

***SUPREME COURT OF  
JUDICATURE  
ANNUAL REPORT  
2015***

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## 1. EXECUTIVE SUMMARY

### 1.1 INTRODUCTION

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

*“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 and the Court of Appeal. The Caribbean Court of Justice is the final court of appeal for Guyana.

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

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

- (a) **The Court 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 High Court Act and Rules Cap3:02.
- (1) **The Land Court** is a division of the High Court created by the Land Registry Act Cap. 5:02. It is presided over by a Commissioner of Title. The land Court functions in the Ombudsman Building which is located on Brickdam, Georgetown and in the Sub-Registry, New Amsterdam.
- (ii) **The Full Court** which is the appellate jurisdiction of the High Court, is established by section 75 of the High Court Act Cap.3:05.
- (iii) **The High Court** also has two Sub-Registries; one in New Amsterdam, Berbice and another in Suddie, Essequibo.
- (c) **The Court of Appeal** established in accordance with the provisions of Article 123 of the Constitution, functions in compliance with the provisions of the Court of Appeal Act, Cap 3:01. It is a court of review, that is, review of the record of the court's proceedings from which the appeal is fled.
- (iv) **The Caribbean Court of Justice** established in accordance with provisions of Article 123 (4) of the

Constitution, became operational on April 1, 2005 by Order No .10 of 2005, made under the Caribbean Court of Justice Act 2004. The Caribbean Court of Justice is now the final Court of Appeal of Guyana.

#### **SUPREME COURT – SUBVENTION ENTITY**

Article 122 A (2). Subject to the provision of Articles 199 and 201 of the Constitution, all courts shall be administratively autonomous and shall be funded by a direct charge upon the Consolidated Fund and such courts shall operate in accordance with the principles of sound financial and administrative management.

The Supreme Court is listed among the entities under the Third Schedule of the Constitution of Guyana. The pronouncement of the National Assembly of the 10<sup>th</sup> Parliament of Guyana on April 15, 2014 removed the Supreme Court from the schedule of Budget Agencies and approved it as a subvention entity under chart of account 6321 – Subsidies and Contributions to Local Organizations, thus, allowing the Supreme Court to be financed as a direct charge on the Consolidated Fund, determined as a lump sum by way of an annual subvention. In essence, this means that the Supreme Court shall manage its subvention in such a manner as it deems fit for the efficient discharge of its functions subject to conformity with the financial practices and procedures approved by the National Assembly to ensure accountability and all revenues shall be paid into the Consolidated Fund.

## 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 Judges is eleven (11) but that complement was increased to twenty (20). However, presently the Supreme Court is functioning with thirteen (13) Puisnee Judges.

The High Court has very wide jurisdiction in civil matters which are heard by a single Judge sitting without a jury. During 2015 a total of 6, 492 civil matters were filed in the Supreme Court Registry, Georgetown, 1207 in the Sub-Registry, New Amsterdam and 299 in the Sub-Registry Essequibo making a total of 7998 matters filed. To this must be added the backlog of 2,595 matters in Georgetown, 4,223 in Berbice and 868 in Essequibo making a total of 7,686 backlog matters to be added to the 7,998 filed in 2015 making a grand total 15,684 matters to be heard in 2015. The Judges heard and determined 4831 matters in Georgetown, 595 matters in Berbice and 203 matters in Essequibo making a total of 5,629 matters concluded in the year 2015 leaving a total of 10,055 civil matters pending at the end of 2015.

The number of civil cases awaiting trial in the Court continues to escalate. The staff of the Supreme Court Registry continues its exercise of auditing of all matters filed in the Registry by bundling them into categories of matters abandoned, deserted, ripe for hearing and pending in the Registry either for pleadings to be closed or for decisions to be delivered by Judges. Matters that are ripe for the hearing are sent to the chambers of the Honorable Chief Justice for Assignment to judges for hearing. The abandoned matters

are assigned by the Honorable Chief Justice to Judges for call over of these cases so that Attorneys-at-law and litigants are given the opportunity to be heard. Most of these matters are deemed abandoned and are dismissed. This is an ongoing exercise. In relation to this exercise in 2015, 158 Civil Matters were deemed abandoned. This follows the 829 that were completed 2014, 265 in 2013 and 8,062 in 2012. The number of matters disposed of goes as far back as 2007 in Georgetown, 2005 in Berbice while Essequibo is dealing with current matters.

The Supreme Court is also using the Alternative Dispute Resolution (ADR) method to deal with civil matters which is done on a voluntary basis. However, there are plans to make Mediation a compulsory step in the civil procedure rules and also to expand the pool of trained mediators available to do mediation.

At the end of 2015, matters were referred to mediation by Judges of the High Court and through requests by Attorney-at-Laws/clients.

The Commercial Court (CD), a specialized court which commenced work on June 21, 2006, was introduced to shorten lengthy trials in the court in the matters.

This Court is now being adjudicated by two Judges since the amount of matters being filed in this court makes it difficult for single judge to handle in a timely manner.

The Family Court is another specialized court that will deal with all family related matters such as divorces, Adoptions and all applications relating to family. The rules provide that this court will be 'Judge-driven' rather than the pace of hearings be dictated



by the lawyers. This court is yet to be functional as administrative matters are being resolved.

The present Chief Justice (ag) and four Puisnee Judges of the High Court who received training on the Family Court Rules recently conducted Training for Staff and Attorneys-at-Law in Georgetown and Berbice.

The Family Court will be housed in the part of the building that adjoins the Law Library and on the upper flat consists of two courtrooms, two chambers for Judges, two directional hearing rooms while on the lower flat is the Registry and room for children.

The new Civil Procedure Rules, intended to improve the efficiency of the courts, is expected to be implemented shortly. These rules are aimed at making the procedure in court 'Judge-driven' since the Judges will control the pace of litigation and not the Attorneys-at-Law. It is also expected that Case Management will be used by Judges to schedule events which will take place before the intended trial which is set at Case Management Conference.

Another problem that has to be addressed urgently is the number of cases completed but are still awaiting delivery of Judgment by judges. In some cases, delivery of judgment are outstanding as far back as three years. In other cases where oral judgments are delivered and these matters are appealed either for the Court of Appeal or the Full Court and written decisions are not prepared in a timeous manner thus, these matters are at a stand still since the records of Appeal cannot be prepared for hearing. This is causing serious

problems with litigants who are now voicing their dissatisfaction. This of course, impacts negatively on public trust and confidence in the court system.

### **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 comprising of twelve men and women. In 2015 seventy three (73) depositions were filed in the High Court Registry, Georgetown, thirty five (35) in the Sub-Registry, New Amsterdam and sixteen (16) in Suddie, Essequibo making a total of one hundred and twenty four (124) depositions filed for this year. To this number must be added the pending backlog of 213 in Georgetown, one hundred and seventy nine (179) in Berbice and fifty-nine (59) in Essequibo, making a grand total of 451 criminal matters to be heard. 53 Criminal matters were completed in Georgetown, 16 in Berbice and 11 in Suddie Essequibo. These indictments reflect matters heard in Georgetown, Berbice and Essequibo for which Preliminary Inquiries (PIs) were heard in the Magistrates' Court. The Supreme Court continued the exercise to deal backlog of criminal matters. It was announced in parliament that the compliment of judges has increased to twenty (20) with a view of having a positive impact on the determination of cases.

