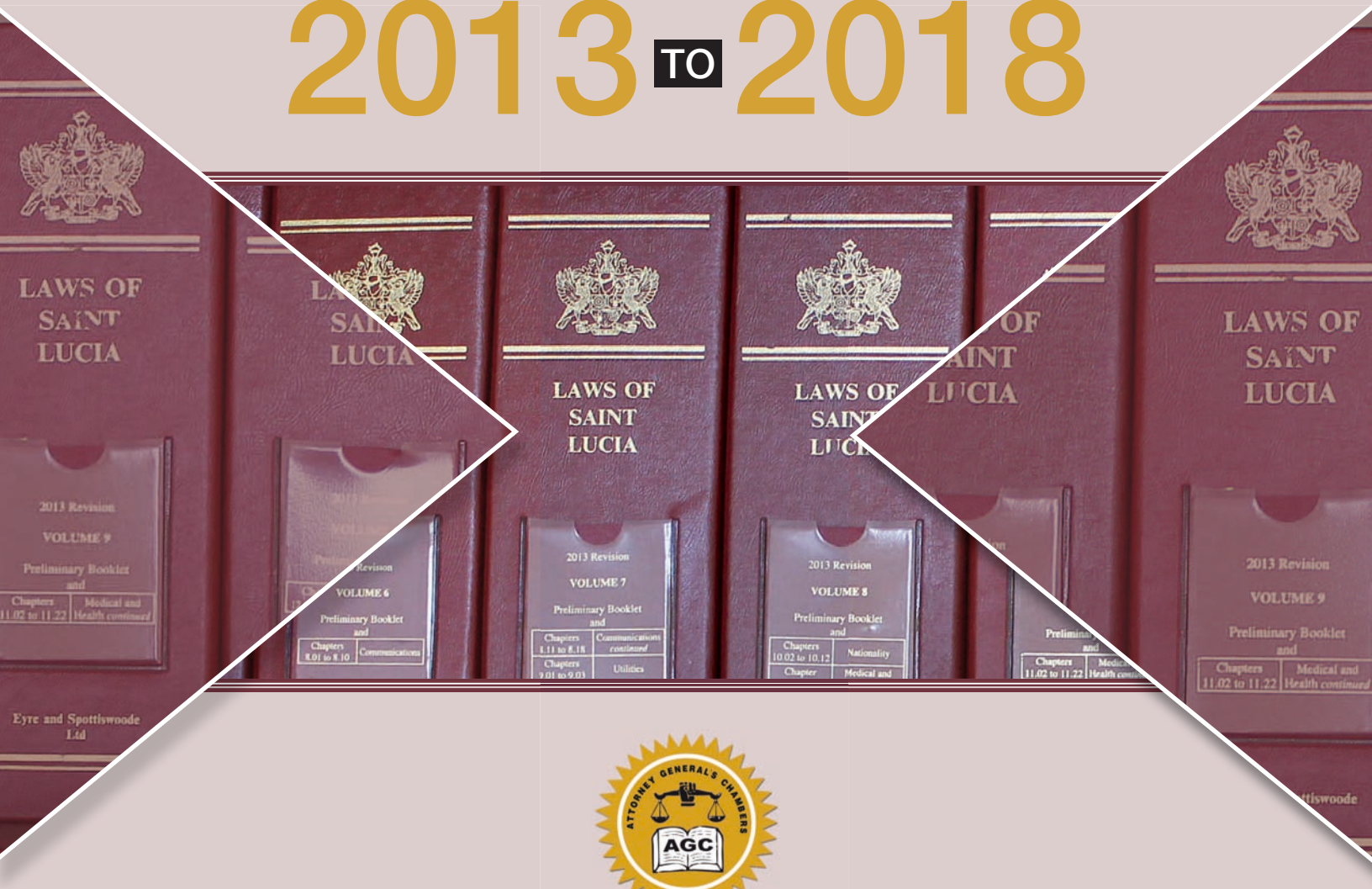




ATTORNEY  
GENERAL'S  
CHAMBERS

— ANNUAL REPORT —

2013 TO 2018



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## **ACKNOWLEDGEMENTS**

*Thanks to all Units within Attorney General's Chambers for their collaborative efforts during this initiative. Special commendation must be extended to Permanent Secretary Ms Juliana Alfred, whose dedication drove this project past its many hurdles to the product which we proudly present to you.*

**S.C.J. Julien**  
17.5.19

## MESSAGE FROM THE ATTORNEY GENERAL

Greetings:

I have the immense privilege of introducing you to our consolidated Annual Report. This Report represents the combined work program for the years 2014 to March 2019 and highlights some of the major achievements for the Attorney General's Chambers during the period under review.

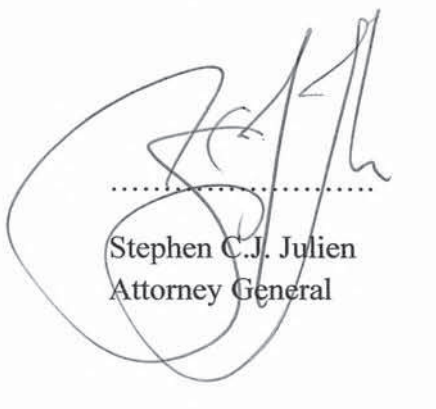
It was a labour of love for all who worked towards its metamorphosis from the initial concept to the final product. It is my fervent hope that the information contained herein will be of edification to you and that you will acquire a better understanding of the role and function of the Attorney General's Chambers.

Although the Attorney General's Chambers comprises of four units, we operate as an integrated team with a common mission. This involves the provision of skilled legal advice and services to the Government of Saint Lucia and the general public in a timely and efficient manner.

The Attorney General's Chambers endeavors to perform its functions with integrity and accountability, always reflecting on ways in which we can improve our service through innovation and continuous education.

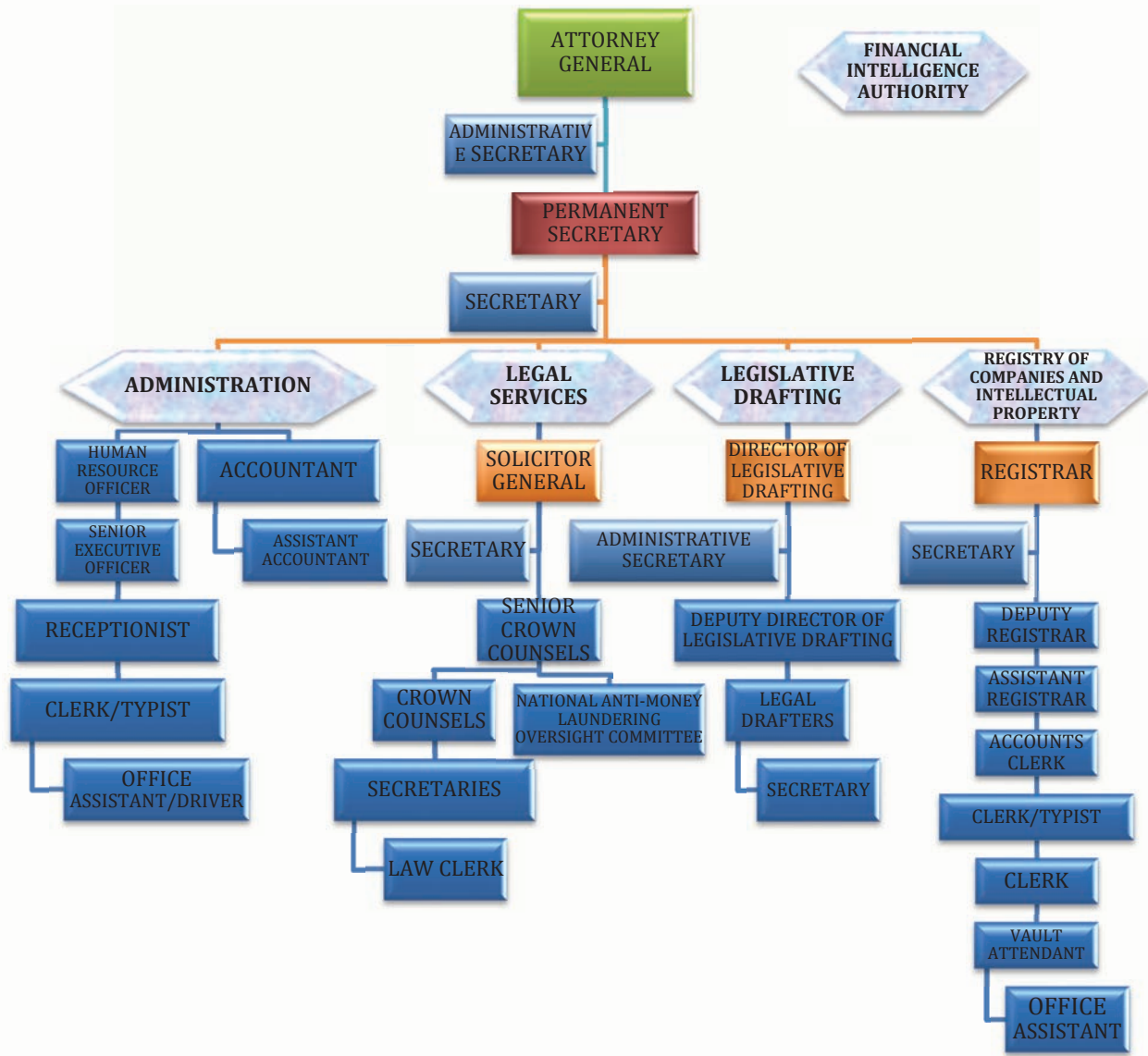
I therefore invite you to explore the pages of our Annual Report and learn more about what we do at the Attorney General's Chambers.

Yours sincerely,



Stephen C.J. Julien  
Attorney General

# ORGANIZATIONAL CHART



## **MISSION ATTORNEY GENERAL'S CHAMBERS**

Our mission is to deliver to the Government quality legal service with integrity and professionalism in a timely manner. Focusing primarily on facilitating an enabling environment, creating value and effective advice through the Registry of Companies and Intellectual Property, the Legislative Drafting Unit and the Advice and Litigation Unit.

## **STRATEGIC PRIORITIES OF CHAMBERS**

1. Adhering to professional best practices of the legal profession and the public service.
2. Enhancing staff capacity by sourcing training opportunities nationally, regionally and internationally and offering internship.
3. Creating operational tools for all work undertaken and all types of services rendered.
4. Allowing for greater synergy with other Government Departments and Ministries.
5. Analyzing data qualitatively and quantitatively thereby providing valued information to Government with a view to effective allocation of resources.
6. Increasing the level of legal services provided to the general public.
7. Continuing to examine and develop legal services to address new and emerging areas of law.
8. Improving legal services through the use of technology.

## INTRODUCTION

The Attorney General's Chambers is a separate division and does not fall under any Ministry. It comprises four units; the Registry of Companies and Intellectual Properties, the Legislative Drafting Unit, Advice and Litigation Unit and the Financial Intelligence Authority.

Three Units are overseen administratively by the Permanent Secretary and operate under the direction of the Attorney General.

The Financial Intelligence Authority is a Statutory Corporation; that the Attorney General according to the Money Laundering (Prevention) Act Cap.12.20 is the Minister responsible for the Authority. The Authority is headed by a Director and is responsible for the management of its own affairs as it is an autonomous body.

The Registry of Companies and Intellectual Properties is committed to performing its duties to the public with excellence and continues to explore innovative methods in achieving its mandate which includes the registering of companies, business names and partnerships and the administration of trademarks, patents and copyright.

The Legislative Drafting Unit is primarily responsible for drafting principal and subsidiary legislation and participates in the revision of the laws of Saint Lucia. The Unit is tasked with collaborating with the various Government Ministries and other bodies on issues concerning the drafting of new laws and amendments to existing legislation, as well as implementing policy directives into law.

Advice and Litigation Unit is the primary source of legal advice to the Government of Saint Lucia as enshrined under Section 72 of the Constitution of Saint Lucia, the Attorney General is the principal legal advisor to the Government. The Unit represents the State in civil litigation and its involvement and scope is wide as it relates to legal advice. The Unit is also called upon to issue legal opinions to the various Ministries.

The legal staff of Attorney General's Chambers also serves on various boards and commissions as representatives of the Attorney General in an advisory capacity.

Although the Attorney General's Chambers does not offer legal advice to or represent private individuals, Chambers through the functions of its various units continues to serve the citizens of Saint Lucia with humility and integrity ever mindful of its role in the preservation of the rule of law.

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## **PORTFOLIO OF THE ATTORNEY GENERAL'S CHAMBERS**

The Attorney General and a team of legal officers and administrative personnel provide advice to the Government and service to the public. The Attorney General's portfolio includes the following but is not limited to these responsibilities:

- Representing the Government in all civil litigation.
- Processing and facilitating mutual assistance in criminal matters.
- Giving advice to all Government Ministries, Departments, Boards and Statutory Organizations
- Facilitating international legal co-operation
- Law Revision
- Processing marriage license applications (Approval of and Issuing of Licenses)
- Registration of Companies, trademarks, patents
- Preparation of Deeds and Contracts
- Drafting of laws of Saint Lucia.
- Establishing the legislative agenda in conjunction with other ministries.

Under the auspices of the Attorney General's Chambers are the Advice and Litigation Unit, the Registry of Companies and Intellectual Property, the Legislative Drafting Unit and the Financial Intelligence Authority.

The Attorney General heads the Chambers and is assisted by the Solicitor General and a team of legal professionals all of whom are appointed by the Judicial and Legal Services Commission. The Permanent Secretary provides administrative guidance to the various Units of Chambers.



## **ATTORNEY GENERAL'S CHAMBERS CAPACITY BUILDING**

### **HEADS OF DEPARTMENT RETREAT**

During the month of April 2018, the Heads of the various Units of the Attorney General's Chambers (Chambers) undertook a one-day retreat. The primary objective of this retreat was to offer opportunities for developing the tools of our senior managers to improve employee and organizational effectiveness. Some of the topics which were covered included:

- Understanding personal values
- Understanding the Learning Organization
- Understanding how organizations are changing globally
- Defining and understanding the difference between Leadership and Management
- Building trust in an organization
- Overview of the dimensions of leadership
- Understanding and modifying leadership style
- Understanding the four competencies for successful leadership
- Elements of effective communication – The Leader's Role
- Conflict Resolution Techniques
- Overview of Emotional Intelligence
- Techniques to de-stress

### **GENERAL STAFF MEETING**

In June 2018 the staff of Chambers participated in its first general staff meeting under the auspices of the Attorney General. The main purpose of the meeting was to provide a general orientation to staff on the strategic priorities of Chambers. It also provided an opportunity for sensitization of the current work programmes of each Unit. The meeting served as an avenue for the Attorney General and Permanent Secretary to have an interface with all staff and to receive suggestions on any work programme. The staff of Chambers also benefitted from a presentation from the Department of the Public Service on Government's promotion policy.

