2021 LEGAL YEAR OPENING SPEECH

My Lords Justices of the Supreme Court: The Honourable Justice Aziz, The Honourable Justice Lobban Jackson, The Honourable Justice Harrison, and My Lords, the Acting President and Justices of the Court of Appeal, permit me to adopt the protocol already established by the Honourable Attorney General as followed by the Learned Director of Public Prosecutions, the President of the Bar Council, and the Doyen of the Bar. I must also recognise the presence of Hon. Karen Malcolm, Minister of Education, Youth, Social and Library Services. Good morning, All.

My Lords, by tradition, this Legal Year Opening, would be marked with a display of judicial pomp and pageantry. My Lords and other members of the legal profession, would after a series of ceremonies calculated to impress and awe the uninitiated, congregate in the Anglican Church which would graciously open its doors to us and provide us with a sermon to light our path throughout the year. We would proceed with a court sitting to recount the events of the past year while projecting plans for the present year, and then refresh ourselves with finger foods and drinks, amidst lively conversation.

My Lords, I reminisce about happier and more carefree times.

Unfortunately, the 2021 Legal Year Opening, my first as Chief Justice of the Turks and Caicos Islands, must be marked by an innovative ceremony: a mixture of church and court, conducted remotely.

This strange happening, dictated by a response to a pandemic, is however, a testament to our resilience and resourcefulness as an institution, to cope with, and prevail over challenging circumstances.

My Lords, before I respond to the remarks of the Honourable Attorney General, may I thank His Excellency the Governor, as advised by the Judicial Service Commission, for selecting me to serve in the high office of Chief Justice. I also thank the Premier for her assistance with financial matters, and the Deputy Governor for her assistance with staffing matters. May I also thank all the staff of the Judiciary, including our Judicial officers and the management team, for their warm embrace, and their diligent work to move forward with the vision of the Judiciary in difficult circumstances. I further thank all the members of the Criminal Justice Stakeholder’s Group for wonderful co-operation. May I make special mention of the Central Information and Technology Unit’s Director Mr. Andre Mills and his Deputy Mr. Elwood Harvey for their immense contribution, without which the Judiciary could not have functioned at all in 2020, and may I finally thank St Monica’s Anglican Church for agreeing to do this remote Opening with us.

It is my privilege to serve this country, and to work with you all.

# RESPONSE TO THE ATTORNEY GENERAL

My Lords, I will, in responding to the Honourable Attorney General, highlight collaborative efforts between the Judiciary and the Attorney General’s Chambers that have produced a legislative regime which has enabled the Judiciary to survive in turbulent times, and even move forward in a drive towards institutional excellence.

The Judiciary is the beneficiary of the hard work of the Attorney General’s Chambers.

The mettle of that office has been proven in the murky waters of a pandemic, and the Judiciary has been made agile and resilient because of the untiring efforts of the Honourable Attorney General and her staff.

Hon. Attorney General, the response of the Judiciary of the Turks and Caicos Islands to a pandemic that should have crippled our work, is that out of the ashes of our despair, we have risen up to present to the country we serve, a new Judiciary with a new vision to provide access to quality justice, in spite of the troubled times.

In the realisation of this vision, the Attorney General’s Chambers has worked assiduously with us to make the running of the courts possible in a properly regulated manner, despite the times.

In March 2020, at the start of the pandemic, and just before the lockdown, with help of the Attorney General’s Chambers, the then Acting Chief Justice: The Honourable Mr. Justice Shiraz Aziz issued Practice Direction No. 2 to guide the business of the court. The said Practice Direction was drafted in a time of grave uncertainty, and fear for personal safety. It operated to suspend a lot of the Court’s business, while ensuring that matters considered urgent were dealt with. It was a bold move that took account of health concerns of court staff and court users, while recognizing the need to keep the courts running, and the wheels of justice, turning.