However, because of limited space, there are only room for two additional judges who will occupy the two vacant chambers when the two (2) Family Court Judges are appointed and take up their positions in that Court when it becomes operational sometime in 2016.

The rising amount of both civil and criminal cases that are to be heard by the limited amount of Judges is alarming. Civil matters especially most times involve dealing with complex issues which require hearing of evidence over a number of days in addition to dealing with authorities cited by Attorneys-at-Law. It is impossible for a Judge to complete 30 (thirty) civil matters in one sessions more so, when Attorney-at-Law are given adjournments too often. It is the hope of the administration that given time and space at the High Court, twenty (20) judges will be able to deal with the backlog of cases positively.

### **1.2.3. Marshal**

In the Marshals' section of the High Court of Georgetown and the Sub-Registries in New Amsterdam and Essequibo a total of 5,551 matters were filed for service of which 4805 were filed in Georgetown, 642 in New Amsterdam and 104 in Essequibo. To this number must be added the pending number from 2014 of 1903 in Georgetown, 724 in New Amsterdam and 82 in Essequibo making a total of 8,260 matters to be served. Of this number, 4309 were served in Georgetown, 641 in New Amsterdam and 104 in Essequibo making a grand total of 5054 matters served.

There were 7 auction sales held in Georgetown, 5 in New Amsterdam and in Essequibo, of both movable and immovable properties.

### **1.2.4. Probate**

During 2015, 1237 applications for grants of Probate and Letters of Administration were filed in Georgetown, 242 in New Amsterdam and 40 in Essequibo making a total of 1519. To this number must be added the pending amount of 151 in Georgetown, 540 in New

Amsterdam and 14 in Essequibo making a grand total of 705 applications to be heard. Of this number, 1081 were granted Georgetown, Berbice and Essequibo, leaving a total of 1143 applications pending at the end of 2015.

For this year, 930 wills were deposited in Georgetown, 294 at New Amsterdam and 31 at Essequibo.

### **1.2.5 Land Court**

The Land Court functions in Georgetown at the Ombudsman's building at Brickdam and at the Sub-Registry, New Amsterdam. The Land Court is presided over by a Commissioner of Title and there are two at Georgetown and one in New Amsterdam. Despite that there is no Commission of Title at the Land Court in Essequibo, all petitions and other related Land Court matters are assigned to be heard by the Judge who is on duty there at that time.

All matters filed under Section 35 of the Deeds Registry Act, Cap. 5:01 at Georgetown and Essequibo are heard and determined by the Judge assigned to Chambers Court. In Berbice, these matters are heard and determined by the Commissioner of Title. Under the Land Registration Act, Cap. 5:02 106 applications were filed in Georgetown, 874 was filed in Berbice and one in Essequibo. To this must be added the backlog of 40 in Georgetown, and 1062 in Berbice and none in Essequibo making a total of 2,083 to be heard for this year. Of this number 75 were determined in Georgetown, 375 in Berbice and 1 in Essequibo leaving a total of 1632 pending at the end of 2015.

### **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, New Amsterdam, Berbice.

In 2015, one hundred and thirty four (134) matters were filed in Georgetown, 14 in Berbice and none in Essequibo. To this must be added the backlog of eighty (80) in Georgetown and ninety (90) in Berbice making a total of three hundred and eighteen (318) Full Court matters to be heard. Twenty one (21) matters were concluded in Georgetown while fourteen (14) were concluded in Berbice.

#### **1.4 THE COURT OF APPEAL**

The Court of Appeal comprises of the Chancellor, who is the Head of the Judiciary and Chairman of the Judicial Service Commission; the Chief Justice and four (4) Justices of Appeal. At the end of 2015, the Court of Appeal comprised the Acting Chancellor who still holds the substantive position of Chief Justice and one Justice of Appeal. The only other Justice of Appeal at the Court of Appeal is now acting as Chief Justice since the present Acting Chief Justice has proceeded on pre-retirement leave.

#### **1.5 THE CARIBBEAN COURT OF JUSTICE (C.C.J)**

The Caribbean Court of Justice came into operation on 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 a Sub-Registry of the Caribbean Court of Justice. Hearing of Appeals to the Caribbean Court of Justice can now be done in Guyana.

## 1.6 THE MAGISTRATE'S COURTS

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

1. The Corentyne Magisterial District with Head Office at Whim.
2. The Berbice Magisterial District with Head Office at New Amsterdam.
3. The East Demerara Magisterial District with Head Office at Vigilance.
4. The Georgetown Magisterial District with Head Office at Georgetown.
5. The West Demerara Magisterial District with Head Office at Vreed-en-Hoop.
6. The Essequibo Magisterial District with Head Office at Suddie.
7. The North West Magisterial District which is administered by Georgetown and Essequibo.
8. The Rupuni Magisterial District administered by Georgetown.
9. The West Berbice Magisterial District with Head Office at Fort Wellington.

These eight Magisterial Districts are served by 24 Magistrates.

The Magistrates' Courts have both Civil and Criminal jurisdiction. In its Civil Jurisdiction, Magistrates adjudicated in petty debt claims for recovery of any debt or damages where the amount claimed does not exceed fifty thousand dollars, claims for rent owed and possession of premises. The Magistrates' Courts also have jurisdiction to hear applications for assessment of rent.

In its Criminal jurisdiction, Magistrates hear and determine complaints in respect of summary conviction offences and indictable offences which are tried summarily by virtue

of the 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 also held by Magistrates.

Magistrates sit in their statutory capacity as Coroners to held inquest into deaths which occur under suspicious circumstances and also sit as members of Liquor. Licensing Boards and Cinematography Boards.

The tables below show the number of Civil and Criminal matters filed and disposed in the various Magisterial Districts.

EAST DEMERARA MAGISTERIAL DISTRICT

	<u>Criminal</u>	<u>Civil</u>	<u>Maintenance</u>
Pending 2014	3012	1	262
Disposed 2015	4325	108	593
Pending 2015	4184	37	383

ESSEQUIBO MAGISTERIAL DISTRICT

	<u>Criminal</u>	<u>Civil</u>	<u>Maintenance</u>
Pending 2014	586	7	65
Disposed 2015	3685	90	482
Pending 2015	507	2	103

**BERBICE MAGISTERIAL DISTRICT**

	<b><u>Criminal</u></b>	<b><u>Civil</u></b>	<b><u>Maintenance</u></b>
Pending 2014	671	8	60
Filed 2015	3455	112	513
Disposed 2015	3556	114	499
Pending 2015			

**WEST BERBICE MAGISTERIAL DISTRICT**

	<b><u>Criminal</u></b>	<b><u>Civil</u></b>	<b><u>Maintenance</u></b>
Pending 2014	287	2	18
Filed 2015	2143	22	342
Disposed 2015	2151	20	346
Pending 2015	279	4	14

**CORENTYNE MAGISTERIAL DISTRICT**

	<b><u>Criminal</u></b>	<b><u>Civil</u></b>	<b><u>Maintenance</u></b>
Pending 2014	879	4	69
Filed 2015	4120	89	484
Disposed 2015	4341	94	463
Pending 2015	65	18	90



**GEORGETOWN MAGISTERIAL DISTRICT**

	<b><u>Criminal</u></b>	<b><u>Civil</u></b>	<b><u>Maintenance</u></b>
Pending 2014	5819	969	267
Filed 2015	19581	541	1387
Disposed 2015	15718	633	1311
Pending 2015	9682	877	343

**WEST DEMERARA MAGISTERIAL DISTRICT**

	<b><u>Criminal</u></b>	<b><u>Civil</u></b>	<b><u>Maintenance</u></b>
Pending 2014	4340	30	36
Filed 2015	6472	86	353
Disposed 2015	6319	41	282
Pending 2015	4493	75	107

**1.7 BUDGET**

In 2015, a total of \$1,445,698.00 was allocated by way of a lump sum to be used for capital and current expenditures.

