

ANTIGUA AND BARBUDA



THE SUPREME COURT (MASTERS) ORDER, 2008

STATUTORY INSTRUMENT

2008, No. 55

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The Supreme Court (Masters) Order, 2008.

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The Chief Justice by virtue and in exercise of the powers conferred on him under section 12(1) of the Supreme Court Order Cap 422A, Revised Laws of Antigua & Barbuda, 1992, as amended, and with the concurrence of the Prime Ministers and the Premiers of all the States hereby orders as follows:

1. Short title

This Order may be cited as The Supreme Court (Masters) Order, 2008.

2. Interpretation

In this Order—

“Courts Order” means the Eastern Caribbean Supreme Court Order;

“Master” means the office established by section 3 and, where the context so admits, includes the holder of the office and unless otherwise stated includes a person appointed to act in the office;

“State” means

- (a) Antigua and Barbuda
- (b) Grenada
- (c) Saint Christopher and Nevis
- (a) Saint Lucia
- (e) Saint Vincent and the Grenadines
- (j) The Commonwealth of Dominica

“Territory” means

- (a) Anguilla

(b) Montserrat, and

(c) The British Virgin Islands

3. Establishment of the office of Master

There is established as an office of the Supreme Court the office of Master of the Supreme Court.

4. Functions

(1) A Master shall perform the duties and exercise the functions conferred upon Masters by the Rules of Court made pursuant to subsections 17 (1) and (2) of the Courts Order.

(2) A Master may exercise such functions, as may be conferred upon Masters in relation to any State or Territory, by any law in force in that State or Territory.

5. Number of Masters

There shall be two Masters.

6. Variation of Number of Masters

The number of Masters may be varied by order of the Chief Justice made with the concurrence of the Prime Minister of all the States.

7. Abolition of office only with consent of incumbent

No office of Master shall, without the consent of the holder of the office, be abolished while there is a substantive holder of that office.

8. Appointment of Masters

The appointment of Masters is provided for in subsection 12 (2) of the Courts Order.

9. Discipline

The discipline of Masters is provided for in subsection 12 (2) of the Courts Order.

10. Qualifications

(1) A person shall not be qualified to be appointed as a master unless that person

- (a) is qualified to practice as a barrister in a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in a court having jurisdiction in appeals from such court and has so practiced, for a period of or for periods amounting in the aggregate to not less than seven years; or
- (b) has been serving in the office of judge in such court for a period of or for periods amounting in the aggregate to not less than seven years.

(2) For the purpose of subsection (1), a reference to a period or periods during which a person has practiced as an advocate shall be construed as including periods during which a person has served in a public office in some part of the Commonwealth—

- (a) in the office of magistrate;
- (b) in the office of registrar of a court of unlimited civil and criminal jurisdiction in some part of the Commonwealth or
- (c) as an officer the functions of whose office includes appearing as an advocate in such court.

(3) For the purpose of subsection (1), a reference to a period or period during which a person has served in a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in a court having jurisdiction in appeals from such a court shall be construed as including periods during which a person has served—

- (a) as case management master with functions comparable to those of a Master
- (b) as master with functions comparable to those of a Master.

11. Tenure of Office of Masters

(1) Subject to subsection (2), persons holding the office of Master, other than acting Master, hold office until attaining the age of sixty-five years.

(2) The Judicial and Legal Services Commission may remove a Master from office for cause at any time.

(3) In subsection (2), ‘cause’ means—

- (a) inability to discharge the functions of the office, whether arising from

- (i) infirmity of body or mind,
 - (ii) failure in the due execution of the office,
 - (iii) having been placed, by his or her conduct or otherwise, in a position incompatible with the due execution of the office, or
 - (iv) any other cause,
- (b) misconduct.

12. Retirement

(1) A Master shall retire upon attaining the age of sixty-five years.

(2) A Master may retire upon attaining an age that is less than sixty-five years where, the Master is eligible for retirement under the pension laws of the State or Territory of which, by direction of the Chief Justice made pursuant to subsection 13 (1) of the Courts Order, the Master shall be deemed to be in the service for the purpose of the grant of a pension.

13. Pensions

(1) A Master is entitled to pension in accordance with section 13 of the Courts Order.

(2) The pensions of a Master shall not attract or be liable to income tax or any other charge or levy.

14. Status of Acting Masters

(1) A person appointed by the Judicial and Legal Services Commission to act as a Master shall, unless that person earlier resigns from the office or is removed from the office by the Judicial and Legal Services Commission continue to act in that office for the period, if any, for which that person was appointed or until a person has been appointed to and assumed or has resumed the functions of that office, as the case may be.