### **STAFF RETREAT**

A general staff retreat was held for all staff of the Chambers in October 2018; the event was twofold and entailed a capacity building session for staff and thereafter an Awards Ceremony.

The capacity building session was facilitated by Mr. Noorani Azeez who presented on the following topics:

**1. Applying the 5 factors of a strong work ethic** - This topic introduced participants to the key factors that comprise a strong work ethic and when applied, unlocks higher levels of accountability and productivity.

2. **Understanding the elements of high performance teams** - This module enabled team members to have a better grasp of their leadership talents and unleash their individual strengths through a practical look at current leadership practices that work.

3. **Resolving conflict using emotional intelligence techniques** - Participants were able to identify the ways they may be contributing to workplace conflict and strategies they could apply to manage interpersonal conflict.

4. **Effective Communication** - This topic gave participants the opportunity to improve the critical communication skills of listening, asking questions and being aware of nonverbal messages. Participants also learned about the six elements of our communication with others.

Chambers also offered the following Awards to its staff for the year 2018

1. Employee of the Year Award – 2018 (Per Unit)
2. Customer Service Award – 2018 (Per Unit)
3. Special Awards – (Per Unit)
4. Long Service Award

The table below provides an overview of the awardees.

<b>DEPARTMENT</b>	<b>NAME</b>	<b>AWARD TITLE</b>
<b>Legislative Drafting</b>	Etha Francis	Employee of the Year
	Genetha Goddard	Customer Service
	Villette Benjamin	You Make a Difference
	Tricia Cypal	Active Contributor Award
<b>Registry of Companies and Intellectual Property</b>	Leah Richards	Employee of the Year
	Kasheem Bruce	Customer Service
	Cindie Dorius	Outstanding Service
	Vicland Sayers	Rising Star Award
	Marva Hazel	Honorary Award
	Barry Polius	Long Service Award
<b>Advice and Litigation</b>	Aurelia Evans	Employee of the Year
	Gemma Cyril	Customer Service
	Gisele Joseph	Positive Dynamics
	Nakisha Haynes	Most Improved
	Rosemary Jules	Long Service Award
<b>Administration</b>	Alison Baptiste	Customer Service
	Rollins Paul	Team Contributor
	Kerrine Jn. Pierre	Spirit of Excellence
	Juliana Jules-Dupre	Long Service Award
	Dave Bradley	Long Service Award
	Elizabeth Charlemagne	Long Service Award
<b>Financial Intelligence Authority</b>	Shirley Combie	Long Service Award
	Jasmine Jules	Long Service Award
	Bernadette President	Long Service Award

## **Executive Coaching Leadership & Management Development Programme**

During November 2018, the Heads of the Chambers were initiated into a six month Programme conducted by the Public Service Training Institute. This Executive Coaching Leadership and Management Module targets six broad themes including:

- 1) Performance Management
- 2) Employee Engagement and Coaching
- 3) Product & Quality Management
- 4) Supervision & People Management

The programme provides individuals' with group sessions and one-to-one time with an experienced Coach to enhance their self-mastery skills.

## **ADMINISTRATION**

### **ACCOUNTS UNIT**

#### **Staffing**

The Accounts Unit of the Attorney General's Chambers consists of an:

- Accountant
- Assistant Accountant

#### **Functions of the Accounts Unit:**

- Collecting and reporting of Recurrent Revenue
- Managing and reporting of Recurrent Expenditure
- Processing of Payroll
- Compiling of Budget for each financial year
- Serving as liaison between Chambers and other Agencies
- Processing payments in relation to court judgments

#### **Work Programme**

#### **Recurrent Revenue**

Revenue collection, reporting and monitoring are some of the most critical functions of the Accounts Unit.

The revenue portfolio for the Attorney General's Chambers consists of:

#### **Registry of Companies and Intellectual Property**

1. Company Registration
2. Business Names
3. Partnerships
4. Trademark applications
5. Patents
6. Gazette Fees
7. Photocopy Services
8. Searches
9. Certify Copies

#### **Advice and Litigation**

10. Marriage License
11. Adoptions (ends December 2018)

## 12. Apostilles

### Legislative Drafting

## 13. Sale of Laws

The tables below provide a comparative overview between actual revenue collection and estimated (budgeted) revenue for the last three financial years: **April 2018 to March 2019, April 2017 to March 2018 and April 2016 to March 2017.**

### Actual revenue vs. Budgeted revenue ( April 2018 to March 2019)

Table 1.1

		ACTUAL REVENUE	BUDGETED REVENUE	VARIANCE
April	2018	180,544	176,930	3,614
May	2018	175,165	183,382	(8,217)
June	2018	142,180	141,915	265
July	2018	152,401	146,569	5,832
August	2018	121,799	115,761	6,038
September	2018	106,381	105,989	392
October	8 201	133,512	140,080	(6,568)
November	018 2	149,774	144,556	5,218
December	2018	112,812	106,963	5,849
January	9 201	104,847	110,116	(5,269)
February	19 20	124,444	122,448	1,996
March	2019	147,556	154,983	(7,427)
<b>Total</b>		<b>1,651,415</b>	<b>1,649,692</b>	<b>1,723</b>

Table 1.1 illustrates that despite some negative variances in May and October of 2018 and January and March of 2019, cumulatively revenue collections surpassed revenue estimates by \$1,723 in the financial year April 2018-March 2019.

Chart 1.1 below, illustrates a visual perspective on the comparison between revenue collection and budgeted revenue for the period April 2018 to March 2019.

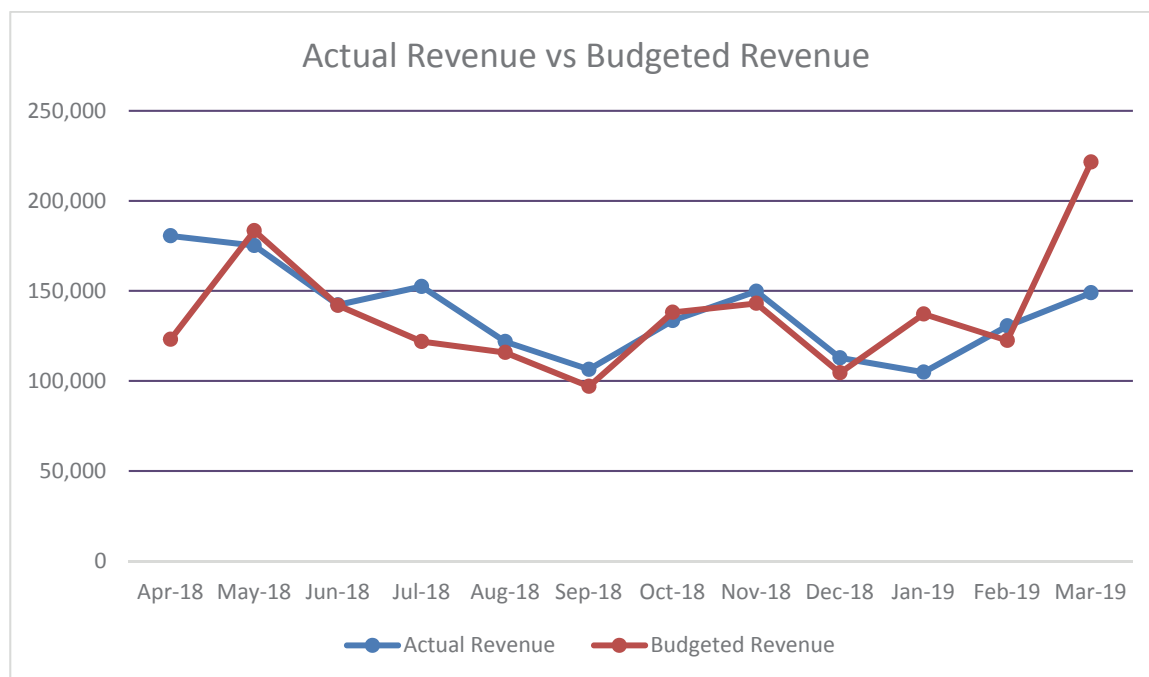


Chart 1.1

**Actual revenue vs. Budgeted revenue ( April 2017 to March 2018)**

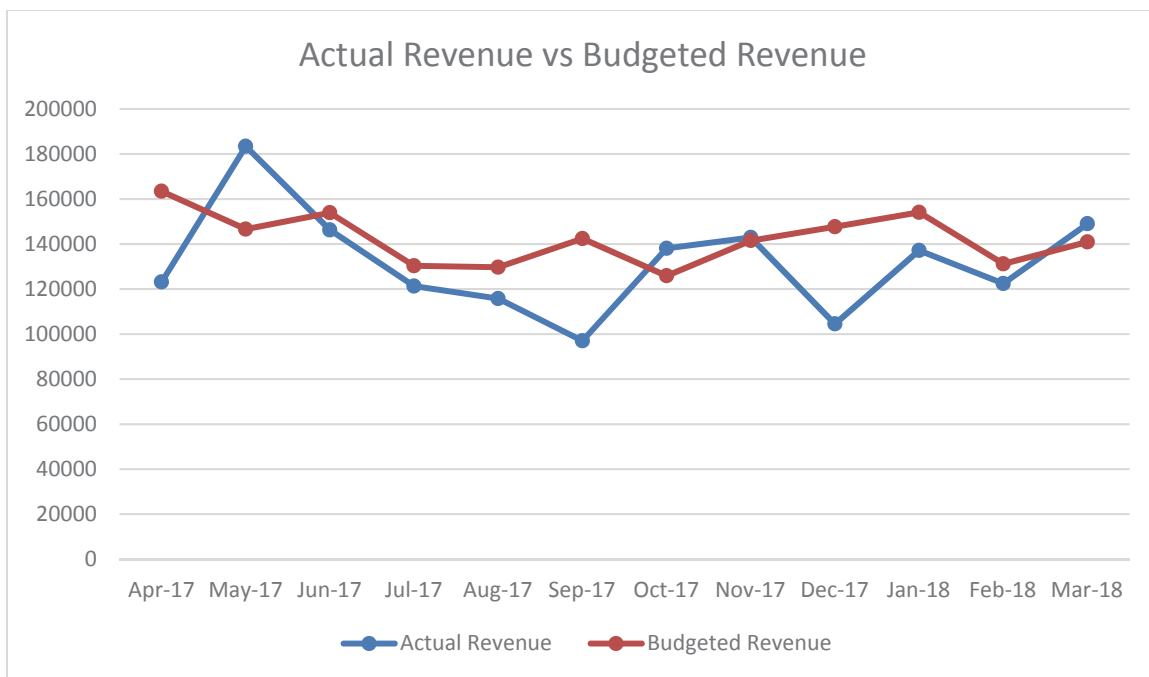
		ACTUAL REVENUE	BUDGETED REVENUE	VARIANCE
April	2017	123,114	163,450	(40,336)
May	2017	183,382	146,599	36,783
June	2017	146,250	153,880	(7,630)
July	2017	121,286	130,311	(9,025)

August	2017	115,761	129,701	(13,940)
September	2017	96,989	142,422	(45,433)
October	2017	138,080	125,871	12,209
November	2017	142,895	141,530	1,365
December	2017	104,478	147,657	(43,179)
January	2018	137,141	154,057	(32,269)
February	2018	122,449	131,172	(16,916)
March	2018	148,983	140,696	8,287
<b>Total</b>		<b>1,580,808</b>	<b>1,707,346</b>	<b>(126,538)</b>

Table 2.1

Table 2.1 indicates that revenue collections for the financial year April 2017 to March 2018 was below projections by \$126,538.

Chart 2.1 below, illustrates a visual perspective on the comparison between revenue collection and budgeted revenue for the period April 2017 to March 2018.





**Actual revenue vs. Budgeted revenue (April 2016 to March 2017):**

		<b>ACTUAL REVENUE</b>	<b>BUDGETED REVENUE</b>	<b>VARIANCE</b>
April	2016	168,014	161,285	6,729
May	2016	199,293	144,943	54,350
June	2016	184,992	152,044	32,948
July	2016	166,637	128,527	38,110
August	2016	139,578	127,829	11,749
September	16 20	180,643	140,245	40,398
October	2016	140,782	124,046	16,736
November	016 2	158,185	139,496	18,689
December	16 20	123,852	145,604	(21,752)
January	7 201	128,722	141,984	(13,262)
February	17 20	138,558	126,846	11,712
March	2017	148,793	141,306	7,487
<b>Total</b>		<b>1,878,049</b>	<b>1,674,155</b>	<b>203,894</b>

Table 3.1

In Table 3.1 revenue collections for April 2016 to March 2017 was above expectations by \$203,894.

Both cases of positive and negative variances could be traced to upward and downward fluctuations in the revenue activities of marriage licenses, company registrations, business names and trademark applications. To illustrate, marriage license revenue is affected by the number of foreign nationals who come to our shores for the purposes of marriage. These numbers do not always trend as forecasted.

Chart 3.1 below, illustrates a visual perspective on the comparison between revenue collection and budgeted revenue for the period April 2016 to March 2017.