Shortly after I commenced work in April 2020, once again the Attorney General’s Chambers lent its support when I issued Practice Direction No. 3 to enable the Judiciary to conduct court business remotely. For this Practice Direction and two others that followed, the Governor’s **Emergency Powers (Covid-19) (Court Proceedings) Regulations 2020** were provided to make the transition from in person to remote business, possible. Practice Direction No. 6, the latest one, which provides for a return to in person business while preserving the discretion to conduct remote business or a hybrid of the two, is anchored on the new Court Live Links (Remote Participation) Ordinance 2020. The assistance of your Chambers in all these cannot be lightly assessed, but must be properly acknowledged, and I do so today.

Your Chambers has also worked with the Judiciary to provide legislation to further improve access to justice. These include: the **Amendment to the Jury Ordinance which** has enabled the kind of jury trials that are due to be held in a few weeks. In these unique, pandemic-occasioned trials, the jury must be separated from the court and on occasion, from one another. This is a departure from the common law practice of having the jury in the courtroom and not separated until after trial. With this enabling legislation, we will begin to clear the backlog of criminal cases, and so provide fair hearing within a reasonable time, in accordance with S. 6 of the Constitution.

## Court Live Link (Remote Participation) Ordinance 2020

The Court Live Link (Remote Participation) Ordinance, newly minted, will give the court much needed flexibility to conduct hearings, both civil and criminal, remotely. This is very useful legislation for this time of pandemic, but will be useful in other exigent circumstances where in person hearings may not be possible or advisable.

## The Bail Bill.

The grant of bail is one area in which the administration of justice is sometimes at variance with public opinion. Due to the public outcry that sometimes follows the grant of bail, and the unfortunate impression that the grant of bail contributes to a culture of impunity, I felt the need to initiate a Bail Ordinance. A Bail Ordinance will provide some clarity regarding the matters for consideration in the exercise of the court’s discretion and in that way, give guidance to Judges and Magistrates when considering applications for bail. The Attorney General’s Chambers is working with the Judiciary and other stakeholders to produce a Bill that will regulate the grant of Bails and bring to members of the public, some level of confidence with regard to the handling of criminal cases.

## Vulnerable Witnesses Ordinance

Hon. Attorney General, globally, the proper treatment of vulnerable and anonymous witnesses is an area that had been neglected for a very long time in criminal justice, but has now become a live issue, with many countries taking action. The Judiciary’s work of providing a safe environment for all court users has been directed by this legislation. We are happy to announce that in response, and despite our limited infrastructure, we have provided a dedicated room for vulnerable witnesses in Grand Turk, and a dual purpose room in the Supreme Court, Providenciales to cater for such witnesses in line with the legislation. Criminal justice is indeed the better for this intervention.

## Supreme Court Amendment Ordinance 2020; Court of Appeal (Amendment ) Ordinance 2020

The amendments to the Supreme Court Ordinance and Court of Appeal Ordinance have enabled the introduction of a Court Calendar for the senior courts. While a Court Calendar was within the contemplation of the drafters of the Supreme Court Ordinance, who provided for it in S. 15 thereof, and Rule 64 of the Civil Procedure Rules, the preferred calendar of the judiciary and our stakeholders: the Criminal Justice Stakeholders Group, could only be made possible with amendments sought by the Judiciary to the said two Ordinances. These amendments were effected with commendable expedition. The Judiciary is truly grateful to your Chambers Hon. Attorney General, and especially to your draughts persons who have been on their toes throughout the year.

## Other Legislation

Hon. Attorney General, the Judiciary is collaborating with your Chambers in other important areas.