**2. MISSION STATEMENT**

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

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

### 3.GOALS

This mission was translated into goals, which form the foundation of the restructuring of the Registry of the Supreme Court of Judicature.

The goals of the system are:

- (I) Access to justice:
- (II) Expeditious and Timely Trails:
- (III) Equality , Fairness and Integrity:
- (IV) Independence and Accountability:
- (V) Maintenance of Public Trust and Confidence.

#### (I). ACCESSTO JUSTICE

Provides all members of the public with the opportunity to have effective access to justice including the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay: to provide the public safe and with effective participation in a transparent judicial process.

To have public proceedings which treat people with dignity, compassion and respect: to have fees which are fair and reasonable: to have public records preserved and made available at reasonable cost which will build confidence, and respect for the court system.

The legal system should ensure that courts are accessible to the public, to provide them with the opportunity to resolve disputes without undue hardship cost, inconvenience or

delay, Geographic; economic and procedural barriers must be addressed, to make access to courts more open, safe and convenient to use.

Access to justice also requires the court to allow the public the opportunity for effective participation in a transparent judicial process. In this process Judges and other trial court personnel are expected to be courteous and responsive to the public and accord respect to all with whom they come into contact. This record of these proceedings is public and must therefore be preserved and made available at a reasonable cost.

#### **(11). EXPEDITIOUS AND TIMELY TRIALS**

The maxim that "*justice delayed is justice denied*", is the most appropriate description of our court system at present. There must be respect for and compliance with schedules, which enhance the prompt implementation of legal procedures. Cases should be processed in a manner that facilitates expeditious, economical and fair resolution of disputes.

#### **(111). EQUALITY, FAIRNESS AND INTEGRITY**

The Court system must be 'blind' and should eschew prejudice. The court should provide due process and equal protection of the law to all who have business before them. In particular, decisions of the court must be seen as being the result of a fair and reliable judicial process, based on law, substantive civil procedures and the use of the jury system in the criminal jurisdiction. These decisions must be supported by the integrity of the court records and their preservation and the use of technology, which will enhance the equality of justice by increasing the court's ability to determine facts and reach a fair decision. Justice should be "perceived to have been done".

**(IV). INDEPENDENCE AND ACCOUNTABILITY**

The court system must demonstrate its independence by ensuring that there is accountability not only for its use of public resources, but also for the expeditious and timeliness of the hearings and determination of the cases: it must implement impeccable personnel practices and decision making and a system of public education to foster confidence and respect for the courts and legal authority.

At the same time, the court must respond to changing socio-economic forces and emerging public issues. Courts must utilize modern technology and other facilities to enhance its functions so that there is always open access to justice.

**(V). MAINTENANCE OF PUBLIC TRUST AND CONFIDENCE**

The concept of respect for the rule of law is based on its acceptability by the public as a whole. Everyone must feel that there is equality, fairness and reliability in the administration of justice by the courts.

**4. ACHIEVEMENTS**

The computerization of the High Court Registry which provides members of the public and Attorneys-at-Law with the opportunity to have quick access to information including the preservation of public records which will enhance the quality of services provided.

The Commercial Court provides the public with the opportunity to have matters, under the purview of that court, dealt with in a timely and expeditious manner is now operating with two Judges.

Upgrading of libraries at the Law Library and the Court of Appeal with law books is done regularly which will assist the bench and bar with the relevant resources to avoid undue delay in bringing both civil and criminal matters to an end.

Maintenance and Rehabilitation of various court buildings and perimeter fence for Sub Registry, Essequibo.

The construction of the Lethem Magistrate's Court was completed and commissioned and is presently being used.

The construction of an elevated catwalk which joins north eastern side of the High Court building with the western side of the upper flat of the Law Library building was completed.

## **5. ORGANISATION AND MANAGEMENT**

### **5.1 SUPREME COURT REGISTRY**

The Supreme Court Registry is headed by an acting Registrar who is not an Attorney-at-Law. The post of Deputy Registrar is vacant. It must be noted that vacancies for both positions, Registrar and Deputy Registrar, were advertised and interviews will commence shortly with a view to have both positions filled. The functions of the Registry can be categorized into the following units:

### **5.2 GENERAL ADMINISTRATION**

This section is concerned with the administrative functions of the Supreme Court Registry and comprises of the following sections:

#### **5.2.1 ACCOUNTS**

This unit ought to be headed by a Principal Assistant Secretary (Finance) but since that position is presently vacant, the unit is headed by a Chief Accountant. It is responsible for the control of all financial matters in this Subvention Entity for processing of payroll, expenditure, collection of revenue and its transfer into the Consolidated Fund, and Budget preparation. Operate accounts for minors, pursuant to Orders of Court and the operation of the Registry Court Account, that is, money paid into the Registry by litigants to abide the outcome of civil proceedings.

In terms of expenditure of current budget and capital budget allocations, the staff of this unit must ensure that monies are spent in accordance with sub-heads or chart of accounts under which money is drawn by a direct charge on the Consolidated Fund subject to conformity with the financial practices and procedures approved by the National Assembly.

The Government Accounting system is computerized under the Integrated Financial Management and Accounting System (IFMAS).

#### **5.2.2 PERSONNEL**

The Supreme Court Registry has responsibility for the management of the human resources of the Supreme Court of Judicature and the Magistrates' Courts. This unit is headed by a Principal Personnel Officer and the function of this section is to see that the Entity is adequately staffed and to look after the welfare of staff. It also monitors the attendance of staff and advises the Registrar (ag) on disciplinary matters, identifying training needs and design in-house training programmes aimed at providing an improved customer service to the public.

### 5.2.3 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 unit is headed by a Temporary Research Librarian. The difficulty in recruiting a qualified librarian still exists because of the poor salaries offered.

There are also library facilities at the Court of Appeal which is upgraded especially since the Caribbean Court of Justice will hold sittings there. Library facilities are provided in the Sub-Registries in New Amsterdam, Berbice and Suddie, Essequibo, both of which have small collections.

The library holdings were be upgrade in 2015 with purchase of law reports and text books to the value of M\$30.0.

### 5.3 JUDICIAL

This section has a wide and varied function categorized to capture the following units:

- 5.3.1 Legal
- 5.3.2 Marshal
- 5.3.3 Probate

#### 5.3.1 LEGAL

This section is headed by Senior Registry Officer while the Judicial Officersupervises the functioning of the Registry under the direction of the acting Registrar. Some of the staff of this section functions as Registrars to individual Judges and the remainder functions 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 2012, computerized systems were introduced by the Modernization of the Justice Administration System (MJAS) to this unit. In addition to the manual writing up of the Cause Book, the staffs of this section are currently engaged in computerising the Cause Book for current matters as they are filed. The records are also scanned into the system thus a complete file is maintained in the computerized data base. Since this system is expected to store concluded matters, the staff has started with the inputting of Divorce matters as far back as 1965 and is presently at year 2001.



