

**ANNUAL REPORT  
FOR THE YEAR 2006**

**SUPREME COURT  
REGISTRY**

**Submitted by:**

**Ms Sita Ramlal  
Attorney-at-Law and  
Registrar of the Supreme Court  
of Judicature**

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## 1. EXECUTIVE SUMMARY

### 1.1 INTRODUCTION

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

*“ 122 A (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, the Court of Appeal and the Caribbean Court of Justice as 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 a **Sub-Registry** 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 1<sup>st</sup> April, 2005 by Order No.10 of 2005. 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 2005, the High Court was presided over by the Chief Justice and eleven Judges.

This court has very wide jurisdiction in civil matters which are heard by a single Judge sitting without a Jury. During 2006, a total of **4620** civil matters were filed in the Supreme Court Registry, Georgetown, **1016** in the Sub-Registry, New Amsterdam, and **73** in the Sub-Registry, Essequibo making a total of **5709** matters filed. To this must be added the backlog of **1295** civil matters in Berbice, **29** in Suddie and **12,992** matters in Georgetown, making a grand total of **14,316** matters to be heard in 2006.

The Judges heard and determined **7,697** matters in Georgetown, **994** matters in Berbice and **20** in Essequibo making a total of **8,711** matters completed, leaving a total of **11,314** matters pending for 2007. It should be noted that of the number of the **8,711** completed matters, **1,247** are matters

which were done as part of a special exercise to deal with backlog cases. The number of matters disposed of goes as far back as 1999 in Berbice and 2000 in Georgetown. At this time, cases filed in the years 2000 and 2001 are being assigned for hearing in Berbice and Georgetown respectively.

The number of cases awaiting trial in the court continues to escalate. However, efforts are being made by the Judiciary to reduce this backlog through a special exercise working between the hours of 4:00 to 6:00 pm on particular days. 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 abandoned, deserted, ripe for hearing and pending in the Registry either for pleadings to be completed 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 some matters being restored for hearing by the Court or struck off the list.

The Supreme Court is also using Alternative Dispute Resolution 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, 2006, **65** matters came to the Mediation Centre. Of this number **59** were referred by Judges of the High Court and **6** through requests by clients/attorneys. To this number must be added the pending **130** from 2005 making a total of **195** pending for hearing in 2006. Of this number **55** were successfully mediated leaving **140** pending as at December 31, 2005. 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. A Project Consultant was hired by the Inter-American Development Bank in 2004. In keeping with the design of the Project four Judges as well as other ancillary staff have been trained in 2006. This Court commenced work on June 21, 2006.

In this move to streamline cases 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 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 regulations are passed 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 three 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 2006, a total of **43** depositions were filed in the Supreme Court Registry, Georgetown and **21** in the Sub-Registry, New Amsterdam, making a total of **75** depositions filed. To this number must be added the pending backlog of **476** depositions filed in Georgetown and **34** in

the Sub-Registry, New Amsterdam and 14 in Essequibo making a grand total of 510 indictments to be heard.

The Judges heard and determined 50 criminal matters in Georgetown, 11 in Berbice and 16 in Suddie leaving a total of 508 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 2006, 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. This was a successful exercise since the two Justices of Appeal heard and determined a total of 8 criminal indictments in Georgetown over this three month period.

Efforts should be made to reduce the length of time that elapses between the time that an accused person is charged, and, the time of his trial in the High Court. Preliminary Inquiries should be held at the earliest opportunity so that the depositions can be filed in the High Court and the Chambers of the DPP to facilitate the DPP filing an indictment in the matter. This should be done to avoid litigation on the ground that this is a breach by the State of the fundamental rights of the accused enshrined in the constitution to the presumption of innocence and the right to a fair trial within a reasonable time.

Efforts are being made by the Supreme Court Registry to shorten this time span. Clerks of Court are requested to submit a monthly report on the status of Preliminary Inquiries in their respective Magisterial Districts. This information is analyzed with the Prison Returns to ascertain the length of time that prisoners are in prison awaiting trial and the status of their matters before the courts. The resulting information is sent to the Chief Justice who advises on the course of action to be taken as to the subsequent conclusion of Preliminary Inquiries and the preparation of depositions for filing in the High Court and the Chambers of the Director of Public Prosecutions.

Maybe the time has come for some law revision which aims at reducing the time between the date of charge and subsequent trial at the High Court. This may be done by eliminating the holding of Preliminary Inquires altogether and issue what is called 'paper committals'. However, this should only be done after consultation with all of the stake-holders as this is a massive change which has serious implications for the Police, who will



have to be trained as well as the Chambers of the DPP. Consideration should also be given to the impact that any such a move will have on the High Court and the present rate of concluding criminal matters.

In the meantime, every effort should be made by the Police and Magistrates to conclude the holding of Preliminary Inquiries. Too often, Preliminary Inquiries go for prolonged periods ranging from one to three years because of adjournments which are granted by Magistrates at the request of the Prosecutors and also because of the failure of the Police to produce witnesses.

In respect of preparation of appeals against decisions of Magistrates and typing of deposition evidence, efforts are being made to speed up the process of having the records prepared and submitted to the Full Court or the Court of Appeal by contracting out the typing services.

There is need also 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:

<b>Essequibo</b>	-	1 (to be increased to 2 in 2006)
<b>Berbice</b>	-	2 (one to hear criminal and one to hear civil matters)
<b>Georgetown</b>	-	1- Bail Court 1- Chamber Court 1- Commercial Court 2- Civil <u>4- Criminal</u>
<b>Total -</b>		<u>12</u>

Clearly, consideration should be given to increasing 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 **4414** matters were filed for service; **3,779** of which were filed in Georgetown, **565** in the Sub-Registry Berbice and **70** in the Sub-Registry Essequibo. To this number must be added the pending backlog of **3117** matters in Georgetown, **212** in

New Amsterdam and 2 in Suddie making a grand total of 7745 matters to be served. Of this number 2550 was served in Georgetown, 547 in the Sub-Registry Berbice and 68 in the Sub-Registry Essequibo, making a grand total of 3165 matters served.

There were 11 auction sales in Georgetown. None were conducted by the Sub-Registry Berbice, at which levied property, both movable and immovable, were sold at public auction as advertised.

#### **1.2.4 Probate**

During 2006, 1114 applications for the grants of Probate and Letters of Administration were filed in Georgetown, 228 in the Sub-Registry, Berbice and 5 in Suddie, Essequibo. To this number must be added the backlog of 242 matters in Georgetown and 247 in Berbice, making a grand total of 1836 applications to be heard. Of this number 1266 were granted and issued in Georgetown and Berbice, leaving a total of 570 applications pending for 2006.

#### **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. With the opening of the Sub-Registry in Suddie, it is envisaged that this unit will operate there in 2008.