(2) Sections 11 and 13 shall not apply to a person appointed to act as a Master in respect of that person's acting appointment.

15. Posting

A Master shall reside in the States or Territories to which the Chief Justice, from time to time, posts the Master.

16. Assignments

a Master shall reside in the State or Territories that the Chief Justice, from time to time, assigns to

the Master.

17. Salary

(1) A Master shall be paid a salary equivalent to eighty-five percent of the salary specified for a Puisne judge in Schedule 3 to the Courts Order, as amended from time to time.

(2) The salary of a Master shall not attract or be liable to income tax or any other charge or levy.

18. Housing Allowance

(1) Subject to subsection (2), a Master shall be paid the housing allowance in Schedule 1 to this Order.

(2) If the Master is ordinarily resident in the State or Territory to which the Master is posted, the Housing Allowance shall be fifty percent of the amount prescribed in Schedule 1 for that State or Territory.

19. Travel Allowance

(1) A Master who owns a car shall be paid the travel allowance in Schedule 2 to this Order.

(2) A Master who does not own a car may, at the discretion of the Chief Justice, be reimbursed transportation costs incurred within the State or territory to which the Master is posted, up to a maximum amount of the travel allowance specified in Schedule 1 for that State or Territory.

20. Accommodation

(1) Subject to Subsections (3) (4) and (5), a Master is entitled to be paid for each calendar day while on duty outside the State or Territory to which the Master is posted an accommodation and subsistence allowance based on the United Nations Daily Subsistence Allowance.

(2) A Master may, at the discretion of the Chief Justice, be paid a supplementary allowance where, for reasons beyond the control of the Master, the actual costs of accommodation are significantly higher than the average hotel costs used in calculating the daily accommodation component of the United Nations Daily Subsistence Allowance.

(3) Where a Master's travel on duty outside the State or Territory to which the master is posted does not involve an overnight stay, the Master is entitled to be paid forty percent of the accommodation and subsistence allowance.

(4) Where a Master on duty outside the State or Territory to which the master is posted elects to stay in private accommodation, the Master is entitled to be paid fifty percent of the accommodation

and subsistence allowance.

(5) Where a Master on duty outside the State or Territory to which the Master is posted—

- (a) is accommodated free of charge by the Eastern Caribbean Supreme Court or by the Government of a State or Territory, the Master is entitled to be paid fifty percent of the accommodation and subsistence allowance;
- (b) is accommodation and provided with meals free of charge by the Eastern Caribbean Supreme Court or by the Government of a State or Territory, the Master is entitled to be paid twenty percent of the subsistence allowance.

21. Telephone

(1) A Master shall be provided with local residential telephone service at the Master's residence in the State or Territory to which the Master is posted, at no cost to the Master.

(2) A Master is entitled to be reimbursed for business related long-distance telephone calls.

22. Relocation Expenses

Masters are entitled to have their personal effects and household goods moved, at the expense of the Eastern Caribbean Supreme Court, from the State or Territory of their former posting or their place of residence immediately prior to their appointment, as the case may be, to the State or Territory of current posting, by packers, shippers and freight forwarders selected by the Chief Justice.

23. Vacation Leave

(1) A Master is entitled to forty-two calendar days vacation leave annually of which not less than twelve must be taken annually either in one period or in a series of periods according to the requirements of the Judicial and Legal Services Commission.

(2) Vacation leave may be accumulated up to a maximum of one hundred and twenty calendar days.

(3) Leave in excess of one hundred and twenty calendar days is forfeited.

(4) There is no entitlement to remuneration for leave forfeited.

24. Medical Leave

A Master is entitled to 2 working days per month of uncertified medical leave and to a reasonable period of certified medical leave annually.

25. Medical Fitness

A Master shall, before appointment, be certified by a medical practitioner, who is duly registered in a State or Territory, as being in good health and free from any ailment likely to adversely affect the discharge of the functions and duties of the office of Master.

26. Oaths

A Master shall, before entering upon the functions of the office, take the oaths set out in Schedule I to the Courts Order.

27. Commencement

This Order shall be deemed to have come into operation on the 1st day of July, 2008.

SCHEDULE 1

Housing Allowance

EC\$24,000.00 per year

SCHEDULE 2

Travel Allowance

<p>COLUMN ONE State or Territory to which Master</p>	<p>COLUMN TWO Allowance</p>
<p>1. ST. LUCIA</p>	<p>EC \$6,960.00 per year</p>

Made this 23th day of December, 2008.



Michael Gordon QC.,
*Chief Justice (Ag.) & Chairman of the Judicial
 and Legal Services Commission (Ag.)*

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