

**SUPREME COURT OF
JUDICATURE
ANNUAL REPORT**

2007

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1. EXECUTIVE SUMMARY

1.1 INTRODUCTION

The doctrine of separation of powers underscores the provisions of our Constitution, and it guarantees the independence of the Judiciary. Article 122 A provides:

“122A(1) All courts and all persons presiding over the courts shall exercise their function independently of the control and direction of any other person or authority; and shall be free and independent from political, executive and any other form of direction and control”.

In furtherance of this provision Article 123 provides for the establishment of a Supreme Court of Judicature, which consists of the High Court and the Court of Appeal. The Caribbean Court of Justice is the final court of appeal for Guyana.

The Summary Jurisdiction (Magistrates) Act, Cap 3:05 provides for the constitution of the Magistrates' Courts, its practice and procedure, the appointment of Magistrates and the regulation of their duties.

In summary, Guyana has a four tier court system which, commencing at its lowest tier is made up of:

- (a) **The Courts of Summary Jurisdiction commonly referred to as the Magistrates' Courts** established by the provisions of the Summary Jurisdiction (Magistrates) Act Cap 3:05.
- (b) **The High Court** established in accordance with the provisions of Article 123 of the Constitution, functions in compliance with the provisions of the Constitution and the High Court Act and Rules, Cap. 3:02.
 - (i) **The Land Court** is a division of the High Court created by the Land Registry Act Cap. 5:02. It is presided over by a Commissioner of Title. The Land Court functions in the Ombudsman Building which is located on Brickdam, Georgetown and in the Sub-Registry, New Amsterdam.

- (ii) **The Full Court** which is the appellate jurisdiction of the High Court, is established by section 75 of the High Court Act Cap. 3:05.
- (iii) **The High Court** also has two **Sub-Registries**; one in **New Amsterdam, Berbice** and another in **Suddie, Essequibo**.
- (c) **The Court of Appeal** established in accordance with the provisions of Article 123 of the Constitution, functions in compliance with the provisions of the Court of Appeal Act, Cap 3:01. It is a court of review, that is, review of the record of the court's proceedings from which the appeal is filed.
- (d) **The Caribbean Court of Justice** established in accordance with the provisions of Article 123 (4) of the Constitution, became operational on 1st April, 2005 by Order No. 10 of 2005, made under the Caribbean Court of Justice Act 2004. The Caribbean Court of Justice is now the final Court of Appeal for Guyana.

1.2 THE HIGH COURT

1.2.1 Civil

Article 125 of the Constitution provides for the High Court to be presided over by the Chief Justice and such number of Puisne Judges as may be prescribed by Parliament. By Order made under the High Court Act Cap. 3:02, the authorized number of Puisne Judges is eleven (11). At the end of 2007, the High Court was presided over by the Chief Justice and nine (9) Puisne Judges. There were two vacancies.

The High Court has very wide jurisdiction in civil matters which are heard by a single Judge sitting without a Jury. During 2007, a total of **5,600** civil matters were filed in the Supreme Court Registry, Georgetown, **1,083** in the Sub-Registry, New Amsterdam, and **117** in the Sub-Registry, Essequibo making a total of **6,800** matters filed. To this must be added the backlog of **1,317** civil matters in Berbice, **82** in Suddie and **17,814** matters in Georgetown, making a total of **19,213** backlog matters to be added to the **6,800** filed in 2007, making a grand total of **26,013** matters to be heard in 2007. The Judges heard and determined **3,822** matters in Georgetown, **767** matters in Berbice and **58** in Essequibo making a total of **4,647** matters completed, leaving a total of **21,366** matters pending for 2008.

The number of matters disposed of goes as far back as **1998** in Berbice and **1995** in Georgetown. At this time in addition to the older cases that were filed in the 90's, cases filed in the years 2001 and 2000 are being assigned for hearing in Berbice and Georgetown respectively.

The number of civil cases awaiting trial in the court continues to escalate. The staff of the Supreme Court Registry continues its audit of all matters filed in the Registry by bundling them into categories of matters that are abandoned, deserted, ripe for hearing and pending in the Registry for pleadings to be closed or for decision to be delivered by the Judges. Matters that are ripe for hearing are sent up to the Honourable Chief Justice for assignment to Judges for hearing. The deserted and abandoned matters are assigned by the Chief Justice to Judges who have a call-over of these cases so that attorneys-at-law and their parties can be heard. This results in matters being restored for hearing by the Court or struck off the list, as being abandoned or deserted as the case may be.

The Supreme Court is also using Alternative Dispute Resolute methods to deal with cases listed for trial. The Mediation method is now being used on a voluntary basis. There are plans to make Mediation a compulsory step in civil procedure rules and also to expand the pool of trained mediators available to do mediation.

At the end of December, 2007, **72** matters came to the Mediation Centre. Of this number **67** were referred by Judges of the High Court and **5** through requests by clients/attorneys. To this number must be added the pending **140** from 2006 making a total of **212** pending for hearing in 2007.

Of this number **63** were successfully mediated leaving **149** pending as at December 31, 2007. **Table 7** shows the status of matters assigned for mediation. While these figures do not tell a success story, it is hoped that this will change when mediation is made a compulsory step in the new Civil Procedure Rules.

In the continuing drive to deal with the problem of the backlog, a decision was made to introduce a specialized Commercial Court which commenced work on June 21, 2006. In 2007, there was a total of **1,240** matters to be heard. A total of **506** matters were heard in 2007 leaving a total of **734** pending for 2008.

In this move to improve the efficiency of the Courts, it is envisaged that the new Civil Rules of Procedure drafted by the Rules Making Committee would be implemented. These new rules are aimed at making the procedure in court Judge – driven, thereby making Judges control the pace of litigation, and not attorneys-at-law. Case Management will be used by Judges to schedule events which must take place before the given trial date which is set at the Case Management Conference.

Another problem that needs to be addressed is the number of cases completed but for the delivery of written decisions by Judges. This is a grave problem for the litigant, the High Court and Court of Appeal, as these matters cannot be taken off the list at the High Court as completed nor can the record of those for which oral decisions were given and which are now on appeal, be prepared for hearing at the Court of Appeal. This is causing problems with litigants and more and more of them are publicly voicing their dissatisfaction. This impacts very negatively on public trust and confidence in the court system. Every effort should therefore be made by Judges to comply with the provisions of Article 197 (3) of the Constitution which, provides that Judges can be removed from office for:

“- - - persistently not writing decisions, or for continuously failing to give decisions and reasons therefor within such time as may be specified by Parliament”.

Until a statute is passed in Parliament for implementation by the Judicial Service Commission specifying the time limit, it would be reasonable for Judges to follow the practice in other jurisdictions and deliver written decisions within six months of reserving decisions.

1.2.2 Criminal

The High Court exercises criminal jurisdiction in matters that are brought before it by way of indictment filed by the Director of Public Prosecutions (DPP).

These matters are heard by a single Judge sitting with a Jury of twelve men and women. In 2007, a total of **69** depositions were filed in the High Court Registry, Georgetown, **20** in the Sub-Registry, New Amsterdam, and **1** in Suddie, Essequibo making a total of **90** depositions filed. To this number must be added the pending backlog of **510** depositions making a grand total

of **600** indictments to be heard. The Judges heard and determined **67** criminal matters in Georgetown, **18** in Berbice and **3** in Suddie leaving a total of **512** criminal matters yet to be heard. These indictments reflect matters heard in Georgetown, Berbice and Essequibo, for which Preliminary Inquiries (PI's) were heard from as far back as 1999.

In 2007, the Supreme Court Registry continued the exercise to deal with the backlog of civil and criminal matters. Two (2) Justices of Appeal agreed to forego their long vacation leave, accepting salary in lieu, to hear criminal and civil matters.

There is need to increase the number of Judges. The impact of the problem of too few Judges is seen in the analysis of the growing backlog of both civil and criminal cases, taken in conjunction with the assignment of Judges. That assignment is as follows:

Essequibo	-	1	(to be increased to 2 in 2008)
Berbice	-	2	(one to hear criminal and one to hear Civil matters)
Georgetown	-	1	- Bail Court
		1	- Chamber Court
		1	- Commercial Court
		2	- Civil
		4	- Criminal
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If two judges were to hear and conclude one civil matter every day for the 249 working days of the year this would mean that a total of **498** matters would be completed. However, this is not possible since civil matters in the High Court involve sometimes complex issues which require hearing of evidence over a number of days. Assuming for the sake of argument that two judges could complete these matters including delivery of decisions, it would mean that deducting this number from the **5,600 cases** filed, the average backlog would be **5,102**. It must be pellucidly clear that given the present number of Judges and the assignment of work among them that the present number of Judges is inadequate to deal with the number of cases filed. Every effort must therefore be made to increase the present complement of Judges and to utilize the provisions of Article 128A of the

Constitution to appoint part-time Judges. Retired Judges, can be employed as part-time Judges, to help with the backlog of civil and criminal cases.

1.2.3 Marshal

In the Marshals' section of the High Court, Georgetown and the Sub-Registries in New Amsterdam and Essequibo, a total of **3,888** matters were filed for service; **2,918** of which were filed in Georgetown, **853** in the Sub-Registry, Berbice and **117** in the Sub-Registry, Essequibo. To this number must be added the pending backlog of **616** matters in Georgetown, **204** in New Amsterdam and **83** in Suddie making a grand total of **4,791** matters to be served. Of this number **2288** were served in Georgetown, **700** in the Sub-Registry, Berbice and **79** in the Sub-Registry Essequibo, making a grand total of **3067** matters served.

There were **9** auction sales held in Georgetown at which levied property, both movable and immovable as advertised, were sold at public auction as advertised. No auction sale was conducted in the Sub-Registry, Berbice.