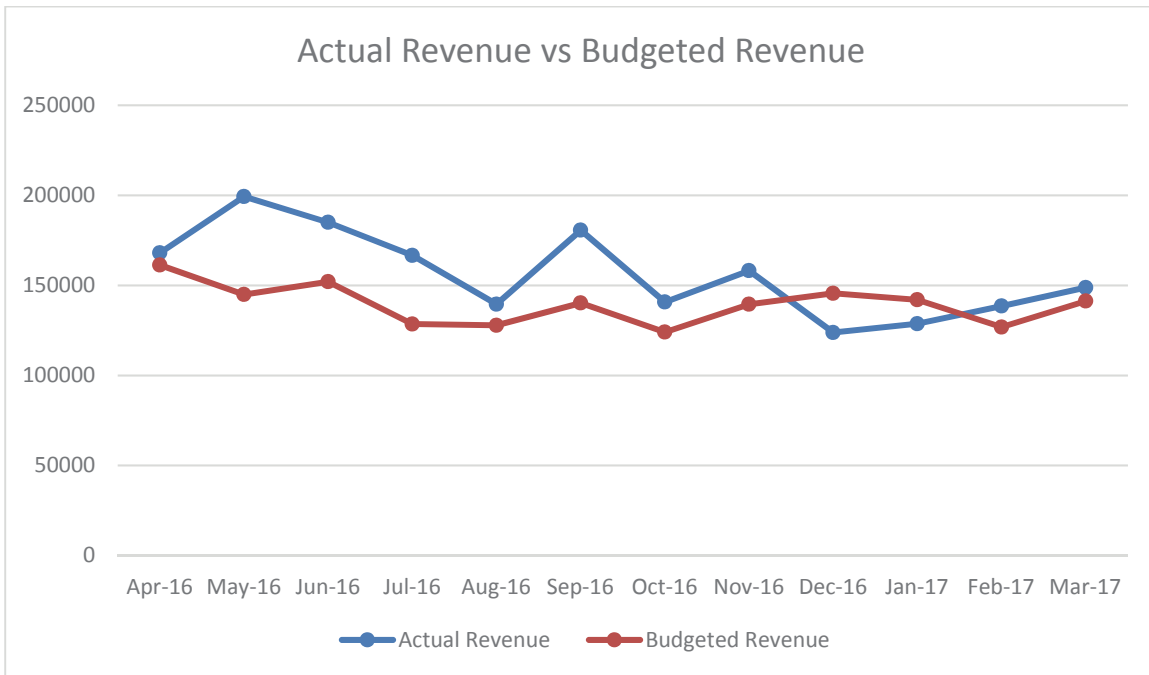


Chart 3.1

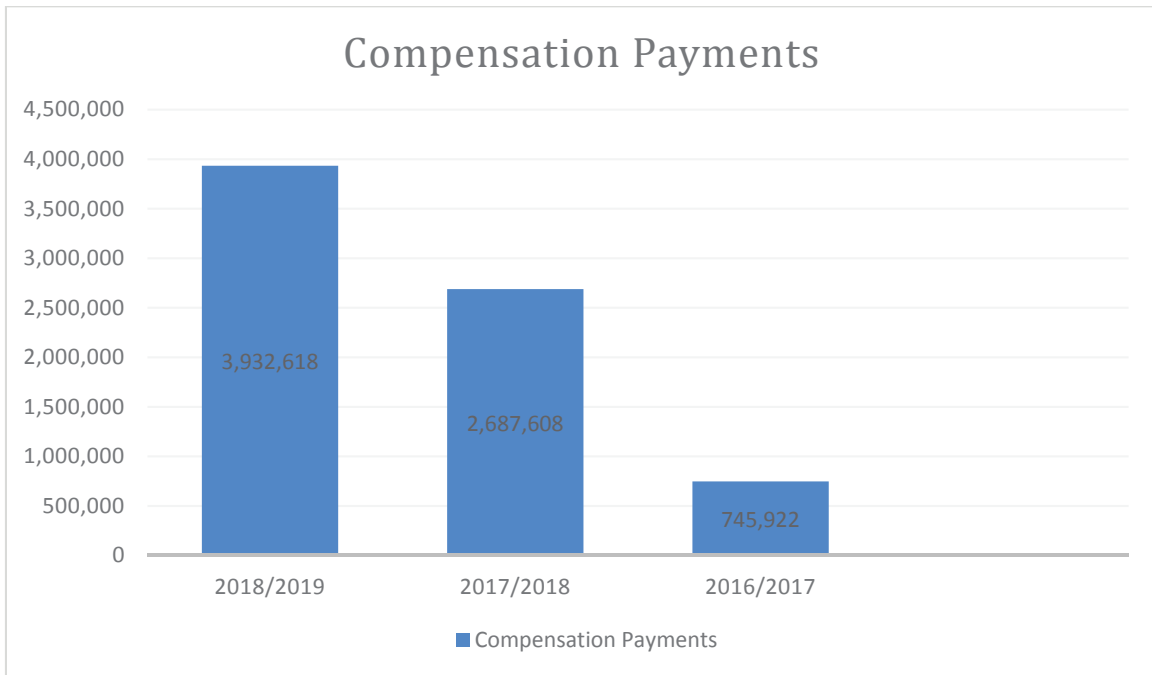
### Compensation Payments

The Attorney General’s Chambers provides legal representation to all Government Departments in civil matters. When the Court rules against the State, compensation may be ordered for the payment of damages, interest and costs. Below is a listing of compensation payments for the last three financial periods.

2018/2019	\$3,932,618
2017/2018	\$2,687,608
2016/2017	\$745,922

Over the three periods there has been a steady increase in compensation payments made on behalf of the State and this trend is not expected to change in the coming financial year 2019/2020. Accordingly, the Advice and Litigation Unit is challenged due to, in some instances to protracted delay of matters, the inadequacy of information to sufficiently assess matters, the lack of training and appreciation of various stakeholder Ministries in providing information in a timely manner and or the increase in litigation. The apparent increase in compensation payments is due to several matters with significant compensation packages concluding in

2018/2019. Notwithstanding, it is important to note that the amount saved by the State in some instances where matters were settled out of court equated to the same amount in savings.



## ADVICE AND LITIGATION UNIT

### Staffing

The Advice and Litigation comprises crown counsels and the Legal Administrative Staff making a total of Nineteen (19) officers.

The Legal Professional Staff of Chambers comprises 10 crown counsels including the Honourable Attorney General and Solicitor General. All legal professional staff are appointed by the Judicial and Legal Services Commission.

The Attorney General's Chambers saw the need to increase its staff compliment and as a result Cabinet approved an increase of two (2) additional Crown Counsels in the financial year 2018/19.

As a result, the current Legal Professional Staff pool comprises of the Solicitor General, three (3) Senior Crown Counsels, one (1) Crown Counsel IV, two (2) Crown Counsel III, One (1) Crown Counsel II and one (1) Crown Counsel I

### Functions of Advice and Litigation Unit:

The Crown Counsels attached to the Attorney General's Chambers (Chambers) are appointed by the Judicial and Legal Service Commission pursuant to section 91 of the Constitution of Saint Lucia, Cap 1.01 which states as follows:-

#### ***“91. Appointment, etc. of magistrates, registrars and legal officers***

*(1) This section applies to the offices of magistrate, registrar of the High Court and assistant registrar of the High Court, to any public office in the department of the Attorney General (other than the public office of Attorney General) or in the department of the Parliamentary Commissioner, the department of the Chief Elections Officer (other than the office of Officer) or the department of the Director of Public Prosecutions (other than the office of Director) for appointment to which persons are required to hold one or other of the specified qualifications and such other offices connected with the courts as Parliament may prescribe.*

*(2) The power to appoint persons to hold or act in offices to which this section applies (including the power to confirm appointments) shall vest in the Judicial and Legal Services Commission.*

*(3) Subject to the provisions of section 96, the power to exercise disciplinary control over persons holding or acting in offices to which this section applies and the power to remove such persons from office shall vest in the Judicial and Legal Services Commission.”*

In addition to representing the Attorney General at Court on all litigation, Chambers is also involved in ensuring that equally there is an effective discharge of all its functions and other work assigned.

Some of the work which the Advice and Litigation Unit has been involved is itemized hereunder.

- a) Appearing as Tutor Ad Hoc in applications for **adoptions** of infants.
- b) Vetting of **Alien Landholding Licences**.
- c) Preparation of **Apostiles**.
- d) Vetting and or preparations of **Agreements/Contracts/Memoranda of Understanding/ Loan Agreements/Grant Agreements**.
- e) Representing the Government in **Boards of Assessment** matters with respect to the compulsory acquisition of property.
- f) Processing applications for **Calls to the Bar** with respect to Attorneys who are non-citizens and who wish to make an application to the Court to enable them to practice before the Courts.
- g) Representing the Government on various **Committees/Boards**.
- h) The vetting and or the preparation of various types of **Deeds** on behalf of the Government.
- i) Preparing, filing and representing requesting countries with respect to **Extraditions/Surrenders** of individuals who are wanted by these requesting countries and are located in Saint Lucia.
- j) Vetting and or the preparation of **Leases** which affects and concerns the Government.
- k) Vetting and processing of **Marriage Licences** applications.
- l) Preparing and processing of **Mutual Legal Assistance** request.
- m) Vetting of **Non-Profit Companies** application with a view to the necessary recommendations being made.
- n) Preparing opinions for various Government Departments.
- o) Representing the Government at court in various matters of **Litigation**.

## Work Programme

### Adoptions

An application for Adoption is made pursuant to the **Adoption Act, Cap. 3:07 (Act)**. Under that Act, an Infant below the age of eighteen (18) years can be adopted provided that an application is made to the High Court as specified under the said Act.

Section 3 of the Act provides for the power to make adoption orders as follows:-

*“(1) Subject to the provisions of this Act, the Court may, upon an application made in the prescribed manner by a person who is a citizen of Saint Lucia or who is domiciled or has resided in Saint Lucia for at least 6 consecutive months prior to the date of the application make an order (in this Act referred to as an adoption order) authorising the applicant to adopt an infant.”*

Section 6 provides for the Appointment of Tutor ad hoc, once there is consent by the Attorney General, which for the most part the Attorney General has no objections in consenting. Section 6 states as follows:

*“(1) Subject to the provisions of subrule (2) the Attorney General shall, if he or she consents be the tutor ad hoc of the infant for the purposes of the application and a copy of the summons shall be served on him or her, together with an undertaking by the applicant in Form 2 to pay the Attorney General’s proper costs for acting as tutor and as attorney-at-law for the infant. The Attorney General shall thereupon enter an appearance for the infant.*

*(2) If the Attorney General does not consent to act as tutor ad hoc, or if the applicant desires that some other person should be appointed to act as tutor ad hoc, the originating summons must ask for the appointment of a tutor ad hoc and must be supported by an affidavit by the applicant setting out the facts and the judge may appoint such person as he or she thinks fit to be the tutor ad hoc.”*

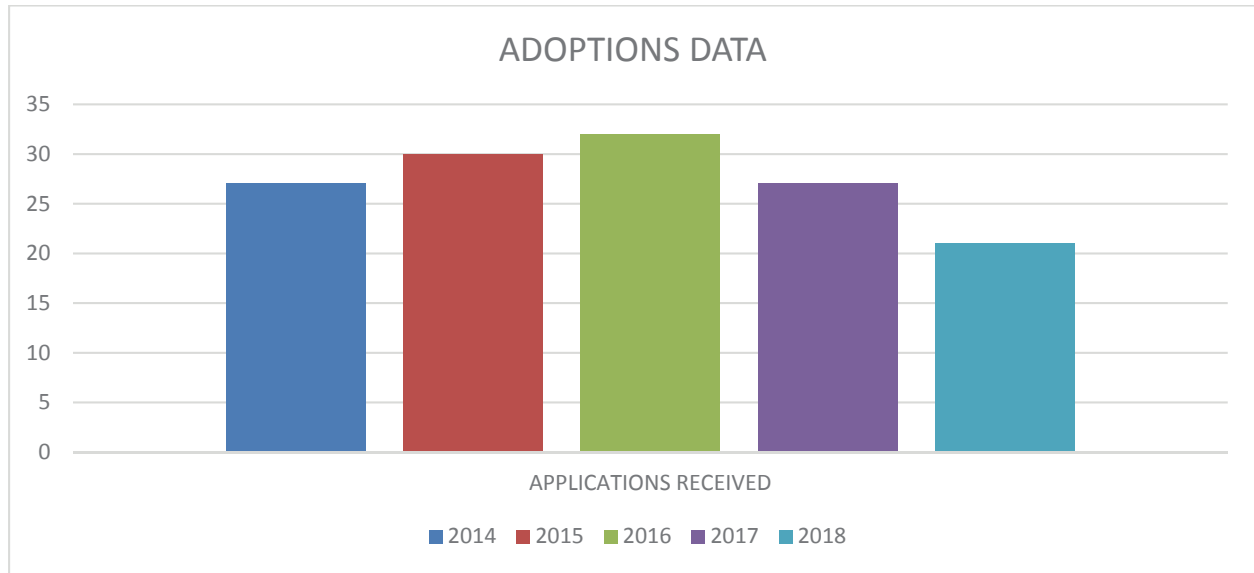
It is however important to note that as a result of the implementation of the **Child (Care, Protection and Adoption) Act, No. 8 of 2018**, the Attorney General is incapable of acting as Tutor Ad Hoc with respect to any adoption application. The Child (Care, Protection and Adoption) Act took effect on the **12<sup>th</sup> December 2018**. Consequently, Chambers is not in a position to receive any fees as Tutor Ad Hoc from December 2018, and therefore would not be in a position to generate income for the State.

The Table and Bar Graph below provides an overview of applications received from 2014-18.

**TABLE 1- ADOPTIONS DATA**

<b>YEAR</b>	<b>APPLICATIONS RECEIVED</b>
<b>2014</b>	Twenty- Seven (27)
<b>2015</b>	Thirty (30)

<b>2016</b>	Thirty- Two (32)
<b>2017</b>	Twenty- Seven (27)
<b>2018</b>	Twenty- One (21)



### **Alien Licences**

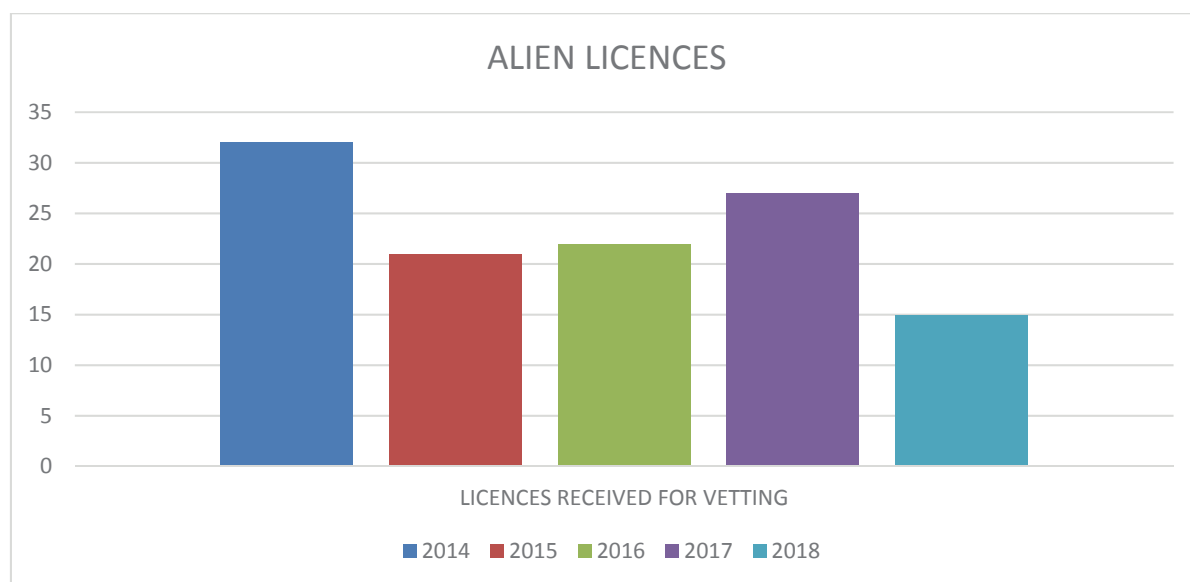
The issuance of an alien landholding license is required to be signed by either the Cabinet Secretary or the Minister of Finance, it is required that the said license be vetted and approved by the office of the Attorney General. In vetting licences it is critical that the Attorney General’s Chambers (Chambers) be seized of all documents presented to the Department of Physical Development. This process is mandatory as the Licence is required to be signed, once approved by the Minister of Finance, the Cabinet Secretary and the Governor General.

