

OBJECTS AND REASONS

This Bill seeks to amend the *Caribbean Court of Justice Act*, Cap. 117, by adding to the Protocols set out in that Act a further Protocol, which was signed by Barbados on 3rd June, 2007 and which amended the Agreement establishing the Caribbean Court of Justice to provide that the tenure of a Judge of that Court may, during a period referred to as "the evolutionary phase of the Court", be extended in the manner set out in Article II of the Protocol.

Arrangement of Sections

Section

1. Short title.
2. Amendment of section 2 of Cap. 117.
3. Amendment to Cap. 117.
4. Commencement.

BARBADOS

A Bill entitled

An Act to amend the *Caribbean Court of Justice Act*, Cap. 117.

ENACTED by the Parliament of Barbados as follows:

- 1.** This Act may be cited as the *Caribbean Court of Justice* Short title.
(Amendment) Act, 2009.

Amendment
of section 2
of Cap. 117.

2. Section 2 of the *Caribbean Court of Justice Act*, in this Act referred to as the principal Act, is amended by deleting the definition "Protocols" and substituting the following:

"Protocols" means

- (a) the Protocol on the Status, Privileges, and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission;
- (b) the Protocol to the Agreement Establishing the Caribbean Court of Justice relating to the Juridical Personality and Legal Capacity of the Court;
- (c) the Protocol to the Agreement Establishing the Caribbean Court of Justice relating to the Tenure of Judges, Rules of Court, Financial Arrangements and Withdrawal from Agreement as well as the Relationship between Provisions on the Original Jurisdiction of the Caribbean Court of Justice and the Constitutions of States Parties;
- (d) the Protocol to the Agreement Establishing the Caribbean Court of Justice Relating to the Tenure of Office of Judges of the Court,

Second
Schedule.

respectively set forth in Parts I, II, III and IV of the *Second Schedule*."

Amendment
to Cap. 117.

3. The principal Act is amended by

- (a) redesignating the Second Schedule as Part I of the Second Schedule;
- (b) redesignating the Third Schedule as Part II of the Second Schedule;

- (c) redesignating the Fourth Schedule as Part III of the Second Schedule;
- (d) inserting as Part IV of the Second Schedule, the *Schedule* to this Act; and
- (e) redesignating the Fifth Schedule as the Third Schedule.

4. This Act shall be deemed to have come into operation on the 8th June, 2007. Commence-
ment.

SCHEDULE

"SECOND SCHEDULE

(section 3)

PART IV

**PROTOCOL TO THE AGREEMENT ESTABLISHING THE CARIBBEAN
COURT OF JUSTICE RELATING TO THE TENURE OF OFFICE OF
JUDGES OF THE COURT**

THE CONTRACTING PARTIES,

NOTING that the Agreement establishing the Caribbean Court of Justice (hereinafter referred to as "the Agreement") entered into force on 23 July 2002 and that the Court was inaugurated on 16 April 2005;

BEARING IN MIND that Article IV of the Agreement provides that the Judges of the Court shall be the President and not more than nine other Judges of whom at least three shall possess expertise in international law including international trade law;

TAKING INTO ACCOUNT that the current composition of the Court is the President and six other Judges and that Article IX of the Agreement provides that a Judge of the Court shall hold office until he attains the age of seventy-two years;

COGNIZANT that the Court is integral to the deepening of the regional integration process and will play a critical role in the organization of the CARICOM Single Market and Economy;

COGNIZANT ALSO that the current composition of the Court underscores the special need for the relevant institutional capacity to be maintained, especially during its evolutionary phase, that is, until the Court is constituted in accordance with paragraph 1 of Article IV of the Agreement,

HEREBY AGREE AS FOLLOWS:

ARTICLE I

INTERPRETATION AND CONSTRUCTION

The provisions of this Protocol shall be read and construed as one with the Agreement.

