

1967 No. 223

ASSOCIATED STATES

The West Indies Associated States
Supreme Court Order 1967

Made - - - - 22nd February 1967

Coming into Operation 27th February 1967

At the Court at Buckingham Palace, the 22nd day of February 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of Her powers under section 6 of the West Indies Act 1967(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I—INTRODUCTORY

Citation,
commence-
ment and
revocation.

1.—(1) This Order may be cited as the West Indies Associated States Supreme Court Order 1967.

(2) This Order shall come into operation on 27th February 1967:

Provided that the provisions of subsection (3) of this section and sections 18 to 23 of this Order shall come into operation on such later date (hereinafter referred to as “the prescribed date”) as the Chief Justice may by order prescribe.

(3) The Windward Islands and Leeward Islands (Courts) Order in Council 1959(b), as amended(c), (hereinafter referred to as “the Order of 1959”) and the British Caribbean Court of Appeal Order in Council 1962(d), as amended(e), (hereinafter referred to as “the Order of 1962”) are revoked in so far as they have effect as part of the law of each State:

Provided that the provisions of sections 21(2) and 22(5) of the Order of 1959 and article 9 of the Order of 1962 shall continue in force as part of the law of each State as if those Orders had not been revoked.

Interpre-
tation.

2.—(1) In this Order “State” means any of the following, that is to say—

Antigua,
Dominica,
Grenada,
Saint Christopher, Nevis and Anguilla,
Saint Lucia, and
Saint Vincent.

(2) In this Order any reference to a State shall be construed as including a reference to its dependencies (if any).

(a) 1967 c. 4.

(b) S.I. 1959/2197 (1959 I, p. 563).

(c) The relevant amending Orders are S.I. 1960/1658, 1962/1084, 1967/162 (1960 I, p. 473; 1962 II, p. 1220; 1967 I, p. 273).

(d) S.I. 1962/1086 (1962 II, 1247).

(e) The relevant amending Orders are S.I. 1962/1245, 1962/1870, 1966/575, 1966/1455 (1962 II, pp. 1367, 2186; 1966 II, p. 1226; III, p. 3858).

(3) In this Order, unless the context otherwise requires, any reference to the holder of an office by the term designating his office shall be construed as including a reference to any person who, under and to the extent of any authority in that behalf, is for the time being performing the functions of that office.

(4) (a) Where any person has vacated any office established by or under this Order he may, if qualified, again be appointed to hold that office from time to time.

(b) A person may be appointed to an office established by or under this Order notwithstanding that some other person may be holding that office when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this paragraph, then, for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

(5) Any act done for the purposes of this Order by the Judicial and Legal Services Commission or the interim Commission established by section 24 of this Order shall be signified in writing under the hand of the Chairman of the Commission.

(6) The Interpretation Act 1889(a) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

3. Until such time as Saint Vincent assumes a status of association with the United Kingdom in accordance with the provisions of the West Indies Act 1967, references in this Order to the Premier of a State shall, in their application to Saint Vincent, be construed as references to the Administrator of Saint Vincent, acting in his discretion.

Application.
to Saint
Vincent.

PART II—THE SUPREME COURT

4.—(1) There shall be a Supreme Court for the States which shall be styled the West Indies Associated States Supreme Court and shall be a superior court of record.

Establish-
ment of
Supreme
Court.

(2) The Supreme Court shall consist of a Court of Appeal and a High Court of Justice.

(3) Subject to the provisions of subsection (5) of this section, the judges of the Court of Appeal shall be the Chief Justice, who shall be President of the Court, and two Justices of Appeal.

(4) Subject to the provisions of subsection (5) of this section, the judges of the High Court shall be the Chief Justice and six Puisne Judges.

(5) The number of Justices of Appeal and of Puisne Judges of the High Court may be varied by order of the Chief Justice made with the concurrence of the Premiers of all the States:

Provided that no office of Justice of Appeal or Puisne Judge shall be abolished while there is a substantive holder thereof without the consent of the holder thereof.

(6) The Court of Appeal and the High Court shall be deemed to be duly constituted notwithstanding a vacancy in the office of any judge of the Court.

(7) The Court of Appeal and the High Court shall each have and use a seal bearing the style of the court and a device approved by the Chief Justice.

Appoint-
ment of
judges.

5.—(1) The Chief Justice shall be appointed by Her Majesty by Letters Patent and the Justices of Appeal and the Puisne Judges shall be appointed on behalf of Her Majesty by the Judicial and Legal Services Commission.

