



ST. CHRISTOPHER AND NEVIS OFFICIAL GAZETTE

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NO. 17

NOTICE

The Honourable Timothy Harris, Minister responsible for Industry, Commerce and Consumer Affairs has been pleased to assent to the following Order on 28th March 2008:--

No. 8 of 2008 – The Price Control (Amendment) Order, 2008.

The following Order is circulated in this issue of the *Gazette* and forms part thereof:--

No. 8 of 2008 – The Price Control (Amendment) Order, 2008.

Dated 28th March 2008.

NOTICE

The Cabinet Secretary has been pleased to assent to the following Statutory Rules and Orders on 3rd April 2008:--

No. 9 of 2008: – Election Registration (Amendment) Regulations, 2008.

The following Statutory Rules and Orders is circulated in this issue of the *Gazette* and forms part thereof:--

No. 9 of 2008: – Election Registration (Amendment) Regulations, 2008.

Dated 3rd April 2008.

EASTERN CARIBBEAN CENTRAL BANK
UNAUDITED BALANCE SHEET AS AT 29 FEBRUARY 2008
 (Expressed in Eastern Caribbean Dollars)

LIABILITIES AND EQUITY**LIABILITIES:**

Demand liabilities - domestic	\$ 2,046,992,538	
Demand liabilities - foreign	6,129,556	
IMF government general resource accounts	875,938	
Other liabilities and payables	<u>947,895</u>	
Total Liabilities		2,054,945,927

EQUITY:

General reserve	120,921,510	
Other reserves	<u>162,327,645</u>	
		<u>283,249,155</u>

TOTAL**2,338,195,082****ASSETS:****FOREIGN ASSETS:**

Regional and foreign currencies	\$ 22,620,507	
Balances with other central banks	5,910,374	
Balances with foreign banks	131,953	
Money market instruments and money at call	1,033,078,842	
Foreign investment securities	<u>1,082,831,946</u>	
		2,144,573,622

DOMESTIC ASSETS:

Balances with local banks	307,931	
Term deposits	10,047,851	
Domestic investment securities	270,000	
Participating government securities	22,288,148	
Due from participating governments	5,481,281	
Accounts receivable and prepaid expenses	29,408,362	
Investments in associated undertakings	4,392,169	
Investment in subsidiary	20	
Intangible Assets	189,038	
Property, plant and equipment	106,950,660	
Pension asset	<u>14,286,000</u>	
		<u>193,621,460</u>

TOTAL**2,338,195,082**

Proportion of Foreign Reserve Assets held under Article 24(2) of the ECCB Agreement as a Percentage of Demand Liabilities is: 104.48%

[Signature]
 GOVERNOR

NOTICE

His Honour the Deputy Governor-General has been pleased to assent to the following Ordinances on 13th March 2008:—

- No. 1 of 2008 – Companies (Amendment) Ordinance, 2008.
- No. 2 of 2008 – Nevis Investment Promotion Agency Ordinance, 2008.

The following Ordinances are circulated in this issue of the *Gazette* and form part thereof:—

- No. 1 of 2008 – Companies (Amendment) Ordinance, 2008.
- No. 2 of 2008 – Nevis Investment Promotion Agency Ordinance, 2008.

Dated 13th March 2008.

NOTICE

His Honour the Deputy Governor-General has been pleased to assent to the following Statutory Rules and Orders on 7th April 2008:—

- No. 1 of 2008 – Proclamation dated the 7th day of April 2008, declaring Wednesday the 9th day of April 2008, to be a public half holiday in the Island of Nevis on the occasion of the Golf Insurance Primary Schools Championship Sports Meet.

The following Statutory Rules and Orders is circulated in this issue of the *Gazette* and forms part thereof:—

- No. 1 of 2008 – Proclamation dated the 7th day of April 2008, declaring Wednesday the 9th day of April 2008, to be a public half holiday in the Island of Nevis on the occasion of the Golf Insurance Primary Schools Championship Sports Meet.

Dated 7th April 2008.



DORMANT SAVINGS ACCOUNTS OVER 15 YEARS

NAME	CUSTOMER ADDRESS
John Abbott, JR	Crosses Alley, Charlestown
Rupert Alcendor	Jessups Village, St Thomas' Parish
Alberta Brookes	
Anthony Brownbill	Mount Lily, St James Parish
Ella Browne	Camps Village, St James' Parish
Ingrid Clarke	
Helen Cornelius	Barnes Ghaut, St Thomas Parish
Irie Cozier	Fountain Village, St James' Parish
Desmond Dore	
Orris M Elliott	USA
Thomas Elliott	Trinidad
Herbert Evelyn	Curacao
Rosalie Farrell	Church Ground, St Johns' Parish
James Finley	Government Road, Charlestown
Melva Ford	Cole Hill, St John's Parish
Orincia Forbes	1061 Donmills, Apt 209, Canada M3C1X2
Donavan Greenaway	Low Street, Charlestown
Roland Greenaway	Low, Street, Charlestown
Caroline Hanley	Bath Village, Nevis
Ilena Hanley	
Imelda Hendrickson	Government Road, Charlestown
Joan Hendrickson	Beaumont, Gingerland
Hastings Henry	St Croix
Alma Hobson	Beach Road, St Johns Parish
Hartley Hobson	Webbe's Ground, Gingerland
Predencia Huggins	Rawlins Village, Gingerland
Samuel Huggins	
Deslyn Sargeant ITF Casey Hunkins	Government Road, Charlestown
Bertram Jeffers	Brick Kiln, St James Parish
Calmeta Jeffers	Cotton Ground, St Thomas Parish
Rosetta Jeffers	England
Luz Johnson	
Luz Johnson/Tessa Howell	Cane Garden, St Johns Parish
Lilian Landmark	Charlestown, Nevis
Maude Liburd	Victoria Road, St John's Parish
Melvan Martin	Jessups Village, St Thomas' Parish
Hannah Maynard	Morning Star
James Maynard	Brick Kiln, St James Parish
Judith McGrath	
Enid Meade	55 Napier Road, Cowley Oxford England, OX4 3HZ
Shantel Merit	Rawlins Village, Gingerland
Rodney Mills	Brick Kiln, St James Parish

