnett, O. J	Jamaica	August 19, 2016
Mr. Delano Bart, Q.C	St. Kitts and Nevis	November 16, 2019
Dr. Peter Maynard, Ph.D.	Commonwealth of the Bahamas	August 19, 2019
Dame Janice Pereira, D.B.E.	British Virgin Islands	September 10, 2018
Mrs. Shirley Tyndall O. J.	Jamaica	December 31, 2019
Dr. Francis Alexis, Q.C.	Grenada	November 5, 2018
Ms. Jennifer Astaphan, LL.M.	Commonwealth of Dominica	November 5, 2018
Mr. Justice Dennis Morrison, O. J.	Jamaica	October 28, 2019
Lady Beverley Walrond, Q.C.	Barbados	October 28, 2019
Mr. Michael Hylton, O.J. Q.C.	Jamaica	November 18, 2019
Mr. Elton Prescott, S.C.	Trinidad and Tobago	November 18, 2019



# ACTIVITIES OF THE COMMISSION

In 2016, the Commission's work focused on the reinforcement of the restructuring exercise with a comprehensive job evaluation exercise and extensive institutional strengthening training for all employees. This included training in results-based budgeting concepts to aid in performance measurement and assessments. The training was aimed at equipping employees to deliver excellent court performance in keeping with the CCJ's strategic goals and objectives.

A comprehensive audit and assessment plan of the Information Technology environment was also undertaken. Risk and vulnerability levels were identified so that appropriate measures could be implemented to address any identified gaps in the security of the data, policy framework and the overall technology infrastructure of the Court and the Commission. This was to enable the Court to assert its role as the apex court for the Region in keeping with its restructuring exercise of 2014.

## **There were five (5) meetings of the Commission in 2016.**

Committees of the Commission met on sixteen (16) occasions in 2016. All Committee meetings were held on the day(s) preceding/ following a Commission meeting. The dates on which meetings of the Commission and its Committees were held are listed at Appendix A and Appendix C respectively. The members who attended each meeting of the Commission are listed at Appendix B. Members of Committees of the Commission are listed at Appendix D.

## **Human Resources and Selection Committee.**

The following Commissioners served on the Committee in 2016:

- Ms. Jennifer Astaphan, Chair
- Dr. the Hon. Lloyd George Barnett, O.J.

- Mr. Martin Daly, S.C.
- Mrs. Cynthia Williams, B.S.
- Mr. Peter Williams, CHB, QC

In 2016, the Human Resources and Selection Committee completed the Job Evaluation exercise that commenced in 2015. The Commission also delegated the conducting of interviews for a number of vacant positions to the Managers of the Court, at times with the inclusion of a Commissioner on the interviewing panel.

## **Staffing of the Court and Commission**

The Commission continued with the implementation of the 2014 reorganization with the employment of the Deputy Registrar & Marshal, Information Systems Manager, Accountant, three (3) Security Officers and a Customer Service Officer. Other staffing initiatives, included the development of job descriptions and pay increases to staff effective June 1, 2016. The Conference of Heads of Government moderately increased the salaries of Judges effective January 1, 2016. The Judicial Assistant Internship programme continued and the 2013-16 interns demitted the programme during the period. The Internship programme was expanded to include five interns; of which the last three joined in 2016.

The Commission, in keeping with its cost-saving mandate, consistently used technology in the recruitment process with all applicants outside the seat of the Court being interviewed via Skype. In addition, the Commission continued to ensure that interviews were scheduled to effect timely decision-making and cost savings in the recruitment of staff. These approaches were also geared towards the improvement of the recruitment process.

The Staff Regulations were reviewed in 2016 and became effective from June 01, 2016. Judges, Management and staff contributed to the review.

## ACTIVITIES OF THE COMMISSION Continued

### STAFFING:

The following employees were recruited in 2016 by the RJSLC for the Caribbean Court of Justice:

Names	Position Title	Effective Date
Ms. Alana Tasher	Customer Service Officer	January 11, 2016
Mr. Adrian Pascal	Security Officer	April 1, 2016
Mr. Darren Shah	Security Officer	April 1, 2016
Mr. Ronnie Joseph	Security Officer	May 9, 2016
Mr. Vishal Dube	Information Systems Manager	July 1, 2016
Mr. Andres Armoogan	Accountant	July 1, 2016
Ms. Meisha-Ann Kelly	Deputy Registrar & Marshal	September 01, 2016
Ms. La Toya McDowald	Judicial Assistant	September 01, 2016
Mr. Tyrone Bailey	Judicial Assistant	October 01, 2016
Mrs. Tanya Alexis	Judicial Assistant	November 14, 2016

### Job Evaluation and Classification Exercise

The Exercise concluded in 2016 with the Commission ensuring the implementation of the approved recommendations by the consultant, Focal Point Consulting Limited. Though originally scheduled for completion in January 2016, due to further requirements the final report was submitted in March 2016.

The recommendations were as a result of full participation of the position holders in defining the jobs and the commitment of the internal Job Evaluation Committee established by the Commission to participate in the evaluation of jobs. The Committee comprised representatives of the Commission and the Court, inclusive of Employees' Representative. The Commission and the CCJ now have a comprehensive job evaluation and classification system and methodology, and job descriptions for all positions.

A system for appeals of decisions of the ranking of jobs was also established and utilized in the consideration

of feedback from position holders on the evaluation of their positions. Appeals were heard and decided on by separate Committees of the Commission.

### Institutional Strengthening Exercise.

The institutional strengthening exercise comprising the review of continual upward movement of staff in salary bands, the reclassification of jobs prior to salary increases, the conducting of urgent objective evaluations using external experts, performance measurement and team-building exercises were conducted by the consultant. The exercise also included the training of management, by the Human Resources Manager, in certain aspects of human resources; the urgent training of managers and deputy managers by the Finance and Administration Manager in budget preparation, and an examination of the current establishment vis-à-vis the desired establishment continued to April 2016.

## ACTIVITIES OF THE COMMISSION Continued

### **Pension Administration Committee**

On July 8, 2016, the Commission, at its 102nd Meeting, appointed Dr. Francis Alexis, QC to serve as the next Chairman of the PAC after the ending of the term of Dr. the Hon. Lloyd Barnett, OJ. The Commission also gave approval for the non-judicial pension plan members of the Court and the Commission to elect their representatives to the PAC.

On July 21, 2016, the CCJ staff nominated Ms. Susan Campbell-Nicholas to be their representative on the PAC. Mrs. Sherry-Ann Ramhit was nominated to represent the RJLSC staff. The representatives were appointed to the PAC by the Commission at its 104th Meeting held on October 7, 2016 since the results yielded only one nominee each to represent the CCJ employees and the RJLSC staff respectively, eliminating the need for an election.

The other members appointed to the new Committee were the Honourable Mr. Justice Jacob Wit (nominee of the President of the Court) and Mr. Glenn Cheong nominated by the Board of Trustees of the CCJ Trust Fund and the only returning member from the original PAC. Mrs. Sherry-Ann Ramhit (RJLSC Staff Representative) was appointed as Secretary to the PAC.

On March 24, 2016, Benefit Statements as at December 31, 2015 were distributed to members of the Pension Plan. Members were also informed that a special effort was being made to verify and reconfirm the figures including those related to the transition period in which the proceeds of the predecessor pension arrangements were transferred to the Pension Plan, and to resolve any discrepancies identified in the Benefit Statements issued for the period 2013 to 2015.

In 2015 the Commission had authorised that an audit exercise be conducted by the Caribbean Court of Justice to compare the values stated on all Pension Plan members' statements as at December 31, 2015 with the corresponding internal accounting records.

This exercise was carried out by Mrs. Annette Clarke-James, Human Resources Officer. The exercise was expected to be completed by mid-2016 but due to the need for more intense research and data review than anticipated it was completed October 2016.

### **Judges' Compensation and Pension Committee**

The Judges' Compensation and Pension Committee did not formally meet in 2016. However, as a result of a proposal aimed at increases in Judges' emoluments and pension benefits submitted for approval to the Thirty-Sixth Regular Meeting of the Conference of Heads of Government held July 2015, the Conference agreed to a fifteen per cent (15%) increase in Basic Salary for the President and Judges of the Court effective January 1, 2016. Housing and Education Allowances were also increased effective January 1, 2016.

The Legal Affairs Committee which was requested by The Conference to examine the possibility and implications of establishing an independent mechanism for review of the emoluments and benefits of the CCJ Judges and to submit a report for its consideration and recommendation had not met by the end of 2016. Revisions to the Judges' Pension Rules were also not completed by the Conference at the end of 2016.

The recommendation by the Commission for the Office of President of the Court to automatically qualify for the entitlement to full pension upon the attainment of seven years (7) years of service, or attainment of the age of 75 whichever was earlier, was approved at the by the Thirty-Seventh Regular Meeting of the Conference of Heads of Government held July 2016 to take effect from July 2016.

## ACTIVITIES OF THE COMMISSION Continued

### Constituent Instruments Review and Regulations Committee

In 2016 the following Commissioners served on this Committee:

- Dr. Lloyd Barnett, Chairman;
- Mr. Martin Daly, S.C.;
- Mr. Justice Peter Williams, CHB, Q.C.;
- Ms. Jennifer Astaphan, LL.M.