Licenses are presented to Chambers for vetting pursuant to the provisions of the Aliens (Licensing) Act, Cap 15.37.

The Table and Bar Graph below provides an overview of licenses received from 2014-18.

**TABLE 2- ALIEN LICENCES - DATA**

YEAR	LICENCES RECEIVED FOR VETTING
2014	Thirty- Two (32)
2015	Twenty -One (21)
2016	Twenty -Two (22)
2017	Twenty -Seven (27)
2018	Fifteen (15)



**Apostilles**

Under Section 4 of the Apostille (Hague Convention) Act, Cap. 2.18, the Solicitor General is one of the designated authorities to issue an Apostille Certificate in relation to a public document or a foreign public document. This is as required pursuant to the Convention Abolishing the Requirement of Legislation for Foreign Public Documents concluded on 5 October, 1961 and

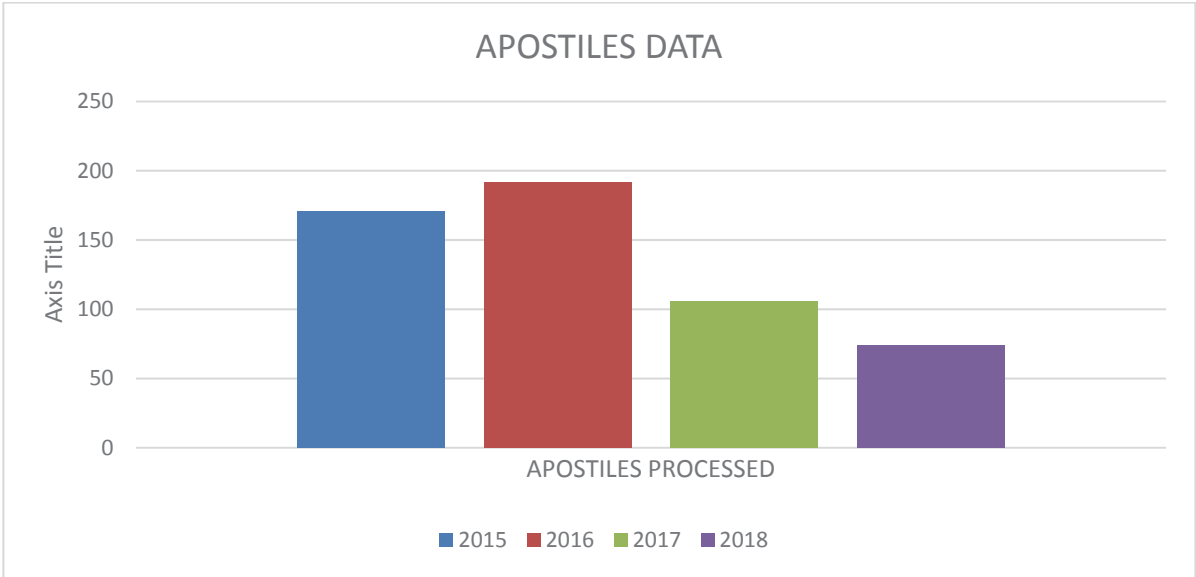


entered into force on 24 January, 1965, to which Saint Lucia is a signatory. The issuance of an apostille is in relation to the authentication of a signature and not the authenticity of a document. Consequently, the signatures of all State officials for example Registrars, Notary Royals, Government Officials are apostilled. The cost of each Apostille Certificate issued is \$50.00.

The Table and Bar Graph below provides an overview of appostilles processed from 2015-18.

**TABLE 3- APOSTILLES - DATA**

<b>YEAR</b>	<b>APOSTILLES PROCESSED</b>
<b>2015</b>	One Hundred and Seventy One (171)
<b>2016</b>	One Hundred and Ninety-Two (192)
<b>2017</b>	One Hundred and Six (106)
<b>2018</b>	Seventy- Four (74)



**Agreements/Contracts/Memoranda of Understanding/Loan Agreements/Grant Agreements**

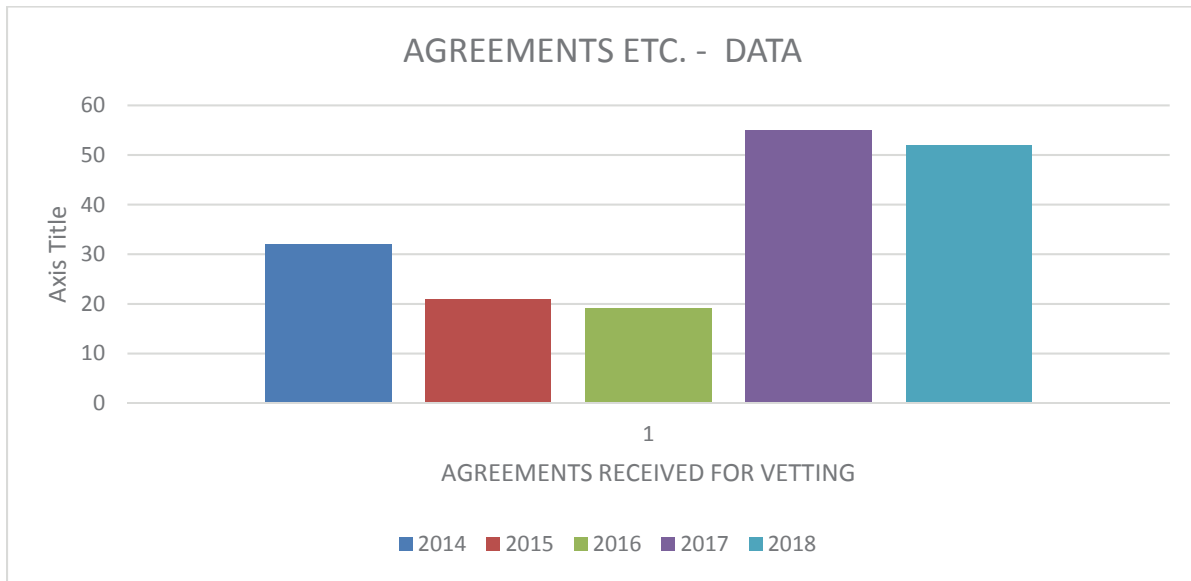
There are several binding agreements which Government enters into. These ought to be vetted and approved by the Attorney General’s Chambers (Chambers) prior to it being executed by the State. As a consequence, these agreements are forwarded to Chambers by the various Ministries and or Departments to vet and or prepare.

In addition, Loan Agreements as well as Grant Agreements approved by Parliament under Resolution, are required to be checked by Chambers and subsequently a Legal Opinion, signed by the Attorney General is required to indicate that the Loan Agreement has been executed in accordance with the laws of Saint Lucia. This Legal Opinion is an illustration that the Government satisfies all the legal requirements towards engaging in such a commitment

The Table and Bar Graph below provides an overview of agreements vetted from 2014-18.

**TABLE 4- AGREEMENTS ETC. - DATA**

<b>YEAR</b>	<b>AGREEMENTS RECEIVED FOR VETTING</b>
<b>2014</b>	Forty- Two (42)
<b>2015</b>	Twenty -One (21)
<b>2016</b>	Nineteen (19)
<b>2017</b>	Fifty-Five (55)
<b>2018</b>	Fifty-Two (52)



### Boards of Assessment

These matters are conducted similar to court matters/litigation. These relate to property which has been compulsorily acquired by the State for which a compensation award must be made and which the land owners may not have agreed to an amount during negotiations. These proceedings are conducted pursuant to the Land Acquisition Act Cap. 5.04. Chambers is required to represent the State in these matters before a Board, which is appointed pursuant to Section 12 of the Act. The financial extent of matters in which Chambers is currently involved is highlighted in the table below. These matters are very involved and if not agreed during negotiations can result in exorbitant dip into the Consolidated Fund.

**TABLE 5- COMPULSORY ACQUISITION - DATA**

<b>NUMBER MATTERS</b>	<b>OF</b>	<b>STATUS</b>	<b>TOTAL ESTIMATED CLAIM</b>
Eight (8)		Hearings Pending	<b>\$68,830,513.00</b>

## **Calls to the Bar**

When a non-citizen is desirous of being called to the Bar of Saint Lucia to practice as an attorney-at-law, he/she is required pursuant to section 16 (3) of the **Legal Professions Act, Cap. 2.04** to make an application to the High Court to be admitted to practice law. However prior to making any such application, the Attorney General who is required to publish an order in the Gazette that an individual satisfies the requirements and is eligible to be admitted must consult with the Chief Justice before publishing any such order.

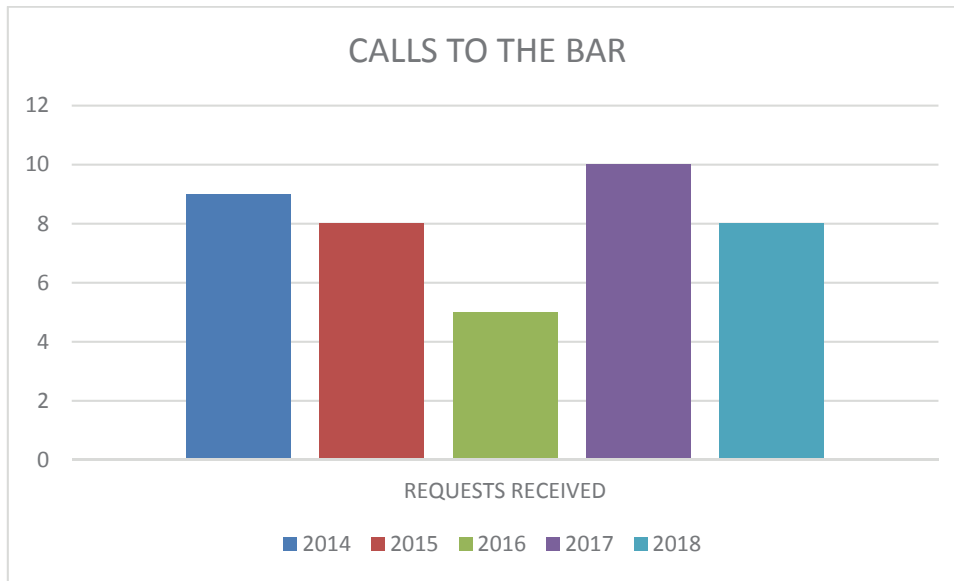
It is however important to note that prior to the consultation exercise with the Chief Justice, Chambers conducts the necessary due diligence on the individual to ensure that all documents submitted are authentic among other matters.

The applications received originate primarily from CARICOM countries such as Barbados, Belize, Dominica, Jamaica, St. Vincent and the Grenadines, Grenada. Applications are also received from the United Kingdom.

The Table and Bar Graph below provides an overview of requests received from 2014-18.

**TABLE 5- CALLS TO THE BAR - DATA**

<b>YEAR</b>	<b>REQUESTS RECEIVED</b>
<b>2014</b>	Nine (9)
<b>2015</b>	Eight (8)
<b>2016</b>	Five (5)
<b>2017</b>	Ten (10)
<b>2018</b>	Eight (8)



### **Committees/Boards**

The legal professional staff currently represents the Attorney General on several Boards, Committees and Statutory Bodies. Representatives perform an advisory role. These Boards, Committees and Statutory Bodies are as follows:-

- Tourism Taxi Regulatory Committee
- Central Tenders Board
- Caribbean Financial Action Task Force Oversight Committee
- Non Profit Oversight Committee
- Tax Exchange Agreement Committee
- Foreign Account Tax Compliance Committee (FATCA)
- Engineers Registration Board
- Financial Intelligence Authority Board
- WASCO (Adhoc) Committee
- Appointment of Freezone Appeals Board
- Air Transport Licensing Board
- Pesticides and Toxic Chemicals
- Saint Lucia Air and Seaports Authority
- Board of Visiting Justices
- Solid Waste Management Authority
- Public Health Board
- Banana Industry Trust Board
- National Steering Committee – Social Safety Net Reform
- Income Tax Appeal Board
- Saint Lucia Road Transport Board

- Land Rectification Programme Committee
- Contingency Planning Technical Committee
- Resolving Insolvency Steering Committee
- Citizenship by Investment Programme

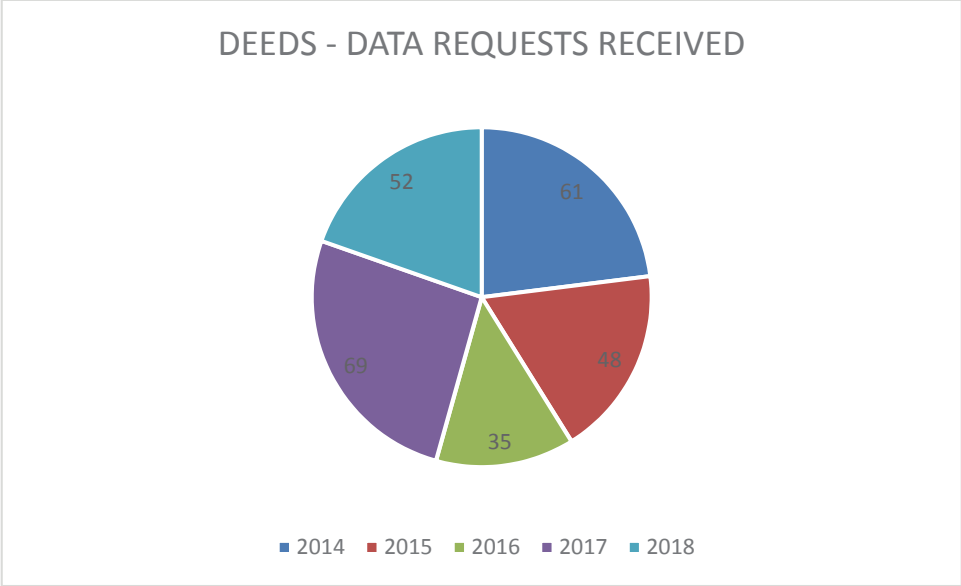
**Notarial Instruments**

As with Agreements, Deeds or Notarial instruments are legally binding and must be signed by the Attorney General, the Permanent Secretaries and or the Governor General. As a consequence, these documents ought to be vetted and approved by Chambers.

The Table and Bar Graph below provides an overview of requests received from 2014-18.

