

ANNUAL REPORT

FOR THE YEAR 2005

SUPREME COURT REGISTRY

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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 High Court 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, 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) Section 75 of the High Court Act Cap 3:05 provides for the constitution of the **Full Court** which is the appellate jurisdiction of the High Court.

(iii) The High Court also has **Sub-Registries** in **New Amsterdam, Berbice and Suddie, Essequibo**. The Suddie Sub-Registry became operational in July 2005.

(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. On November 30th, 2004 Parliament passed the Caribbean Court of Justice Act, 2004 to implement the Caribbean Court of Justice, thereby making it the final Court of Appeal for Guyana. This Act became operational on 1st 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 2005, a total of **4,867** civil matters were filed in the Supreme Court Registry, Georgetown, **1,223** in the Sub-Registry, New Amsterdam, and **46** in the Sub-Registry, Essequibo making a total of **6,136** matters filed. To this must be added the backlog of

1,186 civil matters in Berbice and 12,805 matters in Georgetown, making a grand total of 20,127 matters to be heard in 2005.

The Judges heard and determined 4,680 matters in Georgetown 1,114 matters in Berbice and 17 in Essequibo making a total of 5,811 matters completed, leaving a total of 14,316 matters pending for 2006. It should be noted that of the number of completed matters 333 are matters that have been deemed abandoned by the Court and 344 were done as part of a special exercise to deal with backlog cases. The number of matters heard 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 everyday. As at December 31, 2005, a total of 344 matters were completed in this exercise. 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, 2005, 295 matters came to the Mediation Cent. Of this number 232 were referred by Judges of the High Court and 63 through requests by clients/attorneys. The Court Manager assigned 282 for hearing. The remaining 13 could not be mediated as neither the litigants nor attorneys could be found. Of the 282 only 40 were successfully mediated. 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 two Judges as well as other ancillary staff have been trained in 2005. 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 Procedure of Court drafted by the Rules Making Committee would be implemented. These new rules are aimed at making the procedure in court Judge - driven, so that they are in control of 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 2005, a total of 37 depositions were filed in the Supreme Court Registry, Georgetown and 6 in the Sub-Registry, New Amsterdam, making a total of 43 depositions filed. To this number must be added the pending backlog of 476 depositions, filed in Georgetown and 46 in the Sub-Registry, New Amsterdam making a grand total of 565 indictments to be heard. This figure includes matters for trial in Suddie which were originally filed in Georgetown.

The Judges heard and determined 36 criminal matters in Georgetown, 22 in Berbice and 20 in Suddie leaving a total of 487 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 2005, the Supreme Court Registry continued the exercise to deal with this backlog. 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 13 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 to the presumption of innocence and the right to a fair trial within a reasonable time enshrined in the constitution.

Efforts were made by the Supreme Court Registry to shorten this time span. Clerks of Court were requested to submit a monthly report on the status of Preliminary Inquiries in their respective Magisterial Districts. This information was 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 then 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 Inquiries 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 (1) to three (3) 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 were 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:

Essequibo	-	one (to be increased to 2 in 2006)
Berbice	-	two (one to hear criminal and one to hear civil matters)
Georgetown	-	1- Bail Court
		1- Chamber Court
		1- Commercial Court
		2- Civil
		4- Criminal
Total -		<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 **3,631** matters were filed for service; **2,866** of which were filed in Georgetown, **695** in the Sub-Registry Berbice and **70** in the Sub-Registry Essequibo. To this number must be added the pending backlog of **2,637** matters in Georgetown and **133** in New Amsterdam making a grand total of **6,401** matters to be served. Of this number **2,388** was served in Georgetown, **616** in the Sub-Registry Berbice and **70** in the Sub-Registry Essequibo.

There were **9** auction sales in Georgetown and **1** in the Sub-Registry Berbice, at which levied property, both movable and immovable, were sold at public auction as advertised.

The restructuring of this unit which commenced in late 2004 has had major success in Georgetown as the efficiency and integrity of the unit has improved. This effort is now being implemented in New Amsterdam.

1.2.4 Probate

During 2005, **1,002** applications for the grants of Probate and Letters of Administration were filed in Georgetown and **226** in the Sub-Registry, New Amsterdam making a total of **1,228** applications filed. To this number must be added the backlog of **177** matters in Georgetown and **250** in Berbice, making a grand total of **1,655** applications to be heard. Of this number **937** were granted and issued in Georgetown and **229** in the Sub-Registry New Amsterdam, making a total of **1,166** applications disposed, leaving a total of **489** applications pending for 2005.

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 2006.

In 2005, **427 Petitions for Prescriptive Title to Land** were filed in Georgetown and **166** in the Berbice making a total of **593** petitions filed. To this number must be added the backlog of **81** in Georgetown and **424** in Berbice, making a total of **1098** petitions to be heard. Of this number **373** were completed in Georgetown and **139** in Berbice, leaving a total of **586** petitions pending for 2006.

Under **Section 35 of the Deeds Registry Act Cap 5:01**, no applications for Deeds Registration were filed in Georgetown, **54** were filed in Berbice. The pending backlog in Georgetown is **2** and **0** in Berbice making a total of **56** applications to be heard. Of this number **53** was completed in Berbice, thereby leaving a total of **3** applications pending for 2006.

