

# Head 03: Judiciary

A summary of the Judiciary's Expenditure, Divisions and Projects  
Financial Scrutiny Unit, Parliament of the Republic of Trinidad and Tobago

## Table of Contents

About this Guide.....	2
Head 03: Judiciary .....	3
Department's Overview.....	3
Courts and Divisions under Judiciary .....	4
Key Statement from 2017 Standing Finance Committee Debate.....	7
Where the Judiciary spends its money .....	8
2017-2018 Estimates of Expenditure .....	8
Summary of Recurrent Expenditure for the period 2012-2018 .....	9
Staff and Pay .....	14
Expenditure Unique to the Judiciary .....	15
The Judiciary's total allocation as a percentage of the National Budget for the period 2012 to 2018.....	16
Analysis of Summary of Expenditures .....	17
Summary of Development Programme Expenditure for the period 2012-2018 .....	18
Noteworthy Development Programme Estimates in 2017-2018 .....	20
Status of New Projects for the Financial Year 2016-2017.....	21
Major Programmes and Development for the Period 2016 to 2018 .....	22
Auditor General Report Findings for the Fiscal year 2016 .....	23
General Useful Information .....	24

## **About this Guide**

This guide provides a summary of expenditure for the Judiciary for the period 2012-2018. It provides the Members of Parliament and stakeholders with an overview of the Commission's responsibilities. The primary purpose of this guide is to consolidate the information contained within the various Budget Documents pertaining to the Judiciary and provide readers with an analysis of same. This guide is based primarily on the Draft Estimates of Recurrent Expenditure, the Estimates of Development Programme, the Public Sector Investment Programme and the Auditor General's Report on the Public Accounts of the Republic of Trinidad and Tobago for the fiscal year 2016.

# Head 03: Judiciary

## Department's Overview

### **Mission**

The Judiciary works towards the resolution of conflict in the society by resolving disputes which arise out of the operation of laws and involve the application of remedies and the punishment of offenders.

### **Vision**

The Judiciary of Trinidad and Tobago provides an accountable court system in which timeliness and efficiency are the hallmarks, while still protecting integrity, fairness, equality and accessibility and attracting public trust and confidence.<sup>1</sup>

Chief Justice: The Honorable Chief Justice. Mr. Justice Ivor Archie O.R.T.T.

Registrar and Marshal: Ms. Jade Rodriguez

The Judiciary of the Republic of Trinidad and Tobago, headed by the Chief Justice, comprises the Supreme Court of Judicature (the Court of Appeal and the High Court and the Magistracy (the Courts of Summary Criminal Jurisdiction and the Petty Civil Courts). The Judiciary is the third arm of the State. Similar to most democratic countries, the Judiciary of Trinidad and Tobago is established by the Constitution to operate independently from the Executive as a forum for the timely resolution of legal disputes between individuals and bodies including the state. The Chief Justice bears overall responsibility for furthering the mission and vision of the Judiciary, and is in charge of the general administration of justice in Trinidad and Tobago.

---

<sup>1</sup> Judiciary website accessed September 1, 2017 <http://www.ttlawcourts.org/index.php/about-the-judiciary-1/overview-53>

# Courts and Divisions under Judiciary

The following lists the various Courts under the Judiciary:

## **Supreme Court**

The Supreme Court is the highest court of record in Trinidad and Tobago. It operates under its own rules and practice directions. Empowered by Section 99 of the Constitution, the Court consist of a Court of Appeal and a High Court. “There shall be a Supreme Court of Trinidad and Tobago consisting of a High Court and a Court of Appeal with such jurisdiction and powers as conferred on these Courts respectively by this Constitution or any other law.”<sup>2</sup>

## **High Court**

The High Court, with locations at the Hall of Justice and the Family Court in Port of Spain, San Fernando and Scarborough, Tobago, exercises original jurisdiction over indictable criminal matters, family matters, and in civil matters (inclusive of interlocutory applications and informal motions in Chamber Courts).<sup>3</sup>

## **Court of Appeal**

The Court of Appeal has appellate jurisdiction over both the Magistracy and the High Court, inclusive of the Magisterial and High Court Sections of the Family Court. At present, an appeal from the Court of Appeal in Trinidad and Tobago lies to the Privy Council as of right, or with the leave of that Court.<sup>4</sup>

---

<sup>2</sup> Judiciary website accessed September 1, 2017: <http://www.ttlawcourts.org/index.php/supreme-court-27/overview>

<sup>3</sup> Judiciary website accessed September 1, 2017: <http://www.ttlawcourts.org/index.php/supreme-court-27/high-court>

<sup>4</sup> Judiciary website accessed September 1, 2017: <http://www.ttlawcourts.org/index.php/supreme-court-27/court-of-appeal>

## Magistracy

The Magistracy exercises original jurisdiction in relation to summary criminal matters. The Magistrates' Courts also facilitate Preliminary Inquiries into serious criminal matters to determine whether a prima facie case has been established against an accused person before he or she can be indicted for trial at the High Court Division of the Supreme Court. The Petty Civil Court Division of the Magistracy deals with civil matters involving small money claims of less than \$15,000.00.<sup>5</sup>

## Family Court

First established as a Pilot Project in 2004, The Family Court has jurisdiction over specific family matters at the High Court and Magistrates' Court levels. The Court adopts a participatory approach in dispute resolution and, therefore, is a special problem solving Court, intended to develop, implement and evaluate alternative approaches and improve services to citizens seeking help from the Judiciary in dealing with family disputes.<sup>6</sup>

## Department of Court Administration

The Department of Court Administration provides the specialist staff needed to administer the Courts. It operates as an extension of the Judge's mandate for managing the Courts and their cases under the direction of the Chief Justice. With a range of specialised units under its purview, the DCA's role involves the study, review, implementation and management of the systems, procedures and processes utilised to manage cases brought before the courts. It also ensures that case flow management techniques are adequately supported for minimum delay between the filing and disposition of a case, while ensuring due process is afforded equally to all who appear before the courts. In this regard, the DCA's role has not only been to ensure that cases are managed efficiently and effectively from commencement to disposition, but also, and most importantly, to preserve through that management, impartiality and integrity in the adjudication process as gatekeepers of the principles of due process.<sup>7</sup>

---

<sup>5</sup> Judiciary website accessed September 1, 2017 <http://www.ttlawcourts.org/index.php/magistracy/overview>