**TABLE 6- DEEDS - DATA**

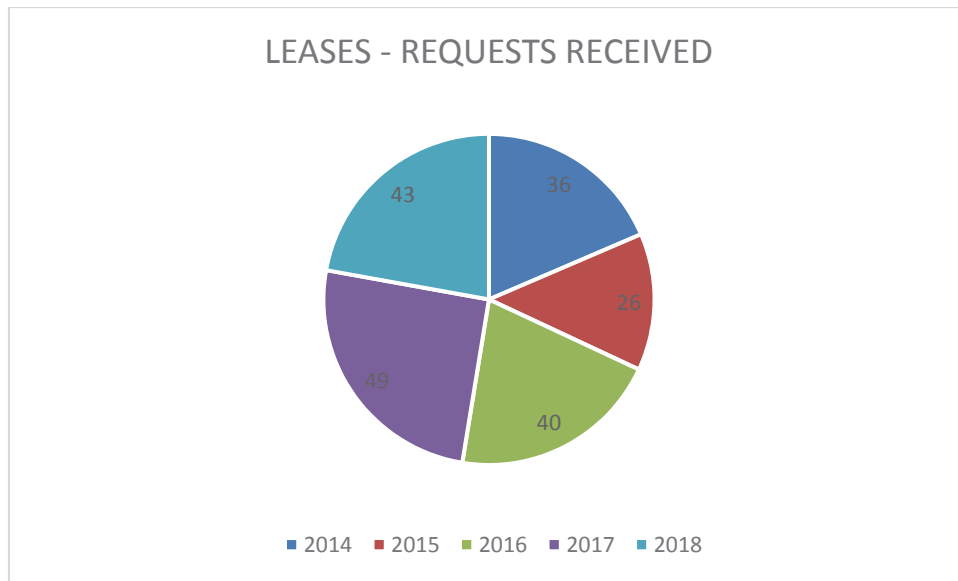
<b>YEAR</b>	<b>DEEDS VETTED</b>
<b>2014</b>	Sixty (61)
<b>2015</b>	Forty-Eight (48)
<b>2016</b>	Thirty-Five (35)
<b>2017</b>	Sixty-Nine (69)
<b>2018</b>	Fifty-Two (52)



**LEASES**

**TABLE 7- LEASES - DATA**

<b>YEAR</b>	<b>LEASES VETTED</b>
<b>2014</b>	Thirty – Six (36)
<b>2015</b>	Twenty- Six (26)
<b>2016</b>	Forty (40)
<b>2017</b>	Forty-Nine (49)
<b>2018</b>	Forty-Three (43)



**Extraditions/Surrenders**

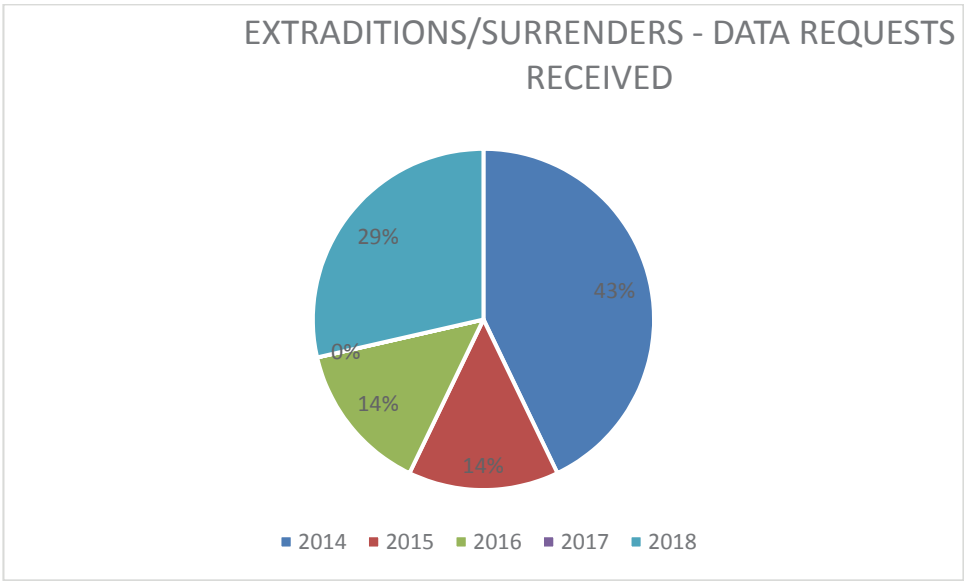
The requests for extraditions or surrenders are made pursuant to the Extradition Act, Cap. 2.10 and the Backing of Warrants Act, Cap. 3.15. These requests relate to individuals who are in the territory of Saint Lucia and are required pursuant to a warrant by a Requested State as a result of a criminal offence committed in that State. These applications are heard before a Magistrate and adhere to due process and the rule of law.

The Table and Bar Graph below provides an overview of requests received from 2014-18.

**TABLE 8- EXTRADITIONS/SURRENDERS - DATA**

<b>YEAR</b>	<b>REQUESTS RECEIVED</b>
<b>2014</b>	Three (3) Requests
<b>2015</b>	One (1) Request
<b>2016</b>	One (1) Request
<b>2017</b>	Nil
<b>2018</b>	Two (2) Requests





**Marriage Licences**

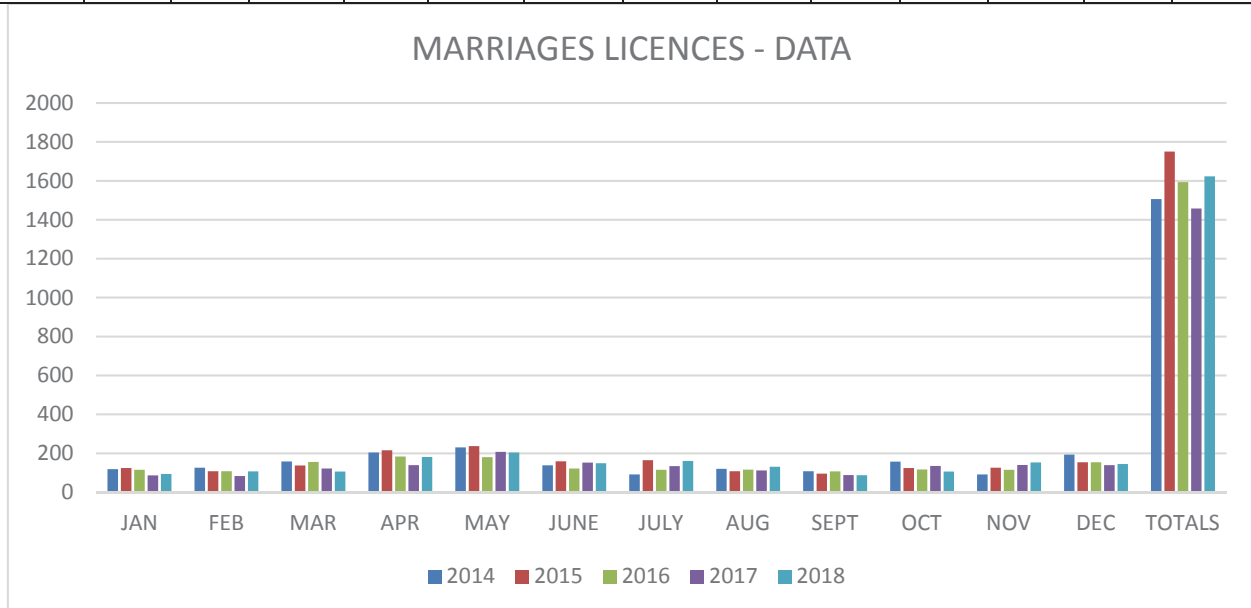
The processing of marriage licenses by Chambers gives rise to one of the major revenue stream for the Advice and Litigation Unit. These applications can be submitted either by an emergency or an ordinary application. The cost of an emergency application is \$540.00 and an ordinary application is \$335.00.

Upon the submission of an application and prior to the issuance of a license pursuant to Article 94 of the Civil Code, Cap. 4.01, the Attorney General or his representative must be satisfied that the facts stated in the Petition are true.

The Table and Bar Graph below provides an overview of the marriage licences facilitated by the Attorney General’s Chambers during the years 2014-18. The figures have generally remained over 1500 applicants annually.

**TABLE 9- MARRIAGE LICENCES - DATA**

MTH	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOT
<b>2014</b>	118	126	158	204	230	138	91	120	108	157	91	193	<b>1506</b>
<b>2015</b>	124	108	137	215	237	159	164	108	95	124	126	154	<b>1750</b>
<b>2016</b>	115	108	155	183	180	122	115	116	107	117	115	154	<b>1593</b>
<b>2017</b>	86	83	122	139	207	152	134	112	88	135	140	139	<b>1457</b>
<b>2018</b>	94	107	106	181	204	149	160	131	87	106	153	145	<b>1623</b>



**Mutual Legal Assistance**

Requests for mutual legal assistance are either received by Saint Lucia and or made by Saint Lucia. The Office of the Attorney General is the Central Authority for the processing of mutual legal assistance requests.

Currently as the Central Authority, Chambers processes requests for and on behalf of the Royal Saint Lucia Police Force, the Office of the Director of Public Prosecutions, the Financial Intelligence Authority and the Customs and Excise Department. In addition, requests are received from the Central Authority of several other countries including, Canada, United Kingdom, United States of America, Trinidad and Tobago, Dominica and Saint Vincent and Grenadines for processing.



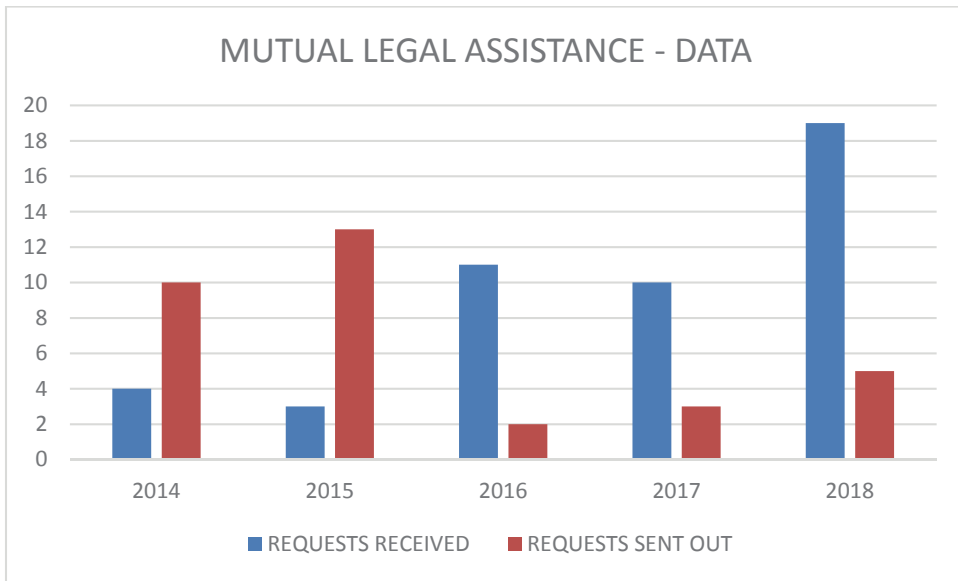


The Central Authority is required to continuously follow up on these requests until finalized. These requests relate to investigations for criminal matters with the intention of filing criminal charges against individuals, the obtaining of video link evidence for criminal matters already lodged and the obtaining of documentary evidence in support of criminal charges amongst other things.

The Table and Bar Graph below provides an overview of the mutual legal assistance facilitated by the Attorney General’s Chambers in its capacity as Central Authority during the years 2014-2018.

**TABLE 9- MUTUAL LEGAL ASSISTANCE - DATA**

<b>YEAR</b>	<b>REQUESTS RECEIVED</b>	<b>REQUESTS PRESENTED</b>
<b>2014</b>	Four (4)	Ten (10)
<b>2015</b>	Three (3)	Thirteen (13)
<b>2016</b>	Eleven (11)	Two (2)
<b>2017</b>	Ten (10)	Three (3)
<b>2018</b>	Nineteen (19)	Five (5)

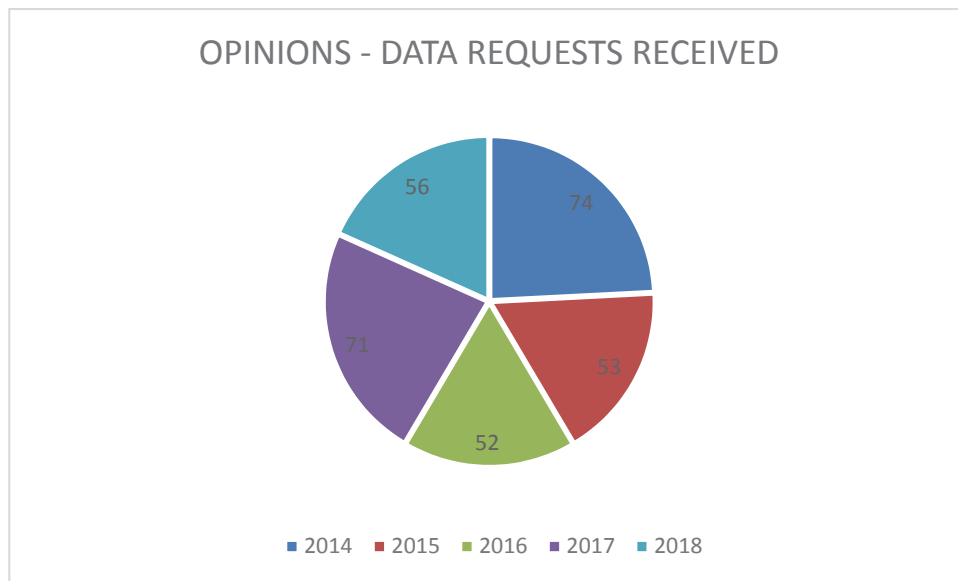


**Opinions**

The Table below provides a visual of opinions that have been provided by Chambers.

**TABLE 10- OPINIONS - DATA**

<b>YEAR</b>	<b>REQUESTS RECEIVED</b>
<b>2014</b>	Seventy -Four (74)
<b>2015</b>	Fifty-Three (53)
<b>2016</b>	Fifty-Two (52)
<b>2017</b>	Seventy-One (71)
<b>2018</b>	Fifty- Six (56)



**Non Profit Companies**

Pursuant to Section 328 of the Companies Act, Cap 13.01 of the Revised Laws of Saint Lucia the articles of a non-profit company shall not be accepted for filing without the approval of the Attorney General. Chambers is therefore involved in the process of ensuring that all applications made for companies of a non-profit status are in compliance with the provisions of the legislation before recommending same for registration.

**Suits/Litigation**

Over the years Chambers has represented the State on a number of matters. These matters range from judicial review, constitutional motions, claims in negligence, breach of contracts. Of significance, however is the increase in litigation involving the Police, the Victoria Hospital and the Customs and Excise Department.