### **5.3.2 MARSHAL**

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 such as writs of summons, divorce citations and other documents filed for service, execute levies, advertise and sell properties by public auction and pay proceeds to litigants for the satisfaction of judgment debts based upon court orders. The Registrar is the Chief Executive Officer of the Court, and every Marshal is under the Registrar's direction and control. This unit is headed by a First Marshal.

### **5.3.3 PROBATE**

This Section is headed by a Registry Officer. Applications for grants of Probate and Letters of Administration of the estate of deceased persons are filed in the Probate Section. These applications are granted by the Chief Justice.

This section also called the 'Estates Division', deals with the estates of deceased persons. Its main purpose is to provide Executors and Administrators of the estate of the deceased persons with grants of representation to enable them to administer their estates according to law.

This section 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 in reference to the estates of the deceased named therein without their knowledge. Applications for Leave to sell or sub-divide property belonging to the estates of deceased persons are also processed by this section.

Particulars for completed Applications for Probate and Letters of Administration are also being scanned into the system working back through the years with the intention to capture all these applications that are in the vault.

#### **5.3.4 MAINTENANCE OF BUILDINGS**

There is no separate section for Maintenance of Buildings. However, this responsibility is shared by the Administration Department and the Registrar.

In 2015, money allocated from the budget were used to do maintenance works at the some of the Magistrates Courts and the High Court in Georgetown and its Sub-Registries in Berbice and Essequibo.

#### **5.4 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.

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. 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.

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 for Georgetown, Berbice and Essequibo.

In 2015, one Commissioner of Title presided in Berbice while two are now functioning in Georgetown and the judge who is assigned duties in Essequibo performs that function there.

### **5.5 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.

### **5.6 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.

### **5.7 COURT OF APPEAL**

The Court of Appeal is governed by the Constitution of Guyana. The jurisdiction and powers of the Court of Appeal is conferred by the Court of Appeal Act Cap. 3:01.

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 Chancellor is the President of the Court of Appeal and also the Chairman of the Judicial Service Commission.

The Court of Appeal is made up of the Chancellor, the Chief Justice and the three (3) Justices of Appeal. These Justices of Appeal hear and determine both criminal and civil appeals. High Court Judges may also sit with the Justices of Appeal as an additional Judge and frequently do so especially in criminal appeals. It is normal for a bench of three (3) Justices of Appeal to sit, but whenever a difficult and important point to law is in issue, a bench of five (5) Justices of Appeal

The Court of Appeal has generally no original jurisdiction. It cannot, for example, hear a petition for the dissolution of marriages.

It is basically an appellate court where appeals are heard and determined. What then is an appeal? An appeal is an application to set aside or vary the decision of a lower court on the ground that it was wrongly made, either on a question of law, or fact, or both. The creation of this right of appeal is an act, which requires legislative authority. In other words, the particular statute must create the right, for example, sections 6(2) and 12 of the Court of Appeal Act 3:01 provide for appeals in civil and criminal matters respectively.

The Court of Appeal is inadequately staffed (clerical) with regard to the preparation of all outstanding records of appeal for hearing. A work programme is currently in place to discharge the case load by having staff working extended hours to have all outstanding records of appeal prepared and ready for hearing.

An Assistant Registrar is the head of this unit who functions as Secretary to the Legal Practitioners' Disciplinary Committee. The staff of this Court is responsible for ensuring

that appeals filed for hearing at the Court of Appeal are speedily processed and presented before the court for hearing and determination.

In regards to criminal matters, the court has the responsibility for preparing the records of appeal at the cost of the State for use of the accused, Attorneys-at-Law, the DPP and a panel of Judges sitting to hear and determine the appeal. The Court of Appeal must settle the records of appeal in civil matters and it is for the appellants to produce the records of appeal, after they have been duly settled for use of the court.

## **5.8 THE CARIBBEAN COURT OF JUSTICE**

The Caribbean Court of Justice (CCJ) is now the final appellate court for Guyana. The Supreme Court Registry is deemed to be a Sub-Registry of the CCJ and the Registrar a Deputy Registrar. Filing of appeals to the CCJ can now be done in Guyana.

## **6. MAGISTRATES' DEPARTMENT**

### **6.1 INTRODUCTION**

The Magistrates' Courts are Courts of Summary Jurisdiction with its authority vested by the Summary Jurisdiction (Magistrates) Act Cap. 3:05 and several other statutes. The Act creates the civil and criminal jurisdiction of Magistrates, it provides for Guyana to be divided into nine (9) Magisterial Districts. For administrative purposes these nine (9) Magisterial Districts are administered by seven (7) districts viz:

1. Georgetown Magisterial District.\*

\*It has responsibilities for the Rupununi Magisterial District.

2. Berbice Magisterial District

3. Corentyne Magisterial District
4. East Demerara Magisterial District
5. Essequibo Magisterial District\*.

\*It has responsibilities for the North West Magisterial District

6. West Demerara Magisterial District.
7. West Berbice Magisterial District.

These nine (9) Magisterial Districts have a total of fifty-two (52) Courts, which sit on statutory and special days.

The Interior Districts of North West Rupununi, which sit quarterly for two weeks, most Courts sit daily whilst others sit weekly.

These nine (9) Magisterial Districts are authorized to be served by twenty-one (21) Magistrates.

The authorized strength for magistrate needed to be revised since the workload is becoming increasingly voluminous. Cognizance is being taken of the expanding population in the new housing areas which has led the Administration to have a new building housing two court rooms to be built in 2016 at Sparendam, East Coast Demerara. Also, in the 2016, it is proposed that a new court house will be added to the Georgetown Magisterial District to be located at Diamond, East Bank Demerara. These additional courthouses will reduce the workloads of the Magistrates at Providence and Sparendam. The number of Magistrates serving the various Districts are:

- |      |            |   |
|------|------------|---|
| (1). | Georgetown | 9 |
| (2). | Berbice    | 2 |

(3)	West Berbice	1
(4).	Essequibo	1
(5).	West Demerara	3
(6).	East Demerara	3
(7).	Corentyne	2
(8)	North West – Administered by Essequibo	
(9)	Rupununi – Administered by Georgetown	

It should be noted that one (1) Magistrate is on secondment from the Guyana Defence Force.

Magistrates who preside in these districts have jurisdiction over civil and criminal matters as provided by various Acts.

They also serve as Coroners and Members of the Liquor Licensing and Cinematography Boards.

Each Magisterial Districts is headed by a Clerk of Court, who has overall administrative responsibilities, their main functions are:

1. To provide clerical and other support services for the smooth functioning of the district.
2. To maintain civil and criminal records, case jackets, etc.
3. To receive and disburse funds in favour of Suitors and Maintenance accounts.
4. Maintaining of Accounting records, Legal records and other supporting ledgers, etc.

The boundaries of each magisterial districts were established and demarcated in accordance with order 16/56 made under Section 3 of the Summary Jurisdiction Magistrate's Act, Chapter 3:05

1. **GEORGETOWN MAGISTERIAL DISTRICTS**

That part of Guyana bounded as follows-

- On the north by the Atlantic Ocean;
- On the south by the right bank of the Hauraruni River from its source to its confluence with the Demerara River; thence by an imaginary straight line in a north-westerly direction across the Demerara river to the mouth of the Kamuni River;
- On the east by the side-line dam between plantations Bel Air and Sophia to the point of intersection with the Lamaha canal; thence by the Lamaha canal to the junction of the new cut with sand creek; thence by an imaginary straight line to the north-eastern corner of DeHeuvel; thence by the eastern boundaries of plantations DeHeuvel and Soesdyke to the northern boundary of Timehri field; thence by the northern and eastern boundaries of Timehri field to the south-eastern corner of Timehri field; thence by an imaginary straight line to the source of the Hauraruni River;
- On the west by the left bank of the Demerara River from the north of the Kamuni River to the Atlantic Ocean.