1.2.4 Probate

During 2007, **1190** applications for the grants of Probate and Letters of Administration were filed in Georgetown, **224** in the Sub-Registry, Berbice and **10** in Suddie, Essequibo. To this number must be added the backlog of **309** matters in Georgetown and **261** in Berbice and **2** in Suddie Essequibo making a grand total of **1996** applications to be heard. Of this number **1198** were granted and issued in Georgetown, Berbice and Suddie, leaving a total of **798** applications pending for 2007.

1.2.5 Land Court

The Land Court functions in Georgetown at the Ombudsman's Building, Brickdam, and at the Sub-Registry, New Amsterdam, Berbice. As yet this unit has not become operational in the Sub-Registry, Suddie. Matters filed in Suddie are assigned to be heard by the Judge who is on duty.

In 2007, **506 - Petitions for Prescriptive Title to Land** were filed in Georgetown, **369** in Berbice and **13** in Suddie making a total of **888** petitions filed. To this number must be added the backlog of **25** in Georgetown, **360** in Berbice, making a total of **1273** petitions to be heard. Of this number **306** were completed in Georgetown, **338** in Berbice and **8** in Suddie leaving a total of **621** petitions pending for 2008.

Under **Section 35 of the Deeds Registry Act Cap. 5:01**, no application for Deeds Registration was filed in Georgetown, **2** were filed in Berbice and **1** in Suddie. There were no applications pending in Georgetown, Berbice or Suddie. One (**1**) application was completed in Berbice and **1** in Suddie. There is **1** application pending for 2008 in Berbice.

Under **Section 79 of the Land Registration Act, Cap. 5:02**, **1** application was filed in Georgetown, **14** in Berbice and none in Suddie. To this number must be added the backlog of **24** in Georgetown. Of this number **6** were completed in Georgetown and **4** in Berbice. There are **19** applications pending in Georgetown and **10** in Berbice.

Under **Section 107 of the Land Registration Act, Cap. 5:02**, **173** applications were filed in Georgetown, and **87** in Berbice. To this number must be added the pending backlog of **36** in Georgetown and **103** in Berbice, making a total of **399** to be heard in 2007. Of this number **112** were disposed of in Georgetown and **23** in Berbice leaving a total of **264** pending for 2008.

Under **Section 17 of the Land Registration Act, Cap. 5:02**, no applications were filed in 2007. There was no backlog in Georgetown, Berbice or Suddie.

1.3 THE FULL COURT

The Full Court is the appellate jurisdiction of the High Court. The Full Court sits in Georgetown and at the Sub-Registry, Berbice. In 2007, in its criminal jurisdiction, **6** appeals were filed for hearing in Georgetown and **0** in Berbice and **1** in Suddie making a total of **7**. To this number must be added a pending backlog of **28** criminal appeals in Georgetown, **8** in Berbice and **0** in Suddie making a grand total of **43** criminal appeals to be heard in 2007. Of this number **9** were completed, leaving **34** pending for 2008. In its civil jurisdiction **50** appeals were filed in Georgetown, **7** in

Berbice and 1 in Suddie making a total of 58. To this number must be added a pending backlog of 329 civil appeals in Georgetown, 14 in Berbice making a grand total of 370 to be heard in 2007. Of this number 23 were completed leaving 347 pending for 2008.

1.4 THE COURT OF APPEAL

The Court of Appeal comprises the Chancellor, who is the head of the Judiciary and Chairman of the Judicial Service Commission; the Chief Justice and four (4) Justices of Appeal. At the end of 2007, the Court of Appeal comprised the Acting Chancellor who holds the substantive position of Chief Justice, and three (3) Justices of Appeal.

In its criminal jurisdiction 23 appeals were filed in 2007, to which must be added 38 pending from 2006. Of this number 10 were concluded leaving 51 pending for 2008.

In its civil jurisdiction 133 appeals were filed in 2007, to which must be added 422 pending from 2006 making a total of 555. Of this number 35 were concluded leaving 520 pending for 2008.

Of the pending 422 civil appeals, 22 were to be uplifted by Attorneys-at-law for the Appellants to prepare and file the respective Records of Appeal. Fifteen (15) are awaiting the Records of Appeal to be filed; 13 are waiting for records to be settled and 24 are awaiting fixtures.

There were 42 chamber applications filed in 2007, to which must be added 3 pending from 2006. Of this number 10 were concluded leaving 35 pending for 2008.

In 2007, 28 complaints were filed against attorneys-at-law by clients for hearing before the Legal Practitioners' Committee (LPC). To this number must be added the pending 40 matters from 2006, making a total of 68 complaints to be heard. Of this number 16 were completed, 8 of which reports are to be written and sent to the Chancellor and the Attorney General for disciplinary action to be taken. There is a pending backlog of 52 complaints to be heard in 2008.

1.5 THE CARIBBEAN COURT OF JUSTICE

The Caribbean Court of Justice came into operation on the 1st April, 2005 thereby becoming the final court of appeal in Guyana in both civil and criminal matters. The Supreme Court Registry is deemed to be a sub-Registry of the CCJ and the Registrar a Deputy Registrar of the CCJ. This means filing of appeals to the CCJ can now be done in Guyana. In 2007, in its criminal jurisdiction, no criminal appeal was filed and disposed of and **13** in the civil jurisdiction. None of these were disposed of, leaving **13** pending for 2008.

1.6 THE MAGISTRATES' COURTS

There are eight Magisterial Districts which for administrative purposes are administered through six Head-offices as follows:

- (i) The Corentyne Magisterial District with Head Offices at Whim.
- (ii) The Berbice Magisterial District with Head Offices in New Amsterdam.
- (iii) The East Demerara Magisterial District with Head Offices at Vigilance.
- (iv) The Georgetown Magisterial District with Head Offices in Georgetown.
- (v) The West Demerara Magisterial District with Head Offices at Vreed-en-Hoop.
- (vi) The Essequibo Magisterial District with Head Offices at Suddie.
- (vii) The North West Magisterial District administered by Georgetown and Essequibo.
- (viii) The Rupununi Magisterial District administered by Georgetown.

These eight magisterial districts are authorized to be served by **21** Magistrates but in fact were served by only **16** Magistrates in 2007.

Approximately ninety percent of the litigation which feed the judicial system of this country emanates from the Magistrates' Courts which have both civil and criminal jurisdiction. In its civil jurisdiction Magistrates adjudicate in petty debt claims for the recovery of any debt or damages where the amount claimed does not exceed fifty thousand dollars, claims for rent owed and possession of premises. The Magistrates' Courts also have jurisdiction to hear applications for assessment of rent, but no such applications were filed in 2007.

In its criminal jurisdiction, Magistrates hear and determine complaints in respect of traditional summary conviction offences and indictable offences which are tried summarily by virtue of provisions of the Summary Jurisdiction (Procedure) Act, Cap. 10:02 as amended by The Administration of Justice Act, 1978. Preliminary Inquiries (PI's) into indictable offences are held by Magistrates.

In their statutory capacity as Coroners, Magistrates hold inquests into deaths which occur under suspicious circumstances. Magistrates also sit as members of Liquor Licensing Boards and Cinematography Boards.

Tables 1, 2a, 2b and 2c show civil and criminal matters respectively that were filed and disposed of in 2007 in the various Magisterial Districts.

TABLE 1 – STATUS OF CIVIL CASES – Magistrates' Courts

District		Possession	Other Claims	TOTAL
Georgetown (Avenue of the Republic)	Pending 2006	1351	796	2147
	Filed 2007	176	1032	1208
	Disposed 2007	1461	1766	3227
	Pending at 2007-12-31	66	62	128
West Demerara (Vreed-en-Hoop)	Pending 2006	20	70	90
	Filed 2007	36	49	85
	Disposed 2007	24	27	51
	Pending at 2007-12-31	32	92	124
Essequibo (Suddie)	Pending 2006	04	155	159
	Filed 2007	02	255	257
	Disposed 2007	03	113	116
	Pending at 2007-12-31	03	297	300
East Demerara (Vigilance)	Pending 2006	12	140	152
	Filed 2007	46	108	154
	Disposed 2007	43	213	256
	Pending at 2007-12-31	15	35	50
Berbice (New Amsterdam)	Pending 2006	11	31	42
	Filed 2007	34	186	220
	Disposed 2007	26	149	175
	Pending at 2007-12-31	19	68	87
Corentyne (Whim)	Pending 2006	09	40	49
	Filed 2007	08	91	99
	Disposed 2007	08	93	101
	Pending at 2007-12-31	09	38	47

SUMMARY

	Pending 2006	1407	1232	2639
	Filed 2007	302	1721	2023
	Disposed 2007	1565	2361	3926
	Pending at 2007-12-31	144	592	736

Table 2a – STATUS OF CRIMINAL CASES – Magistrates Courts

District		Summary	Indictable	Narcotics	Traffic	Preliminary Inquiries	Inquests	TOTAL
Georgetown (Avenue of the Republic)	Pending 2006	6919	3005	1245	5650	255	104	17178
	Filed 2007	5715	1735	362	6220	76	21	14129
	Disposed 2007	10783	4385	1520	10858	276	68	27890
	Pending at 2007-12-31	1851	355	87	1012	55	57	3417
West Demerara (Vreed-en-Hoop)	Pending 2006	94	111	54	30	31	0	320
	Filed 2007	1542	378	179	1176	55	0	3330
	Disposed 2007	1174	223	105	785	0	0	2287
	Pending at 2007-12-31	462	266	128	421	86	0	1363
Essequibo (Suddie)	Pending 2006	978	46	150	129	81	28	1412
	Filed 2007	824	279	60	197	20	0	1380
	Disposed 2007	902	58	94	232	10	0	1296
	Pending at 2007-12-31	1000	267	116	94	91	28	1496
East Demerara (Vigilance)	Pending 2006	754	114	101	769	71	124	1933
	Filed 2007	2180	756	154	3444	53	0	6587
	Disposed 2007	1116	493	208	2843	10	3	4673
	Pending at 2007-12-31	1818	377	47	1370	114	121	3847
Berbice (New Amsterdam)	Pending 2006	679	599	93	279	45	23	1718
	Filed 2007	1726	478	343	1523	34	0	4104
	Disposed 2007	1433	227	97	1594	20	0	3371
	Pending at 2007-12-31	972	850	339	208	59	23	2451
Corentyne (Whim)	Pending 2006	319	349	35	124	124	20	971
	Filed 2007	1896	243	109	696	243	0	3187
	Disposed 2007	1832	138	82	674	238	0	2964
	Pending at 2007-12-31	383	454	62	146	129	20	1194