In 2006, 481 - **Petitions for Prescriptive Title to Land** were filed in Georgetown, 275 in Berbice and 7 in Suddie making a total of 763 petitions filed. To this number must be added the backlog of 451 in Berbice, making a total of 1214 petitions to be heard. Of this number 339 were completed in Georgetown, 366 in Berbice and 1 in Suddie leaving a total of 508 petitions pending for 2007.

Under **Section 35 of the Deeds Registry Act Cap 5:01**, 1 application for Deeds Registration was filed in Berbice. There was 1 application pending in Berbice and both were completed. No application was filed in Georgetown but 2 were pending. None was completed.

Under **Section 79 of the Land Registration Act Cap. 5:02**, 2 applications were filed in Georgetown to the backlog of 6 and 2 were filed in Berbice to the backlog of 3. Of this number 5 were completed in Berbice and none in Georgetown. There are 8 applications pending in Georgetown.

Under **Section 107 of the Land Registration Act Cap. 5:02**, 86 applications were filed in Georgetown, in addition to the backlog of 26. In Berbice 33 were filed in addition to the backlog of 100. Of this number 35 were disposed of in Georgetown and 30 in Berbice leaving a total of 180 pending.

Under **Section 17 of the Land Registration Act, Cap. 5:02**, no applications were filed in 2006. There is a backlog of 30 in Georgetown and 17 in Berbice, none of which were completed.

### **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 2006, in its criminal jurisdiction 15 appeals were filed for hearing in Georgetown and 6 in Berbice making a total of 21. To this number must be added a pending backlog of 21 criminal appeals in Georgetown and 3 in Berbice making a grand total of 45 criminal appeals to be heard in 2006. Of this number 8 criminal appeals were disposed in Georgetown and 1 in Berbice making a total of 9 disposed for 2006 and leaving a total of 23 criminal appeals pending in Georgetown and 8 in Berbice for 2007.

In its civil jurisdiction, 72 appeals were filed in Georgetown and 3 in Berbice. To this number must be added the backlog of 256 in Georgetown and 14 in Berbice, making a total of 345 appeals to be heard. Of this number 30 were completed in Georgetown and 3 in Berbice, leaving a total of 312 civil appeals pending in 2007.

### **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 five (5) Justices of Appeal. At the end of 2006, the Court of Appeal comprised the acting Chancellor who holds the substantive post of Chief Justice, and three (3) Justices of Appeal.

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 D.P.P, 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.

In its criminal jurisdiction 26 appeals were filed in 2006, to which must be added 29 pending from 2003. Of this number 3 were concluded leaving 52 pending for 2007.

There were 50 chamber applications filed in 2006, to which must be added 2 pending from 2005. Of this number 43 were concluded leaving 9 pending for 2007.

In its civil jurisdiction 109 appeals were filed in 2006, to which must be added 207 pending from 2005 making a total of 316. Of this number 25 were concluded but decision was reserved in 13.

Of the pending 291 civil appeals, twenty-one (21) 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; Twenty-four (24) are waiting for records to be settled and twenty-eight (28) are awaiting fixtures. Of the remaining 203 appeals, 167 are awaiting decisions from High Court Judges so that records of appeal could be settled.

In 2006, 17 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 28 matters from 2005, making a total of 45 complaints to be heard. Of this number 20 were concluded leaving 25 pending for 2007. Five of these reports are to be written up and submitted to the Chancellor for disciplinary action to be taken.

## **1.5 THE CARIBBEAN COURT OF JUSTICE**

The Caribbean Court of Justice came into operation on the 1<sup>st</sup> 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. This means filing of appeals to the CCJ can now be done in Guyana. In 2006 in its criminal jurisdiction, 1 criminal appeal was filed and disposed of and in the civil jurisdiction, 5 appeals were filed, 2 of which were disposed of leaving 3 pending for 2007.

## **1.6 THE MAGISTRATES' COURTS**

For administrative purposes the Magistrates Courts have been divided into eight magisterial districts, namely:

- (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 authorised to be served by **21** Magistrates but in fact were served by only **16** Magistrates in 2006. Approximately ninety per cent 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 as well as claims for rent and possession of premises. The Magistrates' Courts also have jurisdiction to hear applications for assessment of rent, but no such applications were filed in 2006.

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 1a, 1b, 1c and 2 show criminal and civil matters respectively that were filed and disposed of in 2006 in the various Magisterial Districts.

**Table 1a - STATUS OF CRIMINAL CASES - Magistrates Courts**

District		Summary	Indictable	Narcotics	Traffic	Preliminary Inquires	Inquests	TOTAL
Georgetown (Avenue of the Republic)	Pending 2005	6322	1629	1093	3138	-	108	12,290
	Filed 2006	5460	3006	467	4868	-	04	13,805
	Disposed 2006	4863	1375	318	2356	-	08	8920
	Pending at 06-12-31	6919	3260	1242	5650	-	104	17,175
West Demerara (Vreed-en-Hoop)	Pending 2005	385	163	137	680	-	40	1,405
	Filed 2006	1590	520	190	1176	-	03	3,479
	Disposed 2006	1679	378	122	1126	-	-	3,305
	Pending at 06-12-31	296	305	205	730	-	43	1,579
Essequibo (Suddie)	Pending 2005	629	240	112	98	-	28	1,107
	Filed 2006	835	350	76	212	-	-	1,473
	Disposed 2006	749	01	40	137	-	-	927
	Pending at 06-12-31	715	504	148	173	-	28	1,568
East Demerara (Vigilance)	Pending 2005	1500	565	165	569	-	124	2,923
	Filed 2006	2223	548	144	2273	-	03	5,191
	Disposed 2006	2969	928	208	2073	-	-	6,178
	Pending at 06-12-31	754	185	101	769	-	127	1,936
Berbice (New Amsterdam)	Pending 2005	592	708	70	138	-	23	1,531
	Filed 2006	1769	652	145	1571	-	-	4,137
	Disposed 2006	1682	553	122	1428	-	-	3,785
	Pending at 06-12-31	679	807	93	281	-	23	1,883
Corentyne (Whim)	Pending 2005	452	400	27	117	-	21	1,017
	Filed 2006	1624	564	51	582	-	-	2,821
	Disposed 2006	1757	491	43	575	-	01	2,867
	Pending at 06-12-31	319	473	85	124	-	20	971

**SUMMARY**

	Pending 2005	9,880	5,705	1,804	4,240	-	344	20,273
	Filed 2006	13,501	6,640	1,073	10,682	-	10	30,906
	Disposed 2006	13,699	3,726	833	7,695	-	09	25,982
	Pending at 06/12/31	9,682	5,534	1,824	7,727	-	345	25,112