This district is consisted of twelve (12) courts namely:

<b>NO.</b>	<b>GEORGETOWN MAGISTERIAL DISTRICT</b>	<b>STATUS</b>	<b>PARTICULARS</b>
	Georgetown Magistrates' Court		Owned by Supreme Court
<b>1</b>	Court 1	Functional	
<b>2</b>	Court 2	Functional	
<b>3</b>	Court 3	Functional	
<b>4</b>	Court 4	Functional	
<b>5</b>	Court 5	Functional	
<b>6</b>	Court 6	Functional	
<b>7</b>	Court 7	Functional	
<b>8</b>	Court 8&9	Functional	
<b>9</b>	Court 10	Functional	
<b>10</b>	Court 11	Functional	
<b>11</b>	Court 12	Functional	
<b>12</b>	Providence Magistrate's Court	Functional	Housed in Providence Police Station

These courts are adjudicated by nine (9) magistrates. The head office for the Georgetown Magisterial District is located in the lower flat of the Georgetown Magistrates' Court building, Georgetown, HighStreet and Brickdam and has twelve (12) courts in its control. This district also controls the Interior districts of Rupununi and part of the North West Magisterial District:

**Rupununi Magisterial District**

Rupununi comprising of three courts namely:

<b>NO.</b>	<b>RUPUNUNI MAGISTERIAL DISTRICT</b>	<b>STATUS</b>	<b>PARTICULARS</b>
<b>1</b>	Lethem Magistrate's Court	Functional	Housed a new building owned by the Supreme Court
<b>2</b>	Annai Magistrate's Court	Non Functional	
<b>3</b>	Monkey Mountain Magistrate's Court	Non Functional	

<b>NO.</b>	<b>NORTH WEST MAGISTERIAL DISTRICT</b>	<b>STATUS</b>	<b>PARTICULARS</b>
<b>1</b>	Matthews Magistrate's Court	Function	Housed in Moruka Police Station
<b>2</b>	Mabaruma Magistrate's Court	Function	Housed in an abandon GDF Garrison.
<b>3</b>	Acquero Magistrate's Court	Function	Housed in Mabaruma Police Station

## 2. THE BERBICE MAGISTERIAL DISTRICT

That part of Guyana bounded as follows-

- On the north by the Atlantic Ocean;
- On the south by the 4<sup>th</sup> parallel of north latitude from the point of intersection with the eastern boundary to the point of intersection with the watershed between the Berbice and Essequibo Rivers;
- On the east by the eastern boundary of the Plantation Rose Hall on the Corentyne Coast to the back boundary, thence along the Old Port Mourant Water Path to the Canje River, thence along the Canje River to its source; thence by the watershed, between the Berbice and Corentyne Rivers to the 4<sup>th</sup> parallel of the north latitude;
- On the west by the watershed between the Berbice and Essequibo Rivers to the source of the Demerara River; thence by the watershed of the tributaries to the right bank of the Demerara River to the source of the Warababaru Creek; thence by the Warababaru Creek to its junction with the Ituni River; thence by the Ituni River to its source; thence by the watershed of the tributaries on the right bank of the Demerara River to a point due west of the source of the Abary River; thence by an imaginary straight line to the source of the Abary river; thence by the Abary river to the Atlantic Ocean.

This district consisted of six (6) courts namely:

NO.	BERBICE MAGISTERIAL DISTRICT	STATUS	PARTICULARS
	New Amsterdam Magistrates' Court		Owned by Supreme Court
1	Court 1	Functional	
2	Court 2	Functional	
3	Albion Magistrate's Court	Functional	Housed in Albion Police Station
4	Reliance Magistrate's Court	Functional	Owned by Supreme Court
5	Sisters Magistrate's Court	Functional	Housed in Sisters Police Station
6	Kwakwani Magistrate's Court	Functional	Court is holding in Rusal Mining Co. building

These courts are adjudicated by two (2) full time magistrates. The head office for the Berbice Magisterial District is located in the lower flat of the New Amsterdam Magistrates' Court building, New Amsterdam, Berbice.

#### **THE WEST BERBICE MAGISTERIAL DISTRICT**

This District was created in 2008 and bounded as follows:

That part of Guyana bounded as follows-

- On the north by the Atlantic Ocean;

- On the south by the 4<sup>th</sup> parallel of north latitude from the point of intersection with the eastern boundary to the point of intersection with the watershed between the Berbice and Essequibo rivers;
- On the east by the thalweg of the Berbice river.
- On the west by the watershed between the Berbice and Essequibo rivers to the source of the Demerara River; thence by the watershed of the tributaries on the right bank of the Demerara River to the source of the Warabaru Creek; thence by the Warabaru Creek to its junction with the Ituni River; thence by the Ituni river to its source; thence by the watershed of the tributaries on the right bank of the Demerara River to a point due west of the source of the Abary River; thence by an imaginary straight line to the source of the Abary River; thence by the Abary River to the Atlantic Ocean.

This district is consisted of three (3) courts namely:

NO.	WEST BERBICE MAGISTERIAL DISTRICT	STATUS	PARTICULARS
1	Blairmont Magistrate's Court	Functional	Owned by Supreme Court
2	Fort Wellington Magistrate's Court	Functional	Owned by Supreme Court
3	Weldaad Magistrate's Court	Functional	Owned by Supreme Court

These courts are adjudicated by one (1) full time magistrate. The head office for the West Berbice Magisterial District is located in the lower flat of the Fort Wellington Magistrate's Court building, Fort Wellington Village, West Coast Berbice.

The demarcation of each court's in the West Berbice Magisterial District is bounded by the following village/community.

**Blairmont Magistrates' Court**

- On the eastern side of the West Bank of the Berbice River
- On the western side of Number 4 Village, West Coast Berbice
- On the northern side of the Atlantic Ocean
- On the southern side of the Ithaca Village

**Fort Wellington Magistrate's Court**

- On the eastern side of Number 5 Village, West Coast Berbice
- On the western side Tempie Village, West Coast Berbice
- On the northern side of the Atlantic Ocean

**Weldaad Magistrate's Court**

- On the eastern side of Britannia Village, West Coast Berbice

- On the western side of the right hand of Abary River
- On the northern side of the Atlantic Ocean

These courts are adjudicated by one (1) full time magistrate with the head office at Fort Wellington and three courts in its control.

### **THE CORENTYNE MAGISTERIAL DISTRICT**

That part of Guyana bounded as follows-

- On the north by the Atlantic Ocean;
- On the West by the watershed between the Corentyne and Berbice Rivers from the 4<sup>th</sup> parallel of north latitude to the source of the Canje River; thence by the Canje River to the "Old Port Mourant Water Path"; thence by the Old Port Mourant Water Path to the western boundary of Plantation Port Mourant; thence along the western boundary of Plantation Port Mourant to the Atlantic Ocean;
- On the east by the Corentyne River as far south as the fourth parallel of north latitude;
- On the south by the fourth parallel of the north latitude.