SUMMARY

PARTICULARS OF SUMMARY	Summary	Indictable	Narcotics	Traffic	Preliminary Inquiries	Inquests	TOTAL
Pending 2006	9743	4224	1678	6981	607	299	23,532
Filed 2007	13,883	3869	1207	13,256	481	21	32,717
Disposed 2007	17,240	5524	2106	16,986	554	71	42,481
Pending at 2007-12-31	6,386	2,569	779	3,251	534	249	13,768

TABLE 2b – STATUS OF SUMMARY CASES – Magistrates' Court

District		Summary	Indictable taken summarily	Preliminary Inquiries	TOTAL
Georgetown (Avenue of the Republic)	Pending 2006	14069	2750	255	17,074
	Filed 2007	12373	1659	76	14,108
	Disposed 2007	24,550	2996	276	27,822
	Pending at 2007-12-31	1892	1413	55	3,360
West Demerara (Vreed-en-Hoop)	Pending 2006	209	80	31	320
	Filed 2007	2952	323	55	3,330
	Disposed 2007	2064	223	0	2,287
	Pending at 2007-12-31	1097	180	86	1,363
Essequibo (Suddie)	Pending 2006	1118	185	81	1,384
	Filed 2007	1201	259	20	1,480
	Disposed 2007	1238	48	10	1,296
	Pending at 2007-12-31	1081	396	91	1,568
East Demerara (Vigilance)	Pending 2006	1695	43	71	1,809
	Filed 2007	5831	703	53	6,587
	Disposed 2007	4177	483	10	4,670
	Pending at 2007-12-31	3349	263	114	3,726
Berbice New Amsterdam)	Pending 2006	1096	554	45	1,695
	Filed 2007	3626	444	34	4,104
	Disposed 2007	3144	207	20	3,371
	Pending at 2007-12-31	1578	791	59	2,428
Corentyne (Whim)	Pending 2006	602	225	124	951
	Filed 2007	2663	281	243	3,187
	Disposed 2007	2,548	281	238	3,067
	Pending at 2007-12-31	717	225	129	1,071

SUMMARY

Pending for 2006	18,789	3,837	607	23,233
Filed for 2007	28,646	3,669	481	32,796
Disposed for 2007	37,721	4,238	554	42,513
Pending at 2007-12-31	9,714	3,268	534	13,516

TABLE 2c – STATUS OF INDICTABLE CASES – Magistrates' Court

District		Filed	PI	Taken Sum
Georgetown (Avenue of the Republic)	Pending 2006	3005	255	2750
	Filed 2007	1735	76	1659
	Disposed 2007	4385	276	2996
	Pending at 2007-12-31	355	55	1413
West Demerara (Vreed-en-Hoop)	Pending 2006	111	31	80
	Filed 2007	378	55	323
	Disposed 2007	223	0	223
	Pending at 2007-12-31	266	86	180
Essequibo (Suddie)	Pending 2006	266	81	185
	Filed 2007	279	20	259
	Disposed 2007	58	10	48
	Pending at 2007-12-31	487	91	396
East Demerara (Vigilance)	Pending 2006	114	71	43
	Filed 2007	756	53	703
	Disposed 2007	493	10	483
	Pending at 2007-12-31	377	114	263
Berbice New Amsterdam	Pending 2006	599	45	554
	Filed 2007	478	34	444
	Disposed 2007	227	20	207
	Pending at 2007-12-31	850	59	791
Corentyne (Whim)	Pending 2006	349	124	225
	Filed 2007	243	243	0
	Disposed 2007	138	138	0
	Pending at 2007-12-31	454	229	225

SUMMARY

	Pending 2006	4,444	607	3,837	
	Filed 2007	3,869	481	3,388	
	Disposed 2007	5,524	454	3,957	
	Pending at 2007-12-31	2,789	634	3,268	

An examination of these figures in Tables 1 and 2a shows that a total of **2,023** civil cases, **32,796** summary and **3,387** indictable criminal cases were filed in the Magistrates' Courts for 2007.

To this must be added a backlog of **2,639** civil cases, **23,233** summary and **3,837** indictable criminal cases pending from previous years, making a total of **4,642** civil, **56,029** summary and **7,225** indictable criminal cases to be heard. Of this total **3,926** civil, **42,510** summary and **3,957** indictable cases were disposed of, leaving a backlog of **736** civil, **13,519** summary and **3,268** criminal cases pending to be heard in 2007.

Table **2b** shows that a total of **32,796** summary matters (including narcotics and traffic cases) were filed. To this number must be added the backlog of **23,233** making a grand total of **56,029** summary matters to be heard. Of this number **42,513** were completed, leaving **13,516** pending for 2008.

Table **2c** shows that a total of **3,837** indictable matters were filed. Of this number, **3475** were transferred to be heard as summary matters, leaving **362** as Preliminary Inquiries (PI). To this number of PI's must be added a pending backlog of **562** making a total of **924**. Of this total **534** were completed, leaving **390** pending Preliminary Inquiries to be completed in 2008. A total of **21** inquests were filed in 2007. To this number must be added the backlog of **299** making a grand total of **320** inquests to be heard. Of this number **71** were heard leaving **249** pending to be heard in 2008. The slow rare of completing matters is a worrying phenomenon when consideration is given to the constitutional issues of delay and human rights.

The time has come for some study to be done of the number of cases that are listed to be heard in each court, their status and the time taken for their completion so that some recommendation could be made to increase the number of Magistrates and court days where necessary.

1.7 CURRENT AND CAPITAL BUDGET

In 2007, a total of **MS620.348** was voted as Current Expenditure (inclusive of Statutory Provisions). Capital Expenditure; **MS50.0** for Buildings and **MS8.300** for Equipment; Contingency Fund **MS4.498** – Fort Wellington; Court of Appeal **MS6.300**; Land and Water Transport **MS1.5**; Contingency Fund **MS1.3**.

The Capital Budget's allocation of **MS8.3** for the purchase of Equipment is grossly inadequate as this sum of money cannot meet the cost of replacing old and broken furniture. Similarly the sum of money allocated for buildings cannot meet the needs of the Supreme Court to allow for achieving the target of easy access to justice in a geographic sense. Without the tools of adequate physical accommodation, justice cannot be dispensed with fairness. This can be achieved in a programmed manner if the Judiciary submits a Strategic Plan with its objectives broken down in a 5-year plan to show programmed implementation of its Policy.

Table 3 shows that the 2007 Budget Estimates targeted the quantum of revenue likely to be collected by the Supreme Court Registry, Fees, Fines and Seizures at **MS76.200** and State Costs at **MS3.000** making a total of **MS79.200**.

In actual fact, the Supreme Court and Magistrates Courts together collected revenue in the sum of **MS133.489** which represents an overall increase of **MS54.289**. The increase was due to the fact that there was an attempt by the Honourable Chancellor (ag) to get Magistrates to comply with the rules as to work hours and also by increasing the number of days on which various courts sit.

Table 3 – ACTUAL REVENUE COLLECTED – GSM

	Voted	Actual	Remarks
Fines, fees and seizure	76.200	128.641	
State costs			
Other Loans and Allowances	3.000	4.848	
TOTAL	79.200	133.489	

It should be noted that there are problems with recovery of fines which are not paid immediately as this requires the Police to arrest the defaulters after warrants have been issued. This results very often in warrants not being executed and in turn unpaid fines. There is need to increase filing fees, as the present fee structure is not realistic.

Indeed, arguably it costs the state more money to recover this revenue and this sometimes serves as a dis-incentive to collect filing fees and other costs to the Registrar. This increase would not impact negatively on the goal of

easy access to justice as it is important to have an effective means of recovering costs which must be balanced with the responsibility to deliver justice with fairness.

2. MISSION STATEMENT

The mission of the Supreme Court Registry and the offices of the Magistrates' Courts is:

**To provide the required support to the
Judiciary and the Magistracy to achieve the
aims and objectives of social justice.**

This mission can be realized by adopting the following court standards as issued by the National Centre for State Courts in Washington, USA as the foundation of the restructuring of the Registry of the Supreme Court of Judicature.