One such area which needs reform is the area of **Legal Aid**. There is an urgent need for a Legal Aid regime that provides properly for the poor in our community but is properly regulated to reduce or avoid abuse. It should also dispel the erroneous, unfortunate impression held by many, that accessing it is automatic. Honourable Attorney General, in our fight against rising crime, it is important that criminal justice should deter crime. While S. 6 of the 2011 Constitution’s mandate, that a defendant be given adequate access to resources to ensure a fair hearing includes in the proper case, the provision of counsel if he/she cannot afford the services of an Attorney, it is important also that a wrong signal is not sent that crime is cheap, and supported easily by the State. Honourable Attorney General, concerns of abuse have prompted a collaboration between my office and your Chambers, to bring about needed reform, and I can only thank you.

Other areas of reform in which your Chambers is collaborating with my office to provide a legislative framework, include **Judicial Education**. Continuing Judicial Education is now championed, and should take off in earnest this year. It is aimed at building capacity at all levels in the Judiciary.

Honourable Attorney General, another of my flagship programs for this year will be the introduction of **Court-Connected Mediation** which will integrate assisted out of court settlements into our court system. Your Chambers is at this time considering the amendments to the Civil Procedure and Criminal Procedure Ordinances to enable the introduction of a mechanism for the provision of alternative dispute resolution into our court system.

Lastly, Hon. Attorney General, I have reached out to you to help craft a legislative regime for **Courts** which will set out the jurisdiction of the courts and will also clarify the administrative duties of the Chief Justice. It will create needed cohesion in our court structure.

I must also acknowledge your support for, and participation in Judiciary-led initiatives: the Judicial Education Institute’s Case Management Seminar, the Launch of TCILII, and recently, the Valedictory sitting for the now-retired President of the Court Appeal Sir Elliot Mottley.

The Judiciary is grateful to you Hon. Attorney General and your team of diligent, dedicated lawyers, for your hard work which in 2020, and will this year, continue to be the anchor for judicial reforms.

I will end my response to you Honourable Attorney General, by saying that the Judiciary, is counting on your continued help and support in this legal year as we work to ensure that needed reforms improve access to justice.

# RESPONSE TO THE DIRECTOR OF PUBLIC PROSECUTIONS

To the Learned Director of Public Prosecutions permit me to say a special thank you to your person, and to your institution for the support you have provided to the Judiciary through the Criminal Justice Stakeholders Group.

Learned DPP, in a few days the court will begin jury trials. Thank you for assisting the court with Prosecutors for the dry runs to get us ready for the first jury trials, since the pandemic stymied all efforts to hold such trials.

Thank you also for providing support to the Judiciary at our Case Management Seminar, the Launch of TCILII, the Induction Seminar for the New Magistrates, and recently at the Valedictory sitting for the now-retired President of the Court Appeal Sir Elliot Mottley.

I acknowledge your wise counsel at the Criminal Justice Stakeholders Group, and your willingness to assume the performance of tasks. As we speak, you are wrapping up your work as Chair of the Criminal Justice stakeholder’s Groups’ subcommittee on Her Majesty’s Prison.

You have also accepted to house the CJSG’s project to provide a Unit for Victims and Vulnerable Witnesses.

Your office is supporting the drive to provide access to quality justice.

May this legal year see even greater cooperation in legal sector initiatives.

# RESPONSE TO THE BAR COUNCIL AND THE DOYEN OF THE BAR

Now if I may respectfully respond to the Acting President of the Bar and the Doyen of the Bar:

I have consulted with the Bar many times since the beginning of my tenure. I want to take this opportunity to put on record how grateful I am to your members for the support shown to the Judiciary. While I cannot deny my pleasure that your former President is now part of the Judiciary, I cannot also deny that I shall miss the former President, now: Her Honour Mrs. Oreika Selver-Gardiner in the role of President. In her time as President, Bench Bar relations have flourished. It is my hope and prayer, that her successor will continue to keep the lines of communication with my office, open. My doors are certainly open to the Bar any day, and at any time.

Madam President (Ag.), Mr Ariel Misick QC, in 2020, my welcome by the Bar to the Turks and Caicos Islands was not the customary one. Like everything else, the pandemic saw to it that it was not so. But beyond that was a misunderstanding that characterized our initial acquaintance; perhaps it will be prudent to say no more about it. I will however say that since that unfortunate introduction, our relationship has greatly improved.