This district is consisted of four (4) courts namely:

NO.	CORENTYNE MAGISTERIAL DISTRICT	STATUS	PARTICULARS
1	Whim Magistrate's Court	Functional	Owned by Supreme Court
2	Mibicuri Magistrate's Court	Functional	Owned by Supreme Court
3	No. 51 Magistrate's Court	Functional	Housed in No. 51 Police Station
4	Springlands Magistrate's Court	Functional	Housed in the compound of Springlands Police Station

These courts are adjudicated by two (2) full time magistrates. The head office for the Corentyne Magisterial District is located in the lower flat of the Whim Magistrate's Court building, Whim Village, Corentyne, Berbice.

#### **THE EAST DEMERARA MAGISTERIAL DISTRICT**

That part of Guyana bounded as follows-

- On the north by the Atlantic Ocean;
- On the south by an imaginary straight line running due west from the source of the Abary River to the point of intersection to the watershed of the tributaries on the right bank of the Demerara river;
- On the east by the Abary River to its source;
- On the west by the watershed of the tributaries on the right bank of the Demerara river, from the source of the Abary river to the source of the Hauraruni River; thence by an imaginary straight line to the south eastern corner of the Timehri field; thence by the eastern and northern boundaries



of Timehri field to the south-eastern corner of plantation Soesdyke; thence by the eastern boundaries of plantation Soesdyke and DeHeuvel to the north-eastern corner of plantation DeHeuvel; thence by an imaginary straight line to the junction of the new cut of the Lamaha canal with sand creek; thence by the Lamaha canal to the point of intersection with the side-line dam to the Atlantic ocean.

This district is consisted of five (5) courts namely:

<b>NO.</b>	<b>EAST DEMERARA MAGISTERIAL DISTRICT</b>	<b>STATUS</b>	<b>PARTICULARS</b>
<b>1</b>	Mahaicony Magistrate's Court	Functional	Housed in No. Mahaicony Police Station
<b>2</b>	Mahaica Magistrate's Court	Functional	Housed in No. Mahaica Police Station
<b>3</b>	Cove & John Magistrate's Court	Functional	Housed in No. Cove & John Police Station
<b>4</b>	Vigilance Magistrate's Court	Functional	Owned by Supreme Court
<b>5</b>	Sparendam Magistrate's Court	Functional	Owned by Supreme Court

The demarcation of each court's in the East Demerara Magisterial District is bounded by the following village/community.

**Mahaicony Magistrates' Court**

- On the eastern side by the Abary Creek
- On the western side by the village Fair Field
- On the northern side the Atlantic Ocean
- On the southern side by St. Francis Mission – Mahāicony Creek

**Mahaica Magistrate's Court**

- On the eastern side by the village Broom Hall
- On the western side by the village Unity
- On the northern side by the Atlantic Ocean
- On the southern side by the village number 10 – Mahaica Creek

**Cove & John Magistrate's Court**

- On the eastern side by the village Anns Grove
- On the western side by the village Paradise
- On the northern side by the Atlantic Ocean

**Vigilance Magistrate's Court**

- On the eastern side by the village Bachelor's Adventure

- On the western side by the village Good Hope
- On the northern side of by the Atlantic Ocean

### **Sparendaam Magistrate's Court**

- On the eastern side by the village Republic Drive
- On the western side by the village Sophia ('C' Field)
- On the northern side by the Atlantic Ocean

These courts are adjudicated by three (3) full time magistrates. The head office for the East Demerara Magisterial District is located in the lower flat of the Vigilance Magistrate's Court building, Vigilance, East Coast Demerara and five (5) courts in its control.

Approval was recently given for the construction of Sparendaam Magistrates' Court, Region no. 4. This new courthouse will house two (2) courtrooms and is expected to be operable by the third quarter of year 2015

### **3. THE ESSEQUIBO MAGISTERIAL DISTRICT**

That part of Guyana bounded as follows-

- On the north by the boundary between Guyana and Venezuela from the mouth of the Wenamu River to the source of the Akarabisi River; thence by the watershed between the Cuyuni River and the Barama and Waini

Rivers to the source of the Pomeroon River; thence by the watershed between the Waini and the Pomeroon and Wakapau Rivers to the source of an unnamed tributary of the Manawarin river which runs in a south-westerly direction as shown on the 1913 map of Guyana; thence by the Manawarin river to the Moruka River; thence by the Moruka River to the Atlantic ocean;

- On the south by the 5<sup>th</sup> parallel of north latitude from the point of intersection with the eastern boundary to the point of intersection with the boundary between Guyana and Brazil; thence by the said boundary to mount Roriama;
- On the east by the Atlantic Ocean and the right bank of the Essequibo river to the Bonasika River; thence by the Bonasika river to its source; thence by the watershed of the tributaries on the right bank of the Essequibo River to the source of the Anarika River; thence by the Anarika River to its junction with the Essequibo River; thence by the right bank of the Essequibo River to the 5<sup>th</sup> parallel of north latitude;
- On the west by the boundary between Guyana and Venezuela from mount Roriama to the mouth of the Wenamu river.

This district is consisted of seven (7) courts of which six (6) are functioning:

<b>NO.</b>	<b>ESSEQUIBO MAGISTERIAL DISTRICT</b>	<b>STATUS</b>	<b>PARTICULARS</b>
1	Aurora Magistrate's Court	Non Functional	
2	Suddie Magistrate's Court	Functional	Owned by Supreme Court
3	Anna Regina Magistrate's Court	Functional	Housed in Anna Regina Police Station
4	Charity Magistrate's Court	Functional	Owned by Supreme Court
5	Leguan Magistrate's Court	Functional	Housed in Region Guest House
6	Wakenaam Magistrate's Court	Functional	Housed in Region Guest House
7	Bartica Magistrate's Court	Functional	Housed in Bartica Police Station

This district also controls part of the North West Magisterial District which comprise of six courts.

<b>NO.</b>	<b>ESSEQUIBO MAGISTERIAL DISTRICT</b>	<b>STATUS</b>	<b>PARTICULARS</b>
1	Kamarang Magistrate's Court	Functional	Housed in part of the school
2	Mahdia Magistrate's Court	Functional	Housed in Mahdia Police Station
3	Enachu Magistrate's Court	Non Functional	
4	Kurupung Magistrate's Court	Non Functional	

These courts are adjudicated by one (1) full time magistrate from the Georgetown Magisterial District. The head office for the Essequibo Magisterial District is located in the lower flat of the Suddie Magistrate's Court building, Suddie, Essequibo Coast. This district also controls part of the North West Magisterial District which comprise of six courts.

### THE WEST DEMERARA MAGISTERIAL DISTRICT

That part of Guyana bounded as follows-

- On the north by the Atlantic Ocean;
- On the south by the 5<sup>th</sup> parallel of north latitude from the point of intersection with the eastern boundary to the point of intersection with the right bank of the Essequibo river;
- On the east by the left bank of the Demerara river from its mouth to its junction with the Kamuni River ; thence by an imaginary straight line running in a south-easterly direction across the Demerara River to the mouth of the Hauraruni River; thence by the right bank of the Hauraruni River to its source; thence by the watershed of the tributaries on the right bank of the Demerara river to the source of the Ituni River; thence by the Ituni River to its junction with the Warababaru creek; thence by the Warababaru creek to its source; thence by the watershed of the tributaries on the right bank of the Demerara river to the 5<sup>th</sup> parallel of north latitude;

- On the west by the right bank of the Essequibo river from the 5<sup>th</sup> parallel of north latitude to the mouth of the Anarika river; thence by the Anarika River to its source; thence by the watershed of the tributaries on the right bank of the Essequibo river to the source of the Bonasika River; thence by the Bonasika River to its junction with the Essequibo River; thence by the right bank of the Essequibo river to the Atlantic Ocean.