In the period under review there were twenty-three (23) matters involving the Police. Proceedings are issued against the police primarily for false imprisonment, malicious prosecution, wrongful arrest and in relation to goods/items detained pursuant to the execution of a warrant.

In relation to matters involving the hospital claims are filed for purported negligence from medical practitioners at the Victoria Hospital which may have led to the death of a patient, negligently performed surgeries amongst other issues.

Customs matters highlight a growing concern as to policies, protocols and guidelines established in adhering to the provisions of the legislation.

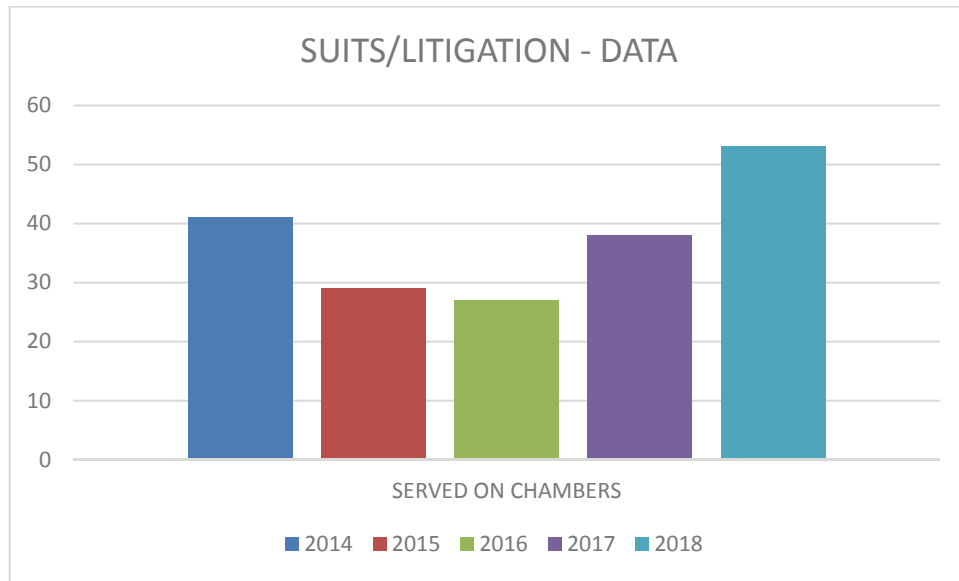
The above, statistically comprise, a little more than a third of the total matters served on Chambers. Matters involving the Financial Intelligence Authority are also of some import as litigants continue to file constitutional claims as it relates to the detention and seizure of property (money) purportedly obtained by improper means.

The Table and Bar Graph below provides an overview of suits facilitated by the Attorney General's Chambers on behalf of other Government agents during the years 2014-18.

**TABLE 11- SUITS/LITIGATION - DATA**

<b>YEAR</b>	<b>SERVED ON CHAMBERS</b>
<b>2014</b>	Forty – one (41)
<b>2015</b>	Twenty – nine (29)
<b>2016</b>	Twenty – Seven (27)
<b>2017</b>	Thirty-Eight (38)
<b>2018</b>	Fifty – three (53)





### **Estimated Projected Claims against the Government**

The Attorney General’s Chambers represented the Government in more than one-hundred and thirty-five (135) court proceedings wherein the estimated projected amounts claimed equates to more than an approximate sum of **\$106,000,000.00**.

These court proceedings include some of the one-hundred and thirty-five (135) pending matters which Chambers manages. These matters are at various stages of the proceedings.

The oldest and earliest matter filed at Chambers and which continues to be pending was filed in the year 1984.

### **Proceedings outside of Saint Lucia**

Saint Lucia is currently involved in six (6) proceedings outside of Saint Lucia. One (1) matter is being conducted in the United States of America and five (5) matters are before the Privy Counsel in the United Kingdom. These matters, although foreign outside counsel have been engaged to represent Saint Lucia, Chambers is required to ensure that continuous updates are provided on each of these matters.

### **Releases**

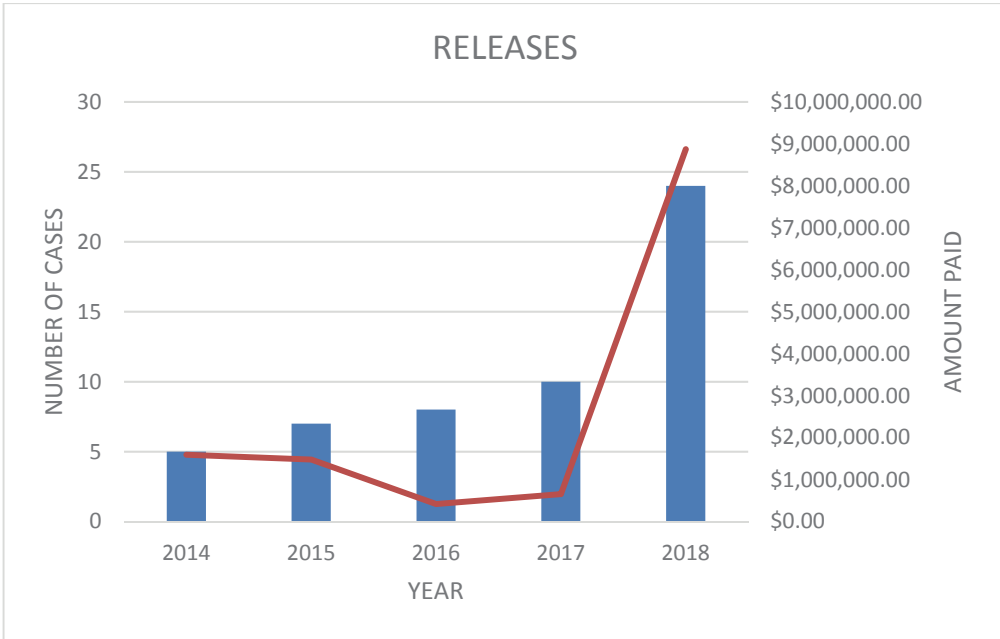
Releases are executed by the State in satisfaction of a Court Judgment, an out of court settlement of a Court Matter or an ex-gratia payment. Releases are executed through the Attorney General’s Chambers. Any monies paid by the Government in relation to any matter speak to a level of liability on behalf of the State as it pertains to any cause of action. However, the majority of

matters settled would not have originated in that given year and would have been matters which existed prior to the year of payout when the Releases were executed.

To illustrate, in the year 2018 wherein 24 releases were executed the amount of monies paid out is significant compared to the previous years, this is as a result of the following (a) proactive measure to determine which matters ought to be settled based on several factors including the paucity of evidence etc. (b) an attempt by the State to negotiate downwards any possible award of damages including the reduction of accumulated interest. In two separate matters, for example, Chambers through a process of negotiation was able to save the State a combined amount of approximately XCD\$3,000,000.00.

The following table provides a synopsis of the amount of money paid by the State in the last five years. **(more details in Appendix 1)**

<b>YEAR</b>	<b>EXECUTED</b>	<b>STATUS</b>
<b>2014</b>	Five (5)	\$1,593,488.61
<b>2015</b>	Seven (7)	\$1,478,001.47
<b>2016</b>	Eight (8)	\$419,154.64
<b>2017</b>	Ten (10)	\$654,804.61
<b>2018</b>	Twenty-Four (24)	\$8,873,913.46
<b>TOTAL</b>		<b>\$13,019,362.79</b>



**PENDING MATTERS**

**NOTE:-**The information provided relates to the last five years, Chambers continues to have conduct of several matters which are still pending prior to the year 2014 and up to the present year. These matters are mainly in relation to Transfer of Land, Mutual Legal Assistance Requests, Litigation, Adoptions, Boards of Assessment and Non-Profit Companies. As a consequence, the number of matters pending would be more.

## **National Anti Money Laundering Oversight Committee (NAMLOC)**

The Caribbean Financial Action Task Force (CFATF) is a Financial Action Task Force (FATF) Styled Regional Body (FSRB) with a membership of twenty-five (25) Caribbean and South American States, Saint Lucia being one such member. This body requires that member States implement common counter measures to address cases of money laundering, terrorist financing and the financing of the proliferation of weapons of mass destruction by implementing legislation in accordance with the revised 40 FATF Recommendations and 11 Immediate Outcomes.

Saint Lucia will be undergoing its 4<sup>th</sup> Round Mutual Evaluation in September 2019 which will examine the country's compliance with the Forty Recommendations through its legislative framework and level of effectiveness. The Attorney General's Chambers with the sanction of the Cabinet of Ministers has established a National Anti Money Laundering Oversight Committee which has responsibility for ensuring Saint Lucia's readiness for the Mutual Evaluation. This Committee is currently undertaking several ventures to ensure that the general public and stakeholders are educated on the process.

### **DELIVERABLES TO DATE**

- Appointment in June 2018 of a National Coordinator with the responsibility of arranging and coordinating all the activities in preparation for the mutual evaluation process.
- Two sensitization workshops were held in July 2018, one for all public sector and another for private sector stakeholders. These were geared towards introducing stakeholders to the mutual evaluation process, money laundering, terrorist financing and financing of the proliferation of weapons of mass destruction. From these workshops six (6) teams were established to analyze different sectors/ areas within Saint Lucia, these were: Threat, Vulnerability, Banking, Insurance and Securities and Designated Non-Financial Businesses and Professions (DNFBPs). A National Risk Assessment (NRA) report will be generated at the end of this process. This report will identify areas of high and low risk within the country, therefore giving a precise picture of the areas requiring immediate attention and where resources need to be channeled.
- The National Risk Assessment Methodology was introduced to the teams at the first World Bank workshop also held in July 2018. Participants were trained on how to use this methodology to collect the data needed to generate the NRA. At the second World Bank workshop in November 2018, the experts met with each of the six (6) teams to discuss the data collected to date and make recommendations for improvements.

- To date, about thirty caucus meetings have been held with critical stakeholders from the public and private sectors. These caucus meetings seek to educate on money laundering, terrorist financing, proliferation financing and the impact of the 4<sup>th</sup> Round Mutual Evaluation.
- There are several initiatives included in the public education campaign. An infomercial has been developed which is currently airing on the Government Information Service, additionally, a weekly article from the Attorney General's Chambers via NAMLOC is published in the local newspaper, two brochures have been developed addressing money laundering and terrorist financing. These have been circulated to financial institutions, insurance and securities companies.
- A Pre-Assessment Training was held from January 28-30, 2019 with public and private sector stakeholders.
- A synchronization of statistics meeting was held on January 31, 2019 with representatives from the Attorney General's Chambers, Customs and Excise Department, Inland Revenue Department, Financial Services Regulatory Authority, Financial Intelligence Authority, Royal Saint Lucia Police Force, Statistics Department, Department of Commerce, Department of External Affairs, Department of Finance and Office of the Director of Public Prosecutions.

## Legislative Drafting Unit

### Staffing

The Legislative Drafting Unit (the Unit) is accountable to the Attorney General for the drafting of legislation (in the form of a Bill or Statutory Instrument) or the approval of laws prepared by other Government Ministries or Departments and regional bodies including the Organization of the Eastern Caribbean States, the Caribbean Community and the Eastern Caribbean Central Bank, for the periodic revision of the Revised Edition of the Laws of Saint Lucia as the Attorney General is the Law Revision Commissioner under the Revised Edition of the Laws Act, Cap. 1.07 and the interpretation of laws.

In 2014, the Unit comprised a Deputy Director of Legislative Drafting, two Legislative Drafters, a Secretary and a Clerk/Typist. The configuration of the Unit changed in 2015 and contained a Director of Legislative Drafting, two Legislative Drafters, two Legislative Drafting Consultants, a Secretary and a Clerk/Typist. The staff of the Unit was maintained in 2016. During 2018, a Deputy Director of Legislative Drafting and an Administrative Secretary was appointed.

The Legislative Drafters are attorneys-at-law who also have a Masters in Legislative Drafting.

### Objectives of the Legislative Drafting Unit

- To convert policy into legislation such as, Bills and Statutory Instruments including Bye-laws, Orders, Notices, Proclamations, Regulations, Resolutions and Rules.
- To ensure that Bills and Statutory Instruments drafted conform to legislative drafting norms, complies with the Constitution of Saint Lucia, other laws and the policies of the Government of Saint Lucia.
- To reduce the accumulation of alterations and of newly-made laws by textually updating, introducing and reprinting the laws into the Revised Edition of the Laws of Saint Lucia.
- To provide access to the Revised Edition of the Laws of Saint Lucia.
- To construe the meaning in legislation using the rules of statutory interpretation.
- To assist the National Printing Corporation with preparation of legislation in the appropriate software.
- To attend the sittings of Parliament.

## **Work Programme**

The work programme of the Unit was presented in the Throne Speech delivered by the Governor General and the Budget Speech of the Prime Minister and Minister of Finance. In addition, the work of the Unit is determined by instructions received from Ministries and Departments and decisions of Cabinet. During the years 2014 to March 2019, the following legislation was listed as priority:

1. Child (Care, Protection and Adoption) Bill
2. Child Justice Bill
3. Criminal Code (Amendment) Bill
4. Data Privacy and Protection Bill
5. Education (Amendment) Bill
6. Education Regulations
7. Electronic Crimes Bill
8. Electronic Transactions Bill
9. Environmental Management Bill
10. Health Practitioners (Amendment) Bill
11. Health Practitioners Regulations
12. Health Records and Reporting Bill
13. Legislation for vulnerable persons, such as the elderly and the young
14. National Health Insurance Bill
15. Pharmacy (Amendment) Bill
16. Public Service Management Bill
17. Social Protection Bill.
18. Income Tax (Amendment) Bill
19. Food Import Bill
20. Public Debt Bill.