The Bar Association has supported my efforts to conduct proceedings remotely. I have benefitted from the genuine feedback on my efforts to hold jury trials by separating the jury from the court. The Criminal Justice Stakeholders Group has also received invaluable input regarding the establishment of a Victims and Vulnerable Witnesses Unit, in the discussions on the introduction of a court calendar, and the provision of a criminal justice institutional case-tracking system.

Your members have participated in all the committees I have set up and have done so with commendable enthusiasm. These include: the Civil Procedure Rules Committee, the Criminal Procedure Rules Committee, the Bail Committee, the soon to be named Court-Connected Mediation Committee, the E Judiciary Committee, and the now-suspended Sentencing Guidelines Committee.

You have set up an in-house committee to review present legislation on the Legal Profession, and to advise me on Legal Profession Rules which I hope to implement sooner than later.

Recently you sent me your views on new Legal Aid Rules, and are participating in a review of the new Legal Aid Rules I have since drafted.

You were members of the TCILII Committee that has placed us on the global LII map.

You participated in the first Judicial Education Institute’s efforts to sensitise the legal sector on the benefits of judicial case management.

You are also working with my office on the institution of a Pro Bono Regime to give back to the society by providing free legal service to the indigent.

You have shown yourself to be true partners in Judicial Reform.

By reason of your immense support in 2020, I have no doubt that the Judiciary has in you, partners in the pursuit of excellence, and I look forward with excitement to collaborating on initiatives with you.

I commend your public spiritedness and thank you for your generous donation of Ultra Violet sticks to sanitize paper at the Supreme Court Registry.

May I also take this opportunity to remind you of my book drive for our new Supreme Court library. I look forward to your donation of your spare books, to give us a library worth its name.

# A short account of happenings in the Judiciary

## Changes in Staff

My Lords, Your Excellency, Distinguished guests, at this point, permit me to follow the tradition established by my predecessor, by bringing to your attention, the internal changes in the Judiciary.

We welcome to the Court of Appeal, The Hon. Mr. Justice Stanley John and The Hon. Mr. Justice Ian Winder. Both Justices of Appeal were appointed on 1 February 2020. Justice John had previously served as a Justice of Appeal to the Bahamas from 2009 to 2014 and in his native Trinidad and Tobago from 2002 to 2009. Justice Winder serves a Justice of the Supreme Court of the Bahamas and has been serving in that capacity since 2014.

My Lords, From January to March 2020, The Honourable Mr Justice Shiraz Aziz, served as Acting Chief Justice until I was sworn in at the end of March, 2020. I have already spoken of his invaluable contribution that kept the Judiciary afloat in a difficult time.

One of the tasks I have set for myself is to create a busy criminal court at Grand Turk. There are many reasons for this, not the least being the need to discontinue the practice of flying prisoners to Providenciales in potentially dangerous circumstances for trial. The Supreme Court at Grand Turk which is properly equipped for the conduct of trials, and additionally, has a room dedicated to vulnerable witnesses, will take up the mantle.

The Honourable Mr. Justice Aziz a judge with considerable experience, and a proven track record in the handling of vulnerable witnesses, is the assigned Judge for Grand Turk for the foreseeable future. I have no doubt that he will bring his wealth of experience to bear on his work of rebuilding that court to take its proper place.

The Honourable Mrs. Justice Tanya Lobban-Jackson was elevated to the Supreme Court Bench in April 2020. She has acquitted herself well on the Bench, and has also supported judicial initiatives by chairing the Committee which has produced TCILII ,the internet legal resource, for us, as well as the Bail Committee which will shortly inform a Proposed Bail Bill. Justice Lobban-Jackson is resourceful, and helpful to the Judiciary’s vision of providing access to quality Justice.

She will be the Judge undertaking jury trials in Providenciales in the foreseeable future.