Under **Section 79 of the Land Registration Act Cap. 5:02**, **4** applications were filed in Georgetown and **25** in Berbice. There is a backlog of **2** in Georgetown and **0** in Berbice, making a grand total of **31** applications pending to be heard. Of this number **22** were completed in Berbice and **0** in Georgetown, leaving a total of **9** applications pending for 2006.

Under **Section 107 of the Land Registration Act Cap. 5:02**, **41** applications were filed in Georgetown and **26** in Berbice. To this number must be added the backlog of **46** in Georgetown and **77** in Berbice, making a grand total of **190** applications to be heard. Of this number **61** were completed in Georgetown and **3** in Berbice, leaving a total of **126** applications pending for 2006.

Under **Section 17 of the Land Registration Act, Cap. 5:02**, **29** applications were filed in Georgetown and **0** in Berbice. There is a backlog of **15** in Georgetown making a grand total of **44** applications to be heard. Of this number **14** were completed in Georgetown, leaving **30** pending for 2006.

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 2005, in its criminal jurisdiction 21 appeals were filed for hearing in Georgetown and 3 in Berbice. To this number must be added the pending backlog of 12, in Georgetown and 2 in Berbice making a total of 38 criminal appeals to be heard. In Georgetown 12 were concluded and 2 in Berbice leaving a total of 24 criminal appeals pending for 2006.

In its civil jurisdiction, 71 appeals were filed in Georgetown and 15 in Berbice. To this number must be added the backlog of 222 in Georgetown and 6 in Berbice, making a total of 314 appeals to be heard. Of this number 37 were completed in Georgetown and 7 in Berbice, leaving a total of 270 civil appeals pending in 2006.

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 2005, the Court of Appeal comprised the acting Chancellor who holds the substantive post of Chief Justice, and three (3) Justices of Appeal. 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.

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.

During 2005, 100 civil appeals were filed. To this number must be added the backlog of 246 appeals, making a total of 346 appeals to be heard. The Court of Appeal heard 61 of those civil appeals leaving 285 yet to be heard. Of this number 16 are ready for fixture, 18 are awaiting records to be

prepared and filed by attorneys at law for the appellants, 12 are awaiting records to be filed and 9 are reserved for decision of the Court. The remaining 230 await the submission of reasons for decisions, High Court files and Minute Books containing the notes of evidence taken during the trial from the respective Judges of the High Court.

In its criminal jurisdiction 28 appeals were filed in 2005, to which must be added 28 pending from 2003. Of this number 5 were concluded leaving 51 pending for 2006.

There were 49 chamber applications filed in 2005, to which must be added 4 pending from 2003. Of this number 49 were concluded leaving 4 pending for 2006.

In 2005, 22 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 38 matters from 2004, making a total of 60 complaints to be hear. Of this number 6 were concluded leaving 54 pending for 2006. Five of these reports are to be written up and submitted to the Chancellor for disciplinary action to be taken.

1.5 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 2005.

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 2005.

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) are held by Magistrates, into indictable offences.

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 and 2 show criminal and civil matters that were filed and disposed of in 2005 in the various Magisterial Districts.

Table 1 - STATUS OF CRIMINAL CASES - Magistrates Courts

District		Summary	Indictable	Narcotics	Traffic	Preliminary Inquires	Inquests
Georgetown (Avenue of the Republic)	Pending 2004	3683	1845	1230	3289	196	105
	Filed 2005	11924	1645	493	5546	68	3
	Disposed 2005	9285	2052	630	5697	73	-
	Pending at 05-12-31	6322	1438	1093	3138	191	108
West Demerara (Vreed-en-Hoop)	Pending 2004	25	61	31	21	21	35
	Filed 2005	1157	315	192	1420	16	5
	Disposed 2005	797	240	86	761	10	-
	Pending at 05-12-31	385	136	137	680	27	40
Essequibo (Suddie)	Pending 2004	743	379	92	69	91	28
	Filed 2005	1370	74	106	310	290	-
	Disposed 2005	1484	208	86	281	191	-
	Pending at 05-12-31	629	245	112	98	190	28
East Demerara (Vigilance)	Pending 2004	1809	332	70	731	23	124
	Filed 2005	2422	1132	162	2802	23	-
	Disposed 2005	2731	933	67	2964	12	-
	Pending at 05-12-31	1500	531	165	569	34	124
Berbice (New Amsterdam)	Pending 2004	762	489	67	779	151	23
	Filed 2005	2090	116	89	2647	213	-
	Disposed 2005	2260	204	86	3288	57	-
	Pending at 05-12-31	592	401	70	138	307	23
Corentyne (Whim)	Pending 2004	810	150	21	144	44	21
	Filed 2005	1812	235	63	1156	20	-
	Disposed 2005	2170	46	57	1183	3	-
	Pending at 05-12-31	452	339	27	117	61	21
	Pending for 2004	7832	3256	1511	5059	526	336
	Filed for 2005	20775	3319	1103	13881	650	8
	Disposed for 2005	18727	3683	1012	14174	346	-
	Pending 05/12/31	9880	3090	1604	4740	810	344

Summary

Pending in 2004 - 18,494
 Filed in 2005 - 39,916
 Disposed for 2005 - 37,942 Pending 5/12/31 - 20,468

A breakdown of these figures for each Magisterial District is shown hereunder:

Summary

Georgetown		Amount
2004	Pending	10,348
	Filed	19,679
	Disposed	17,737
2005	Pending	12,290
West Demerara		
2004	Pending	194
	Filed	3,105
	Disposed	1,894
2005	Pending	1,405
Essequibo		
2004	Pending	1,402
	Filed	2,150
	Disposed	2,250
2005	Pending	1,302
East Demerara		
2004	Pending	3,089
	Filed	6,541
	Disposed	6,707
2005	Pending	2,923
Berbice		
2004	Pending	2,271
	Filed	5,155
	Disposed	5,895
2005	Pending	1,531
Corentyne		
2004	Pending	1,190
	Filed	3,286
	Disposed	3,459
2005	Pending	1,017

Table 2 - STATUS OF CIVIL CASES - Magistrates Courts

District		Possession	Other Claims	Total
Georgetown (Avenue Of The Republic)	Pending 2004	323	727	1050
	Filed 2005	1164	119	1283
	Disposed 2005	317	606	923
	Pending at 05-12-31	1170	240	1410
West Demerara (Vreed-en-Hoop)	Pending 2004	2	4	6
	Filed 2005	33	100	133
	Disposed 2005	27	51	78
	Pending at 05-12-31	8	53	61
Essequibo (Suddie)	Pending 2004	11	177	188
	Filed 2005	16	220	236
	Disposed 2005	18	199	217
	Pending at 05-12-31	9	198	207
East Demerara (Vigilance)	Pending 2004	11	50	61
	Filed 2005	51	48	99
	Disposed 2005	49	11	60
	Pending at 05-12-31	13	87	100
Berbice (New Amsterdam)	Pending 2004	24	99	123
	Filed 2005	28	272	300
	Disposed 2005	35	286	321
	Pending at 05-12-31	17	85	102
Corentyne (Whim)	Pending 2004	9	48	57
	Filed 2005	21	185	206
	Disposed 2005	20	198	218
	Pending at 05-12-31	10	35	45
	Pending in 2004	380	1105	1485
	Filed in 2005	1313	944	2257
	Disposed in 2005	466	1351	1817
	Pending at 05/12/31	1227	698	1925

Summary

Pending in 2004	-	2970
Filed in 2005	-	4514
Disposed in 2005	-	3634
Pending at 05/12/31	-	3850

An examination of these figures shows that a total **4514** civil cases and **39,916** criminal cases were filed in the Magistrates Courts for 2005.

To this must be added a backlog of **2970** civil and **18,494** criminal cases pending for previous years, making a total of **7,484** civil and **58,410** criminal cases to be heard. Of this total **3,634** civil and **37,942** criminal cases were disposed of, leaving a backlog of **3,850** civil cases and **20,468** criminal cases pending to be heard in 2006.

A total of **20,775** summary matters were filed. To this number must be added the backlog of **7,832** making a grand total of **28,607** summary matters to be heard. Of this number **18,727** were completed, leaving **9,880** pending for 2006.

A total of **3,517** indictable matters were filed. To this number must be added the backlog of **3,256** making a total of **6,773** indictable matters to be heard. Of this number, **3,683** were completed, leaving **3,090** pending for 2006. In 2005, **630** Preliminary Inquires were filed. To this number must be added a pending backlog of **526** making a total of **1,156**. Of this total **346** were heard, leaving **810** pending Preliminary Inquiries to be completed.

A total of **8** inquests were filed in 2005. To this number must be added the backlog of **336** making a grand total of **344** inquests to be heard. Of this number none were heard leaving **344** pending to be heard in 2006. 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 and their status so that some recommendation could be made to increase the number of Magistrates and court days where necessary.

1.6 CURRENT AND CAPITAL BUDGET

In 2005 a total of **MS558.348** was voted as Current Expenditure (inclusive of Statutory Provisions). Capital Expenditure was allocated to the Ministry of Legal Affairs: **MS30** for Buildings and **MS4** for Equipment.

The Capital Budget's allocation of M\$4 for the purchase of Equipment is grossly inadequate as this sum of money cannot meet the cost of buying chairs for court staff, the Judiciary and the Magistracy. 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 there is a Strategic Plan and a 5 year Policy Plan submitted by the Judiciary to show its objectives and programmed implementation of its Policy.

Table 3 shows that the 2005 Budget Estimates targeted the quantum of revenue likely to be collected by the Supreme Court Registry at **M\$65,400** and State Costs at **M\$2,200**, making a total of **M\$67,600**. In actual fact, the Supreme Court and Magistrates Courts together collected revenue in the sum of **M\$71,068** which represents an overall increase of **M\$ 3,468**. 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	65,400	69,897	Increase 4,497
State costs	2,200	1,171	Decrease 1,029
TOTAL	67,600	71,068	3,468

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. In addition there is need to increase filing fees.

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 translated into the following goals form 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 are also 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 Organisation Charts