<sup>6</sup> Judiciary website accessed September 1, 2017 <http://www.ttlawcourts.org/index.php/family-court-41/overview>

<sup>7</sup> Judiciary website accessed September 1, 2017 <http://www.ttlawcourts.org/index.php/court-admin/overview#>

## Judicial Education Institute

JEI began operations in 2003 and provides training and educational programmes for judicial officers, court administrators and support staff. By doing so, it assists the Judiciary to perform in a manner that upholds its independence and integrity and ensures public trust and confidence in the administration of justice. Continuous judicial education is essential for the Judiciary to fulfil its mandate to the public and its stakeholders to deliver justice in an effective and efficient manner, while sustaining public trust and confidence. It is out of this necessity that the Judicial Education Institute of Trinidad and Tobago (JEITT) was created – a distinct but integral part of the Judiciary, committed to the establishment's core objective: the administration and achievement of justice. In each of its training programmes and lectures, the JEITT operates with the following Mission Statement in mind:

*"To promote excellence in the administration of justice in the Republic of Trinidad and Tobago through continuous training and development of Judges, other judicial officers and non-judicial staff attached to the Judiciary."*

The training and development programmes delivered are the hallmark of the Institute as it strives to improve the functioning and competence of the Judiciary and its judicial officers, keeping all au courant with changes that may influence the Judiciary's operations. Focusing on the vision "Transformation through Education," the JEITT facilitates the objective of the Judiciary becoming a high-performing, professional organisation.<sup>8</sup>

---

<sup>8</sup> Judiciary website accessed September 1, 2017 <http://www.ttlawcourts.org/index.php/judicial-education-institute/about-jeitt>

## Key Statement from 2017 Standing Finance Committee Debate

During the Standing Finance Committee debate of 2016, the following statement was made in relation to the emphasis of the Judiciary for fiscal year 2017/2018<sup>9</sup>:

*“The Judiciary, plays a very important part and role in the separation of powers. One that is recognized by this administration and respected more importantly by this administration.”*

*“The Judiciary has been promised by this administration full financial autonomy. I am pleased to report that in the last year of Government, considerable discussion has taken place between the Judiciary, the Ministry of Finance and the Ministry of the Attorney General and Legal Affairs aimed at ensuring that this process to this handover towards financial autonomy takes place. Over the past year, there has also been considerable rebuilding of the relationships, as well as ensuring as best as is possible into these times of financial austerity that the Judiciary is provided with the resources that it requires. There will always be a need for more resources but it is something that we respect and we intend to continue working along with the Judiciary to ensure that they accomplish financial autonomy in the shortest possible time frame.”*

- The Honourable Stuart Young

---

<sup>9</sup> Standing Finance Committee Hansard for Judiciary 14 Oct 16, Accessed September 7, 2017



# Where the Judiciary spends its money

## 2017-2018 Estimates of Expenditure

The budget allocation for the Judiciary is comprised of:

- The Draft Estimates of Recurrent Expenditure in the sum of **\$387,876,110**; and
- The Draft Estimates of Development Programme - Consolidated Fund in the sum of **\$36,000,000**.

The Estimates of Recurrent Expenditure include:

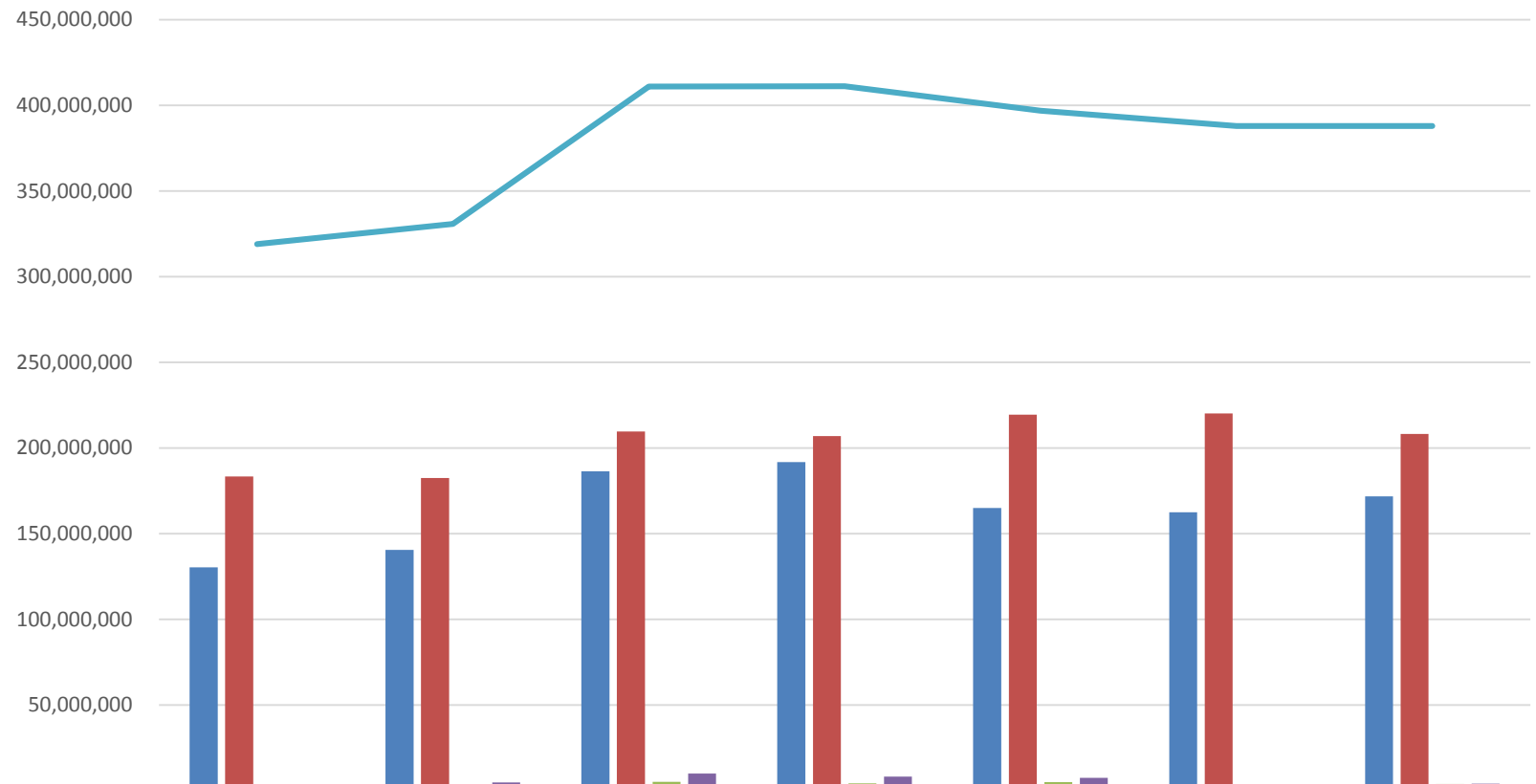
- 01 Personnel Expenditure; - **\$171,717,810**;
- 02 Goods and Services;- **\$208,250,500**;
- 03 Minor Equipment Purchases; **\$3,855,800**; and
- 04 Current Transfers and Subsidies; **\$4,052,000**.