(2) A person shall not be qualified to be appointed—

(a) as Chief Justice or a Justice of Appeal unless—

(i) he has been for a period or periods amounting in the aggregate to not less than five years a judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court ; or

(ii) he is qualified to practise as an advocate in such a court, and has so practised, for a period of, or periods amounting in the aggregate to, not less than fifteen years ;

(b) as a Puisne Judge unless—

(i) he is or has been a judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court ; or

(ii) he is qualified to practise as an advocate in such a court, and has so practised, for a period of or periods amounting in the aggregate to not less than ten years.

(3) For the purposes of subsection (2) of this section references in that subsection to a period or periods during which a person has practised as an advocate in any such court as is mentioned in that subsection shall be construed as including a period or periods during which a person—

(a) has been serving in the office of judge of any such court ; or

(b) after having become qualified to practise as an advocate in any such court, has been serving in a public office in some part of the Commonwealth the functions of which include appearing as an advocate in any such court or in the office of magistrate, or registrar of a court, in some part of the Commonwealth.

Acting
judges.

6.—(1) The Judicial and Legal Services Commission may designate generally or for a specific occasion one of the Justices of Appeal to act as Chief Justice in the event that the office of the Chief Justice is vacant or that the Chief Justice is for any reason unable to perform the functions of his office.

(2) If one of the Justices of Appeal is acting as Chief Justice or if the office of a Justice of Appeal or a Puisne Judge is vacant or if a Justice of Appeal or a Puisne Judge is for any reason unable to perform the functions of his office, the Judicial and Legal Services Commission may appoint a person qualified for appointment as a Justice of Appeal or Puisne Judge to act as a Justice of Appeal or Puisne Judge, as the case may be.

(3) A person appointed under this section to act as Chief Justice, a Justice of Appeal or a Puisne Judge shall (unless he earlier resigns his appointment or is removed therefrom in pursuance of the provisions of section 8 of this Order) continue to act in that office for the period, if any, for which he was appointed or until a person has been appointed to and assumed, or has resumed, the functions of that office, as the case may be.

(4) Any person appointed to the office of, or to act as, Chief Justice, Justice of Appeal or Puisne Judge may, notwithstanding the vacation of his office or the termination of his appointment otherwise than in pursuance of the provisions of section 8 of this Order, sit as a judge for the purpose of giving judgment or otherwise in relation to any proceeding heard by him while he was holding the office of judge.

7. Every person appointed to be a judge of the Court of Appeal or the High Court shall, before entering upon his functions as such, take the oaths set out in schedule 1 to this Order. Oaths.

8.—(1) Subject to the following provisions of this section, a judge of the Court of Appeal shall hold office until he attains the age of sixty-five years and a Puisne Judge shall hold office until he attains the age of sixty-two years : Tenure of office of judges.

Provided that the Judicial and Legal Services Commission acting with the concurrence of the Premiers of all the States may permit a judge to continue in his office after attaining the age prescribed in this subsection for a period or periods not exceeding in the aggregate three years.

(2) The provisions of subsection (1) of this section shall not apply to a person appointed to act as a judge of the Court of Appeal or the High Court in respect of his acting appointment.

(3) A judge may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the following provisions of this section.

(4) The Chief Justice may be removed from office by order of Her Majesty and other judges of the Supreme Court shall be removed from office by order of the Judicial and Legal Services Commission if the question of the removal from office has, in pursuance of the next following subsection, been referred to the Judicial Committee of Her Majesty's Privy Council under any enactment enabling Her Majesty in that behalf and the Judicial Committee has advised Her Majesty that the Chief Justice or the judge, as the case may be, ought to be removed from office for inability as aforesaid or misbehaviour.

(5) If, in the case of the Chief Justice, the Premier of one of the States to which this Order applies represents to the Lord High Chancellor of Great Britain or if, in the case of any other judge of the Supreme Court, the Judicial and Legal Services Commission represents to the Chief Justice that the question of removing the Chief Justice or other judge, as the case may be, for inability as aforesaid or for misbehaviour ought to be investigated then—

(a) the Lord Chancellor or the Chief Justice, as the case may be, shall appoint a tribunal which shall consist of a Chairman and

not less than two other members selected by the Lord Chancellor or the Chief Justice, as the case may be, from among persons who hold or have held office as a judge of a court of unlimited jurisdiction in criminal and civil matters in some part of the Commonwealth or as a judge of a court having jurisdiction in appeals from any such court; and

(b) that tribunal shall enquire into the matter and report on the facts thereof to the Lord Chancellor or the Chief Justice, as the case may be, and recommend whether the question of the removal of the Chief Justice or other judge, as the case may be, should be referred by Her Majesty to the Judicial Committee.