3.1.1 Supreme Court Registry

3.1.2 Magistrates' Courts

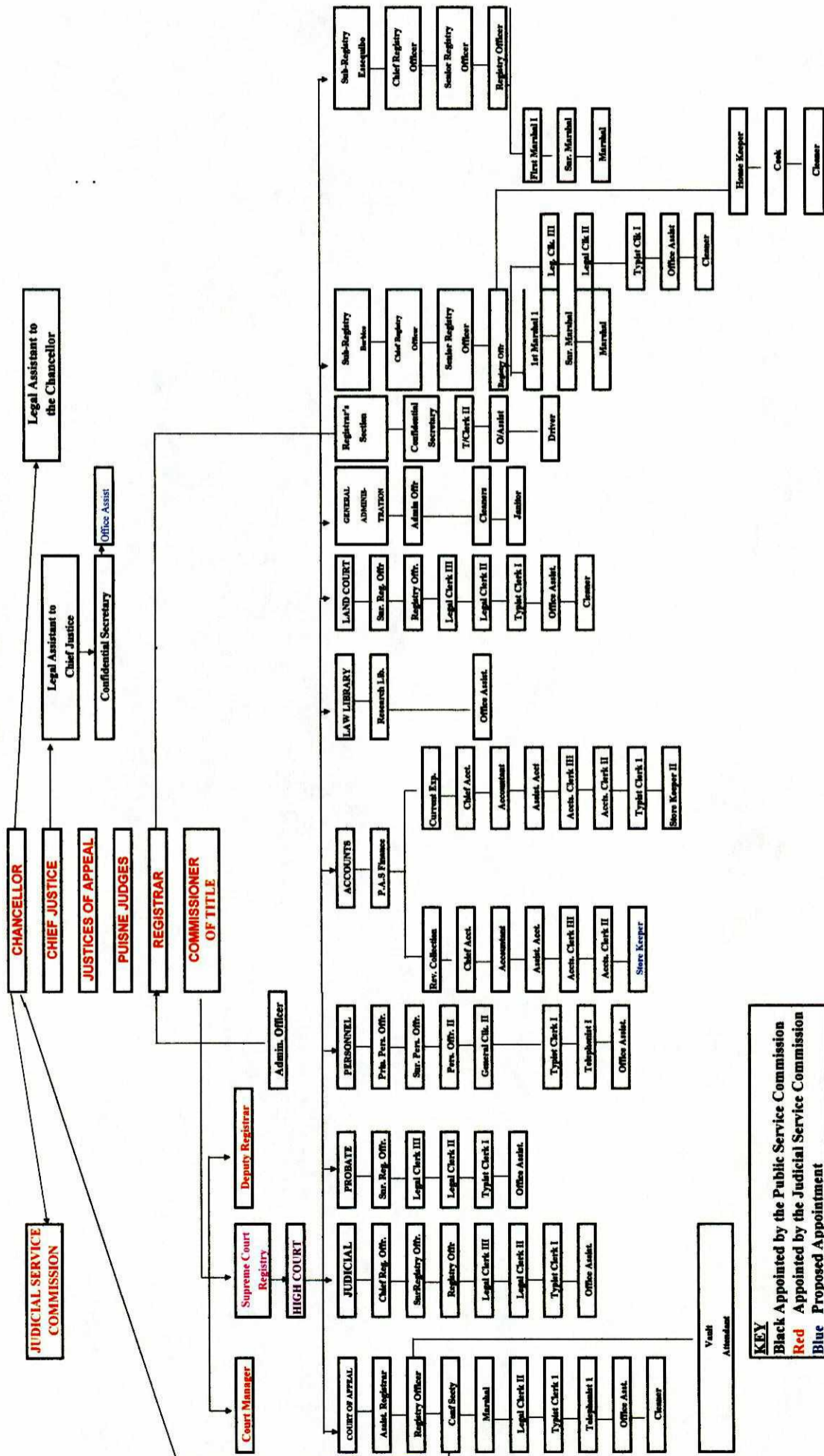
3.1.1 Supreme Court Registry

The Supreme Court Registry is a public body established under the Supreme Court Act, 1987. Its primary function is to manage the administration of the Supreme Court of Canada. The Registry is responsible for the collection and distribution of court fees, the management of court records, and the provision of information to the public. It also plays a key role in the appointment and removal of Justices of the Supreme Court. The Registry is headed by a Registrar and is supported by a staff of approximately 100 employees. It is located in Ottawa, Ontario.

The Registry's operations are governed by the Supreme Court Act and the Supreme Court Regulations. It is required to provide information to the public in a timely and accurate manner. The Registry's website provides a wealth of information about the Supreme Court, including its history, its members, and its decisions. It also provides information about the Registry's services and how to contact it.

The Registry is an important part of the Canadian judicial system. It ensures that the Supreme Court is able to function effectively and that the public has access to the information it needs. The Registry's work is essential to the proper administration of the Supreme Court of Canada.

3.1.1 ORGANISATIONAL CHART - SUPREME COURT OF JUDICATURE



KEY
 Black Appointed by the Public Service Commission
 Red Appointed by the Judicial Service Commission
 Blue Proposed Appointment

3.1.2 Magistrates' Courts

The Magistrates' Courts are the lowest level of the judicial system. They deal with a wide range of criminal and civil cases. The courts are presided over by a magistrate, who is a lay member of the judiciary. The courts are organized into districts, and each district has a court house. The courts are open to the public, and anyone can attend a trial. The courts are also open to the press, and the media can report on the proceedings. The courts are an important part of the justice system, and they play a vital role in the protection of the rights of the individual.

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3.2 Supreme Court Registry

The Supreme Court Registry is headed by a Registrar who must be an attorney-at-law. The post of Deputy Registrar is now filled by an unqualified acting Deputy Registrar. A Court Manager and an Administrative Officer were also appointed. The functions of the Registry can be broadly categorised 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 2006.

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 has an authorized establishment of 32, but is actually staffed by 23. 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\$543.939** 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 terms of the Capital Budget the money is allocated to the Ministry of Legal Affairs for the use of the Supreme Court of Judicature M\$ 4.0 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 M\$30.0. It was used primarily for the construction of a Magistrates Court at Fort Wellington at a cost of approximately M\$ 18.7 and Phase 1 of the Renovation and Extension of the Court of Appeal at a cost of approximately M\$29.6 of which M\$ 11.3 was used in 2005. 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.