The Committee continued the review of the 2010 Staff Regulations culminating in its approval effective June 01, 2016. The review process included consultation with the staff of the Court and the Commission. The Committee also made several added recommendations to the Commission with respect to the review of the Staff Regulations, the Protocol Relating to the Security of Tenure of Members of the RJLSC, the Delegation of Disciplinary Functions of the RJLSC to the Caribbean Community Administrative Tribunal (CCAT) and the RJLSC's support of the CCAT. The last three (3) of these recommendations are still under consideration by the Commission.

### Caribbean Community Administrative Tribunal

During 2016, the operationalizing of the CCAT was not realized as was originally intended. Nevertheless, the Regional Institutions participating in this Tribunal received approvals from their respective Boards to be participating members of the Tribunal. In addition, Heads of CARICOM Institutions, on March 8, 2016 accepted CCAT in principle and in September 2016 formally adopted the Tribunal as a means to settle employee disputes. Operationalization of the Tribunal is still awaiting approval for the CARICOM Secretariat to be a participating member. The Secretariat was awaiting approval from its Community Council for sign-on. It is envisioned that this will occur in 2017 after which CCAT will become fully operational.

### CARICOM Competition Commission

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

The Commission at its 100th meeting held on March 11, 2016 extended the tenure of Mr. Hans Lim A Po to December 31, 2016. Mr. Lim A Po's tenure had expired on January 2, 2016. At the same meeting, the Commission also approved the recruitment of three positions for the post of CCC member. Interviews were held on July 9, 2016 and at its meeting of October 7, 2016, approval for the swearing in of two selected candidates was fixed to take place on the 6th day of January, 2017. The Commission also approved an extension of one year to December 31, 2017 for Dr. Kusha Haraksingh as Chairman of the Commission and Mr. Patterson Cheltenham, Q.C. as a member of the Commission.

The two Commissioners, Ms. Emalene Marcus-Burnett and Dr. Andrew Downes were selected to be members of the CCC for a period of five (5) years, renewable for a further period of not more than five (5) years.

The members of the CARICOM Competition Commission, at the end of 2016, were Dr. Kusha Haraksingh (chairman), Mr. Patterson Cheltenham, QC, Mr. Hans Lim A Po, QC, Mr. Nestor Alfred and Mr. DeCoursey Eversley (members).



## STAFF OF THE COMMISSION

In her capacity as Registrar and Chief Marshal of the Court, Mrs. Jacqueline Graham performs the functions of Secretary to the Commission and is Chief Executive Officer of the Commission. In 2016, the staff complement of the RJLSC was Ms. Susan Campbell-Nicholas, Human Resources Manager and Ms. Christine Foreshaw, Executive Officer and Ms. Catherine Beard, Executive Secretary, both of whom retired early with effect from October 01, 2016.

As a consequence the Commission immediately commenced recruitment activities to fill the vacancies of Executive Officer and Executive Secretary.

The RJLSC Secretariat continued to receive support from various Units of the Court so as to effectively and efficiently serve the Commission.



**Mrs. Jacqueline Graham**  
Secretary to the Commission  
Chief Executive Officer of the Commission



**Ms. Susan Campbell-Nicholas**  
Human Resources Manager



**Ms. Christine Foreshaw**  
Executive Officer



**Ms. Catherine Beard**  
Executive Secretary





# PROJECTED AND ACTUAL EXPENDITURE OF THE COURT AND COMMISSION

During the period under review the Commission and the Court were financed by quarterly disbursements from the CCJ Trust Fund. The budget for the year 2016 was based on assumptions and analysis of the actual spending for 2014 and 2015.

At December 2016, the actual spending for the Court and Commission were in keeping with the estimates for 2016. The Court and Commission encountered no difficulty meeting their financial obligations as they became due. The estimates were a fair representation of the actual expenses.

## 2015-2016 Biennial Budget

The biennial budget showed payments made in accordance with the estimates as approved. In the case of Judges, under their Terms and Conditions, they are entitled to a Travel Grant every two (2) years. In 2016, this Travel Grant was payable to one (1) Judge.

In 2016, the Court continued to make pension payments to the past President and two (2) retired Judges. The Court and the Commission also began making pension payments to three (3) retired employees in 2016.

## Financial Oversight Committee (FOC)

The Financial Oversight Committee did not meet in 2016, however, the Commission continued to operate with the draft Protocol for the Interfacing and the Interaction between the CCJ, the RJLSC and the CCJTF.

## Appointment of Auditor

In 2016, the auditors, BDO, approved by the Commission in 2015 for the three-year period 2015 to 2017, conducted the annual audit of the financial statements of the Court and Commission. The audited financial statements of the Court and the Commission for the 12-month period ending December 31, 2016 are attached as Appendix E.

The Commission also approved the recruitment of an Internal Auditor to provide Audit and Internal Control services to the Court and the Commission with a direct reporting relationship to the Commission. This position is to be filled in 2017.





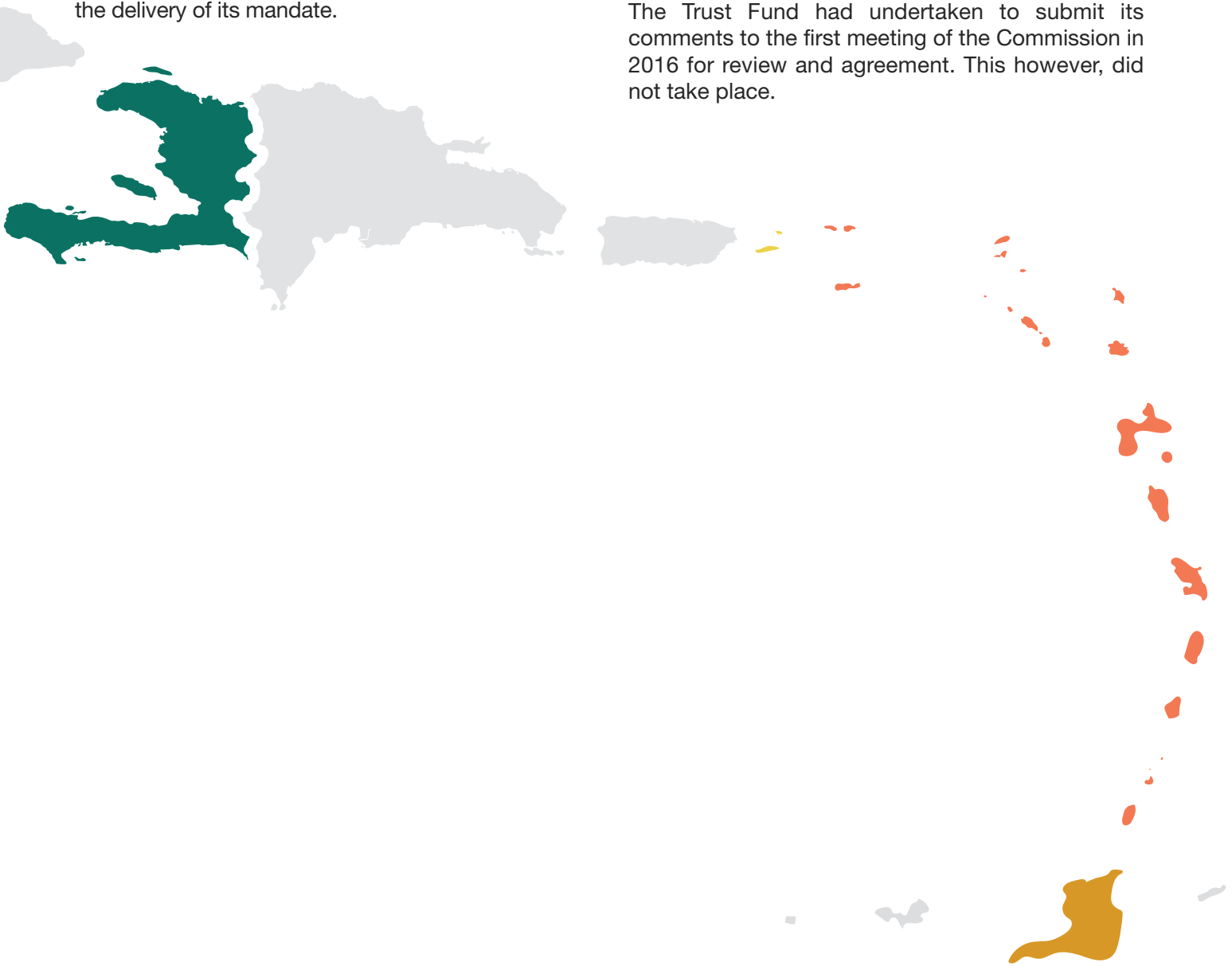


## INTERACTION WITH THE BOARD OF TRUSTEES AND THE CCJ TRUST FUND

The aggregate remittances made quarterly, and in keeping with the budgetary requests, were timely and in full. At year end, a comparison of the budgeted estimates, as approved and expended, represented a fair indication of the needs of the Commission for efficiency in the use of its funds. This was in keeping with the intention of the RJLSC to be frugal while ensuring the provision of excellence in service and in the delivery of its mandate.

### **The Protocol for the Interfacing and Interaction between the RJLSC, the CCJ and the CCJTF ('the Protocol')**

The draft Protocol for the Interfacing and Interaction of the RJLSC, CCJ and CCJTF was still being discussed, as at December 2016, resulting in the existing draft Protocol being used during this year. The Trust Fund had undertaken to submit its comments to the first meeting of the Commission in 2016 for review and agreement. This however, did not take place.