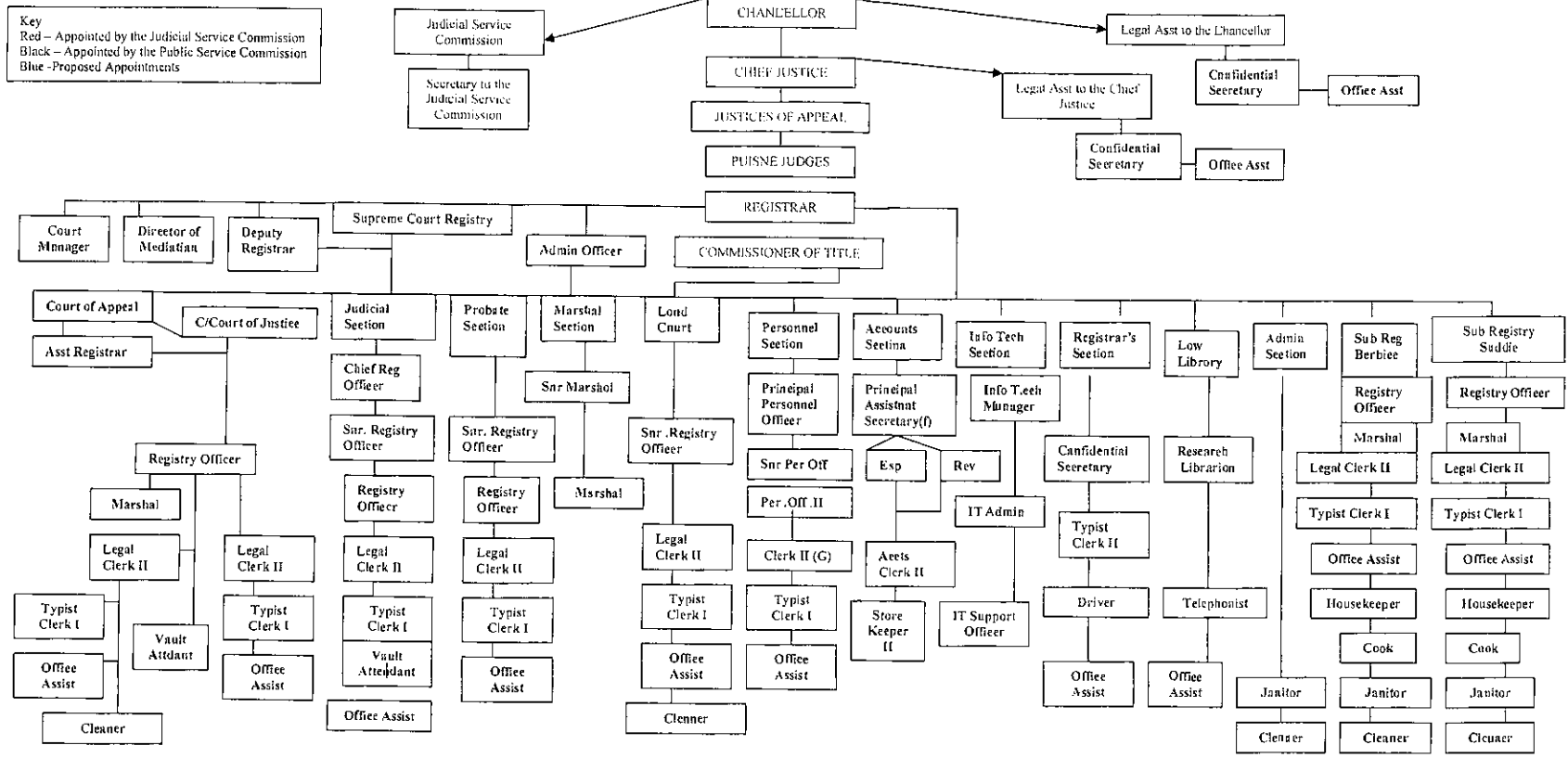
- (i) Access to justice
- (ii) Expeditions and Timely Trials
- (iii) Equality, Fairness and Integrity
- (iv) Independence and Accountability
- (v) Maintenance of Public Trust and Confidence

These goals should be part of the proposed Strategic Plan. There were Public consultations and discussions with other key stakeholders in the Justice Sector in the last quarter of 2006 with a review to getting an acceptable and agreed Strategic Plan for the Judiciary and Magistracy.

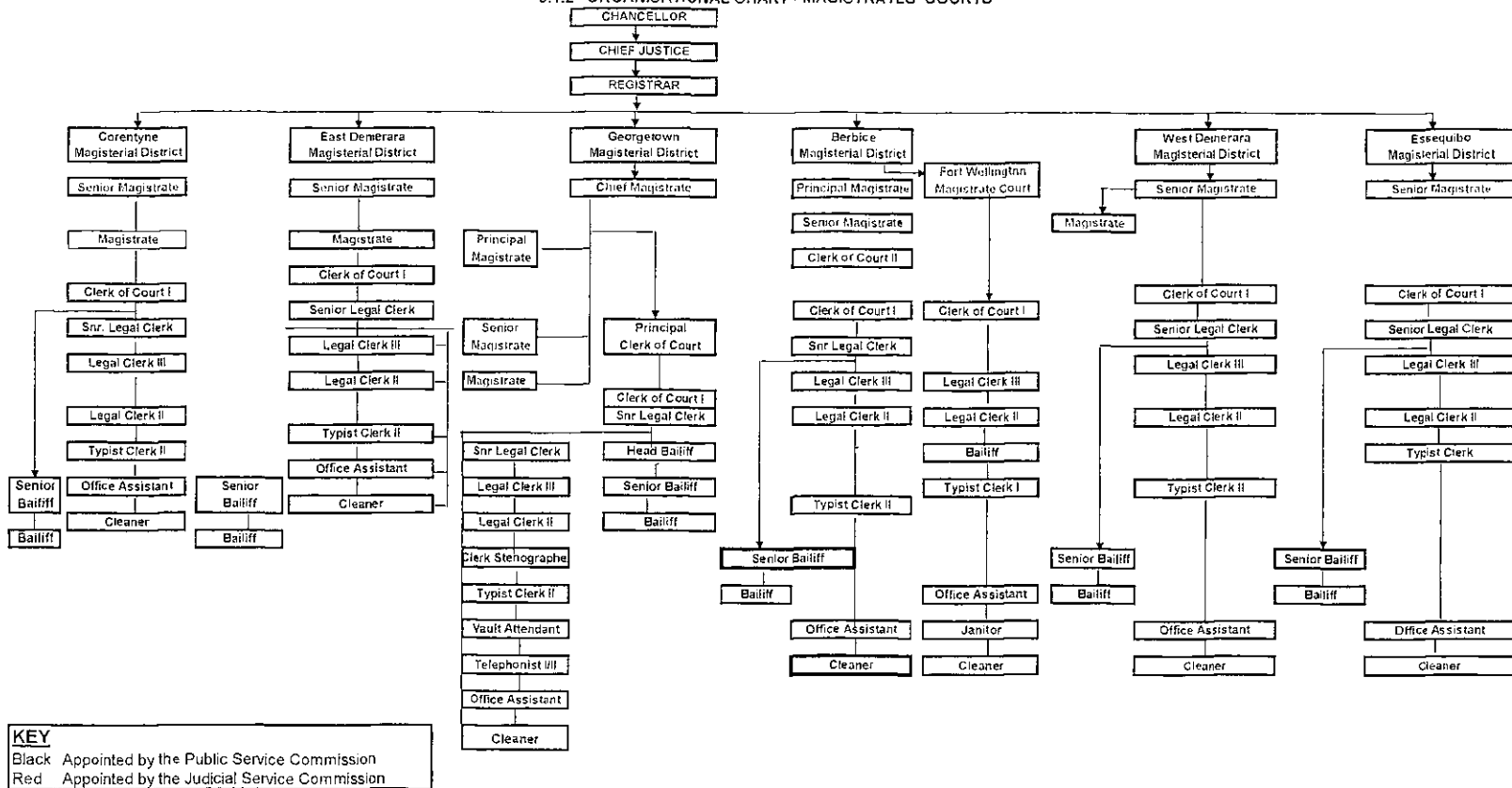
3. ORGANISATION AND MANAGEMENT

- 3.1 Organization Chart - Supreme Court Registry
- 3.2 Organization Chart - Magistrates' Courts

3.1.1 ORGANISATIONAL CHART – SUPREME COURT OF JUDICATURE



3.1.2 ORGANISATIONAL CHART - MAGISTRATES' COURTS



KEY
 Black Appointed by the Public Service Commission
 Red Appointed by the Judicial Service Commission

3.3 Supreme Court Registry

The Supreme Court Registry is headed by a Registrar who is an attorney-at-law. The post of Deputy Registrar is vacant. The Post of Court Manager was created and is yet to be filled. An Administrative Officer was appointed. The functions of the Registry can be broadly categorized into units:

- 3.3 General Administration
- 3.4 Judicial
- 3.5 Accounts

3.4 General Administration

This section is concerned with the administrative functions of the Supreme Court Registry. This unit comprises of the following sections and in this respect it is hoped that approval will be given for the post of Court Administrator to be created in 2008.

3.4.1 Accounts

The Accounts unit which is now fully computerized under the IFMAS system is responsible for the control of all financial matters in this the Supreme Court of Judicature (**Programme I**) and the Magistrates' Courts (**Programme II**). It is a Budget Agency which is Sub-Accounting and is therefore responsible to the Treasury for the processing of the payroll, expenditure and collection of revenue and its transfer into the Consolidated Fund. The Registrar is the appointed Head of the Budget Agency and Accounting Officer of the Supreme Court/Magistrates' Department.

This unit is headed by a Principal Assistant Secretary (Finance) and it is divided into two (2) sections; Revenue and Expenditure. It has an authorized establishment of **23**, but is actually staffed by **20**. In terms of expenditure of current budget allocations the staff of this unit must ensure that monies are spent in accordance with sub-heads under which money is disbursed by the Ministry of Finance, and that there is compliance with Financial Regulations.

Appendices I and II show the Budget and Actual Expenditure of **Programmes 1 and 2** of the Supreme Court of Judicature and Appendix III shows the Capital Budget of this Budget Agency. The Supreme Court of Judicature spent a total of **MS611.876** of its allocated **MS620,348** current expenditure budget. In terms of Maintenance of Building there are **51**

Magistrates Courts; the buildings of the High Court; the Land Court; the Court of Appeal; the Sub-Registries and the Judges Quarters in New Amsterdam and Suddie, to be physically maintained and serviced. The sum of **M\$28,150** allocated in the Budget was used to maintain and repair the buildings.