His Honour Mr Jolyon Hatmin has been appointed Chief Magistrate. His diligent output is there for all to see. I would also like to place this on record: that he has successfully completed the first Coroner’s Inquest to be held since 2013. He deserves our congratulations. Mr. Hatmin is going to hold more inquests to clear the backlog built up over the years.

My Lords, I will be remiss in my duty of providing a faithful account if I failed to mention the immense contribution of Mr. Tony Gruchot who as Acting Magistrate, has helped the Magistrate’s Court Providenciales, deal with its cases at a time when the Chief Magistrate, carrying the workload of two Magistrates as well as the administrative work required of his office, needed a hand. The Judiciary’s output was the better because of Mr. Gruchot and we thank him for his service which ended on 31st December 2020.

During the year, we bid farewell to the Resident Magistrate of Grand Turk: Her Honour Ms. Kamar Anderson. My short interaction with her showed her to be a diligent, dedicated and competent member of the Bench. I thank her for her service and wish her well in her new endeavours.

We have a new Resident Magistrate in Grand Turk, Ms. Keri-Ann Kemble who is a former Parish Judge in Jamaica, and has joined us from Trinidad and Tobago, where she worked with an anti-money laundering agency in Trinidad. She brings with her, experience and proven hard work and efficacy.

We also have a new Resident Magistrate in Providenciales, Mrs. Oreika Selver-Gardiner, former President of the Bar Council. We welcome her to our fold, and to her first post as a full time judicial officer with open arms.

Mrs. Selver-Gardiner, has also graciously agreed to be Director of the Judicial Education Institute, to source programs and courses to improve the Bench and Judicial Staff, and also to build local capacity. I encourage her to apply the same vigour and competence I have seen first-hand in her role as President of the Bar Council in her new, dual role on behalf of the Judiciary.

Mr. Carlo Mason, Senior Deputy Registrar is now the Registrar in charge of the Supreme Court, Grand Turk. He will be working with Ms. Carnetta Skippings Deputy Registrar, who has held the fort so ably and so well all these years. Together, they will improve the capacity of the court with its enhanced responsibilities as a court carrying its full load of criminal cases.

Clerk of the Magistrate’s Court, Ms. Kandra Williams has gone on Maternity Leave. We wish her and her little one, well. Assistant Clerk, Ms Lattanya Been is acting as Clerk of Court in the interim and we applaud her for rising to the occasion. Assistant to the Registrar, Ms. Nevann Missick, is moving on. Her contribution to the Judiciary has been immense, and she will be greatly missed.

We also bid an emotional good bye in a dedicated valedictory sitting to our now-retired President of the Court of Appeal: The Hon. Mr Justice Sir Elliot Mottley, after about seventeen years of service to this country. His immense contribution to our jurisprudence will remain in our annals.

His post as President of the Court of Appeal is yet to be filled. In the mean time Mr. Justice Humphrey Stollmeyer will act as President of the Court.

## Staffing needs:

My Lords, our staff and our collective wisdom are the Judiciary’s greatest assets, therefore I plan to bolster our Judiciary with additional staff targeted to assist in the improvement of our performance this year. I have communicated my desire to create new offices to HE the Deputy Governor and the Director of Human Resource. The plan is to create the Office of a Judicial Secretary whose job will encompass the job description of the Court Administrator as well as the additional responsibility for administrative support to my office. This may be delayed due to budgetary and logistical constraints, but will eventually be achieved. I also plan on recruiting two Research Assistants, one each for Supreme Court Judges and the Court of Appeal Judges. I further intend to create the office of a Registrar of the Magistrate’s Court, a qualified lawyer with experience in Court Administration, who will assist the Chief Magistrate in his administrative duties in respect of that burdened Registry.

# PROJECTS 2020/2021

## Judicial Education Institute

My Lords, the Judiciary embarked upon projects in 2020 which will run through the 2021 Legal Year.