## MATTERS OF NOTE

### **Judicial Reform and Institutional Strengthening (JURIST) Project**

The Judicial Reform and Institutional Strengthening (JURIST) Project, aimed at developing a judicial system which is more responsive to the needs of women, men, youths, businesses and the poor, completed its second financial year at March 31, 2016. Pilot projects were launched and continue to be developed in Belize, Barbados, Grenada, Guyana and Jamaica. A number of interactions and discussions were held with stakeholders, primarily with judiciaries across the region, towards advancing the reforms for which the Project has responsibility. The Project continued its implementation with the CCJ as the executing agency and at December 31, 2016 had made significant inroads in its mandate.

The Jurist Project is staffed by a Project Director, Dr. Penny Reedie, Mr. Mahendra Bethune (Project Accountant), Ms. Allison Ali (Communications Specialist), Mr. John Furlonge and Mrs. Candice Wallace-Henry (Regional Coordinators) and Mrs. Jennifer Scipio-Gittens (Administrative Assistant) who was seconded from the CCJ to the Project. The Project is also supported by UN Women who has assigned Ms. Anika Gray, full time to the Project.

### **Grenada – Caribbean Court of Justice Bill**

Efforts to have the CCJ as the final court of appeal in Grenada began with a Bill being passed in the House of Representatives and the Senate. A constitutional referendum was held in Grenada on November 24, 2016. A significant number of the voters rejected plans by the Government to replace the Privy Council with the Caribbean Court of Justice as the island's final court. They also rejected term limits for the prime minister and the appointment of a leader of the opposition in Parliament as well as moves to change the name of the tri-island state and plans to establish an independent electoral commission.

Voters were asked whether they approved of seven amendments, with each one voted on separately. The amendments would only have been approved if two-thirds of valid votes had been cast in favour. All seven proposals were rejected by voters.



## MATTERS OF NOTE Continued

### **Jamaica – Caribbean Court of Justice Bills**

In May 2015, the Jamaican Government secured the passage in the House of Representatives on three (3) Bills to replace the Privy Council with the Caribbean Court of Justice (CCJ) as Jamaica's final appellate court. These Bills, which were debated during the last quarter of 2015 in the Senate, had still not been concluded by the end of 2016.

### **Expiration of Contract – CCJ**

Mrs. Alicia Stone, Judicial Assistant,  
July 31, 2016

Mrs. Ria Mohammed-Davidson, Judicial  
Assistant, August 8, 2016

### **Resignations – CCJ**

Mr. Jason Jeremie, Facilities and Assets  
Management Supervisor –  
November 5, 2016

### **Retirement – RJLSC**

Ms. Christine Foreshaw, Executive Officer –  
October 1, 2016

Ms. Catherine Beard, Senior Executive Assistant  
– October 1, 2016



## MESSAGE FROM THE CHAIRMAN



**The Right Honourable  
Sir Charles Dennis Byron**

Since its inception in 2003, the Regional Judicial and Legal Services Commission (“the Commission”) has remained committed to its mandate as detailed in Article V of the Agreement Establishing the Caribbean Court of Justice. I want to emphasize how seriously each and every Commissioner has taken his/her duties in achieving the goals and objectives of the Commission.

The year 2016 saw significant changes in the composition of the Commission. The term of office of several long-serving and exemplary Commissioners came to an end. The term of office of Commissioner Dr. the Honourable Lloyd Barnett O.J., who had been nominated jointly by the Organisation of the Commonwealth Caribbean Bar Association (OCCBA) and the Organisation of Eastern Caribbean States (OECS) Bar Associations, expired on August 19, 2016. Mr Delano Bart Q.C., their new nominee, was sworn in. The terms of office

of Commissioners Martin Daly S.C. and Jacqueline Marshalleck, S.C., nominated by the Bar and Law Associations of the Contracting Parties, expired on November 18, 2016 and Commissioners Elton Prescott, SC and Michael Hylton Q.C., their new nominees, were sworn in. The terms of office of Commissioners Justice Peter Williams and Tyrone Chong, Q.C. nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, Deans of the Faculties of Law of the Contracting Parties and Chairman of the Council of Legal education expired on October 28, 2016. Lady Beverly Walrond Q.C. and Mr. Justice Dennis Morrison, their new nominees, were sworn in. The term of office of Commissioner Dr. Peter Maynard expired on August 20, 2016, and he was re-appointed, having been jointly nominated to serve for a second term by the Presidents of the Organisation of the OCCBA and OECS Bar Associations.

The outgoing Commissioners, despite their respective substantive positions, all gave tirelessly and selflessly of their talents and time and made tremendous strides in implementing key governance and managerial policies aimed at enhancing the procedures and workings of both the Commission and Caribbean Court of Justice (“the Court”).

**I congratulate the Commissioners on a job well done and express my heartfelt and unequivocal appreciation for their service and dedication to the work of the Commission.**

It would be remiss of me to not give special thanks to Commissioner Barnett, the longest serving Commissioner, who played a leading role in regulating the terms and conditions of the judicial service and who was also responsible for making interventions related to the development of and advocating for the approval of the Judges’ Pension Rules. I wish our outgoing Commissioners good health and longevity in their future aspirations.

## MESSAGE FROM THE CHAIRMAN Continued

**I also welcome our new Commissioners. The Commission looks forward to benefitting from their diverse backgrounds as we continue to build on the founding values of our predecessors.**

The work of the Commission would not be possible without the support, hard work and dedication of its Committees. The work of the Human Resources and Selection Committee played an essential role in the Job Evaluation Exercise which commenced in 2015. I also give special thanks to the members who served on the Pension Administration Committee, the Judges' Compensation and Pension Committee and the Constituent Instruments Review and Regulations Committee. These members have worked assiduously in carrying out their mandates and provided invaluable assistance to the Commission's work.

The Commission is an integral body for ensuring judicial independence and one of the key factors in that role is the selection and appointment of top quality Jurists. As I review the last several years, the Honourable Mme. Justice Désirée Bernard who demitted office in 2014 was replaced by the Honourable Mme. Justice Maureen Rajnauth-Lee, who has demonstrated and exhibited the highest qualities of a jurist since her entry thereby ensuring the continued success of the Court.

The responsibility of maintaining independence with the Commission is also twinned with the Caribbean Court of Justice Trust Fund and I am very pleased that lines of communication with the Trust Fund have remained open and cordial and both institutions' respective efforts have supported the sustainability and independence of the Court.

An institutional challenge we face is the failure of the Heads of Government to complete the institutional processes by approving the recommendations of the Commission for the Pension Rules. These are an

important part of the institutional framework of the Court particularly as without its approval the surviving spouses of the Judges would not be entitled to any support upon the demise of a Judge. During the year 2016 we continued to work to bring this matter to a satisfactory conclusion.

The Job Evaluation exercise which commenced in 2015 by Focal Point Consulting Limited ("Consultant") was completed in the second quarter of 2016. The Consultant was tasked with establishing and administering a classification system to ensure that there were job descriptions and specifications for all positions, and moreover that each position was evaluated and assigned to an appropriate salary band based on the approved job evaluation methodology.

**The Commission also prescribed a definitive appeals process and established an Appeals Committee to deal with all appeals coming out of the Job Evaluation exercise.**

It is my belief that this exercise has already contributed to improving the remuneration system of the Court and Commission thereby increasing staff morale.

The Executive Officer (Ms. Christine Foreshaw) and Senior Executive Assistant (Ms. Catherine Beard) of the Commission both demitted office during the third quarter of 2016 having worked at the Commission for over six years. The contribution, dedication and commitment of these two employees have not gone unnoticed, and I express my heartfelt thanks and appreciation to them for their sterling service during their tenure.

The Commission has strived to be proactive and not simply react to events as they occur, but be ready to overcome any circumstance and change while focusing on our ultimate goals.

# MESSAGE FROM THE CHAIRMAN Continued

**I feel very privileged to be the Chairman of an organization as diverse as we are and I am proud of our accomplishments.**

I am passionate about our future and look forward to working alongside my fellow Commissioners who are well armed, motivated and committed to creating a legacy for our future generations to come.

May God continue to bless the Regional Judicial and Legal Services Commission.

**The Right Honourable Sir Charles Dennis Byron**  
Chairman





## FEATURE ON TRINIDAD AND TOBAGO

Article III of the Agreement Establishing the Caribbean Court of Justice provides that the Seat of the Caribbean Court of Justice shall be in the territory of a Contracting Party as determined by a qualified majority of the Contracting Parties. In 2005, the Agreement Establishing the Seat of the Caribbean Court of Justice was signed between Trinidad and Tobago and the Caribbean Court of Justice (Court) and the Regional Judicial and Legal Services Commission (Commission) establishing the Seat of the Court and Offices of the Commission in Trinidad and Tobago.

**Trinidad and Tobago, officially the Republic of Trinidad and Tobago, is an archipelagic state in the southern Caribbean, lying just off the coast of northeastern**

Venezuela and south of Grenada in the Lesser Antilles. The country covers an area 5,128 square kilometers (1,980 sq. ml.) and consists of two main islands, Trinidad and Tobago, and numerous smaller landforms. Trinidad is the larger and more populous of the main islands, comprising about 94% of the total area and 96% of the total population of the country. Tobago is located at the northeast of Trinidad. It is known for its wide, sandy beaches and biodiverse tropical rainforest. The nation lies outside the hurricane belt.