In 2007, Capital Budget money was allocated for the use of the Supreme Court of Judicature: **M\$19.498** was allocated for purchase of equipment. The money allocated for Buildings in the Capital Budget was **M\$50.0**. It was used primarily for the renovation of the Court of Appeal and the New Amsterdam Sub-Registry and Judges' Quarters at a cost of approximately **M\$28.056** for the year 2007. The Judges' Quarters at New Amsterdam Sub-Registry was rolled over for 2008.

3.4.2 Personnel

The Supreme Court Registry has responsibility for the management of the human resources of the Supreme Court of Judicature and the Magistrates' Courts. It is the function of this section to see that the Agency is adequately staffed and to look after the welfare of staff. It also monitors the attendance of staff and advises the Registrar on disciplinary matters, identifying training needs and design in-house training needs programmes aimed at providing an improved customer service to the public. In 2007 several members of staff attended training programmes conducted by the Training Division of the Public Service Ministry.

During the year, 77 persons were employed to fill vacant positions created by resignations, retirement and termination. The Supreme Court continues to fail to keep qualified staff due to the low salaries offered. The turnover is very high.

This section should be headed by a Principal Personnel Officer and should have on staff a Senior Personnel Officer and other senior personnel staff. In 2007 this unit was headed by a Senior Personnel Officer who is a retired person now employed on contract, and has two typist clerks, and an office assistant. Clearly this unit is grossly understaffed and this factor impacts negatively on the functioning of this unit. This staffing problem needs to be addressed urgently, if record keeping is to be maintained and a dependable human resources data base kept. In 2007, the Supreme Court of Judicature (**Programme I**) had an authorized inventory of posts of **245** but had **169** in

actual employment. The Magistrates' Courts had an inventory of 136 with 113 in actual employment.

Tables 4a, 4b, 5a and 5b reflect the human resources of the Supreme Court and Magistrates Courts in terms of its Actual Staff as compared with the Authorized Inventory.

**Table 4a – Human Resources Programme 1 – Supreme Court of
Judicature : (Allocation of Staff)**

Section	Aut Amt	Act ual	M	F	Temp	Perm	Cont ract	Act ing	Quali -fied	Remarks	
Land Court	7	6	1	5	5	1	0	1	3	Vacancy	1
Court of Appeal	14	7	2	5	5	2	0	1	3	Vacancies	7
Sub Registry (Berbice)	34	20	7	13	14	6	0	2	8	Vacancies	14
Sub Registry (Suddie)	34	19	8	11	18	1	0	1	8	Vacancies	15
Judicial Section	42	39	20	19	36	3	0	1	22	Vacancies	3
Info Tech Section	4	0	0	0	0	0	0	0	0	Vacancies	4
Probate	5	5	2	3	5	0	0	1	0	Vacancy	0
Marshal	23	23	20	3	21	2	0	5	14	Vacancy	0
Law Library	10	3	0	3	1	2	0	0	3	Vacancy	7
Personnel Section	7	4	1	3	2	0	2	0	2	Vacancies	3
Registrar's Section	4	3	2	1	2	0	1	0	2	Vacancy	1
Cleaners	18	14	1	13	10	4	0	0	4	Vacancies	4
Admin	11	7	6	1	0	6	1	0	7	Vacancies	4
Accounts (Revenue)	15	4	2	2	4	0	0	0	4	Vacancies	11
Accounts (Expenditure)	17	15	8	7	14	1	0	0	12	Vacancies	2
Programme 1 – Totals	245	169	80	89	137	28	4	12	92	Vacancies	76

NB: Of the 137 temporary employees, 12 are acting in higher positions as Legal Clerks. They are qualified and experienced enough to fill the vacant positions against which they are acting. Recommendations have been made to the Public Service Commission for them to be appointed to those positions.

Table 4b – Human Resources – Supreme Court of Judicature – Program 1 – Post Title, Post Grade and Post Salary – (Court of Appeal, High Court, Land Court and Sub Registries)

Category 1 : Administrative	Grade	Post Salary
3 Commissioner of Title	14	456,673
1 Registrar of the Supreme Court	14	733,894
1 Deputy Registrar of the Supreme Court	12	226,822
1 Director of Mediation	12	233,913
1 Court Manager	12	233,913
1 Head Information Technology	12	147,895
1 Administrative Officer	06	199,782
1 Legal Assistant to the Chancellor	11	225,963
1 Legal Assistant to the Chief Justice	11	225,963
1 P.A.S. (Finance)	11	159,956
1 Principal Personnel Officer	11	120,140
1 Senior Personnel Officer	09	77,244
1 Research Librarian	09	77,244
2 Chief Accountants	09	98,764
2 Accountant	08	77,233
1 Assistant Registrar	08	77,233
4 Chief Registry Officers	07	51,892
1 Confidential Secretary to the Chancellor & Secretary Judicial Service Commission	06	49,712
4 Senior Registry Officers	06	49,712
1 Librarian IV	04	34,723
31 Total Category		
Category 3: Other Technical & Craft Skilled		
3 First Marshals I	06	45,443
1 Personnel Officer II	06	49,712
2 Assistant Accountants	05	39,478
4 Registry Officers	05	37,597
1 Store Keeper II	04	34,723
2 Systems Support Officers	03	39,478
1 Librarian III	03	33,509
1 Storekeeper I	02	31,000
1 Librarian II		
16 Total Category		
Category 4 : Clerical & Office Support		
2 Confidential Secretaries	05	49,712
3 Senior Marshals	04	34,723
3 Accounts Clerks III	03	39,478
31 Marshals	03	33,508
2 Legal Clerks III	03	39,478
25 Accounts Clerks II	02	35,530
1 Clerk II (G)	02	35,530
44 Legal Clerks II	02	35,530
2 Telephonists	02	31,000
23 Typist Clerks I	02	31,000
1 Typist Clerk I	02	31,000
21 Office Assistants	01	28,415
160 Total Category	Grade	
2 Cooks (Judges' Residence)	02	31,000
1 Driver	02	31,000
2 Housekeepers	02	31,000
2 Janitors	02	31,000
2 Vault Attendants	02	31,000
27 Cleaners	01	28,415
2 Maids	01	28,415
38 Total Category		
245 Grand Total		

**Table 5a – Human Resources – (Magistrates Courts) Programme II – All
Magisterial Districts (Allocation of Staff)**

Section – Administrative	Aut Amt	Act ual	M	F	Temp	Perm	Cont ract	Act ing	Quali -fied	Remarks
Chief Magistrate	1	1	0	1	0	1	0	0	1	Vacancy 0
Principal Magistrate	2	1	0	1	0	1	0	0	1	Vacancy 1
Senior Magistrate	6	0	0	0	0	0	0	0	0	Vacancy 6
Magistrate	12	12	7	5	9	1	2	0	12	Vacancy 0
Sub Total	21	14	7	7	9	3	2	0	14	Vacancy 7
Magisterial Districts										
Georgetown	44	40	13	27	31	9	0	1	21	Vacancy 4
East Demerara	15	12	4	8	11	1	0	0	9	Vacancy 9
New Amsterdam	14	11	4	7	10	1	0	0	9	Vacancy 3
Corentyne	14	13	6	7	11	2	0	0	12	Vacancy 1
West Demerara	14	10	3	7	9	1	0	0	10	Vacancy 4
Essequibo	14	12	6	6	11	1	0	1	12	Vacancy 2
Programme II Total	115	98	36	62	83	15	0	2	73	17
Programme II Total	136	112	43	69	92	18	2	2	87	Vacancies 24

**Table 5b – Human Resources – Magistrates' Department – Programme II – Post
Title, GS Grade & Post Salary**

Post Title		
Category I : Administrative	Grade	Post Salary
1 Chief Magistrate	14	492,665
7 Principal Magistrates	13	471,717
2 Senior Magistrates	12	412,906
12 Magistrates	11	389,270
1 Principal Clerk of Court	07	51,892
4 Clerks of Court II	05	47,333
5 Clerks of Court I	05	43,425
32 Total Category		
Category 3: Other Technical & Craft Skilled		
6 Senior Bailiffs	05	43,425
9 Bailiffs	03	33,509
15 Total Category		
Category 4 : Clerical & Office Support		
4 Senior Legal Clerks	05	38,478
7 Legal Clerks III	03	35,924
2 Typist Clerks III	03	33,509
1 Clerk/Stenographer	02	35,530
65 Legal Clerks II	02	35,530
1 Telephonist I	02	31,001
18 Typist Clerks II	02	31,001
10 Office Assistants	01	28,415
109 Total Category		
Category 5 : Semi Skilled Operatives Unskilled		
1 Vault Attendant	02	31,001
14 Cleaners	01	28,416
15 Total Category		
171 Grand Total		

3.4.3 Library

A Law Library is located in the compound of the High Court and maintained by the Supreme Court Registry for the benefit of Judges, Magistrates and Attorneys-at-law. It is also used by final year law students of the University of Guyana.

This facility is manned by an acting Temporary Research Librarian who is not qualified and who clearly cannot manage it. There has been difficulty in recruiting a qualified Research Librarian and other support staff because of poor salaries offered. It is hoped that this problem would be remedied as the library is poorly administered, and maintained.

The Library holdings were again upgraded in 2007 with the purchase of law reports and text books, made by the Honourable Chancellor (ag) to the value of **M\$10.0**.

There are also library facilities at the Court of Appeal which should be upgraded and staffed by an Assistant Librarian.

Limited facilities are now provided in the Sub-Registries in New Amsterdam, Berbice and Suddie, Essequibo, both of which have very small collections.

3.4.4 Maintenance of Buildings

This section should be a separate unit because of the number of buildings and grounds that need to be maintained. At present responsibility for it comes under general administration. The Administrative Officer and Personnel are primarily responsible for the supervision of janitorial and cleaning services for the buildings.