(6) The provisions set out in schedule 2 to this Order shall apply in relation to tribunals appointed under the last foregoing subsection or to the members thereof.

(7) If the question of removing the Chief Justice or other judge of the Supreme Court has been referred to a tribunal under subsection (5) of this section the Lord Chancellor, in the case of the Chief Justice, or the Judicial and Legal Services Commission, in the case of any other judge of the court, may suspend the Chief Justice or other judge, as the case may be, from performing the functions of his office.

(8) Any such suspension may at any time be revoked by the Lord Chancellor or the Judicial and Legal Services Commission, as the case may be, and shall in any case cease to have effect—

(a) if the tribunal recommends that the question of the removal of the judge from office should not be referred by Her Majesty to the Judicial Committee; or

(b) if the Judicial Committee advises that the judge ought not to be removed from office.

(9) Any expenses, in connection with proceedings under this section, authorised by the Lord Chancellor or the Chief Justice, as the case may be, shall be regarded as part of the expenses of the Supreme Court.

Jurisdiction
in the
States.

9.—(1) The High Court shall have, in relation to a State, such jurisdiction and powers as may be conferred on it by the Constitution or any other law of the State.

(2) The Court of Appeal shall have, in relation to a State, such jurisdiction to hear and determine appeals and to exercise such powers as may be conferred upon it by the Constitution or any other law of the State.

(3) The process of the Supreme Court shall run throughout the States and any judgment of the Court shall have full force and effect and may be executed and enforced in any of the States.

(4) The provisions of subsection (3) of this section shall be without prejudice to the provisions of the constitution of each State relating to fundamental rights and freedoms.

Jurisdiction
in other
territories.

10. The High Court and Court of Appeal may exercise such jurisdiction and powers, and any judge or the Chief Registrar of the Supreme Court may exercise such functions, as may be conferred upon them respectively in relation to Montserrat or the Virgin Islands by or under any law in force in Montserrat or the Virgin Islands, as the case may be.

PART III—GENERAL

11.—(1) The Chief Justice, the Justices of Appeal and the Puisne Judges shall be paid the salaries specified in schedule 3 to this Order, and shall be entitled to such allowances and shall have such terms and conditions of office as may from time to time be determined by the Judicial and Legal Services Commission with the concurrence of the Premiers of all the States: Remuneration, etc. of judges.

Provided that—

- (a) the salaries specified in schedule 3 to this Order may be altered by order made by the Judicial and Legal Services Commission with the concurrence of the Premiers of all the States ;
- (b) the salary and allowances (other than allowances which are not taken into account in the computation of pensions) of a judge shall not be reduced and the terms and conditions of office applicable to a judge upon his appointment shall not be made less favourable to him during the currency of that appointment.

(2) Where a judge is entitled to exercise an option in relation to his salary or the other matters referred to in proviso (b) to subsection (1) of this section, the option as exercised by him shall be deemed for the purposes of that proviso to be in his favour.

12.—(1) There shall be, for all the States, an office of Chief Registrar and such other offices of the Supreme Court as the Chief Justice may from time to time prescribe by order made with the concurrence of the Premiers of all the States ; and the holders of such offices shall be paid such salaries and allowances and shall have such terms and conditions of office as may from time to time be determined by the Chief Justice with the concurrence of the Premiers of all the States. Chief Registrar and other officers.

(2) Power to make appointments to the office of Chief Registrar and to the other offices prescribed under this section and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Judicial and Legal Services Commission.

(3) Power to make appointments to offices conferred by the provisions of this section shall be construed as including power to appoint a person to perform the functions of any such office during any period during which it is vacant or the holder thereof is unable for any reason to perform those functions.

(4) The power to constitute offices and make appointments thereto conferred by this section shall be in addition to any power conferred by the Constitution of any State to constitute the offices of and appoint for that State a registrar and other officers of the High Court.

13.—(1) For the purposes of any laws, regulations and other instruments relating to the grant of pensions, gratuities and other like benefits the judges, Chief Registrar and the holders of the other offices of the Supreme Court referred to in section 12(1) of this Order shall be in the service of such State as the Chief Justice may, in each case, from time to time direct ; and any such direction given by the Chief Justice shall take effect as from such date as may be specified by the Chief Justice and shall have effect as an appointment to a pensionable office in that service. Pensions of judges, Chief Registrar and other officers.