Christopher Columbus was the first European on record to have sighted Trinidad on his second visit in 1498. He called it La Isla de la Trinidad because of the three mountain peaks.

**The country obtained independence in 1962, becoming a republic in 1976.**

Unlike most of the English-speaking Caribbean, Trinidad and Tobago's economy is primarily industrial, with an emphasis on petroleum and petrochemicals. In addition to being the wealthiest country in the Caribbean region, the twin island nation of Trinidad

and Tobago has one of the highest per capita Gross Domestic Products (GDP) in the entire Western Hemisphere, coming third after the United States and Canada. Trinidad and Tobago has a two-party system and a bicameral parliamentary system based on the Westminster System. The head of state of Trinidad and Tobago is the President. The head of government is the Prime Minister.

Trinidad and Tobago is a richly cosmopolitan country, comprising of people whose ancestry were Africans, Indians, Creole who are a mixture of two different ethnicities - usually Africans and Indian, French, Spanish, Chinese, Lebanese, Syrians, Americans, Venezuelans, and the original settlers, the Amerindians. The largest non-secular groups are of the Christian faith, followed by those of the Hindu, Islamic and tradition African faiths, especially Orisha.

**Trinidad is one of the most industrialized places in the Caribbean, and it is the fourth largest exporter of oil in the Western Hemisphere.**

It is also one of the major sources of asphalt. The Asphalt industry in Trinidad is located at the Pitch Lake at the town of La Brea in southwestern Trinidad and it has gained a reputation for itself as the world's largest deposit. The Pitch Lake is considered a tourist attraction and attracts about 20,000 visitors annually. It is also mined for asphalt by Lake Asphalt of Trinidad and Tobago.

With its many beautiful beaches, reefs, strong ancestral culture and food, international entertainment event and friendly people, Tobago is a prime destination for visitors from around the world, in particular Europe.

Many individuals from Trinidad and Tobago have made great contributions in sports, music, science, theatre and arts and crafts both locally and internationally. Trinidad and Tobago is also well-known for its Carnival, an ebullient celebration of life,

## FEATURE ON TRINIDAD AND TOBAGO Continued

colour and the artistry of the people. It is also the birthplace of steelpan, limbo, and the music styles of calypso, soca, parang, chutney, chutney soca, chut-kai-pang, cariso, extempo, kaiso, parang soca, pichakaree, and rapso.

The National Symbols and Emblems of Trinidad and Tobago are the National Watchwords, National Motto, Coats of Arms, National Anthem, National Birds, National Flag, National Flower, National Pledge and Steelpan:

### National Motto

*Together We Aspire • Together We Achieve*

The National Motto was established by the late first Prime Minister Dr. Eric Williams, when Trinidad and Tobago achieved independence in 1962. It represents the hope of the people for a better life to be achieved through cooperation and working to build a better nation.

### National Watch Words

*Discipline, Production and Tolerance.*

On August 30th, 1962, Dr. Eric Williams, the late first Prime Minister of Trinidad and Tobago bequeathed these watchwords to a newly independent nation meant to reflect the guiding principles and values in the development of the country and people.

### The National Coat of Arms

The Coat of Arms of Trinidad and Tobago was designed by a committee formed in 1962 to select the symbols that would be representative of the people of Trinidad and Tobago. The Birds represented on either side of the Coat of Arms of Trinidad and Tobago are the Scarlet Ibis and the Cocrico (native to Tobago), which are shown in their natural colours. The three ships represent the Trinity as well as the re-discovery of Trinidad by Columbus' three ships.



The three Peaks were principal motifs of Trinidad's early British Colonial Seals and Flag-Badges. They commemorated both Columbus' decision to name Trinidad after the Blessed Trinity and the three peaks of the Southern mountain range, called the "Three Sisters" which a sailor on Columbus flagship saw on the horizon. The fruited Coconut Palm dates back to the great seals of British Colonial Tobago in the days when the island was a separate administrative unit. The National Motto Together we aspire, Together we achieve and promotes harmony in diversity for national achievement.

### The National Anthem

*"Forged from the Love of Liberty"* is the National Anthem of Trinidad and Tobago. Mr. Patrick S. Castagne composed the words and music of the National Anthem in 1962. The National Anthem was written to celebrate Trinidad and Tobago's independence from Great Britain on August 31, 1962.



# FEATURE ON TRINIDAD AND TOBAGO Continued

## The National Birds

The National Birds of Trinidad and Tobago are the Scarlet Ibis and the Cocrico. The Scarlet Ibis (*Eudocimus Ruber*) is a species of ibis that occurs in tropical South America and Trinidad and Tobago. The Cocrico (Red Tailed Guana or Rufus-tailed Chachalaca) is a native of Tobago and Venezuela, but is not found in Trinidad.

## The National Flag

The flag of Trinidad and Tobago was adopted upon independence from the United Kingdom on August 31, 1962. Red, black and White symbolise fire (the sun, representing courage), earth (representing dedication) and water (representing purity and equality).

## The National Flower

The national flower, the *Chaconia*, also called “Wild Poinsettia” or “Pride of Trinidad and Tobago”, is a flaming red forest flower, belonging to the family Rubiaceae. The title “*Chaconia*” was given in honour of the last and most progressive, Spanish Governor of Trinidad, Don Jose Maria Chacon.

## The National Instrument

The steeldrum (pan) is the national musical instrument of Trinidad and Tobago developed in the late 1930's. The pan is the only original non-electronic musical instrument invented in the twentieth century.

Trinidad and Tobago are also major nesting sites for leatherback turtles. The second largest leatherback turtle nesting site in the world is at Grande Rivière located on the north coast of Trinidad. Currently, Trinidad supports more than 80% of all leatherback sea turtle nesting within the Caribbean Sea Region.



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## FEATURE ON TRINIDAD AND TOBAGO Continued

### The Commission has benefited from several talented and distinguished individuals from Trinidad and Tobago.

To date six (6) individuals who are citizens of Trinidad and Tobago have served or are serving on the Commission. They are the Right Honourable Mr. Justice Michael de la Bastide, Ms. Gloria Gray, B.Sc., MSc., Mr. Allan Alexander, S.C. (deceased), Ambassador Christopher R. Thomas, C.M.T., D. Laws, Mr. Martin G. Daly, S.C. LL.B. (Hons.) and Mr. Elton A. Prescott, S.C. LL.B. (Hons.), M.B.A.



**The Right Honourable Mr. Justice Michael de la Bastide, T.C.** is the founding leader of the Caribbean Court of Justice. He was sworn in as the first President of the Court on August 18, 2004. Pursuant to Article V.1(b) of the Agreement Establishing the Caribbean Court of Justice (Agreement), the President of the Court shall be the Chairman of the Commission. Mr. Justice de la Bastide chaired his first meeting of the Commission on August 19, 2004. He served in the capacity of President of the Court and Chairman of the Commission until his retirement on August 17, 2011. During Mr. Justice de la Bastide's term of office, he was instrumental in recruiting the Judges, Management and Staff of the Court and finalizing the Original and Appellate

Jurisdictions Rules for the Court. He laid the foundation for those who came after him. Mr. Justice de la Bastide served the Court and the Commission with honour, dedication and distinction.

**Ms. Gloria Gray, B.Sc., MSc.** was one of the founding members of the Commission. She was nominated jointly by the Secretary-General of CARICOM and the Director-General of the OECS Secretariat to serve on the Commission in accordance with Article V.1 (e) of the Agreement. She served as a member for six years from August 21, 2003 to August 19, 2009. She served on the Staff Regulations Committee. Her insight into issues and her sterling contributions were invaluable.



## FEATURE ON TRINIDAD AND TOBAGO Continued



**Mr. Allan Alexander, S. C.** (deceased) was a founding member of the Commission. He was nominated jointly by the Bar and Law Associations of the Contracting parties, under Article V.1(g) of the Agreement to be a member of the Commission. Mr. Alexander served on the Commission with distinction from August 21, 2003 until the end of his term on August 19, 2009. During his tenure he played an important role in helping to guide the Court and the Commission through their formative years.

**Ambassador Christopher R. Thomas, C.M.T. D. Laws** was a founding member of the Commission. He was appointed to the Commission pursuant to Article V.1 (d) of the Agreement which states that one member of the Commission shall be “the Chairman of a Public Service Commission of a Contracting party selected in rotation in the reverse English alphabetical order for a period of three years”. Ambassador Thomas served on the Commission with distinction from August 20, 2004 to August 19, 2006.



**Martin G. Daly, S.C.** was nominated jointly by the Bar and Law Associations of the Contracting parties, under Article V.1(g) of the Agreement to be a member of the Commission. Mr. Daly served on the Commission from November 19, 2010 until the end of this term on November 18, 2016. During his tenure Mr. Daly served on the Human Resources and Selection and Constituent Instruments Review and Regulation Committees. His insight and contributions to the work of these committees were invaluable. Mr. Daly also served on the Job Evaluation and Steering Committee.

**Elton A. Prescott, S.C.** was nominated jointly by the Bar and Law Associations of the Contracting parties, under, under Article V.1(g) of the Agreement to be a member of the Commission. Mr. Prescott’s term of office as a Commissioner will run from November 20, 2016 to November 19, 2019. Mr. Prescott currently serves as Chairman of the Constituent Instruments Review and Regulation Committee and a member of the Human Resources and Selection Committee. He brings to the Commission a wealth of knowledge and experience.