**Table 1b – STATUS OF SUMMARY CASES – Magistrates' Court:**

District		Summary	Indictable taken summarily	Preliminary Inquiries	Total
<b>Georgetown</b> (Avenue of the Republic)	Pending 2005	10661	1438	191	12290
	Filed 2006	10779	2786	220	13805
	Disposed 2006	7545	1219	156	8920
	Pending at 06-12-31	13915	3005	255	17175
<b>West Demerara</b> (Vreed-en-Hoop)	Pending 2005	1242	136	27	1405
	Filed 2006	2959	496	24	3479
	Disposed 2006	2927	353	25	3305
	Pending at 06-12-31	1274	279	26	1579
<b>Essequibo</b> (Suddie)	Pending 2005	867	190	50	1107
	Filed 2006	1123	290	60	1473
	Disposed	926	-	01	927
	Pending at 06-12-31	1064	255	249	1568
<b>East Demerara</b> (Vigilance)	Pending 2005	2358	531	34	2923
	Filed 2006	4643	487	61	5191
	Disposed 2006	5250	904	24	6174
	Pending at 06-12-31	1751	114	71	1936
<b>Berbice</b> (New Amsterdam)	Pending 2005	823	401	307	1531
	Filed 2006	3485	532	120	4137
	Disposed 2006	3232	334	219	3785
	Pending at 06-12-31	1076	599	208	1883
<b>Corentyne</b> (Whim)	Pending 2005	617	339	61	1017
	Filed 2006	2257	408	156	2821
	Disposed 2006	2376	398	93	2867
	Pending at 06-12-31	498	349	124	971

**SUMMARY**

Pending for 2005	16,568	3035	670	20,273
Filed for 2006	25,266	4999	641	30,906
Disposed for 2006	22,256	3208	518	25,982
Pending at 06-12-31	19,578	4601	933	25,112

**Table 1c – STATUS OF INDICTABLE CASES – Magistrates' Courts**

District		Filed	PI	Taken Sum
Georgetown (Avenue Of The Republic)	Pending 2005	1438	191	1247
	Filed 2006	2786	220	2566
	Disposed 2006	1219	156	1063
	Pending at 06-12-31	3005	255	2750
West Demerara (Vreed-en-Hoop)	Pending 2005	136	27	109
	Filed 2006	496	24	472
	Disposed 2006	353	25	328
	Pending at 06-12-31	279	26	253
Essequibo (Suddie)	Pending 2005	190	50	140
	Filed 2006	290	60	230
	Disposed 2006	-	01	01
	Pending at 06-12-31	255	249	06
East Demerara (Vigilance)	Pending 2005	531	34	497
	Filed 2006	487	61	426
	Disposed 2006	904	24	880
	Pending at 06-12-31	114	71	43
Berbice (New Amsterdam)	Pending 2005	401	307	94
	Filed 2006	532	120	412
	Disposed 2006	334	219	115
	Pending at 06-12-31	599	208	391
Corentyne (Whim)	Pending 2005	339	61	278
	Filed 2006	408	156	252
	Disposed 2006	398	93	305
	Pending at 06-12-31	349	124	225

**SUMMARY**

	Pending in 2005	3055	670	2365
	Filed in 2006	4999	641	4358
	Disposed in 2006	3208	518	2692
	Pending at 06/12/31	4601	933	3668



Table 2 - STATUS OF CIVIL CASES - Magistrates Courts

District		Possession	Other Claims	Total
Georgetown (Avenue Of The Republic)	Pending 2005	1170	240	1410
	Filed 2006	343	1173	1516
	Disposed 2006	162	617	779
	Pending at 06-12-31	1351	796	2147
West Demerara (Vreed-en-Hoop)	Pending 2005	08	53	61
	Filed 2006	50	43	93
	Disposed 2006	38	26	64
	Pending at 06-12-31	20	70	90
Essequibo (Suddie)	Pending 2005	09	198	207
	Filed 2006	04	110	114
	Disposed 2006	09	153	162
	Pending at 06-12-31	04	155	159
East Demerara (Vigilance)	Pending 2005	13	87	100
	Filed 2006	46	102	148
	Disposed 2006	47	49	96
	Pending at 06-12-31	12	140	152
Berbice (New Amsterdam)	Pending 2005	17	85	102
	Filed 2006	34	198	232
	Disposed 2006	40	252	292
	Pending at 06-12-31	11	31	42
Corentyne (Whim)	Pending 2005	10	35	45
	Filed 2006	28	166	194
	Disposed 2006	29	161	190
	Pending at 06-12-31	09	40	49
	Pending in 2005	1227	698	1925
	Filed in 2006	505	1792	2297
	Disposed in 2006	325	1258	1583
	Pending at 06/12/31	1407	1232	2639

An examination of these figures shows that a total **2,297** civil cases and **30,906** criminal cases were filed in the Magistrates Courts for 2006.

To this must be added a backlog of **1925** civil and **20,273** criminal cases pending for previous years, making a total of **4222** civil and **51,179** criminal cases to be heard. Of this total **1583** civil and **25,982** criminal cases were disposed of, leaving a backlog of **2639** civil cases and **25,112** criminal cases pending to be heard in 2006.

Table **1b** shows that a total of **25,266** summary matters (including narcotics and traffic cases) were filed. To this number must be added the backlog of **16,568** making a grand total of **41,834** summary matters to be heard. Of this number **22,256** were completed, leaving **19,578** pending for 2007.

Table **1c** shows that a total of **4999** indictable matters were filed. Of this number, **4356** were transferred to be heard as summary matters, leaving **641** as Preliminary Inquires (PI). To this number of PI's must be added a pending backlog of **670** making a total of **1311**. Of this total **518** were completed, leaving **933** pending Preliminary Inquiries to be completed.

A total of **10** inquests were filed in 2006. To this number must be added the backlog of **344** making a grand total of **354** inquests to be heard. Of this number **9** were heard leaving **345** pending to be heard in 2007. The slow rate 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 2006 a total of **M\$599.745** was voted as Current Expenditure (inclusive of Statutory Provisions). Capital Expenditure was allocated to the Ministry of Legal Affairs: **M\$34.0** for Buildings and **M\$5.0** for Equipment.

The Capital Budget's allocation of **M\$5.0** 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 into a 5-year plan to show programmed implementation of its Policy.

**Table 3** shows that the 2006 Budget Estimates targeted the quantum of revenue likely to be collected by the Supreme Court Registry at **M\$66.541** and State Costs at **M\$1.884**, making a total of **M\$68.425**.

In actual fact, the Supreme Court and Magistrates Courts together collected revenue in the sum of **M\$79.716** which represents an overall increase of **M\$11.291**. 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**

	Voted	Actual	Remarks
Fines, fees and seizure	66,541,000	76,882,445	
State costs	1,884,000	2,809,200	
Other Loans and Allowances	-	24,132	
<b>TOTAL</b>	<b>68,425,000</b>	<b>79,715.777</b>	

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. In addition there is need to increase filing fees, as these are not realistic.