(2) Where by virtue of this section any payment is made out of the funds of a State the Governments of the other States shall pay to the Government of that State the proportions of that payment specified by or under section 15 of this Order; and the sums that are required by virtue of this subsection to be paid by the Government of any State are hereby charged on the Consolidated Fund of that State.

Resignations.

14.—(1) Any person who is appointed to any office established by or under this Order may resign from that office by writing under his hand addressed, in the case of the Chief Justice, to the Lord Chancellor and, in any other case, to the Chairman of the Judicial and Legal Service Commission.

(2) The resignation of any person from any such office shall take effect when the writing signifying the resignation is received by the Lord Chancellor or the Chairman, as the case may be.

Expenses of the Court.

15. The expenses of the Supreme Court (including the remuneration and allowances referred to in section 11 of this Order but less any sums that may be paid towards the expenses by the Governments of Montserrat and the Virgin Islands) shall, except as otherwise provided by agreement between the Governments of all the States, be borne by the Governments of the States in equal proportions; and the sums that are required by virtue of this section or any such agreement to be paid by the Government of any State are hereby charged on the Consolidated Fund of that State.

Posting of judges.

16. The Chief Justice shall assign a Puisne Judge to each State who shall reside in the State to which he is assigned.

Rules of Court.

17.—(1) Subject to the provisions of this Order and any other law in force in any of the States, the Chief Justice and any other two judges of the Supreme Court selected by him may make rules of court for regulating the practice and procedure of the Court of Appeal and the High Court in relation to their respective jurisdiction and powers in respect of any of the States.

(2) Without prejudice to the generality of the foregoing subsection such rules may be made for any of the following purposes—

- (a) for regulating the sittings of the Court of Appeal and the High Court, and the selection of judges for any purpose;
- (b) for prescribing forms and fees in respect of proceedings in the Supreme Court and relating to costs of and incidental to any such proceedings;
- (c) for prescribing the times in which any requirement of the rules is to be complied with;
- (d) for prescribing and regulating the powers and duties of the Chief Registrar, registrars and officers of court;
- (e) for providing for summary determination of any appeal which appears to the court to be frivolous or vexatious or to be brought for the purposes of delay;
- (f) for prescribing cases in which, and conditions upon which, an appellant in a criminal appeal shall be entitled to be present at the hearing of the appeal;

- (g) for providing for a reference from a decision of a single judge of the Court of Appeal to the Court of Appeal ;
- (h) for regulating the right of practising before the Supreme Court and the representation of persons concerned in any proceedings therein.

(3) Rules made under this section may fix the number of judges of the Court of Appeal who may sit for any purpose :

Provided that—

- (a) an uneven number of judges shall sit, which for the purposes of any final determination by the court other than the summary dismissal of an appeal, shall not be less than three ; and
- (b) any determination by the court on any matter (whether final or otherwise) shall, where more than one judge sits, be according to the opinion of the majority of the judges who sit for the purpose of determining that matter.

(4) Rules made under this section may provide for and regulate the execution and enforcement in any State of the process of the Court of Appeal or the High Court in exercise of any powers and jurisdiction conferred upon it in pursuance of section 9 or 10 of this Order.

(5) No rule of court which may involve an increase in the expenses of the Supreme Court shall be made except with the concurrence of the Premiers of all the States ; but the validity of a rule of court shall not in any proceedings in any court be called in question on the ground only that it was a rule to which the concurrence of the Premiers was necessary and that they did not concur or are not expressed to have concurred in the making thereof.

PART IV—JUDICIAL AND LEGAL SERVICES COMMISSION

18.—(1) There shall be a Judicial and Legal Services Commission (hereinafter referred to as the “Commission”) for the States which shall consist of the following persons, that is to say—

Establishment of Commission.

- (a) the Chief Justice, who shall be the Chairman ;
- (b) such Justice of Appeal or Puisne Judge as may from time to time be designated in that behalf by the Chief Justice ;
- (c) a person, appointed by the Chief Justice with the concurrence of the Premiers of not less than four of the States, who has been a judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court, not being a person who is practising as an advocate before the Supreme Court ; and
- (d) two members selected in accordance with the provisions of subsection (2) of this section.