## Dr. Lloyd Barnett, O.J Farewell Message



As part of his farewell to the Court and the Commission, Dr. Lloyd Barnett presented a farewell message to the Court. Dr. Barnett served the Commission with distinction for well over thirteen years missing only one of its statutory meetings in the period he served as a Commissioner. At his departure he served as Deputy Chairman of the RJLSC. The full text of the message set out below is titled, “THE ARCHITECTURE OF THE CARIBBEAN REGIONAL JUDICIAL STRUCTURE”.

The unique structure which comprises the Caribbean regional judicial system was not pre-conceived. It was conceptualised over time in which there were varied proposals, diverse design concepts, compromises, reflection, innovation and adaptation. The triplicity of three distinct institutions - Court, Commission and Trust Fund - was not inherited or copied but conceptualised and concretised in the Caribbean by Caribbean people. In the result, we have created a unique triplicity, each component having special and commendable features.

The Court is unique in that it is not only an appellate court with the usual civil and criminal jurisdictions but an original jurisdiction court in respect of regional trade and treaty disputes.

The criteria for its composition are flexible and progressive. The Constituent Agreement, Article IV(11) states :

“In making appointments to the office of Judge, regard shall be had to the following criteria: high moral character, intellectual and analytical ability, sound judgment, integrity, and understanding of people and society.”

**There are no barriers of race or nationality. The attributes demanded are lofty and forward-looking.**

Two aspects of the appointing provisions are worthy of special note. First, the criteria of “understanding of people and society” implies a Court that is sensitive to the needs and aspirations of the Caribbean people. It would be impossible to insert such a criterion in the qualifications of the Judges of a non-Caribbean Court. The second provision worth noting is that the appointing body, the Commission, may, prior to appointing a Judge of the Court, consult with associations which are representative of the legal profession in the Region and with other bodies and individuals that it considers appropriate. These professional and other bodies which are given an opportunity to have a say in the selection of CCJ Judges are obviously Caribbean. Thus, the criteria and methodology of selection is essentially “Carib-centric”.

The second edifice in the triplicity of institutions is the Regional Judicial and Legal Services Commission. Its composition is remarkable. I recall participating in the concluding negotiation exercises. The draft presented placed a significant participating role in the selection of Commissioners on the political directorates either directly or through the Secretary-General. This approach was changed in response to strong representations by the legal profession, so

## Dr. Lloyd Barnett, O.J Farewell Message Continued

that some members of the Commission become members by virtue of their office, Chief Justice or Chair of Public Service Commissions, without any direct intervention by the political directorate and even more significantly a high percentage must be representative of civil society or be selected by civil society organisations such as Bar Associations and legal education institutions.

**Furthermore, the Commission plays a critical and independent role if any question relating to the removal of a Judge from office should arise. I mention this for emphasis as we all hope that this Commission will never be called on to exercise this function.**

The third edifice in the architectural design is the Trust Fund. It is established for the express purpose of providing the resources necessary to finance the biennial capital and operating budget of the Court and Commission in perpetuity. It is a unique edifice of security, stability and independence. There is no scope for political pressure on the Trust. The Board is empowered to exercise its powers and discretions as its members think most expedient for the benefit of the purpose of the Fund. It has the power to prioritise interests and to balance the competing claims on the resources of the Fund. These powers and discretions, as we have seen, are subject to the overriding purpose of providing the resources necessary to finance the Court and Commission.

The composition of the Board of Trustees also reflects the non-political or non-governmental nature of the Board. It is comprised, overwhelmingly, of officers of civil society organisations. As a result, Judges do not have to be petitioners to Governments or the political directorate for the funding of the Court.

The architecture is that of the ancient trilith which is a prehistoric structure consisting of three massive stones, two upright, the Commission and the Trust

Fund and one resting on them as the essential lintel or stratum, namely the Court. This monumental structure is not inherited. It is our conception and concretion.

However, the initial architectural and engineering concept had one deficiency. It provided the impressive superstructure which we have been describing, but went no further in structural design. It is a cardinal principle of architectural and engineering design that the design of the infrastructure and superstructure should be coordinated so as to ensure that the foundations are adequate to sustain the edifice above. In this case there was no design for the managerial and administrative structure at the base.

As a result for 10 years, we improvised using ad hoc and somewhat uncoordinated piles and steel frames. Happily, in the last two years the Commission has led the way in creating an infrastructural design which reflects functionality, responsibilities and capacities as well as the coordination of their load-bearing capabilities. The restructuring exercise aligned with the re-classification of positions ensures that there is efficient and reliable support for the Court. This development rests entirely on the Commission's power to create such offices for officials and employees of the Court as it considers necessary and to attach such terms and conditions of service as may from time to time be determined by the Commission.

The overall design and structure of this unique edifice are now completed. It stands as a Caribbean edifice of beauty and strength. I hope posterity will find it architecturally attractive, structurally sound and a monument to Caribbean creativity.

The Commission may alter the salary and allowances attached to all the offices established in the Court but in respect of Judges the Commission can only put forward recommendations for approval and determination of the Heads of Government. So far the Commission has exercised this jurisdiction to make the recommendation, but this system suffers from the defect that since the Chairman of the Commission is the President and the Commission

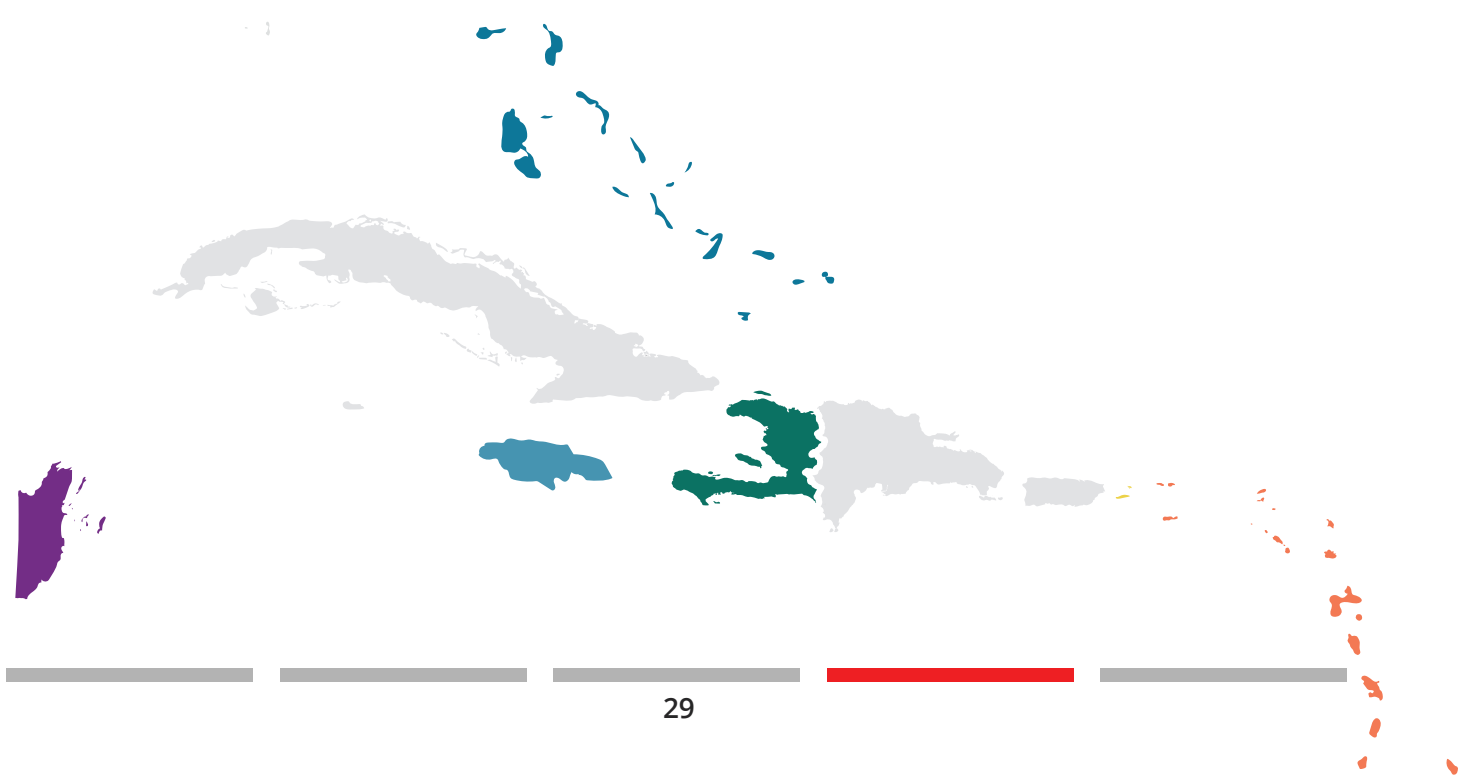
## Dr. Lloyd Barnett, O.J Farewell Message Continued

works in close corporation with the Judges, there is some scepticism as to whether the Commission's recommendations are improperly influenced. This sort of suspicion is unfortunate but it may be that the problem could be solved by establishing a special Commission to advise the Heads periodically on the recommendations of the Commission.