Indeed, arguably it costs the state more money to recover this revenue and this sometimes serves as a dis-incentive to collect fees and fines. 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 services 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) Expeditious 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 2005 with a view to getting an acceptable and agreed Strategic Plan for the Judiciary and Magistracy.

## 3. ORGANISATION AND MANAGEMENT

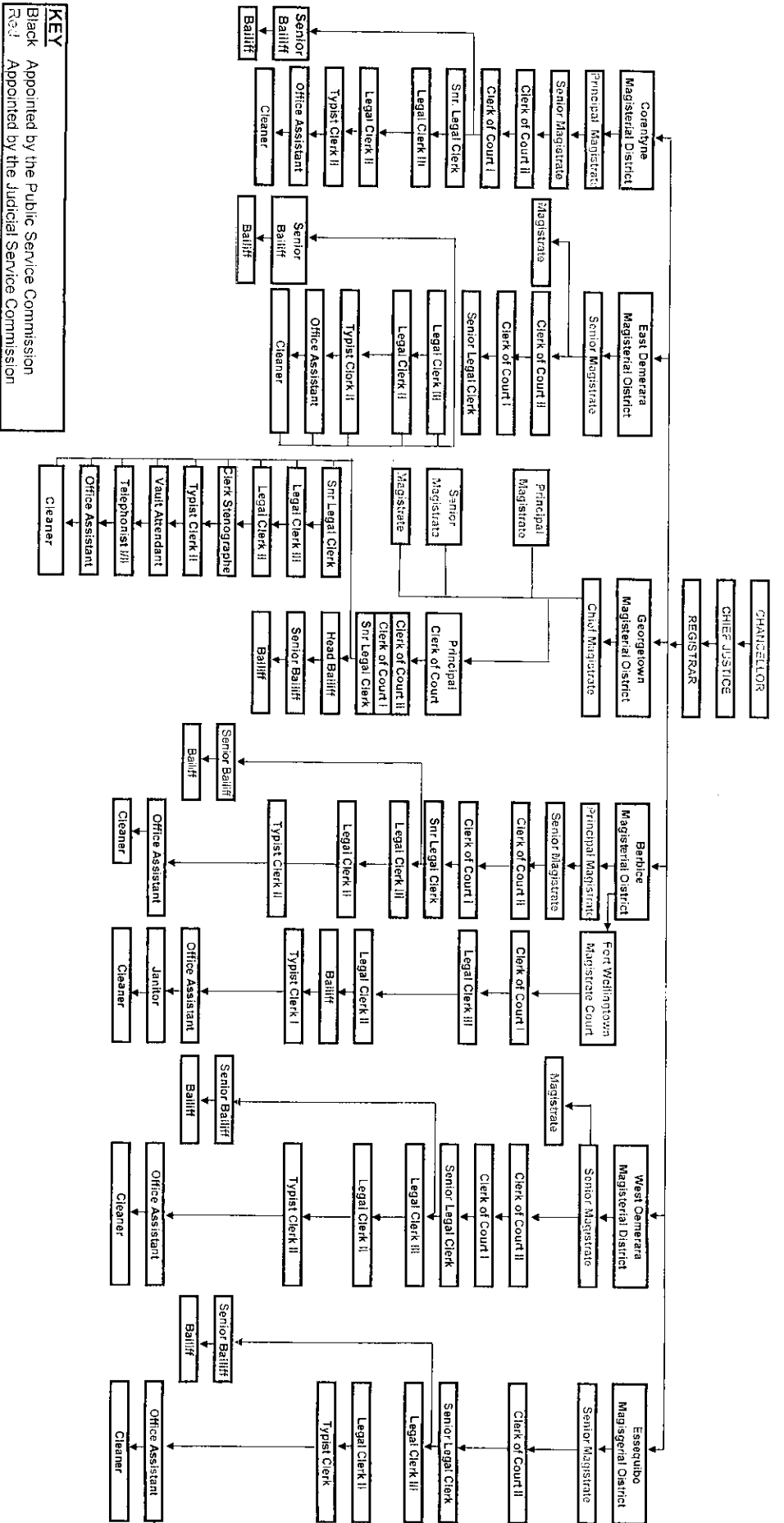
3.1 Organization Chart - Supreme Court Registry

3.1.1 Organization Chart - Magistrates' Courts

**3.1**      **Organizational Chart**      <sup>21</sup> -      **Supreme Court Registry**



3.1.4 ORGANISATIONAL CHART - MAGISTRATES' COURTS



**KEY**

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

3.1.1      **Organizational Chart** <sup>22</sup> -      **Magistrates' Courts**



### **3.2 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 but there is an unqualified acting Deputy Registrar. 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

### **3.3 General Administration**

This section is concerned with the administrative functions of the Supreme Court Registry. This unit comprises 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 2007.

#### **3.3.1 Accounts**

The Accounts unit which is now fully computerized under the IFMAS system is responsible for the control of all financial matters in this Agency. It is a Budget Agency which is a 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 19. 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 Budgeted and Actual Expenditure of **Programmes 1 and 2** of the Supreme Court of Judicature. The Supreme Court of Judicature spent a total of **M\$589,142** of its allocated current expenditure budget. This sum needs to be increased so that the physical restructuring programme can be meaningfully implemented. In terms of Maintenance of Building there are 51 Magistrates Courts, the buildings of 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.

In 2006 Capital Budget money was allocated to the Ministry of Legal Affairs for the use of the Supreme Court of Judicature : **MS\$5.0** was allocated for purchase of equipment. This sum of money is grossly inadequate as it cannot purchase the equipment that is so badly needed to provide a safe and adequately equipped working environment. The money allocated for Buildings in the Capital Budget was **MS\$34.0**. It was used primarily for the construction of a Magistrates Court at Fort Wellington at a cost of approximately **MS\$11.193** and Phase 1 of the Renovation and Extension of the Court of Appeal at a cost of approximately **MS\$26.688** of which **MS\$22.807** was used in 2006. This system of allocating Capital Expenditure to the Ministry of Legal Affairs needs to be reviewed to allow the Capital Budget to be allocated to the Supreme Court Registry, so that there can be better correlation and monitoring of current and capital expenditure.

### **3.3.2 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 programmes aimed at providing an improved customer service to the public.

During the year, **44** persons were employed to fill vacant positions created by resignations and newly created positions in the Sub-Registry, Suddie, Essequibo. The Supreme Court continues to fail to keep qualified staff and the turnover is very high due to the low salaries offered.

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 2006 this unit was headed by a Senior Personnel Officer who is retired and now employed on contract. It has one typist clerk, and an office assistant. Clearly this unit is grossly understaffed and this factor impacts negatively on the functioning of this unit. This human resources problem needs to be addressed urgently, if record keeping is to be maintained and a dependable human resources data base, kept.