(2) The persons for the time discharging the functions of Chairman of the Public Service Commissions of two States, being States for the time being designated in that behalf by the Chief Justice, shall be ex-officio members of the Commission :

Provided that—

- (a) except as otherwise provided in any agreement between the Governments of all the States, the Chief Justice shall designate States in such manner that the Chairmen of the Public Service Commissions of the States sit as members of the Commission in

rotation for periods of three years, the order of rotation among the States to be as follows:—

- (i) Antigua and Dominica ;
- (ii) Grenada and Saint Christopher, Nevis and Anguilla ;
- (iii) Saint Lucia and Saint Vincent ; and

(b) where the Chairman of the Public Service Commission of any designated State is in practice as an advocate before the Supreme Court, that Public Service Commission shall nominate another of its members, not being a person so in practice, to sit on the Commission in his stead.

(3) The office of the appointed member of the Commission shall become vacant—

- (a) at the expiration of three years from the date of his appointment ;
- (b) if he practises as an advocate before the Supreme Court ; or
- (c) if the question of his ceasing to be a member of the Commission has been referred by the Chief Justice, acting on the recommendation of the Premiers of not less than four of the States, to a tribunal consisting of a Chairman and two other persons appointed by the Chief Justice, and that tribunal has recommended that such person should cease to be a member of the Commission.

(4) The Commission shall not be disqualified for the transaction of business by reason of any vacancy amongst its members.

Functions
and
procedure of
Commission.

19.—(1) The Commission shall perform such functions as are conferred on it by this Order or any other law for the time being in force in any State.

(2) The Commission may by regulation or otherwise regulate its own procedure and confer powers and impose duties on any officer or authority of the Government of a State for the purposes of the exercise of its functions :

Provided that, except in the case of an officer of the High Court, no such powers or duties shall be conferred upon any officer in the public service of a State without the consent of the Premier of the State.

Staff.

20. The Commission may employ such officers as are necessary for the purpose of the exercise of its functions as the Chairman with the concurrence of the Premiers of all the States may appoint.

Expenses.

21. The members of the Commission other than the Chief Justice and the Justice of Appeal or Puisne Judge, shall be paid such remuneration as the Chief Justice may with the concurrence of the Premiers of all the States prescribe ; and the Governments of the States shall, except as otherwise provided by agreement between the Governments of all the States, contribute in equal proportions to the expenses of the Commission ; and the sums that are required by virtue of this section to be paid by the Government of any State are hereby charged on the Consolidated Fund of that State.

PART V—TRANSITIONAL PROVISIONS

Pending
proceedings.

22.—(1) Any proceedings originating in any of the States and pending immediately before the prescribed date in the British Caribbean Court of Appeal or in the Supreme Court or the Court of Appeal of the

Windward Islands and Leeward Islands may be continued and concluded on or after that date—

- (a) in the case of proceedings pending in the British Caribbean Court of Appeal, in the Court of Appeal ; and
- (b) in the case of proceedings pending in the Supreme Court or the Court of Appeal of the Windward Islands and Leeward Islands, in the High Court.

(2) An appeal shall lie to the Court of Appeal on and after the prescribed date from any judgment of the Supreme Court of the Windward Islands and Leeward Islands given before the prescribed date in any proceedings originating in any of the States as if it were a judgment of the High Court.

(3) Any judgment of the British Caribbean Court of Appeal that was given but not satisfied before the prescribed date in any proceedings originating in any of the States may be enforced on or after the prescribed date as if it were a judgment of the Court of Appeal and any such judgment of the Court of Appeal or the High Court of the Windward Islands and Leeward Islands may be so enforced as if it were a judgment of the High Court.

(4) Until such time as other provision is made in that behalf by any law in force in a State, an appeal shall lie to the High Court from the decision of a magistrate in that State in any case in which an appeal would have lain to the Court of Appeal of the Windward Islands and Leeward Islands if the Order of 1959 had not been revoked.

23.—(1) Any rule of court made under or kept in force by the Order of 1959 or the Order of 1962 and having effect as part of the law of a State immediately before the prescribed date shall continue in force on and after that date notwithstanding the revocation of those Orders. Existing laws, etc.

(2) Any law (including any rule of court) other than the Order of 1959 and the Order of 1962 having effect as part of the law of a State immediately before the prescribed date shall have effect on and after the prescribed date as if—

- (a) references therein to the British Caribbean Court of Appeal were references to the Court of Appeal ; and
- (b) references therein to the Supreme Court or the Court of Appeal of the Windward Islands and Leeward Islands were references to the High Court.