Another area of design deficiency is the provision in the Protocol to the Agreement relating to the Security of Tenure of Commissioners which was made in 2006 and which has permitted Heads of Government to suspend a member while there is a pending complaint against him or her. The Commission recommended that this be changed and instead "the power be granted to the Tribunal to make an interim order of suspension pending the final determination of the complaint and that under this new provision the complaining Head(s) of Government or the appropriate party may make application to the Tribunal for an interlocutory order of suspension". The Heads of Government have rejected this recommendation. It is remarkable that this Protocol which has serious implications for the independence

of Commissioners from political pressure was brought into being without any consultation with the legal profession, the judiciary or civil society generally. I consider its constitutionality to be dubious because the original provisions had already been incorporated in the legislative or constitutional provisions of the participating states.

This is my last point. It reinforces a view I have previously held that the architecture of the regional judicial system should be firmly cemented in the Constitutions of the Participating States, by a process of entrenchment, which protects both the infrastructure and superstructure from political influence or interference. This principle is recognised and affirmed in the Preamble to the Agreement Establishing the Court in which the Contracting Parties declare their conviction as to the desirability of entrenching the Court in their national Constitutions. It is by this means that we can effectively guarantee that the architectural design and engineering structure of the Caribbean regional judicial system will be insured and preserved for posterity.



# APPENDICES

## APPENDIX A

Meetings of the Regional Judicial and Legal Services Commission in 2016

No.	Meeting No.	Dates of Meetings of Commission
1.	100	March 11, 2016
2.	101	April 29, 2016
3.	102	July 8, 2016
4.	103	July 9, 2016
5.	104	October 7, 2016

## APPENDIX B

Attendance of Members at Commission Meetings in 2016

Key:

- Attended meeting
- × Absent from meeting
- Term expired

Name of Commissioner	Mar 11	April 29	July 8	July 9	Oct 7
The Rt. Hon. Sir Charles Dennis Byron	✓	✓	✓	•	✓
Dr. the Hon. Lloyd George Barnett, OJ	✓	✓	✓	✓	--
Dr. Peter Maynard, Ph.D.	✓	✓	•	•	✓
Dame Janice Pereira, D.B.E.	•	✓	×	×	✓
Mrs. Cynthia Williams, B.S.	✓	✓	✓	✓	✓
Dr. Francis Alexis, Q.C.	✓	✓	✓	✓	•
Ms. Jennifer Astaphan, LL.M.	•	✓	✓	✓	✓
Mr. Justice Peter Williams, CHB, Q.C.	✓	✓	✓	✓	✓
Mr. Tyrone Chong, Q.C.	✓	✓	✓	✓	✓
Mr. Martin Daly, S.C.	✓	✓	✓	•	✓
Mrs. Jacqueline Marshalleck, S.C.	✓	•	✓	✓	•
Total No. of Members who Attended	9	10	9	7	8

## APPENDIX Continued

### APPENDIX C

#### Meetings of Committees and Other Meetings in 2016

No.	Date of Meetings	Committee / Commission's Representatives	Purpose
1.	March 8, 2016	Deputy Chairman L. Barnett	Pension Administration Committee Meeting
2.	March 9, 2016	Deputy Chairman L. Barnett, Commissioners C. Williams, P. Williams and M. Daly	Human Resources and Selection Committee Meeting
3.	March 9, 2016	Deputy Chairman L. Barnett, Commissioners C. Williams, M. Daly Williams and special invited Commissioner P. Williams	Constituent Instruments Review and Regulations Committee Meeting
4.	April 11-12, 2016	Commissioners J. Astaphan, M. Daly and J. Marshalleck	Job Evaluation and Reclassification Committee Meeting
5.	April 25, 26, 30, 2016	Deputy Chairman L. Barnett Commissioners J. Astaphan, P. Williams and M. Daly	Interviews for Deputy Registrar, Legal Officer, Information Systems Manager and Accountant
6.	April 26, 2016	Deputy Chairman L. Barnett	Pension Administration Committee Meeting
7.	April 27, 2016	Commissioner Astaphan, Deputy Chairman L. Barnett, Commissioners C. Williams, P. Williams and M. Daly	Human Resources and Selection Committee Meeting
8.	April 28, 2016	Deputy Chairman L. Barnett, Commissioners J. Astaphan and M. Daly	Constituent Instruments Review and Regulations Committee Meeting
9.	May 12, 2016	Commissioners M. Daly and J. Marshalleck	Job Evaluation and Classification Exercise and 2016 Staff Regulations Meeting
10.	July 5, 2016	Deputy Chairman L. Barnett	Pension Administration Committee Meeting
11.	July 7, 2016	Commissioner J. Astaphan, Deputy Chairman L. Barnett, Commissioners C. Williams, P. Williams and M. Daly	Human Resources and Selection Committee Meeting
12.	July 7, 2016	Deputy Chairman L. Barnett, Commissioners M. Daly and C. Williams (the latter invited for quorum due to the absence of two members)	Constituent Instruments Review and Regulations Committee Meeting



## APPENDIX Continued

### APPENDIX C

Meetings of  
Committees and Other  
Meetings in 2016

(Continued)

No.	Date of Meetings	Committee / Commission's Representatives	Purpose
13.	July 9, 2016	Deputy Chairman L. Barnett, Commissioners C. Williams, J. Astaphan, F. Alexis, P. Williams, T. Chong, J. Marshalleck and Dr. Kusha Haraksingh (Chairman, CARICOM Competition Commission)	Interviews for CARICOM Competition Commission
14.	August 9 - 11, 2016	Deputy Chairman L. Barnett, Commissioners Maynard, C. Williams, P. Williams, F. Alexis and T. Chong	Job Evaluation Appeals Tribunal
15.	October 6, 2016	Commissioner J. Astaphan, Commissioners C. Williams, P. Williams and M. Daly	Human Resources and Selection Committee Meeting
16.	November 11, 2016	Commissioner J. Marshalleck	Job Evaluation Steering Committee Meeting

### APPENDIX D

Members of  
Committees in 2016

Name of Committee	Members
Pension Administration Committee	<ul style="list-style-type: none"> <li>▪ Deputy Chairman Dr. L. Barnett (Chairman to July 31, 2016)</li> <li>▪ Dr. F. Alexis (effective August 1, 2016)</li> </ul>
Human Resources and Selection Committee	<ul style="list-style-type: none"> <li>▪ Commissioner J. Astaphan (Chairperson)</li> <li>▪ Deputy Chairman Dr. L. Barnett</li> <li>▪ Commissioner C. Williams</li> <li>▪ Commissioner P. Williams</li> <li>▪ Commissioner M. Daly</li> </ul>
Judges' Compensation and Pension Committee	<ul style="list-style-type: none"> <li>▪ Deputy Chairman Dr. L. Barnett (Chairman)</li> <li>▪ Commissioner Dr. F. Alexis (Effective August 20, 2016)</li> <li>▪ Commissioner P. Maynard</li> <li>▪ Commissioner P. Williams</li> <li>▪ Commissioner M. Daly</li> </ul>
Financial Oversight Committee	<ul style="list-style-type: none"> <li>▪ Commissioner T. Chong</li> <li>▪ Commissioner P. Maynard</li> </ul>
Constituent Instruments Review and Regulations Committee	<ul style="list-style-type: none"> <li>▪ Deputy Chairman Dr. L. Barnett (Chairman)</li> <li>▪ Commissioner F. Alexis</li> <li>▪ Commissioner J. Astaphan</li> <li>▪ Commissioner M. Daly</li> <li>▪ Commissioner J. Marshalleck</li> </ul>
Job Evaluation Steering Committee	<ul style="list-style-type: none"> <li>▪ Commissioner M. Daly</li> <li>▪ Commissioner J. Marshalleck</li> <li>▪ Commissioner J. Astaphan (alternate)</li> </ul>



## APPENDIX E

# The Regional Judicial and Legal Services Commission

## Audited Financial Statements

For the year ended December 31, 2016

## Independent Auditor's Report

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

### 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, 2016 and the statement of comprehensive income, statement of changes in accumulated deficit, and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion the accompanying financial statements present fairly, in all material respects, the financial position of the Commission as at December 31, 2016, and of its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards ("IFRSs").

### Basis for Opinion

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

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

Management is responsible for the preparation and fair presentation of the financial statements in accordance with IFRSs, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

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

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

### Auditor's Responsibilities for the Audit of the Financial Statements

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

## Independent Auditor's Report (continued)

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

As part of an audit in accordance with ISAs, we exercise professional judgment and maintain professional skepticism 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 exist, 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 12, 2017

Port-of-Spain,  
Trinidad and Tobago

## Statement of Financial Position


As at December 31, 2016

(Expressed in Trinidad and Tobagos Dollars)

	Notes	2016	2015
<b>Assets</b>			
<b>Non-current assets</b>			
Property, plant and equipment	3	124,240	221,360
Retirement benefits due from Trust Fund	4	1,235,911	659,200
<b>Total non-current assets</b>		<b>1,360,151</b>	<b>880,560</b>
<b>Current assets</b>			
Cash and cash equivalents		979,798	579,379
Other receivables	6	50,389	63,457
<b>Total current assets</b>		<b>1,030,187</b>	<b>642,836</b>
<b>Total assets</b>		<b>\$2,390,338</b>	<b>\$1,523,396</b>
<b>Accumulated Deficit and Liabilities</b>			
Accumulated deficit		(282,763)	(790,912)
<b>Non-current liability</b>			
Retirement benefit liability	7	1,235,911	659,200
<b>Current liabilities</b>			
Due to related party	5	1,326,548	1,567,718
Accounts payables and accruals	9	110,642	87,390
<b>Total current liabilities</b>		<b>1,437,190</b>	<b>1,655,108</b>
<b>Total accumulated deficit and liabilities</b>		<b>\$2,390,338</b>	<b>\$1,523,396</b>

*See accompanying notes to the financial statements.*

These financial statements were approved for issue by the Commissioners on May 12, 2017 on behalf of the Regional Judicial and Legal Services Commission.