All the projects are aimed at improving access to justice in line with Goal 16 of the Sustainable Development Goals, adopted in 2015 as part of the 2030 Agenda for Sustainable Development by the United Nations General Assembly.

My Lords, one of the ways of achieving this is to have a well-equipped Judiciary and knowledgeable Judicial Officers. I have already made reference to the setting up of a Judicial Education Institute which is at present part of my office, with its office in Grand Turk. The Institute’s Director: Mrs. Oreika Selver-Gardiner, who has been appointed Director since 2nd January 2021, has a track record of championing continuing legal education during her tenure as President of the Bar. She has been tasked to identify areas of training for the Bench, judicial staff, and on occasion, the Bar.

The Institute will also provide a forum for contract workers such as myself, to transfer expertise to build local capacity, to realise my eventual goal of moving the Judiciary towards indigenization.

My Lords, the activities of the Institute predate the appointment of its Director. In September 2020, the Institute’s maiden activity was to host a seminar organised by the Commonwealth Judicial Education institute for Judicial Officers on the topic of “**Coherence and Clarity in Judgment Writing”.** In October 2020, the Institute’s, second activity, was also to host another seminar organised by the Commonwealth Judicial Education institute for the entire legal sector. It was a sensitizing seminar on: “**The introduction of Judicial Case Management”.**

In November 2020, the Institute hosted a two-day “**Induction Seminar for New Magistrates”.**

The Institute, under the leadership of its Director will continue to host and organise seminars in 2021. A Judicial Education Course Calendar for 2021 will be published in due course.

**Legal Literacy – Law Reporting**

My Lords, TCI-LII was launched in November 2020 with some pomp. This legal resource will provide free access to the decisions of our courts of record to both in-country and international researchers. It will also improve the work of the courts, and our jurisprudence, as binding decisions are followed by lower courts and the quality of judgments is enriched.

My Lords, I am happy to announce, that in addition to TCILII, the judgments of Turks and Caicos Islands Judiciary will in June/July of this year or so soon thereafter, be reported in Volume 97 of the West Indian Reports. The West Indian Reports are published on the renowned legal resource, Lexis Nexis. A selection of judgments from 2020 and 2019 will shortly be submitted to them for reporting.

## Making Court Rooms COVID-friendly

My Lords, in preparation towards in person business, the Judiciary has made all our courtrooms Covid-friendly, to provide a layer of protection beyond the Government-established Covid protocols. Courtrooms are equipped with plexi-glass shields, and hepa filters to sanitise the air.

Proceedings will be carried out in court rooms with capacities approved by the Ministry of Health. These interventions will hopefully provide some confidence and comfort to court users.

**Library:** My Lords, the Supreme Court in Providenciales now has a library. The first set of books was donated by a United Kingdom charity: International Law Books Foundation. We do however, need more to fill the shelves. While we are looking to other ways to do so, we have also set up a book drive which has been announced to the Bar. We should be grateful for book donations.

## Website and New Logo:

My Lords, the Judiciary has a new, pithy, Vision Statement: “Providing Access to Quality Justice.” Lest it be misunderstood due to its brevity, I must explain that the Vision Statement was chosen because we wanted something easy to remember, and on which our staff could focus daily as they carry out their duties.

This Vision Statement has been integrated into our new Logo which is now on our signboards, letterheads, address lines, and everything Judiciary. It features the ubiquitous Lady Justice in a crowned circle with our identity as the Judiciary of Turks and Caicos Islands, and our Vision Statement encircling it.

We will shortly publish the address to our new website which packs information we consider useful for court users. Please visit it and give us your feedback. It will be for us, a work in progress until we are satisfied that it meets the needs of the enquiring public.