The Judiciary's:

- Recurrent Expenditure as a percentage of the total Recurrent Expenditure budget is **0.74%**; and
- Consolidated Fund as a percentage of the total Consolidated Fund is **1.47%**.

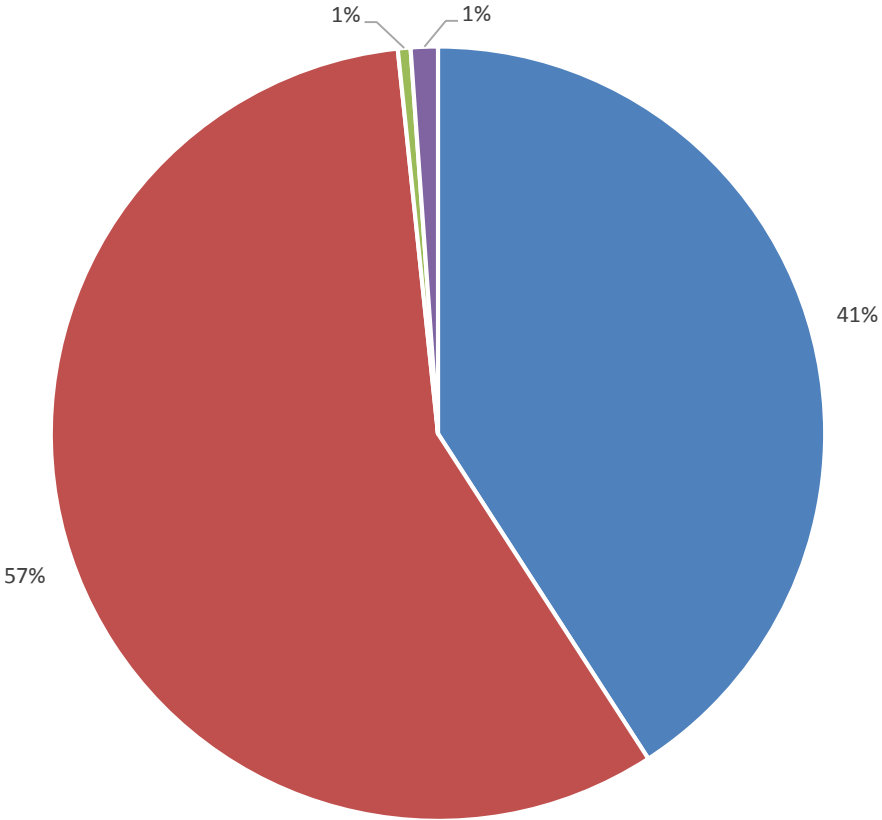
## Summary of Recurrent Expenditure for the period 2012-2018

### Judiciary's Recurrent Expenditure for the period 2012-2018



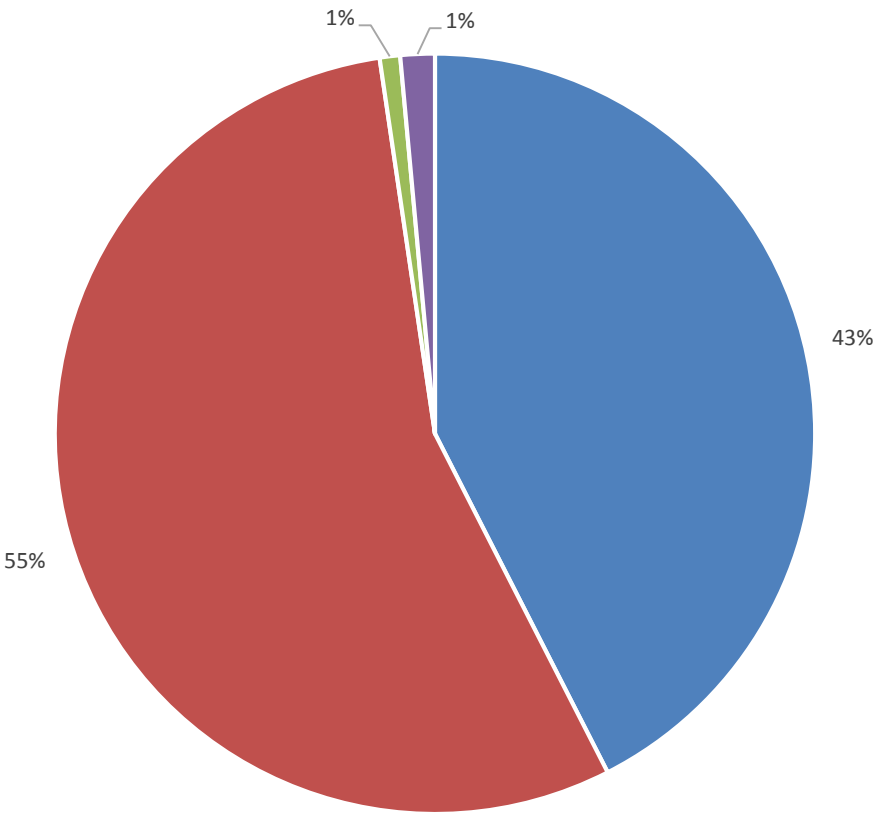
	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Actual	2017 Revised Estimate	2018 Estimate
Personnel Expenditure	130,336,623	140,551,151	186,345,794	191,832,063	165,046,193	162,391,670	171,717,810
Goods and Services	183,367,374	182,497,385	209,598,743	207,019,359	219,502,640	220,242,210	208,250,500
Minor Equipment Purchases	1,686,998	2,869,233	5,117,779	4,163,983	4,917,329	1,716,000	3,855,800
Current Transfers and Subsidies	3,609,174	4,841,848	9,971,503	8,117,822	7,420,780	3,526,230	4,052,000
Total Allocation	319,000,169	330,759,617	411,033,819	411,133,227	396,886,942	387,876,110	387,876,110