33.2 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, 51 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 2005 this unit was headed by a Senior Personnel Officer who is employed on contract and 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 4, 4a, 5 and 5b below reflects the human resources of the Supreme Court and Magistrates Courts in terms of its Actual Staff as compared with the Authorised Inventory.

**Table 4 – Human Resources
Programme 1 – Supreme Court of Judicature**

Section	Auth Amt	Actual	M	F	Temp	Perm	Acting	Con Tract	Quali fied	Remarks
Land Court	7	7	1	6	7	-	-	-	7	
Court of Appeal	14	13	10	3	11	2	-	-		Vacancy 1
SubRegistry (Berbice)	23	22	9	13	15	7	-	-	15	Vacancy 1
Sub Registry (Suddie)	34	20	7	13	18	2	-	-	16	Vacancy 14
Judicial Section	35	31	17	14	28	3	-	1	27	Vacancy 4
Probate	5	4	1	3	4	-	-	-	2	Vacancy 1
Marshal	21	17	13	4	13	4	1	-	4	Vacancy 4
Law Library	3	3	2	1	1	2	-	-	1	
Personnel Section	7	3	1	2	1	1	-	1	1	Vacancy 4
Registrar's Section	4	3	1	2	3	-	-	-	3	Vacancy 1
Cleaners	17	17	1	16	10	6	-	-	17	
Admin	5	5	4	1	-	4	-	1	5	
Accounts (Revenue)	7	6	4	2	5	-	-	1	6	Vacancy 1
Accounts (Expenditure)	16	16	18	8	16	-	4	-	16	
Prog I – Totals	198	167	79	88	132	31	5	4	120	Vacancy 31

**Table 4a – 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	Grade	Post Salary
Category 1 : Administrative		
3 Commissioner Of Title	14	399,015
1 Registrar of Supreme Court	14	584,756
1 Deputy Registrar	12	198,185
1 Court Manager	12	204,380
1 Administrative Officer	11	165,155
1 Legal Assistant to the Chancellor	11	197,177
1 P.A.S (Finance)	11	139,761
1 Principal Personnel Officer	11	104,971
1 Senior Personnel officer	09	67,491
1 Research Librarian	09	67,491
2 Chief Accountant	09	86,294
2 Accountant	08	55,754
1 Assistant Registrar	08	50,570

4 Chief Registry Officer	07	45,341
1 Confidential Secretary to the Chancellor & Secretary Judicial Service	06	37,815
1 Personnel Officer II	06	39,706
4 Senior Registry Officer	06	39,706
1 Librarian IV	04	30,614
29 Total Category		
Category 3: Other Technical & Craft Skilled		
3 First Marshal I	06	39,706
2 Assistant Accountant	05	34,493
4 Registry Officer	05	32,850
1 Store Keeper	04	30,614
10 Total Category		
Category 4: Clerical & Office Support		
2 Confidential Secretary	05	43,435
2 Senior Marshal	04	30,617
2 Accounts Clerk III	03	29,910
31 Marshal	03	29,278
1 Typist Clerk III	03	29,795
2 Legal Clerk III	03	30,614
25 Accounts Clerk II	02	31,338
44 Legal Clerk II	02	31,338
1 Clerk II (G)	02	31,338
1 Typist Clerk II	02	27,088
2 Telephonist I	02	27,088
23 Typist Clerk I	02	27,088
21 Office Assistant	01	24,829
158 Total Category		
Category 5: Semi Skilled Operatives Unskilled		
4 Cook (Judges' Residence)		27,088
2 House Keeper	02	27,088
2 Janitor	02	27,088
2 Vault Attendant	02	27,088
1 Driver	02	27,088
28 Cleaner	01	24,849
39 Total Category		
236 Grand Total		

**Table 5 – Human Resources - Magistrates Courts)
Programme II – All Magisterial Districts**

Section - Administrative	Auth Amt	Actual	M	F	Temp	Perm	Acting	Contract	Qualified	Remarks
Chief Magistrate	1	1		1	-	1	-	-	1	
Principal Magistrate	3	2	1	1	-	1		1	1	Vacancy 1
Senior Magistrate	6	-	-	-	-	-	-	-	1	Vacancy 6
Magistrate	11	13	6	7	8	3	-	2	13	Extra 2
Sub Total	21	16	7	9	8	5	-	3	15	Vacancy 5

Magisterial Districts										
Georgetown	44	44	12	32	32	12	1	-	21	
East Demerara	15	14	5	9	14	-	-	-	9	Vacancy 1
New Amsterdam	14	13	4	9	11	1	-	-	12	Vacancy 1
Corentyne	14	13	5	8	11	1	-	-	12	Vacancy 1
West Demerara	14	13	2	11	11	1	1	-	10	Vacancy 1
Essequibo	13	12	6	6	11	1	1	-	12	Vacancy 2
Prog II -Total	115	109	34	75	90	17	2	-	79	Vacancy 6
Prog II COA Total	136	125	41	84	98	22	2	3	94	Total Vacancy 11