## **Completed Legislation**

### *Acts*

The Acts passed in the years 2014-March 2019 are as indicated below:

<b>YEAR</b>	<b>NO. OF ACTS PASSED</b>
2014	24
2015	19
2016	25
2017	14
2018	18
Jan-Mar 2019	9

## *Statutory Instruments*

The number of Statutory Instruments that were passed in 2014-2019 is stated below:

<b>NAME</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Jan-Mar 2019</b>
Regulations	<b>10</b>	<b>20</b>	<b>12</b>	<b>9</b>	<b>4</b>	<b>0</b>
Resolutions	<b>27</b>	<b>14</b>	<b>7</b>	<b>11</b>	<b>18</b>	<b>0</b>
Orders	<b>78</b>	<b>80</b>	<b>87</b>	<b>110</b>	<b>110</b>	<b>26</b>
Notices	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>
Rules	<b>6</b>	<b>5</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>1</b>
Proclamation	<b>2</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>TOTAL</b>	<b>123</b>	<b>122</b>	<b>113</b>	<b>137</b>	<b>137</b>	<b>29</b>

## **Pending legislation**

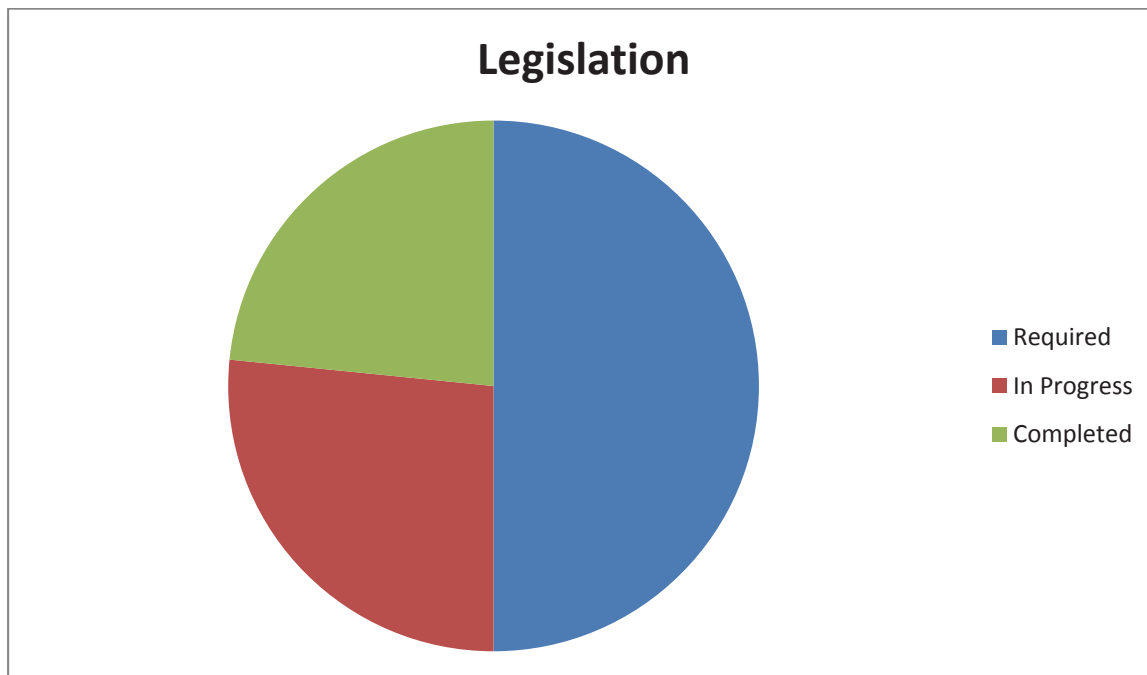
In the Bills considered by the Unit, the following are notable:

1. Electricity Supply Bill
2. Credit Reporting Bill
3. Banking (Amendment) Bill
4. Biosafety Bill
5. Tourism Transportation Exemption Bill
6. Public Health (Amendment) Bill
7. Castries Constituency Council Bill
8. Motor Vehicles and Road Traffic (Amendment) Bill
9. Parastatal Entity Bill
10. Invest Saint Lucia (Amendment) Bill
11. Health Practitioners (Amendment) Bill
12. Quarantine Bill
13. Pensions (Amendment) Bill
14. Public Service Management Bill



15. Electronic Crimes Bill
16. Public Procurement and Asset Disposal (Amendment) Bill
17. Citizenship by Investment (Amendment) Bill
18. Trade Export Promotion Agency (Amendment) Bill
19. Saint Lucia Border Control Authority Bill
20. Criminal Procedure (Pleas Bargaining) Bill
21. Public Finance Management Bill
22. Recording of Court Proceedings (Amendment) Bill
23. Health Services (Complaints and Conciliation) (Amendment) Bill
24. Caribbean Electric Utility Services Corporation Headquarter Agreement Bill
25. Customs (Control and Management) (Amendment) Bill
26. Saint Lucia Social Development Fund (Amendment) Bill.

The work of the Legislative Drafting Unit as it relates to the preparation of legislation for the year 2018 is illustrated below:



### Representation on Council, Committee and Group

The legal professional staff currently represents the Attorney General on several Boards, Committees and Statutory Bodies. Representatives perform an advisory role. These Boards, Committees and Statutory Bodies are as follows:

1. National Project Working Committee (Persistent Organic Pollutants)
2. National Working Group on Minamata Convention
3. Review Committee on Returnable Containers
4. Saint Lucia Air and Sea Ports Authority
5. Social Committee (Attorney General's Chambers).

### Participation in Consultations and Workshops

Staff from the Unit participated in a number of consultations and workshops including

- Boating Safety and Security Workshop

- Consultation on the Development of a Sectoral Adaptation Strategy and Action Plan
- International Maritime Organization Regional Workshop on Anti-Fouling and Biofouling
- Meeting on Regulations for CARICOM Model Consumer Protection Bill Improved Access to Justice in the Caribbean (IMPACT Justice) Project
- Meeting on Secured Transactions Bill
- National Consultation on Environmental Management Bill and Climate Change Bill
- National Risk Assessment Workshop – Caribbean Financial Action Task Force Committee
- Restructuring the legal framework for insolvency
- Stakeholder Consultation – OECS Global Climate Change Adaptation Project on Technical Assistance for the Development of Legislation Frameworks aimed at Enhancing Environmental Management in Saint Lucia

## **Training**

In 2018 staff of the Unit was involved in the following training:

1. Leadership and Management Coaching Programme
2. Oral and Written Communication Skills Training (Public Service Training Division)
3. Regional Workshop on the International Maritime Organization Member State Audit Scheme (International Maritime Organization)
4. Seminar on Fiscal Law and Governance (International Monetary Fund)
5. Treaty Law, Negotiations and Drafting Workshop (IMPACS Justice Project)
6. Public Utilities Research Center Workshop on Public Utilities Regulation.

Additionally, the Unit continued to provide training to two attorneys-at-law who had completed the LLM in Legislative Drafting and assisted with the supervised internship of one student who was completing the LLM in Legislative Drafting at the University of the West Indies, Cave Hill,

Barbados. Further, a student from the Sir Arthur Lewis Community College was facilitated at the Unit as part of the public service Summer Job Training Opportunity.

### **Revised Edition of the Laws**

The laws of Saint Lucia were revised up to the year 2014. Additionally, the prices for the sale of the Revised Edition of the Laws were introduced. The costs to purchase the revised edition of the laws are:

Loose-leaf	\$1,500
CD ROM or other forms of electronic storage	\$ 500
Electronic version of a revised Edition of the law	
1-30 pages	\$ 75
More than 30 pages	\$ 150
Pages from the revised edition of the laws	\$2 per page.

## **Registry of Companies and Intellectual Properties**

The Registry of Companies and Intellectual Property is a Unit within the Attorney General's Chambers, established in the year 2000 by an Act of Parliament – **Companies and Intellectual Property (Registry) Act**, Cap. 13.02 of the Revised Laws of Saint Lucia. The Registry is responsible for the administration of the following legislation:

- Companies Act and Regulations, Cap. 13.01
- Registration of Business Names Act and Rules, Cap 13.03
- Partnerships – Commercial Code, Chapter 244, Title II
- Lay-out Designs (Topographies) Integrated Circuits Act, Cap 13.16
- Geographical Indications Act and Regulations, Cap 13.14
- Copyright Act Cap. 13.07
- Industrial Designs Act and Regulations Cap. 13.29
- Protection against Unfair Competition Act Cap. 13.28
- Trademarks Act and Regulations Cap. 13.30
- Patents Act No. 16 of 2001 – the draft Regulations are presently being reviewed for implementation.

### **The main objectives of the Registry are:**

1. To register companies, business names, partnerships and intellectual property (trademarks, patents, industrial designs).
2. To maintain an updated filing system for companies, business names, partnerships and intellectual property.
3. To ensure easy access to information filed at the Registry.
4. To generate a level of enforcement and awareness of treaties and legislation pertaining to companies and intellectual property

A total of three hundred and three [303] new Trademark Applications were received, which represents a slight increase in the numbers of applications received in the past five years. Equally

on the rise is the receipt of various user documents, with eight hundred and eighty-eight [888] user documents being processed for the period January to December 2018.

### **General Statistics of Trademarks for the year 2018**

Year	User Documents received	User Documents processed	New Trademark Applications	New Applications examined	Trademark examiners
2018	888	888	303	289	1

#### **Patents**

During the period under review, nine [9] Patents were received; however, the Patents remain unexamined due to absence of legislative mechanism to undertake the examination. The Draft Patent Regulations are presently with the WIPO Patent Division. It is anticipated the finalisation of the legislation will occur towards the end of 2019.

#### **Industrial Designs and Geographical Indications**

Saint Lucia has not registered any geographical indicators (GI). However, the Registry has placed the process of registering Saint Lucia's first GI as a priority area in the upcoming year. Public outreach initiatives are planned to generate interest in this area and to ensure a registration occurs.

There were no Industrial Designs registered in 2018, compared to three (3) registrations in 2017.

#### **Copyright**

Saint Lucia does not have a voluntary registration system for copyrighted work. As such, the Registry gives advice based on the legislation in force. The Registry is exploring the possibility of the implementation of a voluntary system of registration.

Many queries were received from the public related to Copyright. Generally, the requests came from writers and composers who were desirous of protecting their work. The increase interest in the area of Copyright has caused the Registry to research the feasibility of introducing a voluntary registration system for copyrighted work.

The Registry intends to work closely with the World Intellectual Property Organization (WIPO), the Department of Creative Industries and the Eastern Caribbean Copyright Organization for Music Rights (ECCO) to increase awareness with respect to Copyright, enforcing copyright legislation and using copyright as an economic earner.

### **Activities: World IP Day 2018, WIPO Ministerial-Level Meeting and Regional Heads Meeting.**

The Registry commenced in 2018 with the celebration of the World Intellectual Property Organization's "World IP DAY" in April 2018 with two days of activities, a World IP Help Desk and a World IP Day Open House. The activities were promoted via the media with interviews by the Acting Deputy Registrar.

The World Intellectual Property Organization in conjunction with the Attorney General's Chambers through the Registry hosted two Regional meetings; the WIPO Regional Meeting of Heads of Intellectual Property Offices of Caribbean Countries and the WIPO Ministerial Level Meeting on IP for Caribbean Countries during July 24<sup>th</sup>-26<sup>th</sup> 2018. Both meetings were noted a success by both regional and international attendees, with the Director and Deputy Director Generals of WIPO indicating their immense gratitude to Saint Lucia for hosting the event and the passage of all nine (9) resolutions.

### **Corporate: Companies and Businesses**

In addition to the registration of the Profit, Non-Profit, External/Foreign, Member States companies and Partnerships, the Registry also facilitates the registration of Business Names. The Registry has the ongoing responsibility of maintaining an efficient filing system of all matters relating to companies and intellectual property post-registration. The filing system records the following information with respect to companies:

- Notice of Appointment of Secretary
- Allotment of Shares
- By-Laws
- Annual Returns/Financial Statements
- Notice of Change of Directors
- Notice of Change of Address

- Share Transfer
- Resolutions
- Registration of Charges/Mortgages
- Articles of Amendment
- Certificates of Good Standing
- Amalgamation of Companies

Three (3) major areas of its operations which Registry is usually inundated include:

### **1. Filing of Annual Returns:**

Annual Returns must be filed by every registered company for profit and must be filed by 1<sup>st</sup> April each year in respect of the previous financial period ending 31<sup>st</sup> December.

The increase in registrations of companies over the years has meant that the filings of annual returns have grown significantly. As in past years, there was a peak season for receipt of Annual Returns and other corporate documents from January to May 2018, with a lessened, but steady receipt of corporate documents for the remainder of the year.

### **2. Registration of Charges/Mortgages:**

This is an obligation of all companies registered under the Companies Act. The Act stipulates a 28-day period after the Registration at the Land Registry, by which to register the charge instrument with the Registry of Companies. Upon registration of the charges by companies, the Registry must issue a Certificate of Registration of Charges to the respective companies. This must always be done in a timely manner as the mortgagee usually requires proof of the registration of the charge. If not registered within the allotted time, an application has to be made to the Court for an extension of time with which to register the charge.

### **3. Certificates of Good Standing:**

Many institutions including the Inland Revenue Department, the Land Registry, the Customs and Excise Department, Banking and other financial and lending intuitions require certificates of good standing from companies, indicating that the company has filed its annual return up to the present period. These certificates have to be prepared on a daily basis in large quantities and in a timely manner as they are always needed for completion of business transactions.



## **REGISTRY OF COMPANIES & INTELLECTUAL PROPERTY STATISTICS**

**JANUARY –DECEMBER 2018**

### **Domestic Companies**

<b>Month</b>	<b>No. of Companies Incorporated</b>
January	Twenty-Seven (27)
February	Twenty-Two (22)
March	Thirty-Seven (37)
April	Forty-Four (44)
May	Thirty-Five (35)
June	Twenty-Four (24)
July	Thirty-Three (33)
August	Thirty-Three (33)
September	Thirty-Two (32)
October	Twenty-One (21)
November	Twenty-Five (25)
December	Sixteen (16)
<b>Three Hundred and Forty Nine (349)</b>	
<b>An increase from three hundred and twenty-two (322) in 2017</b>	

### Business Names

<b>Month</b>	<b>No. of Businesses Registered</b>
January	One Hundred and Thirteen (113)
February	Eighty-One (81)
March	One Hundred and Five (105)
April	One Hundred and Twenty-Two (122)
May	One Hundred and Four (104)
June	One Hundred (100)
July	Seventy-Three (73)
August	One Hundred and Three (103)
September	Seventy-Eight (78)
October	One Hundred and Five (105)
November	One Hundred and Twelve (112)
December	Ninety (90)
<b>One Thousand One Hundred and Eighty Six (1186)</b>	
<b>An increase from one thousand and seventy-two ( 1072) in 2017</b>	

During the period January to December 2018 the following were issued:

No. of Good Standing Certificates –	Eight Hundred and Eighty (880)
No. of Mortgages registered –	One Hundred and Six (106)
No. of External /Foreign Companies –	Four (4)
No. of Member State Companies –	Three (3)
No. of Amendments –	Thirty – Five (35)

The Registry experienced a surge in the number of business names (1186) and domestic companies registered (349). The incorporation of three hundred and forty-nine domestic (349) companies in 2018 was a slight increase in contrast to the figure of three hundred and twenty-two

(322) incorporations in 2017. Business name registrations, on the other hand saw an increase from one thousand and seventy-two (1072) in 2017 registrations to one thousand, one hundred and eighty-six registrations (1186) in 2018.

Despite the increase in both types of corporate registrations, the Registry maintained, and in some instances, produced the relevant Certificates within or before the set time frame for the delivery of same.