In terms of the maintenance of buildings, repairs to buildings were effected from both the Current and Capital Budget allocations. The Current Budget for 2007 made allocations of **M\$13.300** for the Supreme Court and **M\$14.850** for the Magistrates Courts.

This money was used to do maintenance work at some of the Magistrates Courts, the High Court – Georgetown, and the Sub-Registry, Suddie. The responsibility of supervision is primarily that of the Administrative Officer and is shared by the Registrar.

3.5 Judicial

This section has wide and very varied functions, which may be categorized to reflect the following units:

3.5.1	Legal
3.5.2	Marshal
3.5.3	Probate

3.5.1 Legal

This section should be headed by the Deputy Registrar, who together with the Judicial Officer and other Senior Registry Officers supervise the functioning of the Registry under the direction of the Registrar. In 2007, there was no Deputy Registrar so the section was supervised by the Judicial Officer and other Senior Registry Officers under the direction of the Registrar. Some of the staff of this section function as registrars to individual Judges and the remainder function as legal clerks and typist-clerks in the general office.

The principal function of this section is to accept and record matters that are filed and to transmit them when they are ripe for hearing to the Honourable Chief Justice for assignment to Judges for hearing. In particular, it is responsible for accepting all documents intended for filing and subsequent hearing before the three branches of the Supreme Court of Judicature, namely; the High Court, and its appellate jurisdiction of the Full Court and the Court of Appeal. A Cause Book is maintained for each of these courts, which allows for a manual record to be kept of every matter that is filed and its progress in the system until completion.

In its criminal jurisdiction it accepts and records all indictments filed by the Director of Public Prosecutions. It is also responsible for the safe custody of all depositions and exhibits received from the Magistrates' Courts in the county of Demerara. It issues copies of all documents that are required by litigants and other members of the public and provides the public and attorneys-at-law with information concerning the status of cases before the Courts.

This section has responsibility for supervising the Sub-Registries located in New Amsterdam, Berbice and Suddie, Essequibo, which performs similar functions but on a much smaller scale.

In 2007, systems were introduced in the unit to ensure transparency and accountability. In addition to the manual writing up of the Cause Book, the staff of this section are currently engaged in computerizing the Cause Book for current matters as they are filed. It is intended that eventually the entire system will be computerized.

Table 6a shows the breakdown of civil matters filed and disposed of during 2007 in the High Court, Georgetown and the Sub-Registries of Berbice and Essequibo.

**Table 6a – STATUS OF CIVIL MATTERS – High Court –
Georgetown, Sub-Registries, New Amsterdam and Suddie**

		Specially Indorsed Writ	Writ of Summons	Summons and other Applications	Adop-tions	Judgment Summons	General Petitions	Divorce	Full Court Appeals	C/D	TOTAL
G'town	Pending at 2006	4363	3784	1375	1699	243	149	2643	3558	0	17814
Sub-Reg, Berbice		61	263	235	93	15	0	626	24	0	1317
Sub-Reg, Suddie		33	16	1	0	0	10	22	0	0	82
	Pending in 2006	4457	4063	1611	1792	258	159	3291	3582	0	19213
G'town	Filed in 2007	256	587	1230	138	31	777	1285	56	1240	5600
Sub-Reg, Berbice		187	170	300	42	26	30	321	07	0	1083
Sub-Reg, Suddie		22	14	37	0	1	10	32	1	0	117
	Filed in 2007	465	771	1567	180	58	817	1638	64	1240	6800
G'town	Disposed in 2007	221	476	960	121	18	484	988	48	506	3822
Sub-Reg, Berbice		110	217	266	15	20	30	105	04	0	767
Sub-Reg, Suddie		18	03	17	0	01	03	16	0	0	58
	Disposed in 2007	349	696	1243	136	39	517	1109	52	506	4647
G'town	Pcnding at 2007-12-31	4398	3895	1645	1716	256	442	2940	3566	734	19592
Sub-Reg, Berbice		138	216	269	120	21	0	842	27	0	1633
Sub-Reg, Suddie		37	27	21	0	0	17	38	01	0	141
	Pending 2008	4573	4138	1935	1836	277	459	3820	3594	734	21366

Table 6b shows the breakdown of criminal matters filed and disposed of during 2007 in the High Court, Georgetown and the Sub-Registries of Berbice and Essequibo.

**Table 6b – STATUS OF CRIMINAL MATTERS – High Court –
Georgetown, Sub-Registries, New Amsterdam and Suddie**

		Indictments
Georgetown	Pending at 2006	467
Berbice		34
Essequibo		9
Total Pending in 2006		510
Georgetown	Filed in 2007	69
Berbice		20
Essequibo		1
Total Filed in 2007		90
Georgetown	Disposed in 2007	67
Berbice		18
Essequibo		3
Total Disposed in 2007		88
Georgetown	Pending at 2007-12-31	469
Berbice		36
Essequibo		7
Total		512

In November 2003, a Mediation Pilot Project was introduced, but it is not as successful as was envisaged.

Mediation is viewed as an alternative method of settling disputes by litigants who will not have to wait for years to have litigation concluded by the court system, but through mediation could come in a mutually acceptable position that was agreed to by both parties.

Table 7 shows the number matters assigned for Mediation during 2007 in the High Court, Georgetown.

Table 7 –STATUS OF MEDIATION MATTERS
High Court – Georgetown

		Mediation	Remarks
Georgetown	Pending at 2006	142	Matters which were still being processed in 2006
Georgetown	Filed in 2007	72	Matters filed making a total of 214
Georgetown	Disposed in 2006	63	Disposed out of 214
Georgetown	Pending at 2007-12-31	151	Remaining from the total of 214 of which 132 are active matters

3.5.2 Marshals' Section

Marshals of the Supreme Court are executive officers of the court. The work of the Marshals' Section is, to a large extent, closely associated with that of the Judicial Section. Marshals are required to maintain order during sittings of the Court, to serve legal process, execute levies and to hold auction sales. The Registrar is the chief executive officer of the Court, and every Marshal is under the Registrar's discretion and control.

This section has an authorized and actual establishment of **24** marshals but is short-staffed by **8**. The current breakdown as it relates to staffing is as follows; **16** in Georgetown, **4** in Berbice and **3** in Suddie, Essequibo.

Table 8 shows the breakdown of matters filed for service in the Marshals' section of the High Court in Georgetown and the Sub-Registries of Berbice and Essequibo.

Table 8 -- STATUS OF MATTERS FILED IN THE MARSHALS' SECTION

		Writ of Sum mons	Specially Indorsed Writ	Sum Mons & Applica tions	General Petition	Di- vorce	Judg ment Sum mons	Wit ness Cita tion	Inter Plea ders	Notice of Motion	Writ of Posses sion	Order of Court	TOTAL
G/town	Pending at 2006	94	307	53	0	80	3	28	0	37	5	9	616
Sub-Reg Berbice		63	61	35	0	26	15	0	0	0	0	4	204
Sub-Reg Suddie		16	33	1	10	22	1	0	0	0	0	0	83
	Pending in 2007	173	401	89	10	128	19	28	0	37	5	13	903
G/town	Filed in 2007	344	1248	241	65	717	30	89	1	168	10	324	3237
Sub-Reg Berbice		170	187	112	30	321	26	0	0	0	0	7	853
Sub-Reg Suddie		14	22	37	10	32	1	0	0	0	0	1	117
	Filed in 2007	528	1457	390	105	1070	57	89	1	168	10	332	4207
G/town	Disposed in 2007	261	774	164	56	483	23	79	1	133	6	360	2340
Sub-Reg Berbice		113	127	96	25	312	20	0	0	0	0	7	700
Sub-Reg Suddie		9	18	17	8	26	1	0	0	0	0	0	79
	Disposed in 2007	383	919	277	89	821	44	79	1	133	6	367	3119
G/town	Pending at 2007-12-31	177	781	130	9	314	10	38	0	72	9	1	1541
Sub-Reg Berbice		120	121	51	5	35	21	0	0	0	0	4	357
Sub-Reg Suddie		21	37	21	12	28	1	0	0	0	0	1	121
	Pending 2007-12-31	318	939	202	26	377	32	38	0	72	9	6	2019

3.5.3 Probate

This unit also called, 'Estates Division' deals with the estates of deceased persons. It is headed by a Senior Registry Officer (ag) and has three other members of staff. The main purpose of this section is to provide Personal Representatives of the estates of deceased persons with grants of representation to enable them to administer those estates according to law.

This unit is also responsible for receiving, registering and keeping wills in safe custody. Caveats are also filed by persons who wish to ensure that nothing is done without their knowledge in reference to the estates of the deceased named therein. Applications for leave to sell or sub-divide property belonging to the estates of deceased persons are also processed by this section.