  
Commissioner

  
Commissioner

## Statement of Comprehensive Income

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

	Notes	2016	2015
Funding from the Trust Fund	8	3,791,321	3,333,677
Other income		460	60,173
		<b>3,791,781</b>	<b>3,393,850</b>
Administrative expenses	10	(3,123,298)	(3,565,815)
Surplus/(deficit)		<b>668,483</b>	<b>(171,965)</b>
<b>Other comprehensive loss:</b>			
<i>Items that will not be reclassified to profit or loss</i>	7		
Re-measurements of defined benefit pension plan		(160,334)	(128,000)
<b>Total comprehensive surplus/(deficit) for the year</b>		<b>\$508,149</b>	<b>\$(299,965)</b>

*See accompanying notes to the financial statements.*

## Statement of Changes in Accumulated Deficit

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

	<u>Accumulated Deficit</u>
<b>Year Ended December 31, 2016</b>	
Balance at January 1, 2016	(790,912)
Total comprehensive surplus for the year	508,149
<b>Balance at December 31, 2016</b>	<b>\$(282,763)</b>
<b>Year Ended December 31, 2015</b>	
Balance at January 1, 2015	(490,947)
Total comprehensive deficit for the year	(299,965)
<b>Balance at December 31, 2015</b>	<b>\$(790,912)</b>

*See accompanying notes to the financial statements.*

## Statement of Cash Flows

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

	Notes	2016	2015
<b>Cash Flows from Operating Activities</b>			
Total comprehensive surplus/(deficit) for the year		508,149	(299,965)
Adjustments to reconcile total comprehensive surplus/(deficit) for the year to net cash used in operating activities:			
Depreciation		97,120	97,118
Retirement benefit expense		576,711	204,800
Gain on sale of property, plant and equipment		-	(60,000)
Increase in retirement benefit liability		(576,711)	(204,800)
Decrease in other receivables		13,068	12,891
(Decrease)/increase in due to related party		(241,170)	765,090
Increase/(decrease) in accounts payables and accruals		23,252	(50,269)
<b>Net cash provided by operating activities</b>		<b>400,419</b>	<b>464,865</b>
<b>Cash flow from investing activities</b>			
Acquisition of property plant & equipment		-	(221,429)
Proceeds from disposal of property, plant and equipment		-	60,000
<b>Net cash used in investing activities</b>		<b>-</b>	<b>(161,429)</b>
Increase in cash and cash equivalents for the year		400,419	303,437
Cash and cash equivalents at January 1		579,379	275,943
<b>Cash and cash equivalents at December 31</b>		<b>\$979,798</b>	<b>\$579,379</b>

*See accompanying notes to the financial statements.*



## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 1. Establishment and principal activity

The Caribbean Court of Justice (the “Court”) and the Regional Judicial and Legal Services Commission (the “Commission”) were established on February 14, 2001 by the Agreement Establishing the Caribbean Court of Justice (the “Agreement”). The Agreement was signed on that date by the following Caribbean Community (CARICOM) states; Antigua & Barbuda, Barbados, Belize, Grenada, Guyana, Jamaica, St. Kitts & Nevis, St. Lucia, Suriname and Trinidad & Tobago. Two further states, Dominica and St. Vincent & The Grenadines, signed the Agreement on February 15, 2003, bringing the total number of signatories to 12.

The Court was inaugurated on April 16, 2005 in Port of Spain, Trinidad and Tobago.

The first Commission came into force on August 21, 2003 and works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves. The functions of the Commission include:

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

The Court is the highest judicial tribunal, designed to be more than a Court of last resort for member states of the Caribbean Community. For, in addition to replacing the Judicial Committee of the Privy Council, the Court is vested with an original jurisdiction in respect of the interpretation and application of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the Caricom Single Market and Economy. The Court is designed to exercise both an appellate and an original jurisdiction.

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

### 2. Significant accounting policies

#### *(a) Basis of preparation*

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

#### *(b) Changes in accounting policy and disclosures*

##### *(i) New and amended standards adopted by the Commission*

There were no new IFRSs or IFRIC interpretations that are effective for the first time for the financial year beginning on or after January 1, 2016 that were adopted and had a material impact on the Commission.

## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (*continued*)

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

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

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

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

**IFRS 16 *Leases*** supersedes IAS 17 *Leases* and its related interpretations. IFRS 16 eliminates the classification by a lessee of leases as either operating or finance. Instead all leases are treated in a similar way to finance leases in accordance with IAS 17. Under IFRS 16, leases are recorded on the statement of financial position by recognising 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 recognised lease assets and financial liabilities. However, IFRS 16 exempts a lessee to recognise assets and liabilities for short term leases and leases of low-value assets. IFRS 16 clarifies that a lessee separates lease components and service components of a contract, and applies the lease accounting requirements only to the lease components. IFRS 16 applies to annual periods commencing on or after January 1, 2019.

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

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

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

#### (c) *Use of estimates*

The preparation of these financial statements in conformity with IFRS requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets, liabilities, income and expenses. Actual results could differ from these estimates.

## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### (c) Use of estimates (continued)

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

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

#### (d) Property, plant and equipment

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

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

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

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

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

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

Depreciation is charged using the straight line method at the rate of 25% which is designed to write off the cost of the assets over their estimated useful lives.

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

## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### (e) Other receivables

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

#### (f) Cash and cash equivalents

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

#### (g) Accounts payable and accruals

Accounts payables and accruals are stated at cost.

#### (h) Provisions

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

#### (i) Revenue recognition

##### Funds from the Caribbean Court of Justice Trust Fund

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

##### Grants

Subventions that compensate the Commission for expenses incurred are recognized as income in the statement of comprehensive income on a systematic basis in the same periods in which the expenses are incurred.

Grants that compensate the Commission for the cost of an asset are recognised in the statement of comprehensive income as revenue on a systematic basis over the life of the asset.

All other revenue is recorded on an accruals basis.

#### (j) Foreign currency transactions

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

#### (k) Impairment

The carrying amounts of the Commission's assets are reviewed at each reporting date to determine whether there is any indication of impairment. If such an indication exists, the asset's recoverable amount is estimated.

## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### (k) Impairment (continued)

The recoverable amount of other assets is the greater of their net selling price and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a discount rate that reflects current market assessments of the time value of money and the risks specific to the asset. For an asset that does not generate largely independent cash inflows, the recoverable amount is determined for the cash-generating unit to which the asset belongs.

An impairment loss is reversed if there has been a change in the estimates used to determine the recoverable amount. An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortization, if no impairment loss had been recognized.

#### (l) Taxation

Pursuant to the terms of an agreement entered into on July 4, 2003 between the Court, the Commission and the Government of the Republic of Trinidad and Tobago, the Commission is exempt from all direct and indirect taxes, duties and levies imposed in Trinidad and Tobago.

#### (m) Employee benefits

##### Defined benefit plan

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

##### (i) 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 the Commission, provide to the Commission the funds necessary to pay the pension for each employee on this basis.

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

#### (n) Accumulated fund/(deficit)

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

## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 3. Property, plant and equipment

	Library Books	Furniture, Fittings and Computer Equipment	Vehicles	Total
<b>Year ended December 31, 2016</b>				
<b>Cost</b>				
At January 1, 2016	24,815	410,342	200,283	635,440
Additions	-	-	-	-
Disposals	-	-	-	-
At December 31, 2016	24,815	410,342	200,283	635,440
<b>Accumulated depreciation</b>				
At January 1, 2016	24,815	339,194	50,071	414,080
Charge for the year	-	47,049	50,071	97,120
At December 31, 2016	24,815	386,243	100,142	511,200
<b>Net book value</b>				
At December 31, 2016	\$ -	\$24,099	\$100,141	\$124,240
<b>Year ended December 31, 2015</b>				
<b>Cost</b>				
At January 1, 2015	24,815	389,196	163,513	577,524
Additions	-	21,146	200,283	221,429
Disposals	-	-	(163,513)	(163,513)
At December 31, 2015	24,815	410,342	200,283	635,440
<b>Accumulated depreciation</b>				
At January 1, 2015	24,815	292,147	163,513	480,475
Charge for the year	-	47,047	50,071	97,118
Disposals	-	-	(163,513)	(163,513)
At December 31, 2015	24,815	339,194	50,071	414,080
<b>Net book value</b>				
At December 31, 2015	\$ -	\$71,148	\$150,212	\$221,360

## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

#### 4. Retirement benefits due from Trust Fund

	2016	2015
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	\$1,235,911	\$659,200

#### 5. Related Party Transactions

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

##### The Court:

	2016	2015
a) Due to related party:		
- The Court	\$1,326,548	\$1,567,718

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

	2016	2015
b) Income received from the Trust Fund via the Court	\$3,223,460	\$3,090,477
c) Expenses charged to the Commission by the Court	\$65,168	\$345,357

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

	2016	2015
d) Key management compensation		
Salaries and other short term benefits	\$676,835	\$607,030

#### 6. Other receivable

	2016	2015
VAT recoverable	12,601	35,020
Employee receivable and prepayment	32,874	23,523
Due from JURIST Project	4,914	4,914
	<u>\$50,389</u>	<u>\$63,457</u>

## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 7. Retirement benefit liability

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

	2016	2015
<b>Movement in present value of defined benefit obligation</b>		
Defined Benefit Obligation at start of year	659,200	454,400
Foreign exchange loss on opening obligation	28,902	-
Current service cost	120,251	96,000
Interest cost	40,084	19,200
Contributions paid	60,125	44,800
Past service cost	247,182	-
Re-measurements experience adjustment	160,334	128,000
Benefits paid	(80,167)	(83,200)
<b>Defined Benefit Obligations at end of year</b>	<b>\$1,235,911</b>	<b>\$659,200</b>

### Liability profile

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

	2016	2015
Active members	60%	76%
Pensioners	40%	24%

The weighted average duration of the defined obligation at the year-end was 8.4 years (2015: 2 years).