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

Post Title	Grade	Post Salary
Category 1 : Administrative		
1 Chief Magistrate	14	385,889
4 Principal Magistrates	13	324,786
1 Senior Magistrate	12	273,399
11 Magistrates	11	252,748
1 Principal Clerk of Court	07	50,290
1 Senior Clerk of Court	06	39,706
1 Clerk of Court II	05	35,460
4 Clerks of Court	05	37,942
24 Total Category		
Category 3: Other Technical & Craft Skilled		
1 Head Bailiff	05	37,777
1 Senior Bailiff	04	30,614
9 Bailiffs	03	29,278
11 Total Category		
Category 4: Clerical & Office Support		
4 Senior Legal Clerks	05	34,493
4 Legal Clerks III	03	34,493
1 Clerk/ Stenographer	02	29,795
59 Legal Clerks II	02	31,338
1 Telephonist I	02	29,795
1 Typist Clerk II	02	29,795
16 Typist Clerk II	02	27,088
9 Office Assistants	01	24,829
95 Total Category		
Category 5: Semi Skilled Operatives Unskilled		
1 Vault Attendant	02	27,088
14 Cleaners	01	24,829
144 Grand Total		

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 shortly as that facility is being poorly administered. It is under utilized, not because of lack of users but because of poor quality staff who cannot deal with legal queries.

The library holdings were again upgraded in 2005 with purchase of law reports and text books, made by the Honourable Chief Justice to the value of a M\$10. The Honourable Chief Justice 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 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. There has been some improvement in the supervision of cleaners, and the monitoring of their work.

In terms of the maintenance of buildings, repairs to buildings were effected from both the Current and Capital Budget allocations. The Current budget of 2005 under this sub-head made allocations of M\$12 for the Supreme Court and M\$13.784 for the Magistrates Courts.

This money was used to do maintenance work at some of the Magistrates Courts, Supreme 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 M\$30 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 by which it is intended to house a new court room and chambers for use of the Caribbean Court of Justice. The M\$4 allocated for Equipment was used to buy capital equipment, as approved by the Ministry of Finance.

3.4 Judicial

The 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 is headed by the Deputy Registrar (ag), who together with the Judicial Officer (ag) 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 and the Court of Appeal and the Caribbean Court of Justice. A Cause Book is maintained which allows for a manual record to be kept of every matter that is filed. In other words, it reflects its progress in the system.

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 2005, 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.

Table 6 shows the breakdown of civil matters filed and disposed of during 2005 in the High Court, Georgetown and the Sub-Registry, Berbice.

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

		Specially Indorsed Writ	Writ of Summons	Summons and other Applications	Adoptions	Judgment Summons	General Petitions	Divorce	Full Court Appeals	TOTAL
G/town	Pending at 2004	3717	4548	1115	1540	30	314	1268	273	12,805
Sub-Reg. Berbice		71	301	349	42	12	-	400	11	1,186
Sub-Reg. Suddie		-	-	-	-	-	-	-	-	-
	Pending in 2004	3788	4849	1464	1582	42	314	1668	284	13,991
G/town	Filed in 2005	1317	681	938	176	19	405	1240	91	4,867
Sub-Reg. Berbice		214	229	365	37	11	2	347	18	1,223
Sub-Reg. Suddie		24	9	1	-	-	3	9	-	46
	Filed in 2005	1555	919	1304	213	30	410	1596	109	6,136
G/town	Disposed in 2005	693	1151	1130	135	10	441	1071	49	4,680
Sub-Reg. Berbice		193	136	477	10	11	2	278	7	1,114
Sub-Reg. Suddie		14	1	1	-	-	-	1	-	17
	Disposed in 2005	900	1288	1608	145	21	443	1350	56	5,811
G/town	Pending at 05-12-31	4341	4078	923	1581	39	278	1437	315	12,992
Sub-Reg. Berbice		92	394	237	69	12	-	469	22	1,295
Sub-Reg. Suddie		10	8	-	-	-	3	8	-	29
	Pending in 2006	4443	4480	1160	1650	51	281	1914	337	14,316

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 2005 in the High Court, Georgetown.

Table 7 - STATUS OF MEDIATION MATTERS
High Court – Georgetown

		Mediation	Remarks
G/Town	Pending at 2004		
G/Town	Filed in 2005	295	These were referred by all of the High Court Judges
G/Town	Disposed in 2005	39	These were successfully mediated
G/Town	Pending at 05-12-31	256	These were referred for trial

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 21 marshals in Georgetown, 6 in Berbice and 5 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 Summons	Specially Indorsed Writ	Summons & Applications	General Petitions	Divorce	Judgment Summons	Witness Citation	Inter-Pleasers	Notice of Motion	Writ of Possession	Order of Court	TOTAL
G/town	Pending at 2004	602	906	348	-	517	22	50	9	33	17	133	2637
Sub-Reg. Berbice		40	21	19	-	36	4	9	-	2	-	2	133
Sub-Reg. Suddie		-	-	-	-	-	-	-	-	-	-	-	-
	Pending in 2004	642	927	367	-	553	26	59	9	35	17	135	2770
G/town	Filed in 2005	420	1183	145	38	588	22	120	1	136	16	197	2866
Sub-Reg. Berbice		202	225	72	3	91	15	56	-	12	-	18	694
Sub-Reg. Suddie		24	22	3	-	9	-	-	-	2	-	10	70
	Filed in 2005	646	1430	220	41	688	37	176	1	150	16	225	3630
G/town	Disposed in 2005	385	977	144	35	452	17	95	1	154	14	114	2388
Sub-Reg. Berbice		190	202	78	3	58	14	45	-	13	Nil	12	615
Sub-Reg. Suddie		24	21	3	-	8	-	-	-	2	Nil	10	68
	Disposed in 2005	599	1200	225	38	518	31	140	1	169	16	136	3071
G/town	Pending at 05-12-31	637	1112	349	3	653	27	75	9	15	19	216	3115
Sub-Reg. Berbice		52	44	13	-	69	5	20	-	1	-	8	212
Sub-Reg. Suddie		-	1	-	-	1	-	-	-	-	-	-	2
	Pending 05-12-31	689	1157	362	3	723	32	95	9	16	19	224	3329

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 2005.