This district is consisted of six (6) courts namely of which four (4) are functioning:

<b>NO.</b>	<b>WEST DEMERARA MAGISTERIAL DISTRICT</b>	<b>STATUS</b>	<b>PARTICULARS</b>
1	Wales Magistrate's Court	Functional	Owned by Supreme Court
2	Vreed-en-Hoop Magistrate's Court	Functional	Owned by Supreme Court
3	Leonora Magistrate's Court	Functional	Owned by Supreme Court
4	Linden Magistrate's Court	Functional	Owned by Supreme Court
5	Parika Magistrate's Court	Non Functional	
6	LaGrange Magistrate's Court	Non Functional	

These courts are adjudicated by one (1) full time magistrate and one (1) part time magistrate from the Georgetown Magisterial District. The head office for the West Demerara Magisterial District is located in the lower flat of the Vreed-en-Hoop Magistrate's Court building, Vreed-en-Hoop, West Coast Demerara.

**COURT SITTINGS IN THE MAGISTRATES DEPARTMENT****GEORGETOWN MAGISTERIAL DISTRICT**

<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Statutory days)</b>
1	Court 1	Monday, Tuesday, Wednesday, Thursday, Friday
2	Court 2	Monday, Tuesday, Wednesday, Thursday, Friday
3	Court 3	Monday, Tuesday, Wednesday, Thursday, Friday
4	Court 5	Monday, Tuesday, Wednesday, Thursday, Friday
5	Court 6	Monday, Tuesday, Wednesday, Thursday, Friday
6	Court 7	Monday, Tuesday, Wednesday, Thursday, Friday
7	Court 8&9	Monday, Tuesday, Wednesday, Thursday, Friday
8	Court 10	Monday, Tuesday, Wednesday, Thursday, Friday
9	Court 11	Monday, Tuesday, Wednesday, Thursday, Friday
10	Court 12	Monday, Tuesday, Wednesday, Thursday, Friday
11	Providence	Monday, Tuesday, Wednesday, Thursday, Friday



**INTERIOR COURTS – QUARTERLY**

<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Statutory days)</b>
1	Acquero (North West)	January, April, July, October
2	Matthews Ridge (North West)	February, May, August, November
3	Mabaruma (North West)	February, May, August, November
4	Lethem (Rupununi)	March, June, September, December

**BERBICE MAGISTERIAL DISTRICT**

<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Statutory days)</b>
1	N/A – Two Courtrooms	Monday and Friday
2	Albion	Tuesday
3	Reliance	Wednesday
4	Sisters	Third Tuesday in every month
5	Kwakwani	Third Friday in every month
<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Special days)</b>
6	N/A – Two Courtrooms	Tuesday and Thursday
		Every Thursday is Further Remand at the Prison
7	Albion	Thursday

**WEST BERBICE MAGISTERIAL DISTRICT**

<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Statutory days)</b>
1	Blairmont	Monday and Tuesday
2	Fort Wellington	Wednesdays, 1 <sup>st</sup> & 3 <sup>rd</sup> Thursdays in every month. 1 <sup>st</sup> , 2 <sup>nd</sup> & 4 <sup>th</sup> Fridays in every month @ 1:30 pm
3	Weldaad	2 <sup>nd</sup> & 4 <sup>th</sup> Thursdays in every month

**CORENTYNE MAGISTERIAL DISTRICT**

<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Statutory days)</b>
1	Whim	Monday
2	Mibicuri	1 <sup>st</sup> & 3 <sup>rd</sup> Tuesday of every week
3	No. 51	Wednesday
4	Springlands	Thursday
<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Special days)</b>
1	Whim	Wednesdays, 1 <sup>st</sup> , 2 <sup>nd</sup> & 4 <sup>th</sup> Friday morning
4	Springlands	Mondays, 2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday and every Fridays morning

**EAST DEMERARA MAGISTERIAL DISTRICT**

<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Statutory days)</b>
1	Mahaicony	Monday and Wednesday
2	Mahaica	Tuesday, Thursday and Friday
3	Cove & John	Tuesday and Wednesday
4	Vigilance	Monday, Thursday and Friday
5	Sparendaam	Monday, Tuesday, Wednesday, Thursday, Friday

**ESSEQUIBO MAGISTERIAL DISTRICT**

<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Statutory days)</b>
1	Suddie	Thursday and Friday
2	Anna Regina	Tuesday and Wednesday
3	Charity	Monday
4	Leguan	Last Thursday in every month
5	Wakenaam	Last Wednesday in every month
6	Bartica	Thursday and Friday

**INTERIOR COURTS - QUARTERLY**

<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Statutory days)</b>
1	Kamarang	March, June, September, December
2	Mahdia	January, April, July, October
3	Enachu	February, March, August, November
4	Kurupung	February, March, August, November

**WEST DEMERARA MAGISTERIAL DISTRICT**

<b>NO.</b>	<b>MAGISTRATE COURTS</b>	<b>SITTINGS OF COURT (Statutory days)</b>
1	Wales	Monday, Thursday and Friday
2	Vreed-en-Hoop	Monday, Thursday and Friday
3	Leonora	Tuesday and Wednesday
4	Linden	Tuesday and Wednesday

**6.2 JURISDICTION OF MAGISTRATES' COURTS****6.2.1 Criminal Jurisdiction**

In its criminal jurisdiction, the Magistrates hear all criminal offences committed in Guyana. These offences can be:

- a) **Summary offences**, which are created primarily by the Summary Jurisdiction (Offences) Act, Cap. 8:02.
- b) **Hybrid offences**, which can be tried, either summarily or indictably.
- c) **Indictable offences**, in this case the Magistrates must hold a Preliminary Inquiry (PI) to determine whether a *prima facie* case has been made out against the accused.

The criminal jurisdiction of Magistrates Courts also extends over a wide range of other offences which are created by statute e.g. the Income Tax, Cap 81:01, the National Insurance and Social Security Act, Cap 36:01 (NIS), the Money Laundering Act (No.1 of 2000), Motor Vehicles and road Act Cap 51:02, etc.

In accordance with the provisions of the Coroners Act Cap 4:03, Magistrates also act as Coroners. In this jurisdiction, the Magistrate empanels a Jury to hold inquests into deaths, which occur under suspicious circumstances.

### 6.2.2 Civil Jurisdiction

In its civil jurisdiction, Magistrates on the authority of the Petty Debt Act Cap 7:01, adjudicate in petty debt claims for the recovery of any debt or damages where the claim does not exceed one hundred thousand dollars (\$100,000). Section 34 – 36 of the Summary Jurisdiction (Magistrates) Act, Cap 3:05 give Magistrates the jurisdiction to deal with issues of maintenance of women and children, and custody of children. The Landlord and Tenant Act, Cap 61:01 and the Rent Restriction Act, Cap 36:23 give Magistrates the jurisdiction to determine claims of possession and rental of premises.