2012 Actual



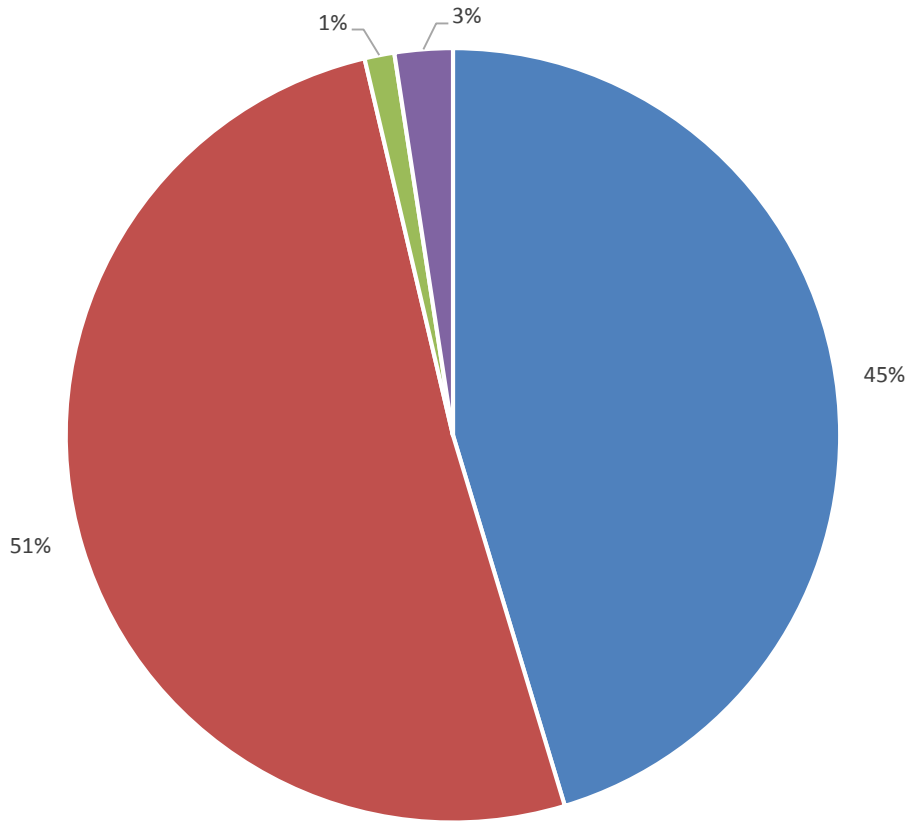
- Personnel Expenditure
- Goods and Services
- Minor Equipment Purchases
- Current Transfers and Subsidies

2013 Actual



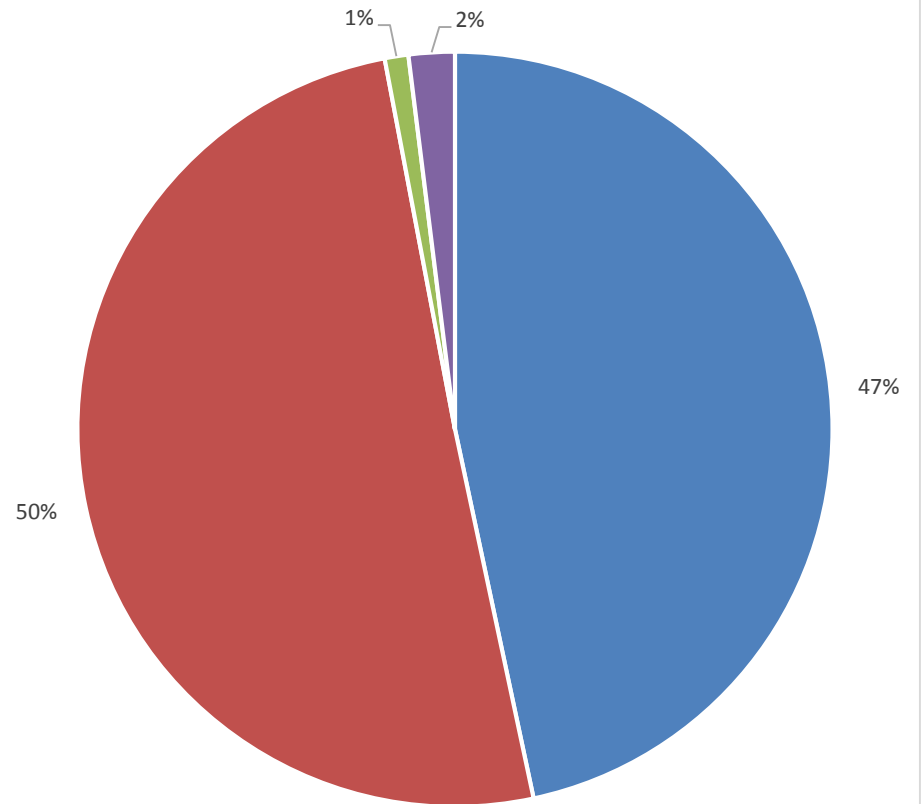
- Personnel Expenditure
- Goods and Services
- Minor Equipment Purchases
- Current Transfers and Subsidies