## Court Account:

My Lords, for the first time, the Judiciary has its own Court Escrow Account, opened with the help of the Hon Premier, and working with the Accountant General. This account will solve a big problem that has plagued the Judiciary for some time due to the delay and difficulty in retrieval of monies paid into court. Now, litigants need not be afraid of difficult and delayed withdrawals. The Account is managed from my office, and will permit stress-free payments into, and withdrawals out of, court, it will enable the court make orders for such whenever the justice of the case so demands.

## Court Calendar

We now have clearly defined court sitting terms: three in every legal year, which will give judicial officers and staff some consistency in the administration of justice, as well as providing much needed recess times for research, as well as rest and recuperation. Our work which is very cerebral will be very much enriched with the deserved breaks.

## New Rules

My Lords, this year, we are poised to have new Civil Procedure Rules and Criminal Procedure Rules. The Technical Teams which have Judges from the Region as Team Leaders and our Judges and Attorneys in their membership, have been working hard since December 2020, to provide new Rules to make us current in our practice.

## E-Judiciary

My Lords, the digital age is upon us. Even before the pandemic, many jurisdictions were advancing, and quite a number had advanced to providing E solutions to the work of the courts. Our Judiciary has joined that train. We plan to have a smart, electronic-savvy, paperless court. Our project, referred to as E Judiciary, has begun with engaging with companies in the business. We have already had presentations made by three companies although only one has met our needs and has given us a quotation. This company has a proven track record in this region for providing internet solutions for courts in the Region. We are going through the Procurement processes in order to proceed with a contract. In the meantime, we are working on Registry readiness to help the effort.

## Court-Connected Mediation

I have already spoken of the introduction of court-connected mediation in our courts which will introduce non-adversarial justice. This initiative is bound to decongest our courts of cases that can be settled amicably, while protecting relationships, and will also provide in the proper case, for restorative victim/offender justice in criminal justice.

## Magistrate’s Courts in North and South Caicos

My Lords, in line with the goal of providing access to justice, the Judiciary intends to take justice to the doorstep of every person in this country. We have therefore set in motion a project to provide Magistrate’s court houses in North and South Caicos this year. Suitable buildings are being identified by the Department of Infrastructure, and we hope to have our court presence in these islands, hopefully, by the third quarter of this year.

# STATISTICS

My Lords, Judicial independence includes judicial accountability, and so we give an account of our work in 2020. In 2020, while gravely hampered by the pandemic, we continued to carry out our mandate. I provide relevant information in this regard:

# SUPREME COURT

## Criminal

By reason of our limited infrastructure hampering any real effort to conduct in person or even hybrid proceedings, we were unable to conduct jury trials from the time COVID struck with force in March 2020; we have only conducted a few judge-alone trials at the election of defendants. I am happy to report, that having now secured an enabling legislative framework, Jury trials will now commence from the 18th of this month.

In 2020, there were 61 new criminal matters filed in the Supreme Court. 54 of them were committed in Providenciales, 7 in Grand Turk and none from other islands. All of them made it to the stage of Sufficiency Hearing, although 24 have been rolled over for Sufficiency Hearings in January or February 2021. The Supreme Court also dealt with 21 criminal matters that rolled over from previous years.

Of the total number of cases before the Court, nine (9) were withdrawn or discontinued at the Sufficiency Hearing stage, four (4) were withdrawn at the Pre-Trial Readiness stage or discontinued at trial whether by the Court or by the Crown for insufficiency of evidence. 4 cases were disposed of by guilty plea, 4 were concluded at trial and all led to convictions.

There are two (2) pending criminal appeals from the Magistrate’s Court to the Supreme Court.

## Civil and Commercial

There were 154 cases filed in 2020, a decrease of 32 cases filed in 2019. 40 divorces were filed and 30 decrees were made absolute. 76 matters, including cases that were rolled over form last year were disposed of.

## COURT OF APPEAL

In 2020, the Court of Appeal presided over 3 sessions: 1 in-person before COVID, and 2 sessions remotely due to COVID. A total of 14 appeals: made up of 4 criminal appeals and 10 civil appeals, were heard in 2020. In total, 25 matters, including appeals carried over from previous years, were disposed of, with 9 carried over into 2021.