Table 9 shows details of the work done by the section during 2007

Table 9 – STATUS OF MATTERS FILED IN THE PROBATE SECTION

Particulars		Appli- cation for Probate	Application for Letters of Admin- istration	Re- sealing of Gant	Wills De- posited	Caveats Entered	Citations	Appli- cations to sell by Private treaty	Affi- davits veri- fying Accts	Total
G/town	Pending at 2006	83	226	0	2302	62	2	0	0	2675
Sub- Reg Berbice		103	158	0	0	4	0	0	0	265
Sub- Reg Suddie		2	0	0	0	0	0	0	0	02
Total		188	384	0	2302	66	02	0	0	2942
G/town	Filed in 2007	397	793	6	1033	129	17	10	0	2385
Sub- Reg Berbice		62	162	0	221	9	2	0	0	456
Sub- Reg Suddie		8	2	0	18	0	0	1	0	29
Total		467	957	06	1272	138	19	11	0	2870
G/town	Disposed in 2007	314	662	5	29	141	17	7	0	1175
Sub- Reg Berbice		62	151	0	1	6	0	0	0	220
Sub- Reg Suddie		7	2	0	0	0	0	1	0	10
Total		383	815	5	30	147	17	08	0	1405
G/town	Pending at 2007-12- 31	166	357	1	3306	50	2	3	0	3885
Sub- Reg Berbice		103	169	0	220	7	2	0	0	501
Sub- Reg Suddie		3	0	0	18	0	0	0	0	21
Total		272	526	01	3544	57	04	03	0	4407

An analysis of this information shows that:

- (i) **1,190** applications for Letters of Administration and Probate were filed in Georgetown, **224** in Berbice and **10** in Suddie (Essequibo) making a total of **1,424**. To this figure must be added **309** pending in Georgetown, **261** in Berbice and **2** pending in Suddie making a total of **1,996** applications to be determined in 2007. Of that number, a total of **1198** applications were granted and given off to the Applicants leaving a total of **798** applications pending for 2008. Many applications were out of order for various reasons. These are to be rectified by Applicants who were sent notices to that effect.
- (ii) **1,033** Wills were deposited for safe-keeping in Georgetown, **221** in Berbice and **18** in Suddie making a total of **1,272** Wills deposited. These Wills are recorded in the respective Wills' Registers and packed in Cabinets in numerical order for safe-keeping.
- (iii) **17** Citations were filed in Georgetown and **2** in Berbice. No citations were filed in Suddie, Essequibo for the year 2007.
- (iv) **10** Applications for leave to sell by Private Treaty were filed in Georgetown, none in Berbice and **1** in Suddie, Essequibo for the year 2007. Certificates were prepared and issued for **7** of those filed in Georgetown and **1** in Suddie.
- (v) **6** Applications to reseal grants were filed in Georgetown. No application to reseal grants was filed the in Sub-Registries of Berbice and Suddie, Essequibo. Five (**5**) resealing applications were granted and issued in Georgetown leaving **1** pending for 2008.
- (vi) No Affidavit verifying accounts were filed in Georgetown, Berbice or Suddie, Essequibo.

3.6 Land Court

The Land Court is created by the Land Registry Act, Cap. 5:02 of the Laws of Guyana. It is presided over by a **Commissioner of Title** who must be an **Attorney-at-Law**. This Court functions in the Ombudsman Building which is located on Brickdam, Georgetown, and in the Sub-Registry, New Amsterdam. The authorized establishment provides for three Commissioners of Title. In 2006, two positions were occupied, one in Berbice and the other in Georgetown. The third is expected to be filled to function in the Sub-Registry, Suddie, Essequibo. Commissioners of Title hear and determine applications filed in accordance with the Land Registry Act, Cap. 5:02. These are Petitions for Prescriptive Title to Land and applications for Certificates of Title under the Land Registry Act assigned by the Chief Justice. Certain areas may be declared Land Registration Areas and the title to land in those areas is known as '**Certificate of Title to Land**'. The intention is that this document should eventually replace the Transport as a document of title to land in those designated areas.

Table 10 shows the status of the several different applications disposed of by the Land Court in Georgetown, Berbice and Suddie.

Table 10 – STATUS OF CASES FILED IN THE LAND COURT

Particulars		Petitions for Prescriptive Title	Deeds Reg. Act Cap. 5:01 S.35	Land Registry Act 5:02 S.79	Land Registry Act 5:02 S.107	Land Registry Act S.17	Total
Georgetown	Pending at 2006	25	0	24	36	0	85
Sub-Reg. Berbice		360	0	0	103	0	463
Sub-Reg. Suddie		6	0	0	0	0	06
Total		391	0	24	139	0	554
Georgetown	Filed in 2007	506	0	1	173	0	680
Sub-Reg. Berbice		369	2	14	87	0	472
Sub-Reg. Suddie		13	1	0	0	0	14
Total		888	03	15	260	0	1166
Georgetown	Disposed in 2007	306	0	6	112	0	424
Sub-Reg. Berbice		338	1	11	23	0	373
Sub-Reg. Suddie		8	1	0	0	0	09
Total		652	02	17	135	0	806
Georgetown	Pending at 2007-12-31	225	0	19	97	0	341
Sub-Reg. Berbice		391	1	3	167	0	562
Sub-Reg. Suddie		11	0	0	0	0	11
Total		627	01	22	264	0	914

3.7 The Full Court

The Full Court is the appellate jurisdiction of the High Court established in accordance with section 75 of the High Court Act, Cap. 3:02. It exercises both civil and criminal jurisdiction and is presided over by a bench of not less than two Puisne Judges.

The Full Court hears and determines appeals emanating from the High Court as well as the Magistrates Courts.

3.8 Sub-Registries: Berbice and Essequibo

These are units of the Supreme Court Registry which are located in the town of New Amsterdam, Berbice and Suddie, Essequibo.

The existence of Sub-Registries in New Amsterdam and Suddie is a very convenient arrangement for litigants and other members of the public as they offer to the public all the services available in the main Registry in Georgetown but on a reduced scale. The High Court sits in Berbice and Essequibo on both its civil and criminal jurisdiction. Sittings of the Full Court to hear both civil and criminal matters are held at the Berbice Sub-Registry.

Table 11 shows the work done by the Full Court.

Table 11 – STATUS OF MATTERS BEFORE THE FULL COURT

		Criminal	Civil
Georgetown		28	298
Sub-Registry, Berbice		08	14
Sub-Registry, Suddie	Pending at 2006-12-31	0	0
Georgetown	Filed in 2007	6	50
Sub-Registry, Berbice		0	7
Sub-Registry, Suddie		0	01
Georgetown	Disposed in 2007	08	19
Sub-Registry, Berbice		01	03
Sub-Registry, Suddie		0	01
Georgetown	Pending at 2007-12-31	26	329
Sub-Registry, Berbice		07	18
Sub-Registry, Suddie		0	0

3.9 Court of Appeal

The Court of Appeal is the highest branch of the Supreme Court of Judicature. The Caribbean Court of Justice is now the final Court of Appeal for the Republic of Guyana. The President of the Court of Appeal is the Chancellor who is also the Chairman of the Judicial Service Commission. A section of the staff of the Supreme Court Registry works at the Court of Appeal Building in Kingston where this Court sits.

An Assistant Registrar is the administrative head of this unit who functions as Secretary to the Legal Practitioners' Disciplinary Committee. The staff attached to this Court is charged with the responsibility of ensuring that appeals filed for hearing at the Court of Appeal are speedily processed and presented before the Court for hearing and determination.

An appeal is on the record. In this regard in criminal matters, the court has the responsibility for preparing the record of appeal at the cost of the state for use of the accused, his attorney-at-law, the DPP and a panel of at least three Judges sitting to hear and determine the appeal. The Court of Appeal must settle the record of appeal in civil matters and it is for the appellant to produce the record of appeal, after it has been duly settled for use of the Court.

During 2007, there were **38** criminal, **422** civil appeals, **3** chamber and **40** LPC applications pending to be heard. Of this number must be added those that were filed in 2007 which are **23** criminal, **133** civil appeals, **42** chamber and **28** PLC applications making a grand total of **61** criminal LPC applications. Of this number **10** criminal, **35** civil appeals as well as **39** chamber applications and **16** LPC complaints were heard and determined leaving **51** criminal, **520** civil appeals, **6** chamber applications and **52** LPC complaints to be heard in 2008. At the end of 2007, of the **520** civil appeals, **35** were uplifted by Attorneys-at-Law on record for the Appellant to prepare and file records of appeal, **15** records of appeal are awaiting to be settled, **24** are awaiting fixture.

In 2007, **28** complaints were filed against attorneys-at-law for hearing before the Legal Practitioners' Committee (LPC). To this number must be added the pending backlog of **40** making a grand total of **68** matters to be heard. Of this number **16** were completed, **8** of which reports are to be written and sent to the Chancellor and the Attorney General for disciplinary action to be taken.

Table 12 shows the status of matters before the Court of Appeal and the LPC.

**Table 12 – STATUS OF MATTERS BEFORE THE COURT OF APPEAL AND
LPC**

	Criminal	Civil	Chamber	LPC* Applications
Pending at end of 2006	38	422	3	40
Filed in 2007	23	133	42	28
Disposed in 2007	10	35	39	16
Pending at 2007-12-31	51	520	6	52

3.10 The Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) is now the final appellate court for Guyana. The Supreme Court Registry is deemed to be a Sub-Registry of the CCJ and the Registrar a Deputy Registrar. This means filing of appeals to the CCJ can now be done in Guyana. In 2007 in its criminal jurisdiction, no criminal appeal was filed and none was disposed of and in the civil jurisdiction **13** appeals were filed, none were disposed of leaving **13** pending for 2008.

Table 13 – STATUS OF MATTERS BEFORE THE CCJ

Particulars	Appellate Jurisdiction				Original Jurisdiction	Remarks
	Special Leave for Appeal		Civil	Criminal		
	Civil	Criminal				
Pending as at 2005-12-31						
Filed in 2006			5	1	0	
Completed 2006			2	1	0	
Pending as at 2006-12-31			3	0	0	
Filed in 2007			13	0	0	
Completed in 2007			10	0		
Pending as at 2007-12-31			6	0		

4. MAGISTRATES' DEPARTMENT

There are eight (8) Magisterial Districts which are administered through six (6) Head Offices. These Magistrates' Offices collectively are called the Magistrates' Department. These offices located in the various Magisterial Districts, are responsible for accepting all documents; civil and criminal, filed for hearing by the presiding Magistrates of the respective courts. They are also responsible for the safe custody of the records of all proceedings adjudicated over by Magistrates, issuing copies of documents such as certified copies of proceedings and case jackets in completed matters, orders of court and other documents required by attorneys-at-law, litigants and other members of the public, and they also provide the public with information concerning pending matters before Magistrates' Courts.