44% of the benefits accrued by active members were vested (2015: 72%).

1% of the defined benefit obligation for active members was conditional on future salary increases (2015: 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.



## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 7. Retirement benefit liability (continued)

	2016	2015
<b>Expense recognized in profit and loss</b>		
Current service cost	120,251	96,000
Net interest on net defined benefit liability	40,084	19,200
Past service cost	247,182	-
<b>Net pension costs</b>	<b>\$407,517</b>	<b>\$115,200</b>
Re-measurements recognised in Other Comprehensive Income	-	-
Experience losses	160,334	128,000
<b>Total amount recognized in Other Comprehensive Income</b>	<b>\$160,334</b>	<b>\$128,000</b>
Opening Defined Benefit Liability	659,200	454,400
Foreign exchange loss on opening obligation	28,902	
Net pension cost	407,517	115,200
Re-measurements recognized in Other Comprehensive Income	160,334	128,000
Contributions paid	60,125	44,800
Benefits paid	(80,167)	(83,200)
<b>Closing defined benefit liability</b>	<b>\$1,235,911</b>	<b>\$659,200</b>
<b>Summary of principal assumptions as at December 31</b>	<b>2016</b>	<b>2015</b>
Discount rate	3.5% pa	3.5% pa
Salary increases	1.0% pa	1.0% pa

Assumptions regarding future mortality are based on published mortality tables. The life expectancies underlying the value of the defined benefit obligation as at December 31, 2016 are as follows:

Life expectancy at age 65 for current pensioner in years:

- Male	16.9	16.9
- Female	20.7	20.7

## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 7. Retirement benefit liability (continued)

#### Sensitivity Analysis

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

#### As at December 31, 2016

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

#### As at December 31, 2015

	1% pa higher	1% pa lower
- Discount rate	(12,800)	\$12,800
- Salary increases	-	-

An increase of 1 year in the assumed life expectancies shown above would decrease the defined benefit obligation at December 31, 2016 by \$26,720 (2015:\$6,400).

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 totaling \$66,800 in 2017.

### 8. Funding from the Trust Fund

	2016	2015
Funding received from the Trust Fund	3,223,460	3,090,477
Pension income receivable from the Trust Fund	567,861	243,200
	<b>\$3,791,321</b>	<b>\$3,333,677</b>

### 9. Accounts payables and accruals

	2016	2015
Accruals	103,288	80,147
Accounts payable	7,354	7,243
	<b>\$110,642</b>	<b>\$87,390</b>

## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 10. Administrative expenses

	2016	2015
Salaries and allowances	1,177,795	1,261,771
Commission and recruitment expenses	1,024,830	1,049,104
Pension cost	491,335	238,642
Other expenses	146,178	477,415
Professional fees	106,929	355,814
Depreciation	97,120	97,118
Insurance expense	60,470	72,907
Bank charges	18,641	13,044
	<b>\$3,123,298</b>	<b>\$3,565,815</b>

### 11. Financial Risk Management

#### Financial risk factors

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

#### Foreign exchange risk

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

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

	2016	2015
<b>Assets</b>		
Retirement benefits due from Trust Fund	1,235,911	659,200
Cash and cash equivalents	947,497	128,293
<b>Liability</b>		
Retirement benefit liability	(1,235,911)	(659,200)

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 (2015: 5%), with all other variables held constant. This represents management's best estimate of a reasonable possible shift in the foreign exchange rates, having regard to historical volatility of those rates.

	Effect on accumulated fund	
	2016	2015
<b>Foreign exchange risk</b>		
<i>Increased by 5%</i>	\$47,375	\$6,415
<i>Decreased by 5%</i>	\$(47,375)	\$(6,415)

## Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

### 11. Financial Risk Management (continued)

#### Credit risk

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

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

Cash and deposits are held with reputable financial institutions.

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

#### Liquidity risk

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

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

	Less than three (3) months
<b>At December 31, 2016</b>	
<b>Financial liabilities:</b>	
Due to related party	1,326,548
Accounts payables and accruals	110,642
<b>Total liabilities</b>	<b>\$1,437,190</b>
<b>At December 31, 2015</b>	
<b>Financial liabilities:</b>	
Due to related party	1,567,718
Accounts payables and accruals	87,390
<b>Total liabilities</b>	<b>\$1,655,108</b>

### 12. Subsequent Events

Management evaluated all events that occurred from January 1, 2017 through May 12, 2017, 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.

The Regional Judicial and Legal Services Commission

## **Audited Financial Statements**

For the year ended December 31, 2016

(Expressed in United States Dollars)

## **Supplementary Financial Information**

## **Independent Auditors' Report on the Supplementary Financial Information**

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

We have audited the financial statements of the Regional Judicial and Legal Services Commission for the year ended December 31, 2016, and have issued our report thereon dated, May 12, 2017.

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

We conducted our audit for the purpose of expressing an opinion on the financial statements of the Regional Judicial and Legal Services Commission taken as a whole. The accompanying supplementary financial information, consisting of the statements of financial position, comprehensive income and changes in accumulated deficit, is presented for the purpose of additional analysis in United States Dollars and should not be considered necessary to the presentation of the basic financial statements. This information has been subjected to the audit procedures applied to the basic financial statements and, in our opinion, is fairly presented, in all material respects, when taken as a whole with the basic financial statements.



May 12, 2017

*Port of Spain,  
Trinidad, West Indies*

## Statement of Financial Position

As at December 31, 2016

(Expressed in United States Dollars)

	2016	2015
<b>Assets</b>		
<b>Non-current assets</b>		
Property, plant and equipment	18,597	34,587
Retirement benefits due from Trust Fund	185,000	103,000
<b>Total non-current assets</b>	<b>203,597</b>	<b>137,587</b>
<b>Current assets</b>		
Cash and cash equivalents	146,663	90,528
Other receivables	7,543	9,915
<b>Total current assets</b>	<b>154,206</b>	<b>100,443</b>
<b>Total assets</b>	<b>US\$357,803</b>	<b>US\$238,030</b>
<b>Accumulated Deficit and Liabilities</b>		
Accumulated deficit	(42,326)	(123,581)
<b>Non-current liability</b>		
Retirement benefit liability	185,000	103,000
<b>Current liabilities</b>		
Due to related party	198,567	244,956
Accounts payables and accruals	16,562	13,655
<b>Total current liabilities</b>	<b>215,129</b>	<b>258,611</b>
<b>Total accumulated deficit and liabilities</b>	<b>US\$357,803</b>	<b>US\$238,030</b>

Translation rate used - 2016: US\$ 1.00 - TT\$6.68 (2015: US\$1.00 - TT\$6.40)

## Statement of Comprehensive Income

For the year ended December 31, 2016

(Expressed in United States Dollars)

	Notes	2016	2015
Funding from the Trust Fund		576,040	520,887
Interest income		70	9,402
		576,110	530,289
Administrative expenses		(474,543)	(557,159)
<b>Surplus/(deficit)</b>		<b>101,567</b>	<b>(26,870)</b>
<b>Other comprehensive loss:</b>			
<i>Items that will not be reclassified to profit or loss</i>			
Re-measurements of defined benefit pension plan		(24,361)	(20,000)
<b>Total comprehensive surplus/(deficit) for the year</b>		<b>US\$77,206</b>	<b>US\$(46,870)</b>

Translation rate used - 2016: US\$ 1.00 - TT\$6.58 (2015: US\$1.00 - TT\$6.40)



## Statement of Changes in Accumulated Deficit

For the year ended December 31, 2016

(Expressed in United States Dollars)

	<b>Accumulated Deficit</b>
Balance as at January 1, 2016	(123,581)
Foreign exchange loss on opening accumulated deficit	4,049
Total comprehensive surplus for the year	77,206
<b>Balance as at December 31, 2016</b>	<b>USD\$(42,326)</b>
Balance as at January 1, 2015	(76,711)
Total comprehensive deficit for the year	(46,870)
<b>Balance as at December 31, 2015</b>	<b>USD\$(123,581)</b>

Translation rate used - 2016: US\$ 1.00 - TT\$6.68 (2015: US\$1.00 - TT\$6.40)

## REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION (RJLSC)

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