2014 Actual



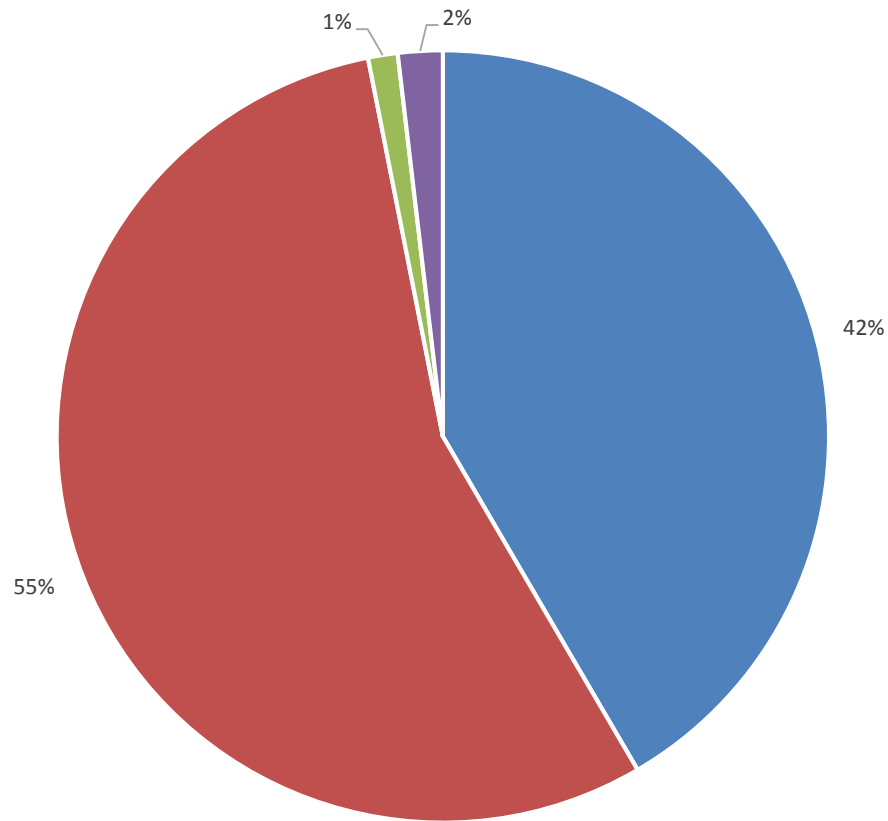
- Personnel Expenditure
- Goods and Services
- Minor Equipment Purchases
- Current Transfers and Subsidies

2015 Actual



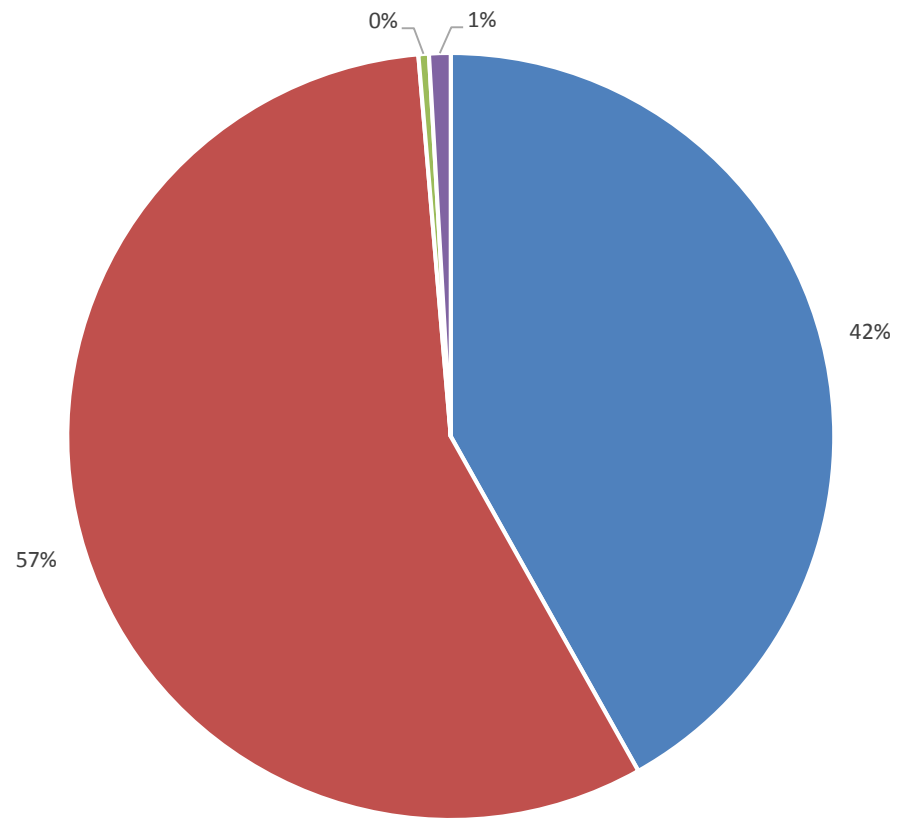
- Personnel Expenditure
- Goods and Services
- Minor Equipment Purchases
- Current Transfers and Subsidies

### 2016 Actual



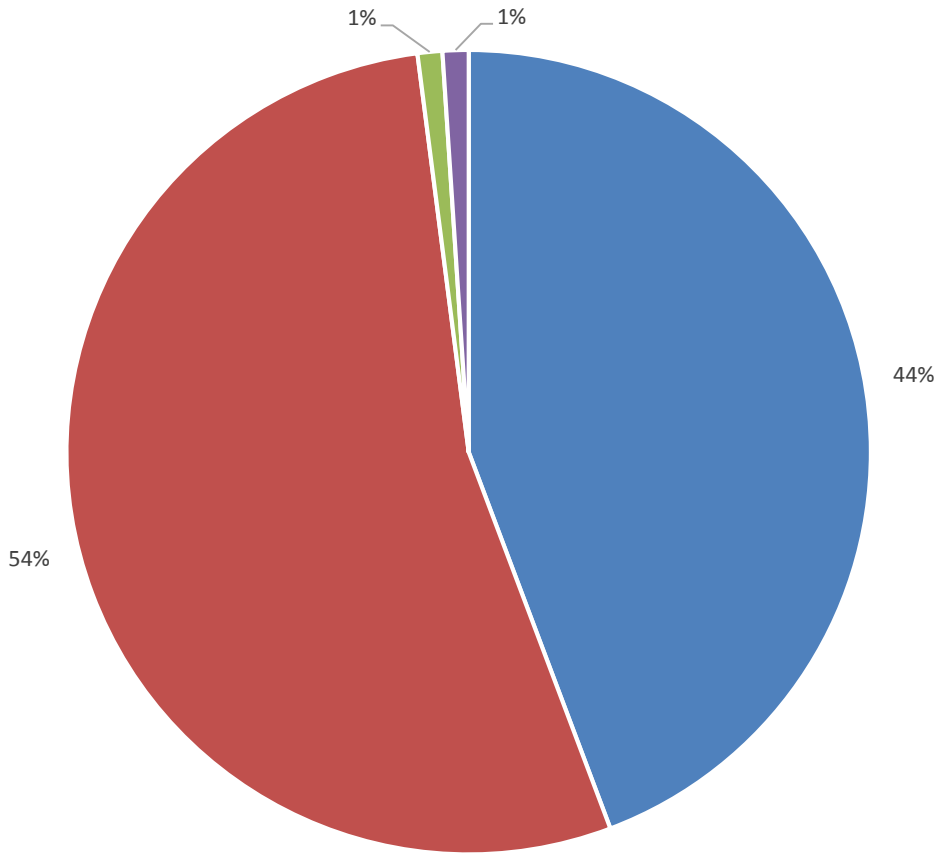
- Personnel Expenditure
- Goods and Services
- Minor Equipment Purchases
- Current Transfers and Subsidies