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 2004	98	79	1	803	51	11	3	-
Sub-Reg. Berbice		112	138	1	206	-	-	-	
Sub-Reg. Suddie		-	-	-	-	-	-	-	
Georgetown	Filed in 2005	365	637	13	842	121	30	5	
Sub-Reg. Berbice		63	163	1	216	16	1	1	-
Sub-Reg. Suddie		-	-	-	3	-	-	-	-
Georgetown	Disposed in 2005	354	583	13	59	112	33	-	4
Sub-Reg. Berbice		80	149	2	-	1	-	1	
Sub-Reg. Suddie		-	-	-	-	-	-	-	-
Georgetown	Pending at 05-12-31	109	133	-	1586	60	8	8	-
Sub-Reg. Berbice		95	152	-	422	15	1	-	
Sub-Reg. Suddie		-	-	-	3	-	-	-	

An analysis of this information shows that:

- (i) One thousand and two (1002) applications for Letters of Administration and Probate were filed in Georgetown and 226 in Berbice, making a total of 1228. To this figure must be added 177 pending in Georgetown and 250 in Berbice making a total of 1655 applications to be determined in 2005.

Of that number, a total of 1166 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) Eight hundred and forty-two (842) wills were deposited for safe-keeping in Georgetown, three (3) in Suddie and two hundred and sixteen (216) in Berbice making a total of 1061 deposited. These Wills are recorded in the respective Wills Registers and packed in Cabinets in numerical order for safe-keeping.
- (iii) Thirty (30) Citations were filed in Georgetown and one (1) in Berbice.
- (iv) Five (5) applications for leave to sell by Private Treaty was filed during 2005 in Georgetown and one (1) in Berbice. Certificates were prepared and issued.
- (v) Thirteen (13) applications to reseal grants were filed in Georgetown and 1 in Berbice.
- (vi) No Affidavit verifying accounts were filed either in Georgetown or Berbice

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 Suddie Sub-Registry, Essequibo.

Commissioners of Title adjudicate applications filed in accordance with the Land Registry Act, Cap. 5:02, they also determine Petitions for Prescriptive Title to Land, assigned to them by the Chief Justice and orders the issue 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 2004		2	2	46	15
Sub-Reg. Berbice		424	0	0	77	0
Sub-Reg. Suddie			0	0	0	
Georgetown	Filed in 2005		0	4	41	29
Sub-Reg. Berbice		166	54	25	26	0
Sub-Reg. Suddie						
Georgetown	Disposed in 2005		0	0	61	14
Sub-Reg. Berbice		139	53	22	3	0
Sub-Reg. Suddie						
Georgetown	Pending at 05-12-31		2	6	26	30
Sub-Reg. Berbice		451	1	3	100	0
Sub-Reg. Suddie			0	0	0	0

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 10 shows the work done by the Full Court.

TABLE 10 – STATUS OF MATTERS BEFORE THE FULL COURT

		Criminal	Civil
Georgetown	Pending at 2004.12.31	12	222
Sub-Reg. Berbice		2	6
Sub-Reg. Suddie		0	0
Georgetown	Filed in 2005	21	71
Sub-Reg. Berbice		3	15
Sub-Reg. Suddie		0	0
Georgetown	Disposed in 2005	12	37
Sub-Reg. Berbice		2	7
Sub-Reg. Suddie		0	0
Georgetown	Pending at 05-12-31	21	256
Sub-Reg. Berbice		3	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 has since become 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 11 shows the status of matters before the Court of Appeal. During 2005, civil and criminal appeals as well as chamber applications and LPC complaints were heard and determined. At the end of 2005 there was a total of **346** civil appeals to be heard, **61** were completed of, but decision was reserved in **9**. Of the remaining **285**, **18** were uplifted by Attorneys at Law on record for the Appellant to prepare and file records of appeal, **16** are awaiting fixture. The remaining **230** are awaiting decisions of the Judges of the High Court for the records to be settled.

Table 11 - STATUS OF MATTERS BEFORE THE COURT OF APPEAL AND LPC

	Criminal	Civil	Chamber	LPC * Applications
Pending at end of 2004	28	246	4	38
Filed in 2005	28	100	49	22
Disposed in 2005	5	61	49	6
Pending at 05-12-31	51	285	4	54

4. MAGISTRATES' DEPARTMENT

There are eight [8] Magisterial Districts which are administered through six [6] 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, intended for filing and presentation before 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.

These offices also issue copies of all 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. 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 1 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, the 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 12 shows the status of matters filed in the Bailiffs' Section of the various Magisterial Districts.