The head offices of the respective Magisterial Districts perform the same functions, which can be categorized as follows:

4.1	Judicial
4.2	Bailiffs
4.3	Appeals and Depositions
4.4	Financial
4.5	Collecting Offices

4.1 Judicial

The Judicial Section is responsible for the smooth functioning of the civil and criminal arms of the court. It ensures that all legal procedures are implemented and observed from the time the matter is filed to the time of its final disposition. **Tables 1, 2a, 2b and 2c** show the status of civil and criminal matters filed in the various Magisterial Districts.

4.2 Bailiffs

Within the various Magisterial Districts, the Bailiffs' section is responsible for serving summonses in criminal and civil matters, executing levies, ejectment and house rent warrants. When property is seized by virtue of levy proceedings, Bailiffs are responsible for keeping an inventory to ensure the safe custody of such property until they are sold at public auction or redeemed by the defendant.

Table 14 shows the status of matters filed in the Bailiffs' Section of the various Magisterial Districts.

Table 14 – STATUS OF MATTERS FILED IN THE BAILIFFS SECTION

District		Service of Summons	Ejectment Warrants	Writs of Execution	Auction Sales
Georgetown (Avenue of the Republic)	Pending 2006	578	28	115	0
	Filed 2007	319	9	26	7
	Disposed 2007	738	31	15	7
	Pending at 2007-12-31	159	06	126	-
West Demerara (Vreed-en-Hoop)	Pending 2006	57	-	10	-
	Filed 2007	85	2	2	1
	Disposed 2007	81	2	1	1
	Pending at 2007-12-31	61	-	11	-
Essequibo (Suddie)	Pending 2006	4	4	193	5
	Filed 2007	-	1	10	2
	Disposed 2007	4	1	3	-
	Pending at 2007-12-31	-	4	200	7
East Demerara (Vigilance)	Pending 2006	193	5	12	1
	Filed 2007	367	4	4	4
	Disposed 2007	336	1	3	3
	Pending at 2007-12-31	224	8	13	2
Berbice (New Amsterdam)	Pending 2006	14	11	13	-
	Filed 2007	55	2	10	5
	Disposed 2007	52	2	9	2
	Pending at 2007-12-31	17	11	14	3
Corentyne (Whim)	Pending 2006	2	7	59	2
	Filed 2007	68	2	3	1
	Disposed 2007	70	-	2	2
	Pending at 2007-12-31	-	9	60	1

4.3 Appeals and Depositions

Written notices of appeal from decisions of Magistrates are lodged in this section. Records of appeal and other relevant documents are then prepared to be transmitted to the Registrar of the Supreme Court to have the appeals listed for hearing before the Appellate Court. Depositions taken by Magistrates in Preliminary Inquiries into indictable matters are also lodged in this section. If the accused persons are committed to stand trial at the High Court, the staff in this section follow the appropriate legal procedure to have the depositions and other relevant documents typed and transmitted to the Supreme Court, and to the Offices of the Director of Public Prosecutions where the necessary indictments are prepared for filing in the Registry.

Table 15 shows the status of the record of completed Appeals and Preliminary Inquiries (Depositions) in the various Magisterial Districts.

Table 15 – STATUS OF APPEALS AND DEPOSITIONS

District	Particulars	Civil	Criminal	Preliminary Inquiries
Georgetown (Avenue of the Republic)	Pending 2006	23	107	26
	Filed 2007	3	74	32
	Forwarded to High Court 2007	6	37	35
	Pending at 2007-12-31	20	144	23
West Demerara (Vreed-en-Hoop)	Pending 2006	11	81	46
	Filed 2007	3	20	12
	Forwarded to High Court 2007	-	-	5
	Pending at 2007-12-31	14	101	53
Essequibo (Suddie)	Pending 2006	-	9	0
	Filed 2007	-	8	10
	Forwarded to High Court 2007	-	-	6
	Pending at 2007-12-31	-	17	4
East Demerara (Vigilance)	Pending 2006	10	114	12
	Filed 2007	-	15	10
	Forwarded to High Court 2007	-	-	10
	Pending at 2007-12-31	10	129	12
Berbice (New Amsterdam)	Pending 2006	16	82	18
	Filed 2007	1	6	10
	Forwarded to High Court 2007	-	-	10
	Pending at 2007-12-31	17	88	18
Corentyne (Whim)	Pending 2006	4	42	2
	Filed 2007	1	23	8
	Forwarded to High Court 2007	-	2	9
	Pending at 2007-12-31	5	63	1

4.4 Financial

The Financial Section is primarily responsible for the collection of fines and fees and bail imposed on accused persons during the course of their trial. It also deals with salary and claims for travel and subsistence allowances. This unit works under close supervision of the Accounts Unit of the Supreme Court Registry.

4.5 Collecting Office

The Collecting Offices in the various Magisterial Districts receive money from persons who are ordered by Magistrates to pay periodic sums of money for the maintenance of children and/or deserted wives.

The monies paid in, is in turn paid over to the person entitled, in compliance with Orders of Magistrates. This section also prepares Warrants to have defaulters arrested for failing or neglecting to make their payments when due.

An examination of **Table 16** which shows the status of matters filed in the Collecting Offices of the various Magisterial Districts makes it quite evident that this section has outgrown its original staff structure as claims have increased.

**Table 16 – STATUS OF MATTERS FILED IN THE COLLECTING OFFICES
(All Magisterial Districts)**

District		Maintenance			
		Claims	Warrants		
			Distress	Arrest	Commitment
Georgetown (Avenue of the Republic)	Pending 2006	388	3880	2622	230
	Filed 2007	586	813	675	21
	Disposed 2007	497	701	829	112
	Pending 2007-12-31	477	3992	2468	139
West Demerara (Vreed-en-Hoop)	Pending 2006	60	-	22	-
	Filed 2007	468	-	46	3
	Disposed 2007	349	-	38	2
	Pending 2007-12-31	179	-	30	1
Essequibo (Suddie)	Pending 2006	207	-	1158	6
	Filed 2007	188	-	178	-
	Disposed 2007	231	-	105	3
	Pending 2007-12-31	164	-	1231	3
East Demerara (Vigilance)	Pending 2006	307	-	524	41
	Filed 2007	213	-	619	26
	Disposed 2007	414	-	331	6
	Pending 2007-12-31	106	-	812	61
Berbice (New Amsterdam)	Pending 2006	224	-	196	95
	Filed 2007	627	-	339	40
	Disposed 2007	452	-	181	41
	Pending 2007-12-31	399	-	354	94
Corentyne (Whim)	Pending 2006	508	2	338	-
	Filed 2007	130	22	212	13
	Disposed 2007	35	8	316	11
	Pending 2007-12-31	603	16	234	2

4.6 Conclusion

Each of the above sections keeps and maintains Registers and other records that are relevant to its functions as required by law and practice.

Basically, all the Magistrates Offices located in the various Magisterial Districts perform the same duties and functions as those of the Georgetown Magistrates' Office. However, because of the smaller number of staff in those offices, the demarcation of sections outlined above is not as clearly discernable in the outlying Districts as is the case in the Georgetown Office. This has led to a number of problems especially in the area of accounting. The Auditor General has cited several instances of irregularities due to lack of proper record keeping and general accountability. This problem can only be addressed if some assessment of staff is done, as the present staffing structure was designed some decades ago, when the work load was not as great as it is today.

The Magistrates Courts continue to be beset with problems which by and large relate to lack of qualified staff and poor supervision of revenue collection and bail moneys. The most worrying problem in some of the districts is the failure to do Reconciliation of Bank Accounts. To a large extent, in all the districts, there has been vast improvement in the system of financial control in the following areas:

- (i) timely submission for CCBS statements
- (ii) timely submission of Revenue Statements
- (iii) increased checks on collection of fees and fines

A solution to this problem and many of the other administrative problems must be found so as to ensure accountability, maximum efficiency and the delivery of justice in a timely manner by the judicial system.

5. APPENDICES

5.1 Supreme Court of Judicature Budgeted and Actual Capital Expenditure – 2007

Agency: 55 - Supreme Court

Details of Expenditure	Revised Budget G\$000	Contingency Fund G\$000	Actual G\$000
Buildings	50,000		28,056
Furniture and Equipment	12,798	6,700	19,490
Land and Water	2,800		2,800
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	65,598	6,700	50,346
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Appendix I

5.2 Supreme Court of Judicature
Budgeted and Actual Recurrent Expenditure – 2007

Agency: 55
Program: 01 - Supreme Court

Details of Expenditure	Revised Budget G\$000	Actual G\$000
Statutory Expenses	201,668	201,560
Total Wages and Salaries	82,686	82,686
Overhead Expenses	14,673	14,289
Material, Equipment and Supplies	19,820	19,813
Fuel and Lubricants	742	742
Rental, Inter/Intra Departmental Warrant	-	-
Maintenance of Buildings	17,200	17,199
Maintenance of Infrastructure	4,900	3,579
Transport, Travel & Postage	9,319	9,265
Utility Charges	15,168	12,760
Other Goods & Services	45,027	43,555
Operation Expenses	12,550	12,527
Rates & Taxes	-	-
	-----	-----
Total	423,753	417,975
	=====	=====

5.3 Magistrates Court

Budgeted and Actual Recurrent Expenditure – 2007

Agency: 55 - Supreme Court
 Program: 02 - Magistrates' Department

Details of Expenditure	Budget G\$000	Actual G\$000
Total Wages & Salaries	102,588	102,588
Over headed Expenses	14,379	14,046
Materials, Equipment & Supplies	24,720	24,716
Fuel & Lubricants	-	-
Rental & Maintenance of Buildings	18,560	17,024
Maintenance of Infrastructure	2,876	2,642
Transport, Travel & Postage	20,567	20,562
Utility Charges	3,800	3,222
Other Goods & Services	7,775	7,772
Other Operating Expenses	1,330	1,329
Rates and Taxes	-	-
Total	196,595	193,901