### 2017 Revised Estimates



- Personnel Expenditure
- Goods and Services
- Minor Equipment Purchases
- Current Transfers and Subsidies

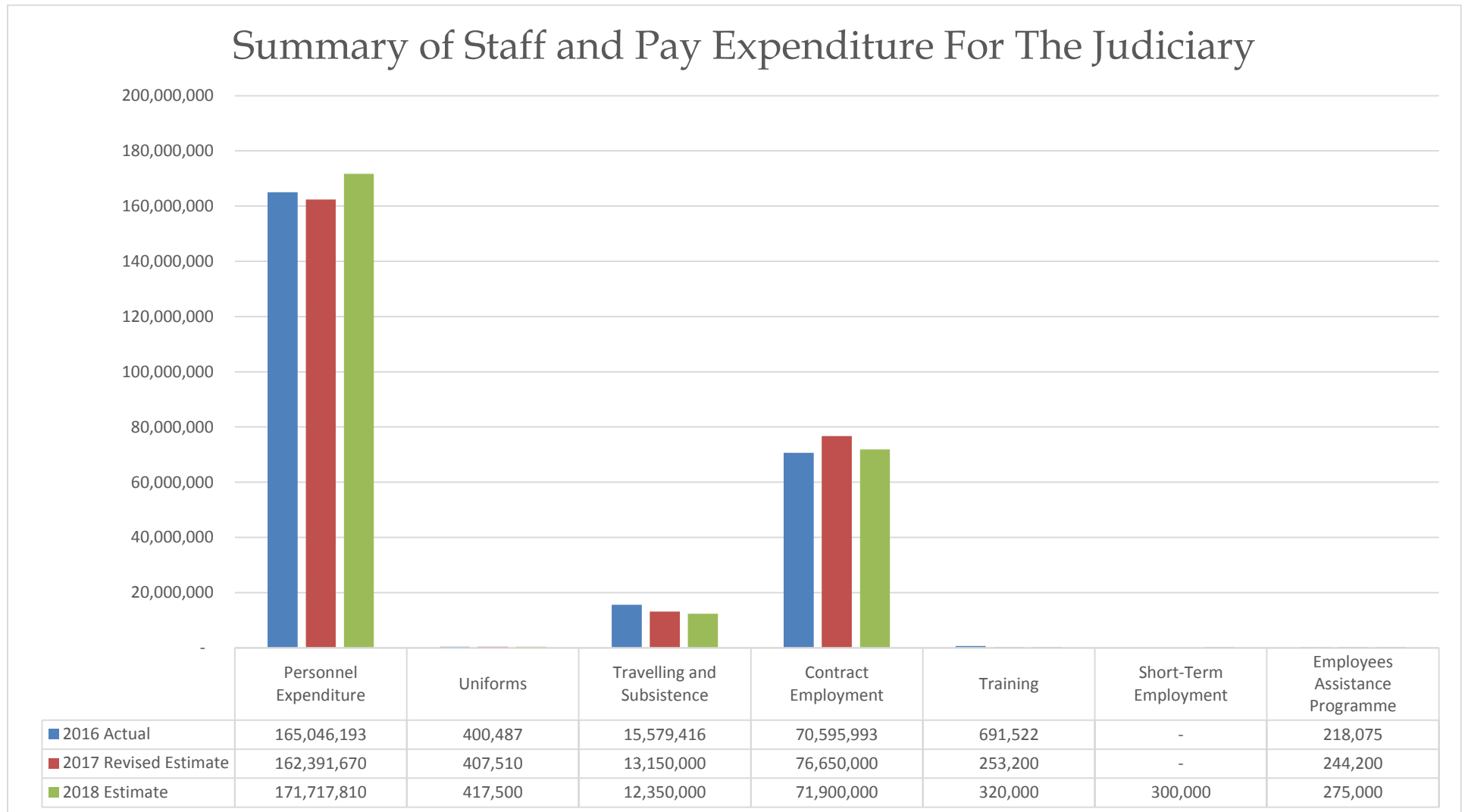
# 2018 Estimates



■ Personnel Expenditure   ■ Goods and Services   ■ Minor Equipment Purchases   ■ Current Transfers and Subsidies