(3) The foregoing provisions of this section shall be without prejudice to any powers conferred by any law in force in a State upon any person or authority to make provision for any matter, including the amendment or revocation of any law (including any rule of court) having effect as part of the law of that State immediately before the prescribed date or the making on or after that date of rules of court so having effect.

24.—(1) Until the prescribed date, the powers conferred on the Judicial and Legal Services Commission by sections 5 and 12 of this Order may be exercised by an interim Commission consisting of— Interim Commission.

- (i) the Chief Justice, who shall be the Chairman ;

- (ii) one person, appointed by the Chief Justice, who is or has been a judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court ; and
- (iii) three persons appointed by the Chief Justice with the concurrence of the Premiers or, as the case may be, Chief Ministers of not less than four of the States, one of whom has been a judge of such a court.

(2) A person who is in practice as an advocate before the Supreme Court established by the Order of 1959 shall not be appointed under subsection (1) of this section.

Terms of
service of
judges.

25. Until other provision is made under section 11(1) of this Order, the allowances of the judges of the Court of Appeal and of the High Court and their terms and conditions of service, other than their salaries, shall be those to which the judges of the Supreme Court established by the Order of 1959 were entitled or which were applicable to them immediately before the commencement of this Order.

W. G. Agnew.

Section 7.

SCHEDULE 1

Forms of Oaths and Affirmations

1. Oath of Allegiance

I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

2. Affirmation of Allegiance

I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

3. Oath for due execution of office

I do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (*here insert the description of the office*). So help me God.

4. Affirmation for due execution of office

I do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (*here insert the description of the office*).

SCHEDULE 2

Section 8(6).

Provisions applying in relation to tribunals appointed under section 8 (5)

1. The members of a tribunal may make such rules for their own guidance, and the conduct and management of proceedings before them and the hours and times and places for their sittings, as they may, from time to time, think fit, and may, from time to time, adjourn for such time and to such place as they may think fit.

2. The members of a tribunal shall have the powers of a judge of the High Court to summon witnesses, and to call for the production of books and documents, and to examine witnesses on oath, and no member shall be liable to any action or suit for any matter or thing done by him as such.

3. Any person whose conduct is the subject of inquiry by a tribunal shall be entitled to, and any other person may by leave of the tribunal, be represented by counsel at the whole of the inquiry.

4. Any witness who shall wilfully give false evidence in any such inquiry, concerning the subject matter of such inquiry, shall be guilty of perjury, and be liable to be prosecuted and punished accordingly.

5. All persons summoned to attend and give evidence or to produce documents or any other matter at any sitting of a tribunal, shall be bound to obey the summons served upon them as fully, in all respects, as witnesses are bound to obey subpoenas issued from the High Court, and shall be entitled to the like expenses as if they had been summoned to attend the High Court on a criminal trial, if the same shall be allowed by the tribunal, but the tribunal may disallow the whole or any part of such expenses in any case, if they think fit. Orders for the payment of such witnesses shall be made, as nearly as may be, as orders are made for the payment of witnesses at the High Court. Every person refusing or omitting, without sufficient cause, to attend at the time and place mentioned in the summons served on him, and every person attending, but leaving the enquiry without the permission of the tribunal, or refusing to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, all questions put to him by or with the concurrence of the tribunal, or refusing or omitting, without sufficient cause, to produce any documents or other matters in his possession or under his control and mentioned or referred to in the summons served on him, and every person who shall, at any sitting of a tribunal, wilfully insult any member or servant of the tribunal or wilfully interrupt the proceedings of the tribunal, shall be liable, on summary conviction, to a penalty not exceeding two hundred dollars.

6. No statement made by any person who is called as a witness before a tribunal in answer to any question put by or with the concurrence of the tribunal shall, except in cases of indictments for perjury, be admissible in evidence in any civil or criminal proceeding.

SCHEDULE 3

Section 11.

Salaries of judges of Supreme Court

Chief Justice	...	...	...	...	...	£3,500 per year
Justice of Appeal	...	...	...	...	...	£3,000 per year
Puisne Judge	...	...	...	...	...	£2,400 per year

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for a new Supreme Court consisting of a High Court and a Court of Appeal for Antigua, Dominica, Grenada, Saint Christopher, Nevis and Anguilla, Saint Lucia, and Saint Vincent. Provision is also made so that these courts may be given jurisdiction in respect of Montserrat and the Virgin Islands. The Order establishes a Judicial and Legal Services Commission.