### **6.2.3 Magistrates' Courts – Registry**

There are nine (9) Magisterial Districts which are administered through seven (7) Head-Offices. These Magistrates' Office collectively are called Magistrates' Department.

These offices located in the various Magisterial District, are responsible for accepting all documents, civil, criminal and maintenance, 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 jacket 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 demarcation of sections outlined below is not as clearly discernable in the outlying Districts as is the case in the Georgetown Office. These offices are basically divided into the following sections:

1. Administration
2. Judicial
3. Bailiffs'
4. Appeals and Depositions
5. Collecting Office

#### **(i) Administration**

This section is concerned with the administrative functions of the Magistrates' Court.

**(ii) The Judicial Section**

This Section receives and files all criminal and civil matters. It provides clerical services to the Magistrates, prepare and checks summons and commitment warrants, received fines and proceeds from sale, collects and pays out money for suitors' deposits, and compensation and keeps and maintain registers and other books of records as required by law and practice.

**(iii) The Bailiffs' Section**

This section is responsible for serving summonses in the criminal and civil matters, executing writs of execution and ejection and house rent warrants with in the respective Magisterial Districts. It also keeps an inventory of articles seized by virtue of Writs of Execution and keeps such articles in safe custody until they are sold at public auction by the bailiffs to satisfy judgements obtained by judgement creditors.

**(iv) The Appeal and Deposition Section**

Written Notices of Appeal from decisions of Magistrates are lodged in this section. Records of Appeal and other relevant documents are prepared and kept in this section until the time is appropriate for them to be transmitted to the Registrar of the Supreme Court who will take the necessary steps to have the appeals listed for hearing before the Appellate / Full Courts.

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 Assizes, the staff in the section will follow the appropriate legal procedure to have the depositions and copies thereof and other relevant documents transmitted to the Registrar of the

Supreme Court, and to the office of the Director of Public Prosecutions, where the necessary indictments are prepared for filling in the Registry of the Supreme Court.

**(vi) The Collecting Officer's Section**

This section is responsible for collecting monies from persons who were ordered by Magistrates in maintenance proceedings, to pay periodic sum of money for the maintenance of children and / or wives. The money paid into this section is in turn paid over to the proper person as set out in the Order of the Magistrate. This section also prepares Warrants to have defaulters arrested for failing or neglecting to make their payments when they become due.

**(vii) FINANCIAL SECTION**

This section is responsible for the collection of fines, fees, court costs 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 section works under the supervision of the Central Accounting Unit of the Supreme Court Registry.

**7 MAINTENANCE AND REHABILITATION OF COURT BUILDINGS**

The Guyana Justice System administered through its court structure is striving to enhance the physical capacity to fulfill its purpose and move towards achieving its vision/mission. Improved quality and adequate infrastructure in terms of building resources will result in public trust and confidence in the delivery of justice

To provide the public with access to justice by giving them the opportunity to have their matters tried in courts that are open, safe and convenient to use.



To promote public trust and confidence - Courts must provide due process and equal protection of the law to all who have matters before the court system.

The judicial system would be able to demonstrate that as an independent arm of the Government mandated to uphold the Constitution and Laws of Guyana, it is committed to uphold public trust and confidence, thereby contributing to the building of a civil and stable society. Court facilities would be repaired and refurbished.

The table below shows court buildings to be maintained

Supreme Court - Programme 1

NO.	COURT	ADDRESS	OWNED BY	REMARKS
1	Court of Appeal	Lot 60 High Street, Kingston Georgetown.	Supreme Court	-
2	High Court	Lot 1 Avenue of the Republic, Georgetown	Supreme Court	-
3	Berbice Sub-Registry	Lot 12-14A Queenstown, Esplanade Road, New Amsterdam	Supreme Court	-
4	Berbice Judges Quarters	"	Supreme Court	-
5	Essequibo Sub-Registry	Suddie, Essequibo Coast	Supreme Court	-
	<b>Magistrates' Courts</b>			
6	Georgetown Mag. Court	Avenue of the Republic and Croal Street	Supreme Court	-
7	Providence Mag. Court	Providence, EBD		Housed in Providence Police Station

8	Lethem Mag. Court	Lethem	Supreme Court	
9	New Amsterdam Mag. Court	Esplanade Road, New Amsterdam, Berbice	Supreme Court	-
10	Reliance Mag. Court	Reliance, Berbice	Supreme Court	-
11	Albion Mag. Court	Albion, Berbice		Housed in Albion Police Station
12	Sisters Mag. Court	Sisters, Berbice		Housed in Sisters Police Station
13	Whim Mag. Court	Whim, Corentyne, Berbice	Supreme Court	-
14	Mibicuri Mag. Court	Mibicuri, Corentyne Coast	Supreme Court	-
15	No. 51 Mag. Court	No. 51 Corentyne, Berbice	Supreme Court	-
16	Springlands Mag. Court	Springlands, Corentyne, Berbice	-	Housed in Springlands Police Station
17	Mahaicony Mag. Court	Mahaicony, East Coast Demerara	-	Housed in Mahaicony Police Station
18	Mahaica Mag. Court	Mahaica, East Coast Demerara	-	Housed in Mahaica Police Station
19	Cove & John Mag. Court	Cove and John, East Coast Demerara	-	Housed in Cove & John Police Station
20	Vigilance Mag. Court	Vigilance, East Coast Demerara	Supreme Court	-
21	Sparendam Mag. Court	Sparendam, East Coast	Supreme	-

		Demerara	Court	
22	Suddie Mag. Court	Suddie, Essequibo Coast	Supreme Court	-
23	Anna Regina Mag. Court	Anna Regina, Essequibo Coast	-	Housed in Anna Regina Police Station
24	Charity Mag. Court	Charity, Essequibo Coast	Supreme Court	-
25	Wakenaam Mag. Court	Wakenaam, Essequibo River	-	Housed in Region Guest House
26	Leguan Mag. Court	Leguan, Essequibo River	-	Housed in Region Guest House
27	Bartica Mag. Court	Bartica	-	Housed in Bartica Police Station
28	Vreed-en-Hoop Mag. Court	Vreed-en-Hoop, West Coast Demerara	Supreme Court	-
29	Leonora Mag. Court	Leonora, West Coast Demerara	Supreme Court	-
30	Wales Mag. Court	Wales, West Coast Demerara	Supreme Court	-
31	Linden Mag. Court	Wismar, Linden	Supreme Court	-
32	Blairmont Mag. Court	Blairmont, West Coast Berbice	Supreme Court	-
33	Fort Wellington Mag. Court	Fort Wellington, West Coast Berbice	Supreme Court	-
34	Weldaad Mag. Court	Weldaad, West Coast Berbice	Supreme Court	-

## 8 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.

All courts perform the same functions as those of Georgetown Magistrates' Office but because of smaller number of staff in those offices, this led to a number of problems especially in the area of accounting. This can be clearly seen in the Auditor General reports over the years citing several instances of irregularities due to lack of proper record keeping and general accountability. This problem needs to be addressed and can start by having a proper staff assessment since the present structure was designed decades ago when the workload was not that great as it is today.

In the past, one of the problems that the Magistrates' Courts faced was the failure to reconciled banks but presently, there has been tremendous improvements in this area.

Another problem affecting the efficiency of the system is the ability to keep staff both at the Supreme Court and the Magistrates' Courts because of the poor salaries offered.

A solution to these problems 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.