## MAGISTRATE’S COURT

Across all Magistrate’s Courts, 579 criminal complaints were filed. 270 traffic matters were filed, 202 civil cases were filed, 49 domestic proceedings, 9 adoptions, and 91 complaints were filed by the National Insurance Board. In all 1,321 new cases in all categories were filed; out of this, 604 cases were completed.

## JUDICIAL INDEPENDENCE AND FINANCIAL SECURITY

My Lords, S. 83 of the 2011 Constitution provides for the independence of the Judiciary. The independence of the Judiciary has been defined in Chapter 7 of the Latimer House Principles 2003, to include financial independence throughout the Commonwealth. This is reflected in S. 83(2) of the 2011 Constitution, which provides that: “The Legislature and the Cabinet shall uphold the rule of law and judicial independence and shall ensure that adequate funds are provided to support the judicial administration in the islands”.

My Lords, I am content to report that financial provision has been made for us to operate well so far, and my hope is that this year’s budget will enable us achieve our goals for the year, chief among which is to digitize our operations and add to reform initiatives.

Respectfully, I should be grateful if consideration would be given to a request I make today, for the Judiciary to be permitted to use a percentage of our internally-generated funds for special projects.

My Lords, on the subject of adequate provision for our work, I must bring to your attention, on-going efforts for the provision of adequate infrastructure.

I am very pleased to report that we are doing preparatory work at this time, and that we will commence the process to get Cabinet approval for the provision of a purpose-built court after the purdah period. We are confident that the approval will come for us to commence work in due course.

# CRIMINAL JUSTICE STAKEHOLDERS GROUP

My Lords, the Judiciary has in the year under review also participated in the Criminal Justice Stakeholders Group. The membership of the group has been provided by the Honourable Attorney General.

My Lords, the phenomenon of cooperation and collaboration of seven criminal justice institutions including the Bar Association, all independent, and yet working in tandem to meet the objectives of providing a cohesive criminal justice system, must be lauded. The Criminal Justice Stakeholder’s Group with its three strategic objectives of providing adequate infrastructure, digitizing our institutions (and further keeping track of cases and criminal activity), and engendering legislation that will improve criminal justice, will continue to work to ensure that rising crime is curbed, and the society, kept safer and more secure.

# ADDRESS TO BENCH/BAR

And now My Lords, may I respectfully address all our colleagues in the legal profession who do service in the temple of justice: This is a new year. We have earned the right to congratulate ourselves for our performance in 2020 in spite of the challenges introduced by the COVID -19 pandemic; yet we must be sober in our reflection, acknowledging past missteps, and resolving to improve our performance. We cannot afford to be complacent, and therefore cease to be proactive in the drive to provide excellent service to the country that looks to us to provide justice, and to be the watchdog of its Constitution.

May I challenge the Bench and the Bar to be united in the resolve to do diligent work, to provide quality service, to improve access to justice for all, and to keep the lights burning bright in the hallowed halls of the temple of justice.

# CONCLUSION

My Lords, forgive me if I have taken more time than you expected, it could not be helped.

I conclude by saying, that the Judiciary touts its successes in 2020, but we make no excuses about our inadequacies, only the solemn promise to do better this Legal Year, and to merit the confidence the entire country reposes in us. We make this pledge: that in this Legal Year, we will endeavour to live up to our vision to provide access to quality justice. We will work well with our stakeholders to ensure cohesion in the implementation of judicial reform initiatives, and we will spare no effort to ensure that we continue as a respected institution among our peers in the Region.

On this note, the motion for the opening of the court having been duly seconded, I now declare the 2021 Legal Year open, and the courts ready for business.

My Lords, Your Excellencies and Distinguished Guests, I thank you very much for sharing our joy at the celebration of the opening of the Legal Year 2021, and for your attention.