ARTICLE II

**SPECIAL PROVISION
RELATING TO TENURE OF JUDGES**

1. Notwithstanding paragraphs 2 and 3 of Article IX of the Agreement, the Commission may, if it appears to the Commission at any time during the evolutionary phase of the Court that special circumstances so require, extend the tenure in office of a Judge of the Court by a period,

- (a) in the case of the President, that is not beyond the date on which he attains the age of seventy-five years or the date on which he completes seven years in office, whichever of those events first occurs;
- (b) in the case of any other Judge of the Court, that is not beyond the date on which he attains the age of seventy-five years.

Where the Commission is considering an extension of the tenure of the President under this Article, the Chairman of the Commission shall take no part in any deliberations or decision of the Commission relating to the matter.

2. The provisions of paragraphs 2 and 3 of Article IX of the Agreement relating to the continuance in office of the President or any other Judge for the purpose of delivering judgment or dealing with part heard proceedings, shall apply at the end of any extension of tenure granted to the President or a Judge pursuant to paragraph 1 hereof.

3. Save as otherwise provided in this Protocol, the provisions of the Agreement and any Protocol thereto shall apply to the President or any other Judge holding office pursuant to this Protocol.

4. For the purposes of paragraph 1, "the evolutionary phase of the Court" means the period ending with the appointment of the maximum number of Judges as provided for in paragraph 1 of Article IV of the Agreement.

ARTICLE III

SIGNATURE

This Protocol shall be open for signature by the Contracting Parties.

ARTICLE IV

RATIFICATION

This Protocol shall be subject to ratification by the Contracting parties in accordance with their respective constitutional procedures.

ARTICLE V

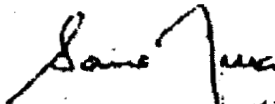
PROVISIONAL APPLICATION

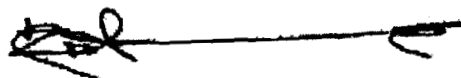
This Protocol shall be provisionally applied upon signature by all the Contracting parties.

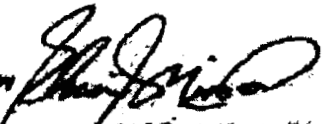
ARTICLE VI

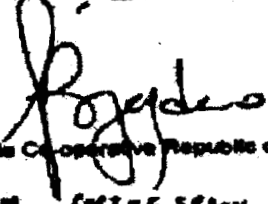
ENTRY INTO FORCE

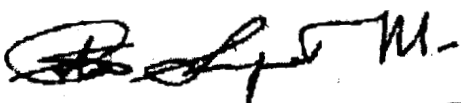
This Protocol shall enter in force one month after the date of deposit of the last instrument of ratification by the Contracting parties.


Signed by 
For the Government of Belize on the 7th day of June
2007 at Belize City, Belize

Signed by 
For the Government of the Commonwealth of Dominica on the 5th
day of June 2007 at Roseau, Dominica

Signed by 
For the Government of Grenada on the 4th day of June
2007 at St. George's, Grenada

Signed by 
For the Government of the Co-operative Republic of Guyana on the 2nd
day of June, 2007 at Georgetown, Guyana

Signed by 
For the Government of Jamaica on the 6th day of June 2007
at Kingston, Jamaica

Signed by 
For the Government of St. Kitts and Nevis on the 7th day of May
2007 at Kingstown, St. Vincent & the Grenadines

Signed by *Nicholas G. Fredonick*
 For the Government of Saint Lucia on the *4th* day of *June*
 2007 at *Castries, St. Lucia*

Signed by *Ralph Elson*
 For the Government of St. Vincent and the Grenadines on the *26th*
 day of *May* 2007 at *Kingstown, St. Vincent and the*
Grenadines

Signed by *Ji*
 For the Government of The Republic of Suriname on the *7th* day
 of *June* 2007 at *Port of Spain*

Signed by *Paul*
 For the Government of The Republic of Trinidad and Tobago on the *2nd*
 day of *June* 2007 at *Port of Spain, Trinidad*