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 Authorised Inventory.

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

Section	Auth Amt	Actual	M	F	Temp	Perm	Acting	Contract	Qualified	Remarks
Land Court	7	6	1	5	5	1	1	-	2	Vacancy 1
Court of Appeal	14	8	1	7	6	2	1	-	4	Vacancy 6
SubRegistry (Berbice)	23	18	6	12	16	2	1	-	2	Vacancy 5
Sub Registry (Suddie)	34	18	6	12	16	2	2	-	13	Vacancy 16
Judicial Section	35	34	18	16	16	2	1	1	15	Vacancy 1
Probate	5	5	2	3	5	-	-	-	5	Vacancy 0
Marshal	21	15	11	4	15	-	1	-	8	Vacancy 6
Law Library	3	3	1	2	3	-	-	-	1	Vacancy 0
Personnel Section	7	4	1	3	2	-	-	2	3	Vacancy 3
Registrar's Section	4	3	2	1	2	-	-	1	3	Vacancy 1
Cleaners	17	15	1	14	10	5	-	-	15	Vacancy 2
Admin	5	5	4	1	-	4	-	1	5	Vacancy 0
Accounts (Revenue)	7	4	2	2	4	-	1	-	4	Vacancy 3
Accounts (Expenditure)	16	14	8	6	14	-	1	-	14	Vacancy 2
<b>Prog I - Totals</b>	<b>198</b>	<b>152</b>	<b>64</b>	<b>88</b>	<b>114</b>	<b>18</b>	<b>9</b>	<b>5</b>	<b>94</b>	<b>Vacancy 46</b>

**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)**

Post Title		
Category 1 : Administrative	Grade	Post Salary
3 Commissioner Of Title	14	418,966
1 Registrar of Supreme Court	14	613,994
1 Deputy Registrar	12	208,094
1 Court Manager	12	214,599
1 Administrative Officer	11	173,412
1 Legal Assistant to the Chancellor	11	207,306
1 Legal Assistant to the Chief Justice	11	207,306
1 P.A.S (Finance)	11	146,749
1 Principal Personnel Officer	11	110,220
1 Senior Personnel officer	09	70,865
1 Research Librarian	09	70,865
2 Chief Accountant	09	90,609
2 Accountant	08	58,542
1 Assistant Registrar	08	53,098
4 Chief Registry Officer	07	47,608
1 Confidential Secretary to the Chancellor & Secretary Judicial Service	06	39,706
1 Personnel Officer II	06	41,691
4 Senior Registry Officer	06	41,691
1 Librarian IV	04	32,145
<b>29 Total Category</b>		
<b>Category 3: Other Technical &amp; Craft Skilled</b>		
3 First Marshal I	06	41,691
2 Assistant Accountant	05	36,218
4 Registry Officer	05	34,493
1 Store Keeper	04	32,144
<b>10 Total Category</b>		
<b>Category 4: Clerical &amp; Office Support</b>		
2 Confidential Secretary	05	45,607
2 Senior Marshal	04	32,148
3 Accounts Clerk III	03	31,405
31 Marshal	03	30,742
1 Typist Clerk III	03	31,285
2 Legal Clerk III	03	32,144
25 Accounts Clerk II	02	32,905
44 Legal Clerk II	02	32,905
1 Clerk II (G)	02	32,905
1 Typist Clerk II	02	28,442
2 Telephonist I	02	24,442
23 Typist Clerk I	02	28,442
21 Office Assistant	01	26,069
<b>158 Total Category</b>		
<b>Category 5: Semi Skilled Operatives Unskilled</b>		
4 Cook (Judges' Residence)		28,442
2 House Keeper	02	28,442
2 Janitor	02	28,442
2 Vault Attendant	02	28,442
1 Vehicle Driver	02	28,442
20 Cleaner	01	26,069
<b>31 Total Category</b>		
<b>228 Grand Total</b>		

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

Section – Administrative	Auth Amt	Actual	M	F	Temp	Perm	Acting	Contract	Qualified	Remarks
Chief Magistrate	1	1	-	1	-	1	-	-	1	Vacancy 0
Principal Magistrate	3	2	1	1	-	1	-	1	2	Vacancy 1
Senior Magistrate	6	-	-	-	-	-	-	-	-	Vacancy 6
Magistrate	11	12	7	5	7	2	-	3	12	Extra 1
<b>Sub Total</b>	<b>21</b>	<b>15</b>	<b>8</b>	<b>7</b>	<b>7</b>	<b>4</b>	<b>-</b>	<b>4</b>	<b>15</b>	<b>Vacancy 7</b>
<b>Magisterial Districts</b>										
Georgetown	44	40	13	27	31	9	1	-	21	Vacancy 4
East Demerara	15	12	4	8	11	1	-	-	9	Vacancy 3
New Amsterdam	14	11	4	7	10	1	-	-	9	Vacancy 3
Corentyne	14	13	6	7	11	2	-	-	12	Vacancy 1
West Demerara	14	10	3	7	9	1	-	-	10	Vacancy 4
Essequibo	14	12	6	6	11	1	1	-	12	Vacancy 2
<b>Prog II – Total</b>	<b>115</b>	<b>98</b>	<b>36</b>	<b>62</b>	<b>83</b>	<b>15</b>	<b>2</b>	<b>-</b>	<b>73</b>	<b>17</b>
<b>Prog II COA Total</b>	<b>136</b>	<b>113</b>	<b>44</b>	<b>69</b>	<b>90</b>	<b>19</b>	<b>2</b>	<b>4</b>	<b>88</b>	<b>Vacancies 24</b>

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

Category	Post Title	Grade	Post Salary
<b>Category 1 : Administrative</b>			
1	Chief Magistrate	14	405,183
4	Principal Magistrates	13	341,025
1	Senior Magistrate	12	287,069
11	Magistrates	11	265,385
1	Principal Clerk of Court	07	52,805
1	Senior Clerk of Court	06	41,691
1	Clerk of Court II	05	37,233
4	Clerks of Court	05	39,839
<b>24</b>	<b>Total Category</b>		
<b>Category 3: Other Technical &amp; Craft Skilled</b>			
1	Head Bailiff	05	39,666
1	Senior Bailiff	04	32,145
9	Bailiffs	03	30,742
<b>11</b>	<b>Total Category</b>		
<b>Category 4: Clerical &amp; Office Support</b>			
4	Senior Legal Clerks	05	37,233
4	Legal Clerks III	03	36,218
1	Clerk/ Stenographer	02	31,285
59	Legal Clerks II	02	32,905
1	Telephonist I	02	31,284
1	Typist Clerk II	02	31,284
16	Typist Clerk II	02	28,442
9	Office Assistants	01	26,069
<b>95</b>	<b>Total Category</b>		
<b>Category 5: Semi Skilled Operatives Unskilled</b>			
1	Vault Attendant	02	28,442
14	Cleaners	01	26,069
<b>15</b>	<b>Total Category</b>		
<b>145</b>	<b>Grand Total</b>		

### 3.3.3 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 at the Bar. 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 2006 with purchase of law reports and text books, made by the Honourable Chancellor (ag) to the value of **MS\$10.0**. He was also able to solicit donations of text books and law reports from India, Canada and Law Societies in England. In June 2005, USAID (Guyana) donated an industrial photocopier for paid use by users of the library.