## Staff and Pay<sup>10</sup>

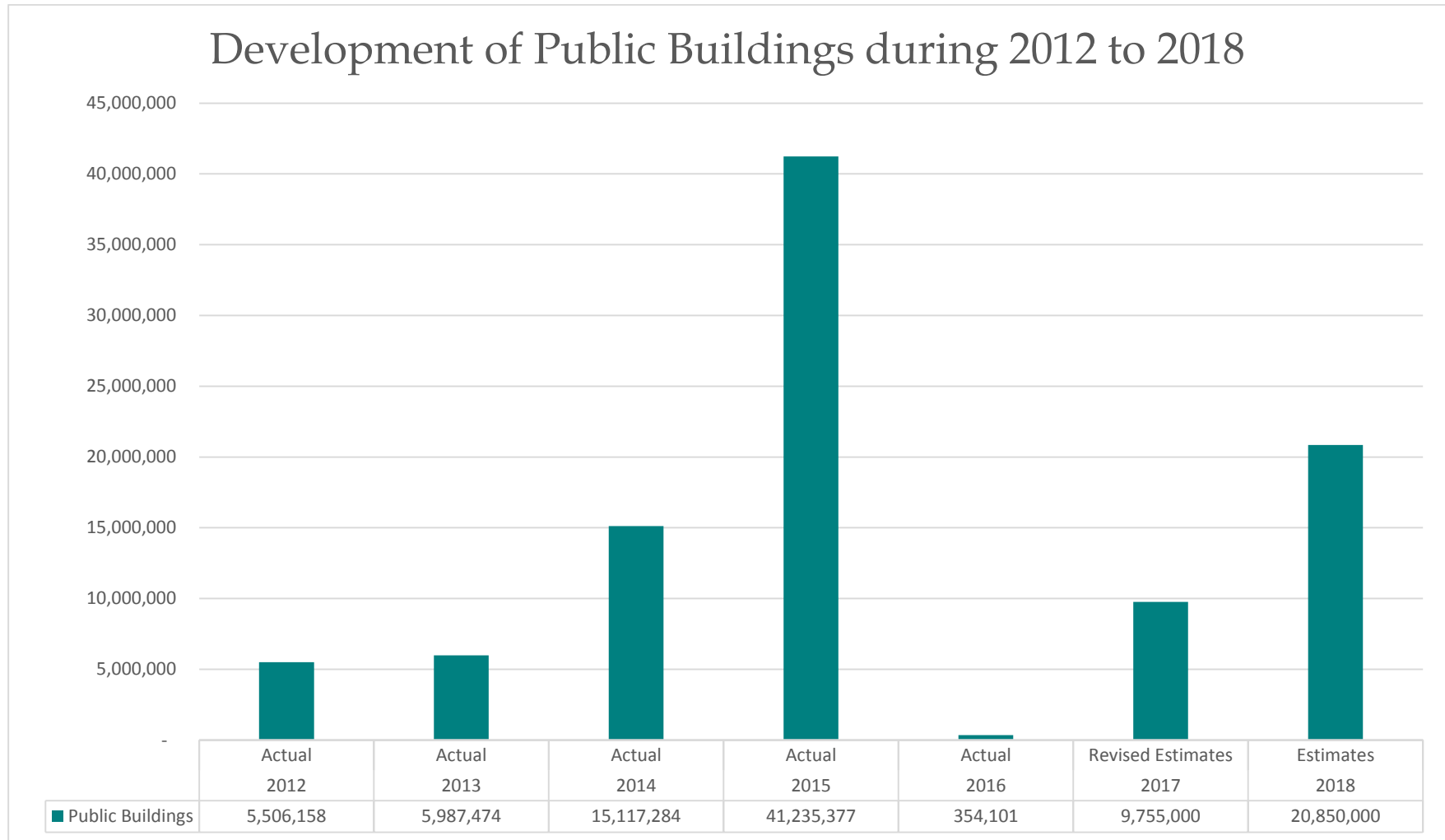
The allocation of staff expenditure for the year 2018 was \$ 257,280,310, which is an increase of approximately 1.65% from the last fiscal year 2017. The diagram below provides a breakdown of all expenditure related to staff from 2016 to 2018.



<sup>10</sup> Draft Estimates for Details of Estimates of Recurrent Expenditure for the Financial Year 2018 <http://www.finance.gov.tt/wp-content/uploads/2017/10/Numbered-Draft-Estimates-Recurrent-Expenditure-2018.pdf>

## Expenditure Unique to the Judiciary

Unique Expenditure refers to expenditure items incurred by the Auditor General’s Department that may not feature in other ministries or departments. The following graph illustrates the money expended on the development of Public Buildings<sup>11</sup> during 2012 – 2018.



<sup>11</sup> Development of Public Buildings refers to works done on the Hall of Justice, Magistrates’ Courts, Supreme Courts, Family Courts as well as the provision of accommodations for Court Administration, Judges, Magistrates and the Chief Justice.



## The Judiciary's total allocation as a percentage of the National Budget for the period 2012 to 2018

Year <sup>12</sup>	Total Allocation <sup>13</sup>	National Budget <sup>14</sup>	Percentage of National Budget
2012	\$352,895,113.00	\$55,718,271,573.00	0.63%
2013	\$367,832,258.00	\$59,174,226,196.00	0.62%
2014	\$437,171,204.00	\$65,020,886,424.00	0.67%
2015	\$458,510,484.00	\$61,966,922,675.00	0.74%
2016	\$404,984,929.00	\$56,573,913,053.00	0.72%
2017	\$409,531,110.00	\$55,598,436,912.00	0.74%
2018	\$423,876,110.00	\$54,955,041,591.00	0.77%

- Total allocation for the Judiciary as a percentage of the National Budget illustrated an increase in the allocation to Judiciary by **0.03%** between the period 2016/2017 and 2017/2018.

<sup>12</sup> For the Fiscal Years 2012-2016, actual figures were used to calculate the total allocation. However, estimates were used to calculate the total allocation for the Fiscal Years 2017 and 2018.

<sup>13</sup> Total Allocation for the Judiciary = Recurrent Expenditure + Consolidated Fund

<sup>14</sup> The National Budget = Total Recurrent Expenditure + Total Development Programme Consolidated Fund

## Analysis of Summary of Expenditures

Recurrent Expenditure refers to the payments for expenses which are incurred during the day-to-day operations of the Ministry for Personnel Expenditure, Goods and Services, Minor Equipment Purchases, Current Transfers and Subsidies.

- Recurrent Expenditure for Fiscal Year 2017/2018 is \$ **387,876,110**. This represents **0.74%** of the total Recurrent Expenditure for the financial year 2017/2018.
- Recurrent Expenditure for Fiscal Year 2016/2017 was \$**387,876,110 (revised)** which is equivalent to the estimated figure for 2017/2018.
- The largest portion of the allocation has consistently gone to sub-head Goods and Services. This figure has been steady at around **54%** of the total allocation for the years 2012 to 2018.
- In 2018 Personnel Expenditure percentage was **44%** of the Ministry's total recurrent allocation.
- Minor Equipment Purchases has remained around **1%** from 2012 to 2018
- Furthermore, current transfers and subsidies has been fluctuating over the period 2012-2018, accounting for approximately **2%** of total funding for the Ministry for the period 2015 – 2018, which takes into account subsidies, grant and other benefits to Commonwealth Bodies and Other Transfers.
- The percentage allocation of expenditure for the four (4) different sub heads has **increased** over the period 2012 to 2018.
- Total allocation for the Judiciary to the national budget illustrated a decline of **0.03%** between the period 2016/2017 and 2017/2018.