TABLE 12 - 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 2004	611	20	68	-
	Filed 2005	968	29	30	6
	Disposed 2005	996	24	6	6
	Pending at 05-12-31	583	25	92	-
West Demerara (Vreed-en-Hoop)	Pending 2004	34	-	6	4
	Filed 2005	133	1	5	-
	Disposed 2005	112	1	2	4
	Pending at 05-12-31	55	-	9	-
Essequibo (Suddie)	Pending 2004	-	1	124	5
	Filed 2005	1	10	40	3
	Disposed 2005	1	8	7	3
	Pending at 05-12-31	-	3	157	5
East Demerara (Vigilance)	Pending 2004	81	2	3	2
	Filed 2005	580	3	16	2
	Disposed 2005	499	1	8	3
	Pending at 05-12-31	162	4	11	1
Berbice (New Amsterdam)	Pending 2004	122	1	47	-
	Filed 2005	208	5	59	-
	Disposed 2005	311	4	7	-
	Pending at 05-12-31	19	2	99	-
Corentyne (Whim)	Pending 2004	24	2	40	1
	Filed 2005	185	4	8	-
	Disposed 2005	190	1	4	-
	Pending at 05-12-31	19	5	44	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 13 shows the status of the record of completed appeals and Preliminary Inquires (depositions) in the various Magisterial Districts.

TABLE 13 – STATUS OF APPEALS AND DEPOSITIONS

District		Civil	Criminal	Preliminary Inquiries
Georgetown (Avenue of the Republic)	Pending 2004	13	30	24
	Filed 2005	11	111	13
	Forwarded to High Court 2005	10	19	21
	Pending at 05-12-31	14	122	16
West Demerara (Vreed-en-Hoop)	Pending 2004	9	41	21
	Filed 2005	-	14	16
	Forwarded to High Court 2005	-	3	10
	Pending at 05-12-31	9	52	27
Essequibo (Suddie)	Pending 2004	-	6	1
	Filed 2005	-	1	13
	Forwarded to High Court 2005	-	-	8
	Pending at 05-12-31	-	7	6
East Demerara (Vigilance)	Pending 2004	4	15	-
	Filed 2005	3	14	11
	Forwarded to High Court 2005	-	3	4
	Pending at 05-12-31	7	26	7
Berbice (New Amsterdam)	Pending 2004	7	43	10
	Filed 2005	5	46	7
	Forwarded to High Court 2005	-	20	7
	Pending at 05-12-31	12	69	10
Corentyne (Whim)	Pending 2004	7	34	2
	Filed 2005	2	3	1
	Forwarded to High Court 2005	4	1	2
	Pending at 05-12-31	5	36	1

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 its turn, is 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.

Table 14 shows the status of matters filed in the Collecting Offices of the various Magisterial Districts.

**Table 14 - STATUS OF MATTERS FILED IN THE COLLECTING OFFICES
(All Magisterial Districts)**

District		Maintenance			
		Claims	Warrants		
			Distress	Arrest	Commitment
Georgetown (Avenue of the Republic)	Pending 2004	285	2260	1668	176
	Filed 2005	629	1026	1026	42
	Disposed 2005	655	137	404	10
	Pending 05-12-31	259	3149	2290	208
West Demerara (Vreed-en-Hoop)	Pending 2004	89	-	29	-
	Filed 2005	752	-	694	3
	Disposed 2005	544	-	541	3
	Pending 05-12-31	297	-	182	-
Essequibo (Suddie)	Pending 2004	174	-	862	10
	Filed 2005	222	-	337	-
	Disposed 2005	209	-	107	4
	Pending 05-12-31	187	-	1092	6
East Demerara (Vigilance)	Pending 2004	32	-	167	-
	Filed 2005	358	-	583	-
	Disposed 2005	205	-	392	-
	Pending 05-12-31	185	-	358	-
Berbice (New Amsterdam)	Pending 2004	277	-	555	23
	Filed 2005	338	-	475	49
	Disposed 2005	430	-	212	12
	Pending 05-12-31	185	-	818	60
Corentyne (Whim)	Pending 2004	1019	-	276	4
	Filed 2005	326	-	285	8
	Disposed 2005	933	-	197	8
	Pending 05-12-31	412	-	364	4

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 of 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 therefore 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 some 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 is a problem 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 – 2005**

Agency: 55
Program: 01

Details of Expenditure	Revised Budget	Actual
	G\$000	G\$000
Statutory Expenses	169,182	166,912
Total wages and salaries	79,339	76,223
Overhead Expenses	12,663	11,738
Material, Equipment and Supplies	17,700	17,659
Fuel and Lubricants	550	432
Rental & Maintenance of Buildings	15,600	15,552
Maint. Of Infrastructure	3,500	2,989
Transport, Travel & Postage	4,050	4,043
Utility Charges	15,030	15,029
Other Goods & Services	43,474	43,075
Operation Expenses	11,190	11,186
Rates & Taxes	0	0
	-----	-----
Total	372,278	364,838
	=====	=====

Magistrates Court
Budgeted and Actual Recurrent Expenditure: 2005

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

Particulars of Expenditure	Budget	Actual
	G\$000	G\$000
Total Wages & Salaries	99,009	97,265
Over headed Expenses	14,692	12,916
Materials, Equipment & Supplies	22,826	22,811
Fuel & Lubricants	0	0
Rental & Maint. Of Buildings	17,184	15,420
Maint. Of Infrastructure	2,340	1,246
Transport, Travel & Postage	17,711	17,695
Utility Charges	3,614	3,612
Other Goods & Services	7,384	6,859
Other Operating Expenses	1,310	1,277
Rates and Taxes	0	0
	-----	-----
Total	186,070	179,101
	=====	=====