There are also library facilities at the Court of Appeal which should be upgraded and staffed by an Assistant Librarian especially since the Caribbean Court of Justice will hold sittings there. Library facilities are now provided in the Sub-Registries in New Amsterdam, Berbice and Suddie, Essequibo, both of which have very small collections.

### 3.3.4 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 of 2006 made allocations of **MS\$12.500** for the Supreme Court and **MS\$14.450** for the Magistrates Courts. This money was used to do maintenance work at some of the Magistrates Courts, High Court Georgetown, the Court of Appeal, the Sub-Registry and the Judges Quarters, New Amsterdam. The responsibility of supervision is primarily that of the Administrative Officer and is shared by the Registrar.

With respect to capital expenditure, the Ministry of Legal Affairs received **MS\$34.0** for buildings which was allocated for expenditure on Fort Wellington Magistrates' Court and Phase I of the renovation and extension of the building of the Court of Appeal wherein it is intended to house a new court room and chambers for use of the Caribbean Court of Justice. The **MS\$5.0** allocated for Equipment was used to buy capital equipment, as approved by the Ministry of Finance.

### **3.4 Judicial**

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

- 3.4.1 Legal
- 3.4.2 Marshal
- 3.4.3 Court Reporting
- 3.4.4 Probate

#### **3.4.1 Legal**

This section should be headed by the Deputy Registrar, who together with the Judicial Officer and other Senior Registry Officers supervises the functioning of the Registry. Some of the staff of this section function as registrars to individual Judges and the remainder function as legal clerks and typists 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, the Court of Appeal and the Caribbean Court of Justice. 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 is also responsible for the safe custody of all depositions and exhibits received from the Magistrates' Courts in the counties of Demerara, Berbice and Essequibo. 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 2006, 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 computerising 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 2006 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	TOTAL
G/town	Pending at 2005	4341	4078	923	1581	39	278	1437	315	12992
Sub-Reg. Berbice		92	394	237	69	12	-	469	22	1295
Sub-Reg. Suddie		10	8	-	-	-	3	8	-	29
	Pending in 2005	<b>4443</b>	<b>4480</b>	<b>1160</b>	<b>1650</b>	<b>51</b>	<b>281</b>	<b>1914</b>	<b>337</b>	<b>14316</b>
G/town	Filed in 2006	673	713	1190	168	28	521	1233	94	4620
Sub-Reg. Berbice		162	180	253	37	29	8	341	6	1016
Sub-Reg. Suddie		37	8	4	-	-	7	17	-	73
	Filed in 2006	<b>872</b>	<b>901</b>	<b>1447</b>	<b>205</b>	<b>57</b>	<b>536</b>	<b>1591</b>	<b>100</b>	<b>5709</b>
G/town	Disposed in 2006	651	1007	738	50	309	948	27	3967	7697
Sub-Reg. Berbice		193	311	255	13	26	8	184	4	994
Sub-Reg. Suddie		14	-	3	-	-	-	3	-	20
	Disposed in 2006	<b>858</b>	<b>1318</b>	<b>996</b>	<b>63</b>	<b>335</b>	<b>956</b>	<b>214</b>	<b>3971</b>	<b>8711</b>
G/town	Pending at 06-12-31	4363	3784	1375	1699	243	149	2643	3558	9915
Sub-Reg. Berbice		61	263	235	93	15	-	626	24	1317
Sub-Reg. Suddie		33	16	1	-	-	10	22	-	82
	Pending in 2007	<b>4457</b>	<b>4063</b>	<b>1611</b>	<b>1792</b>	<b>227</b>	<b>139</b>	<b>3291</b>	<b>3534</b>	<b>11314</b>



**Table 6b** shows the breakdown of criminal matters filed and disposed of during 2006 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**

		Depositions	Indictments
G/town & Sub- Registry, Suddie	Pending at 2005	490	490
Sub-Reg, Berbice		34	34
	Pending in 2005	<b>524</b>	<b>524</b>
G/town & Sub-Registry, Suddie	Filed in 2006	43	43
Sub-Reg, Berbice		21	21
	Filed in 2006	<b>64</b>	<b>64</b>
G/town & Sub-Registry, Suddie	Disposed in 2006	66	66
Sub-Reg, Berbice		11	11
	Disposed in 2006	<b>77</b>	<b>77</b>
G/town & Sub-Registry, Suddie	Pending at 06-12-31	467	467
Sub-Reg, Berbice			

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 to a mutually acceptable position that was agreed to by both parties. **Table 7** shows the number matters assigned for Mediation during 2006 in the High Court, Georgetown.

**Table 7 - STATUS OF MEDIATION MATTERS  
High Court – Georgetown**

		Mediation	Remarks
G/Town	Pending at 2005	130	Matters which were still being processed in 2005
G/Town	Filed in 2006	65	Matters filed making a total of 195
G/Town	Disposed in 2006	55	Disposed out of 195
G/Town	Pending At 06-12-31	140	Remaining from the total of 195 of which 121 are active matters

### 3.4.2 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 direction and control. This section has an authorized and actual establishment of 31 marshals but is short-staffed by 3. The current breakdown as it relates to staffing is as follows; 20 in Georgetown, 4 in Berbice and 4 in Suddie, Essequibo. **Table 8** below 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 Petitions	Di vorce	Judge- ment Summons	Wit ness Cita Tion	Inter- Plea ders	Notice of Motion	Writ of Posse sion	Order of Court	TOTAL
/town	Pending at 2005	637	1112	349	3	653	29	75	9	15	19	216	3117
Sub-Reg. Berbice		52	44	13	-	69	5	20	-	1	-	8	212
Sub-Reg. Suddie		-	1	-	-	1	-	-	-	-	-	-	-
	Pending in 2006	689	1157	362	3	723	34	95	9	16	19	224	3331
/town	Filed in 2006	762	1189	145	14	1235	31	168	4	126	10	95	3779
Sub-Reg. Berbice		180	162	36	6	73	30	45	-	15	-	18	565
Sub-Reg. Suddie		8	38	1	-	15	-	-	-	1	-	7	70
	Filed in 2006	950	1389	182	20	1323	61	213	4	142	10		4414
/town	Disposed in 2006	446	889	94	14	742	23	121	4	114	9	94	2550
Sub-Reg. Berbice		167	162	35	5	76	22	45	-	16	-	19	547
Sub-Reg. Suddie		8	38	1	-	13	-	-	-	1	-	7	68
	Disposed in 2006	621	1089	130	19	831	45	166	4	131	9	120	3165
/town	Pending at 06-12-31	953	1412	400	3	1146	37	122	9	27	20	217	4346
Sub-Reg. Berbice		65	44	14	1	66	13	20	-	-	-	7	230
Sub-Reg. Suddie		-	1	-	-	3	-	-	-	-	-	-	-
	Pending 06-12-31	1018	1457	414	4	1215	50	142	9	27	20	224	4580