# Summary of Development Programme Expenditure for the period 2012-2018

Development Programme is a capital expenditure aimed at improving and enhancing development in different areas of Trinidad and Tobago which includes; human resources, economic and social development.

The Public Sector Investment Programme (PSIP), which represents the capital expenditure component of the National Budget, is the instrument used by Government to effect its vision and policies. It is a budgeting and strategic planning tool made up of projects and programmes, designed to realise the goals set out in the Government's overarching policy.

The PSIP budget document provides a detailed description of the programmes and projects and includes a review of the implementation of projects and programmes in the previous financial year and highlights the major projects and programmes to be implemented in the upcoming financial year.

- The Public Sector Investment Programme is intended to achieve:
  - ✓ the country's social and economic development goals; and
  - ✓ enhance the quality of life of all citizens.

The estimates for the development programme are presented in two parts as follows:

- Funds appropriated by Parliament and disbursed directly from the Consolidated Fund; and
- Funds disbursed from the Infrastructure Development Fund.

## Summary of Development Programme Expenditure for the period 2012-2018



— 005 Multi-Sectoral and Other Services - Consolidated Fund

Actual	Actual	Actual	Actual	Actual	Revised Estimates	Estimates
2012	2013	2014	2015	2016	2017	2018
33,894,944	37,072,641	26,137,385	47,377,257	8,097,987	21,655,000	36,000,000

## Noteworthy Development Programme Estimates in 2017-2018

The table below lists the projects that have been noted due to uncharacteristic variances in estimates for funding: <sup>15</sup>

Development Programme 2018	Project -Item	2016 Actual	2017 Revised Estimates	2018 Estimates
005-06A-003	Development of Customer Care in the Nation's Court Buildings	292,500	300,000	-
005-06F-006	Restoration of the San Fernando Supreme Court Building	-	200,000	1,000,000
005-06F-008	Rehabilitation of the Hall of Justice, Tobago	-	200,000	1,000,000
005-06F-013	Construction of Judges' and Magistrates' Housing in Tobago	133,195	360,000	1,500,000
005-06F-020	Provision of Accommodation for the San Fernando Family Court - Corner of Lord and Paradise Streets, San Fernando	-	200,000	2,000,000

<sup>15</sup> Draft Estimates of Development Programme for the Financial Year 2018, <http://www.finance.gov.tt/wp-content/uploads/2017/10/Numbered-Draft-Estimates-Development-Programme-2018.pdf>

## Status of New Projects for the Financial Year 2016-2017

For the fiscal year 2015-2016, the following new projects were scheduled for implementation under the Ministry of Education, and as such requires further inquiry on the progress of completion<sup>16</sup>:

Development Programme 2018	Project -Item	2017 Estimate	2017 Revised Estimate	2018 Estimate
005-06F-025	Refurbishment and Expansion of the Siparia Magistrates' Court	\$1,000,000	-	-

---

<sup>16</sup> Draft Estimates of Development Programme for the Financial Year 2018, <http://www.finance.gov.tt/wp-content/uploads/2017/10/Numbered-Draft-Estimates-Development-Programme-2018.pdf>

## Major Programmes and Development for the Period 2016 to 2018

The following table illustrate the major programmes and projects under the Judiciary and the actual and estimated expenditures for the last three (3) years.<sup>17</sup>

Development Programme 2018	PROJECTS	2016 Actual	2017 Revised Estimate	2018 Estimate
005-06A-001	Development of Judiciary Information Systems	5,816,913	1,000,000	6,500,000
005-06A-017	Establishment of a Juvenile Court of Trinidad and Tobago	-	8,000,000	6,700,000
005-06F-001	Rehabilitation of the Hall of Justice, Trinidad	-	2,500,000	6,500,000
005-06F-003	Refurbishment of Magistrates' Courts	-	3,000,000	4,000,000
005-06F-009	Provision of Accommodation for the San Fernando Magistrates' Court	-	1,000,000	3,000,000

<sup>17</sup> Draft Estimates of Development Programme for the Financial Year 2018, <http://www.finance.gov.tt/wp-content/uploads/2017/10/Numbered-Draft-Estimates-Development-Programme-2018.pdf>

# Auditor General Report Findings for the Fiscal year 2016

Ref: Auditor General's Report<sup>18</sup>

## 03 - JUDICIARY

### Expenditure Control

Contracts pertaining to five service providers totalling \$1,128,257.72 were not provided for audit examination.

### Vehicle Control

A Vehicle Log Book as required for control of motor vehicle custody and maintenance for one vehicle did not record the dates of each journey.

This is in violation of Ministry of Finance Circular No.16 dated 20th November, 1958.

### Inventory Control

Four of the six vehicles examined bore no evidence of the official logo for identification as state property.

### Document not produced

A Statement of Trust Fund Accounts was not received in the Auditor General's Department. The Judiciary's records as at 31st August, 2016 showed Investments held in trust totalled \$208,097,408.28.

## SJ1 - REGISTRAR, SUPREME COURT - JUDICIARY

### *Document not Produced*

A Statement of Receipts and Disbursements was not submitted for audit. According to the records of the Comptroller of Accounts, revenue totalled \$2,810,101.87.

---

<sup>18</sup> Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the Financial Year ended September 30, 2016, Pages 30 & 55  
[http://www.auditorgeneral.gov.tt/sites/default/files/Auditor%20General%27s%20Report%20on%20the%20Public%20Accounts%202016\\_0.pdf](http://www.auditorgeneral.gov.tt/sites/default/files/Auditor%20General%27s%20Report%20on%20the%20Public%20Accounts%202016_0.pdf)



## General Useful Information

- Indian Courts, INDIA: <http://indiancourts.nic.in/>
- Courts and Tribunal, Judiciary, UK: <https://www.judiciary.gov.uk/>
- Federal Court of Australia, AUS: <http://www.fedcourt.gov.au/about/judges>
- Department of Justice, CAN: <http://www.justice.gc.ca/eng/csj-sjc/just/07.html>
- Ministry of Justice, Jamaica: <http://moj.gov.jm/>
- Supreme Court of Jamaica: <http://supremecourt.gov.jm/content/legal-system>