### **Training**

During 2017 and 2018 staff members have benefitted from training from the World Intellectual Property Organization, the European Union and Caribbean Forum (CARIFORUM) and the Department of the Public Service.

## COMBATTING MONEY LAUNDERING AND THE FINANCING OF TERRORISM

*Extracted from the FIA Annual Report*

Money laundering and the financing of terrorism are an international problem which compromises the efficiency and stability of a country's financial system. The events of September 11, 2001 have heightened international concern especially with regard to the financing of terrorism.

The International Monetary Fund has stated that the aggregate size of money laundering in the world could be somewhere between 2% and 5% of the world's gross domestic product, that is US\$90 billion to US\$1.5 trillion dollars. Right now between US\$300 and US\$430 billion dollars is spinning around the globe in the laundering cycle.

Money laundering can basically be defined as "the conversion of proceeds of criminal conduct into legitimate funds". The Financial Action Task Force (FATF) on Money Laundering which is the recognized international standard setter for anti-money laundering efforts defines money laundering as "the processing of criminal proceeds to disguise their illegal origin in order to legitimize the ill gotten gains of crime."

These criminal proceeds are usually derived from such crimes as drug trafficking, tax evasion, embezzlement and other serious offences.

There are various techniques used to launder money and these techniques or methods are essentially the same as those used to conceal the sources of terrorist financing, the funds for which may be derived from both legitimate sources and/or criminal activities.

There are three stages of money laundering. In the initial stage of the process, **placement**, the launderer places criminally derived proceeds into the financial system or disposes of them through currency smuggling. Some of the more common forms of placement include asset or monetary instrument purchase e.g. buying cars, boats, real estate, jewelry or monetary instruments such as money orders, postal orders travelers cheques, securities, etc.

In the second stage of the money laundering process, **layering**, the launderer attempts to separate criminally derived proceeds from their illicit origin by moving funds through a complex series of financial transactions. Wire or electronic funds transfer is probably the most important technique for layering.

In the third and final stage in the money laundering process, **integration**, the launderer creates a justification or explanation for the criminally derived profits which appears legitimate. A “shell company” is a company that only exists on paper and does not participate in actual commerce. The launderer may represent money from illegal activity as profits from a shell company.

Perhaps the greatest advantage the money launderer enjoys is that he has the opportunity to study at leisure the Government’s regulatory efforts to detect him and can plan the time, place and method of his crime. There are many conditions, the existence of which can inure to a launderer’s advantage, for example where money laundering is not criminalized as part of serious crime or is linked to only one, such as drug trafficking. This gives the launderer an opportunity to commingle funds and obscure their origin. Other conditions include financial systems that lack record keeping requirements for large cash transactions or lack reporting requirements for suspicious transactions.

The FATF on money laundering and its regional counterpart the Caribbean Financial Action Task Force (CFATF) (an organization established by States of the Caribbean basin which have agreed to implement common counter measures against money laundering and terrorism financing) have made forty (40) recommendations urging member countries to impose measures on financial institutions requiring them to maintain records on the identities of their clients and their transactions as well as to report suspicious activities.

This information may be used to reconstruct transactions in order to establish links between individual clients and a particular business to provide the “state of mind” of an offense and to identify the role of a person in a criminal or terrorist financing enterprise.

Saint Lucia has also implemented legislation geared towards detecting, preventing and prosecuting money laundering and other serious crimes as well as confiscating the proceeds of crime. These legislative measures are reflective of international best practice and take into account the 40 recommendations of the FATF and CFATF.

The relevant laws include Money Laundering (Prevention) Act (MLPA) and the Proceeds of Crime Act (POCA), and the Anti-Terrorism Act.

### **Concealing or transferring proceeds of criminal conduct**

Section 28 of the MLPA states that:

*(1) “A person shall not*

*(a) conceal or disguise any property which is, or in whole or in part directly or indirectly represents, his or her proceeds of criminal conduct; or*

*(b) convert or transfer that property, bring the property into or remove the property from Saint Lucia;*

*for the purpose of avoiding prosecution for a drug trafficking offence or*

*relevant offence or the making or enforcement in his or her case of a confiscation order.*

*(2) A person shall not, knowing or having reasonable grounds to suspect that any property is, or in whole or in part directly or indirectly represents, another person's proceeds of criminal conduct, he or she –*

*(a) conceal or disguise that property; or*

*(b) convert or transfer that property, bring the property into or remove the property from Saint Lucia.”*

*(c) on conviction on indictment to a fine of not less than \$1 million and not exceeding \$2 million or to imprisonment for a term of not less than 10 years and not exceeding 15 years or both.”*

*for the purpose of assisting any person to avoid prosecution for a drug trafficking offence or relevant offence or the making or enforcement of a confiscation order.*

*(3) A person who contravenes subsection (1) or (2) commits an offence and is liable –*

*(a) on summary conviction to a fine of not less than \$0.5 million and not exceeding \$1 million or to imprisonment for a term not less than 5 years and not exceeding 10 years or both.”*

Persons who engage in money laundering also stand to have property derived from criminal proceeds or property intended to be used for illegal activity frozen or forfeited by the Court upon application by the Director of Public Prosecutions.

One of the main features of the MLPA is the establishment of the Financial Intelligence Authority, which is the agency responsible for collecting, receiving and analyzing reports submitted to the Authority by financial institutions and businesses of a financial nature in accordance with the MLPA and the Proceeds of Crime Act, in an effort to counter money laundering.

The establishment and functions of a Financial Intelligence Authority or a Financial Intelligence Unit as it is referred to in other countries, are consistent with the concepts utilized by the FATF and CFATF.

The MLPA requires financial institutions (banks, credit unions, insurance companies, etc) and other businesses (real estate, car dealerships, courier services and jewelry businesses) to comply with a number of obligations including the reporting of suspicious transactions to the Financial Intelligence Authority, which may involve the proceeds of criminal conduct.

Financial institutions are therefore under a legal obligation to carry out customer due diligence and to take measures to satisfy themselves of the true identity of a person involved in a transaction particularly if an employee of the institution has reasonable grounds to believe that the transaction involves the proceeds of a prescribed criminal conduct. These prescribed offences include drug trafficking, fraud, prostitution, embezzlement, counterfeiting, robbery, stealing, gambling, terrorism and other serious offences. Money laundering and the financing of terrorism can be detrimental to the soundness of a country's financial sector in a number of ways. Investors may cease or refuse to do business with an institution whose reputation has been damaged by suspicions of money laundering and countries, especially developing nations with lax anti money laundering and terrorism financing enforcement systems, are less likely to receive or qualify for foreign aid.

The financial institution in Saint Lucia therefore, have a major role to play in the fight against money laundering and terrorism financing and in helping to maintain the integrity of the financial system in order to create an environment which is conducive to investment.

## Constitutional Role of the Attorney-General

By Seryozha Cenac, Senior Crown Counsel

The constitutional Office of Attorney-General in Saint Lucia was established under section 72 of the Saint Lucia Constitution Order 1978 which came into effect on February 22<sup>nd</sup> 1979. By virtue of Statutory Instrument Number 41 of 1997, the Office of Attorney-General was declared to be a public office effective June 15<sup>th</sup> 1997. However, constitutionally speaking, it may be either a public office or the office of Minister. The constitutional significance of this declaration is that the Attorney-General may now be appointed to hold or act in the office of Director of Public Prosecutions and is now accountable to Parliament in either or both capacities.

Subsection 1 of Section 72 defines the role of the Attorney-General to be that of principal legal adviser to the Government, which, if given its constitutional meaning, refers to the executive branch of the Government. As the principal legal adviser to the Government, the Attorney-General has a seat in Cabinet, and now, as a public officer, is accountable to Parliament in the exercise of his function in respect of legal matters of public interest.

As part of Cabinet, the Attorney-General is obliged to give independent advice to the Government on matters of law or matters which may have legal consequences. This is to ensure that the Executive discharges the business of Government in a lawful manner in observance of the rule of law. In that regard, the Cabinet, including Departments of Government, is not only obliged to accept the legal advice of the Attorney-General, but to consult with the Attorney-General before committing the Government to critical decisions or those with legal consequences.

Whilst it is understood that an Attorney-General may not know all the law, or be specialized in all areas, it is the Attorney-General, who should select external counsel who is, in his/her view, capable of submitting a reliable legal opinion to the Government. By the same token, the Attorney-General is accountable for, and so superintends all legal advice given to Government by all Government lawyers and external counsel.

It is this advice and the actions of the Government which places on the Attorney-General the duty to appear (through his/her law officers) on the Government's behalf in all matters litigated before the courts, and in whose name the Crown is sued. This is given statutory force under section 13 of the Crown Proceedings Act, a statutory adjunct to section 72 of the Constitution. The Attorney-General is also at liberty to appear personally before the courts, often in matters of considerable importance, where he/she, in the English tradition, is called, "*Mr. Attorney*".

In constitutional theory, some commentators are of the view that what places the Attorney-General at the heart of the constitution is his/her role as the guardian of the public interest. This is because the law reserves to the Attorney-General, the right to intervene in "*the functioning of the justice system in the interests of supporting the system itself and maintaining public*



*confidence in the administration of justice*". This power, when exercised, is not amenable to judicial review. For instance, when he/she exercises that power: to bring relator actions; to review an inquest under the Coroners Act; to bring contempt proceedings (in relation to the media); to bring actions to restrain vexatious litigants; or to assert the privileges of Parliament in the courts. It is this aspect which makes the declaration of his/her office as a public office all the more constitutionally significant, as the Attorney-General now becomes directly accountable to Parliament for the acts or omissions in respect of the public interest.

As our Constitution was written and handed down to us by the constitutional lawyers of Great Britain, its interpretation and operation is presumed to be informed by British constitutional ideas. And so, until such time as we depart from them, whether by constitutional reform or judicial interpretation directed to achieve modern local realities, it is useful to import the British understanding of the role of the Attorney-General into ours to augment our own understanding.

Consequently, the constitutional role of the Attorney-General may be summed up in the words of the former Attorney-General of England, the Right Honourable Lord Goldsmith QC, who succinctly articulated his role as follows:

*"to give legal advice and take decisions based on a scrupulous approach to the law and to evidence; where I am exercising my public interest functions, to act on the basis of an objective, dispassionate assessment of the public interest, without regard to party political considerations; and to act independently, fairly and with accountability"*.

## Appendix 1

	Claim No.(Filed Against the State)	Date Matter was Settled	Amount \$
1	SLUHCV2017/0073	8th January,2018	\$65,526.79
2	SLUHCV2014/0226	15th January,2018	\$34,736.64
3	Claim No.2014/0513	18th January,2018	\$382,267.83
4	N/A	22nd January,2018	\$4,500,000.00
5	Ex gratia payment	15th February,2018	\$840,642.00
6	SLHCV2016/0006	19th February,2018	\$3,000.00
7	SLUHCV2013/0425	8th March,2018	\$1,700,000.00
8	SLUHCV2013/0435	20th March,2018	\$9,200.00
9	SLUHCV2016/0159	11th April,2018	\$65,936.71
10	SLUHCV2015/0827	23rd April,2018	\$27,152.09
11	Ex gratia payment	29th April,2018	\$20,240.00
12	SLUHCV2016/0159	30th April,2018	\$14,100.00
13	SLUHCV2014/0867	14th May,2018	\$118,736.93
14	SLUHCV2016/0408	18th May,2018	\$17,250.00
15	SLUHCV2017/0573	25th May,2018	\$1,000.00
16	SLUHCV2017/0409	29th May,2018	\$207,568.65
17	SLUHCV2017/0276	31st May,2018	\$5,000.00
18	SLUHCV2016/0806	5th June,2018	\$123,053.33
19	SLUHCV2008/0893-SLUHCV2009/0398	10th July,2018	\$37,438.00
20	SLUHCVAP2010/0013	10th July,2018	\$4,554.64
21	SLUHCV2017/0141	3rd September,2018	\$10,000.00
22	SLUHCV2008/0179	16th October,2018	\$506,743.25
23	SLUHCV2010/0247	15th November,2018	\$95,472.13
24	SLUHCV2011/1084	21st November,2018	\$84,294.47
	<b>Sub Total</b>		<b>\$8,873,913.46</b>
25	SLUHCVAP205/0019	19th January,2017	\$5,000.00
26	SLUHCV2014/0511	14th March,2017	\$210,000.00
27	SLUHCV2015/0669	22nd March,2017	\$12,017.50
28	SLUHCV2012/0496	7th April,2017	\$100,000.00
29	SLUHCV2008/0580	15th August,2017	\$57,960.26
30	SLUHCV2016/0606	11th September,2017	\$29,798.69
31	SLUHCV2013/0100	2nd November,2017	\$146,837.50
32	SLUHCV2015/0670	7th November,2017	\$18,574.67
33	SLUHCV2013/0632	19th December,2017	\$69,345.99
34	SLUH2MCV201/0065	19th December,2017	\$5,270.00
	<b>Sub Total</b>		<b>\$654,804.61</b>
35	SLUHCV2011/1292	6th July,2016	\$33,350.00
36	SLUHCVAP2008/0033	6th October,2016	\$7,500.00
37	SLUHCV2010/0247	25th October,2016	\$45,000.00
38	SLUHCV2014/0695	7th November,2016	\$100,000.00
39	Ex gratia payment	1st December,2016	\$250.00

40	SLUHCV2009/0762	8th December,2016	\$4,554.64
<b>Appendix 1</b>			
	<b>Claim No.(Filed Against the State)</b>	<b>Date Matter was Settled</b>	<b>Amount \$</b>
41	SLUHCV2015/0539	22nd December,2016	\$220,000.00
42	SLUHCV2015/0327	30th December,2016	\$8,500.00
	<b>Sub Total</b>		<b>\$419,154.64</b>
43	SLUHCV2011/0071	13th March,2015	\$28,339.97
44	SLUHCV2014/0478	29th April,2015	\$20,240.00
45	Ex gratia payment	29th June,2015	\$1,335,562.83
46	SLUHCV2012/0940	6th October,2015	\$59,983.67
47	SLUHCV2014/0774	26th October,2015	\$3,375.00
48	Ex gratia payment	9th December,2015	\$13,500.00
49	Ex gratia payment	9th December,2015	\$17,000.00
	<b>Sub Total</b>		<b>\$1,478,001.47</b>
50	Ex gratia payment	30th January,2014	\$2,250.00
51	Ex gratia payment	17th March,2014	\$1,500.00
52	Ex gratia payment	26th March,2014	\$32,142.86
53	SLUHCV2008/0571	3rd June,2014	\$1,554,095.75
54	SLUHCV2014/0088	29th September,2014	\$3,500.00
	<b>Sub Total</b>		<b>\$1,593,488.61</b>
	<b>TOTAL</b>		<b>\$13,019,362.79</b>



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