### 3.4.3 Court Reporting

This service has been successfully contracted out. Court reporting, involves the taking of *verbatim* notes in shorthand of all summings - up made by Judges during criminal trials for eventual transcription and typing in the event that an appeal is filed. Similar notes may be taken of such parts of a civil or criminal trial as the Court may direct. Full Court Sittings to pay tribute to the memory of deceased lawyers are also recorded.

### 3.4.4 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 2006.

Table 9 - STATUS OF MATTERS FILED IN THE PROBATE SECTION

		Applica- tion for Probate	Application For Letters of Adminis- tration	Re- sealing of Grant	Wills Deposited	Caveats Entered	Citations	Applica- tions to sell by Private treaty	Affidavits verifying Accts.
Georgetown	Pending at 2005	109	133	-	1586	60	8	8	-
Sub-Reg. Berbice		95	152	-	422	15	1	-	-
Sub-Reg. Suddie		-	-	-	-	-	-	-	-
Georgetown	Filed in 2006	362	752	6	765	146	29	7	-
Sub-Reg. Berbice		69	159	1	202	5	1	-	-
Sub-Reg. Suddie		5	-	-	10	-	-	-	-
Georgetown	Disposed in 2006	388	659	6	49	144	35	15	-
Sub-Reg. Berbice		61	153	-	5	-	-	-	-
Sub-Reg. Suddie		5	-	-	-	-	-	-	-
Georgetown	Pending at 06-12-31	83	226	-	2302	62	2	-	-
Sub-Reg. Berbice		103	158	1	619	20	2	-	-
Sub-Reg. Suddie		-	-	-	10	-	-	-	-

An analysis of this information shows that:

- (i) **1114** applications for Letters of Administration and Probate were filed in Georgetown, **228** in Berbice and **5** in Suddie (Essequibo) making a total of **1347**. To this figure must be added **242** pending in Georgetown, **247** in Berbice making a total of **1836** applications to be determined in 2006. No applications for Letters of Administration were filed in Suddie, Essequibo but **5** applications for Probate were filed.

Of that number, a total of **1266** applications were granted and given off to the Applicants. Many applications are out of order for various reasons these are to be rectified by Applicants who were sent notices to that effect.

- (ii) **765** Wills were deposited for safe-keeping in Georgetown, **10** in Suddie and **202** in Berbice making a total of **977** Wills deposited. These Wills are recorded in the respective Wills Registers and packed in Cabinets in numerical order for safe-keeping.
- (iii) **29** Citations were filed in Georgetown and **1** in Berbice. No Citations were filed in Suddie, Essequibo for the year 2006.
- (iv) **7** applications for leave to sell by Private Treaty was filed during 2006 in Georgetown. None were filed in Berbice and Suddie, Essequibo. Certificates were prepared and issued for those filed in Georgetown.
- (v) **6** applications to reseal grants were filed in Georgetown and **1** in Berbice. No application to reseal grants were filed in Suddie, Essequibo. All seven resealing applications were granted and issued.
- (vi) No Affidavit verifying accounts were filed either in Georgetown, Berbice or Suddie, Essequibo.

### 3.5 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 is **required to be an Attorney-at-Law**. The Land 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 2005, 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, Petitions for Prescriptive Title to Land, assigned to them by the Chief Justice and applications for Certificates of Title under the Land Registry Act. 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 and Berbice.

**Table 10 - STATUS OF CASES FILED IN THE LAND COURT**

		Petitions for Prescriptive Title	Deeds Reg. Act Cap. 5:01 S.35	Land Registry Act 502 S.79	Land Registry Act 5:02 S. 107	Land Registry Act S. S. 17
Georgetown	Pending at 2005	-	2	6	26	30
Sub-Reg. Berbice		451	1	3	100	17
Sub-Reg. Suddie		-	-	-	-	-
Georgetown	Filed in 2006	481	-	2	86	-
Sub-Reg. Berbice		275	1	2	33	-
Sub-Reg. Suddie		7	-	-	-	-
Georgetown	Disposed in 2006	339	-	-	35	-
Sub-Reg. Berbice		366	2	5	30	-
Sub-Reg. Suddie		1	-	-	-	-
Georgetown	Pending at 06-12-31	142	2	8	77	30
Sub-Reg. Berbice		360	-	-	103	17
Sub-Reg. Suddie		6	-	-	-	-

### 3.6 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 in 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.

### 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. **Table 11** shows the work done by the Full Court.

**TABLE 11 – STATUS OF MATTERS BEFORE THE FULL COURT**

		Criminal	Civil
Georgetown	Pending at 2005.12.31	21	256
Sub-Reg. Berbice		3	14
Sub-Reg. Suddie		0	0
Georgetown	Filed in 2006	15	72
Sub-Reg. Berbice		6	3
Sub-Reg. Suddie		0	0
Georgetown	Disposed in 2006	8	30
Sub-Reg. Berbice		1	3
Sub-Reg. Suddie		0	0
Georgetown	Pending at 06-12-31	28	298
Sub-Reg. Berbice		8	14
Sub-Reg. Suddie		0	0

### 3.8 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.

**Table 12** shows the status of matters before the Court of Appeal. During 2006, civil and criminal appeals as well as chamber applications and LPC complaints were heard and determined. In 2006 there was a total of **316** civil appeals to be heard, **25** were completed but decision was reserved in **13**. Of the remaining **291** appeals, **21** were uplifted by Attorneys at Law on record for the Appellant to prepare and file records of appeal, **28** are awaiting fixture. Of the remaining **203** appeals, **167** are awaiting decisions of Judges of the High Court for the records to be settled.

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

	<b>Criminal</b>	<b>Civil</b>	<b>Chamber</b>	<b>LPC * Applications</b>
<b>Pending at end of 2005</b>	29	207	2	28
<b>Filed in 2006</b>	26	109	50	17
<b>Disposed in 2006</b>	3	25	43	20
<b>Pending at 06-12-31</b>	52	291	9	25

### 3.9 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. This means filing of appeals to the CCJ can now be done in Guyana. In 2006 in its criminal jurisdiction, 1 criminal appeal was filed and disposed of and in the civil jurisdiction, 5 appeals were filed, 2 of which were disposed of leaving 3 pending for 2007.

**Table 13 - STATUS OF MATTERS BEFORE THE CCJ**

	<b>Criminal</b>	<b>Civil</b>	<b>Chamber</b>
<b>Pending at end of 2005</b>	-	-	-
<b>Filed in 2006</b>	1	5	-
<b>Disposed in 2006</b>	1	2	-
<b>Pending at 06-12-31</b>	-	3	-

### 4. MAGISTRATES' DEPARTMENT

There are eight (8) Magisterial Districts which are administered through Head - Offices. The 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 Office

#### 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 1a, 1b, 1c and 2** show the status of criminal and civil matters filed in 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 BAILIFF'S SECTION**

District		Service of Summons	Ejectment Warrants	Writs of Execution	Auction Sales
Georgetown (Avenue of the Republic)	Pending 2005	583	25	92	-
	Filed 2006	841	23	26	3
	Disposed 2006	846	20	3	3
	Pending at 06-12-31	578	28	115	-
West Demerara (Vreed-en-Hoop)	Pending 2005	55	-	9	-
	Filed 2006	85	3	2	1
	Disposed 2006	83	3	1	1
	Pending at 06-12-31	57	-	10	-
Essequibo (Suddie)	Pending 2005	-	3	157	5
	Filed 2006	63	1	49	-
	Disposed 2006	59	-	13	-
	Pending at 06-12-31	4	4	193	5
East Demerara (Vigilance)	Pending 2005	162	4	11	1
	Filed 2006	716	2	3	-
	Disposed 2006	685	1	2	-
	Pending at 06-12-31	193	5	12	1
Berbice (New Amsterdam)	Pending 2005	19	2	99	-
	Filed 2006	162	9	20	-
	Disposed 2006	167	-	6	-
	Pending at 06-12-31	14	11	113	-
Corentyne (Whim)	Pending 2005	19	5	44	1
	Filed 2006	155	2	18	1
	Disposed 2006	172	-	3	-
	Pending at 06-12-31	2	7	59	2

### 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		Civil	Criminal	Preliminary Inquiries
Georgetown (Avenue of the Republic)	Pending 2005	14	122	16
	Filed 2006	15	53	18
	Forwarded to High Court 2006	6	68	26
	Pending at 06-12-31	23	107	8
West Demerara (Vreed-en-Hoop)	Pending 2005	9	52	27
	Filed 2006	2	31	23
	Forwarded to High Court 2006	-	2	4
	Pending at 06-12-31	11	81	46
Essequibo (Suddie)	Pending 2005	-	7	6
	Filed 2006	-	3	1
	Forwarded to High Court 2006	-	1	7
	Pending at 06-12-31	-	9	0
East Demerara (Vigilance)	Pending 2005	7	26	7
	Filed 2006	1	12	17
	Forwarded to High Court 2006	-	-	12
	Pending at 06-12-31	8	38	12
Berbice (New Amsterdam)	Pending 2005	12	69	10
	Filed 2006	4	13	24
	Forwarded to High Court 2006	-	-	16
	Pending at 06-12-31	16	82	18
Corentyne (Whim)	Pending 2005	5	36	1
	Filed 2006	-	6	9
	Forwarded to High Court 2006	1	-	8
	Pending at 06-12-31	4	42	2

#### 4.4 Financial

The Financial Section is primarily responsible for the collection of fines 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		Claims	Maintenance		
			Distress	Arrest	Commitment
Georgetown (Avenue of the Republic)	Pending 2005	259	3149	2290	208
	Filed 2006	566	907	670	22
	Disposed 2006	487	176	338	0
	Pending 05-12-31	338	3880	2622	230
West Demerara (Vreed-en-Hoop)	Pending 2005	297	-	182	-
	Filed 2006	695	-	642	-
	Disposed 2006	543	-	402	-
	Pending 06-12-31	449	-	442	-
Essequibo (Suddie)	Pending 2005	187	-	1092	6
	Filed 2006	88	-	260	-
	Disposed 2006	172	-	194	-
	Pending 06-12-31	103	-	1158	6
East Demerara (Vigilance)	Pending 2005	185	-	358	-
	Filed 2006	353	-	657	43
	Disposed 2006	231	-	491	2
	Pending 06-12-31	307	-	524	41
Berbice (New Amsterdam)	Pending 2005	185	-	818	60
	Filed 2006	453	-	391	109
	Disposed 2006	458	-	1013	74
	Pending 06-12-31	180	-	196	95
Corentyne (Whim)	Pending 2005	412	-	364	4
	Filed 2006	134	4	229	12
	Disposed 2006	38	2	255	16
	Pending 06-12-31	508	2	338	-

#### 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 needs 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 Revenue and Suitors Deposit accounts which seem to be fraught with fraud especially in Georgetown and West Demerara. 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 of CCBS statements
- (ii) timely submission of Revenue Statements.
- (iii) increased checks on collection of fees and fines.

However, there are still problems in the Georgetown, Berbice and West Demerara Magisterial Districts with reconciliation of accounts. 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

## Appendix I

**Supreme Court of Judicature  
Budgeted and Actual Recurrent Expenditure – 2006**

Agency: 55  
Program: 01

<b>Details of Expenditure</b>	<b>Revised Budget</b>	<b>Actual</b>
	G\$000	G\$000
Statutory Expenses	192,534	190,638
Total wages and salaries	80,327	80,327
Overhead Expenses	13,549	13,510
Material, Equipment and Supplies	18,706	18,703
Fuel and Lubricants	700	500
Rental & Maintenance of Buildings	16,200	15,748
Maint. Of Infrastructure	3,935	3,657
Transport, Travel & Postage	4,880	4,876
Utility Charges	15,217	12,214
Other Goods & Services	46,710	44,353
Operation Expenses	12,847	12,847
Rates & Taxes	--	--
	-----	-----
<b>Total</b>	<b>405.605</b>	<b>397,373</b>
	=====	=====

**Magistrates Court**  
**Budgeted and Actual Recurrent Expenditure: 2006**

Agency: 55 - Supreme Court  
 Program: 02 - Magistrate's Department

<b>Particulars of Expenditure</b>	<b>Budget</b>	<b>Actual</b>
	G\$000	G\$000
Total Wages & Salaries	102,559	102,448
Over headed Expenses	15,720	13,931
Materials, Equipment & Supplies	23,556	23,537
Fuel & Lubricants	-	-
Rental & Maint. Of Buildings	17,950	17,553
Maint. Of Infrastructure	2,774	2,727
Transport, Travel & Postage	18,901	18,899
Utility Charges	3,650	3,650
Other Goods & Services	7,700	7,696
Other Operating Expenses	1,330	1,328
Rates and Taxes	--	--
<b>Total</b>	<b>194,140</b>	<b>191,769</b>