Pearline Moven	
Nevis Netball Assn Fencing Fund	Charlestown, Nevis
George S Parris	Government Road, Charlestown
Henrieta Parris	
Weston Parris for Francis O'Brien	Charlestown, Nevis
Partners of The Americas	
Warren Phillip	Butlers Village, St James' Parish
Joseph D I Pond	Curacao
Selwyn Powell/Angelita Powell	
Donna Roberts	New Castle, St James Parish
K G Swanston	Charlestown, Nevis
Kjell Swanston	Ramsbury Site, Charlestown
David Thibou	Bath Village, Nevis
Melvan Swanston	Cedar Trees, Charlestown
James Trotman	
Beulah W Pemberton	England
Cyril Walwyn	
Alvin H Warner	Curacao
Mary Warner	Government Road, Charlestown
Merle Wattle	Happy Hill Drive, Charlestown
Veronica Watts	Government Road, Charlestown
Cecil Watts	
Janice Williams	Brown Hill, Nevis
Russell Browne	Cotton Ground, St Thomas Parish

NOTICE

The following appointment of a Marriage Officer made under section 4(1) of the Marriage Ordinance, Cap. 325 is hereby published for general information.

By virtue of the power and authority vested in me under section 4(1) of the Marriage Ordinance, Cap. 325 of the Statutes of the Federation of Saint Christopher and Nevis and all other powers and authorities me thereunto enabling, I do hereby appoint Father Romil B Aperocho of the Roman Catholic Church to be a Marriage Officer in and for the Federation of Saint Christopher and Nevis.

Dated the 31st day of March 2008.

CUTHBERT M SEBASTIAN
Governor-General

IN THE EASTERN CARIBBEAN SUPREME COURT (2007)**PRACTICE DIRECTION****NO. 1 OF 2007****COURT DOCUMENTS**

This Practice Direction is made pursuant to Part 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 3 of the Rules.

1. INTRODUCTION

This Practice Direction clarifies the position as stated in CPR Part 3.6 with regard to all court documents which are filed.

2. SCOPE OF CPR PART 3.6(3) & (4)

Part 3.6(3)(a) states that every document filed at the court must be headed with the full title of the proceedings and the title of the document. Part 3.6(3)(b) states quite clearly that every document which is filed should state, the name of the person filing it, or, in the case where it is more than one person, the persons filing the document, their business address, reference (if any) telephone and fax numbers. Part 3.6(3)(c), and (d) go on to state that every document must contain its date and must, except in the case of an affidavit, be signed by the person filing it. Part 3.6(4) complements the previous sections by stating that the full name of the signatory must be set out legibly below the signature.

3. DOCUMENT HEADINGS

All documents filed at the court must be headed in accordance with the rules. This would mean that the full title of the proceedings as well as the title of the document must be at the head of the document. At first glance the nature of the proceedings as well as the document filed should be quite clear to the reader. If any of the parties is acting in a representative capacity this should be properly reflected in the heading. Likewise for documents which require a specific heading, for instance in the case of constitutional matters, the full title must be included when the document is being prepared.

Example;

IN THE MATTER of the Constitution of St Vincent and the Grenadines

AND

IN THE MATTER of an Application by Jane Doe acting herein by Her Attorney Jim Doe for Redress Pursuant to Section 16 of the said Constitution for Contraventions of Sections 6, 9, 10 and 13 thereof in relation to her

BETWEEN:

JANE DOE

(Acting herein and represented by her Attorney Jim Doe)

Claimant

AND

**THE ATTORNEY GENERAL
OF ST VINCENT AND THE GRENADINES**

Defendant

4. DOCUMENTS FILED ON BEHALF OF A FIRM

This Part makes no provision for signatures in the name of the firm. Therefore all court documents drafted by a legal practitioner should bear his/her signature. Legibly printed below the signature should be the name of the signatory and, if applicable, the firm for which he or she is a legal representative as this would allow for easy identification.

Example;

Dated this 13th day of May 2007

Jane Doe

Doe & Associates

Solicitor for the Claimant

5. REQUIREMENTS FOR ALL COURT DOCUMENTS

The information required in Part 3.6(3)(b) should be contained in every court document filed and should be placed at the foot of the last page of the document filed. This would also allow for easy identification of the filing solicitors. This is applicable to all court documents filed both in High Court and Court of Appeal matters.

6. EFFECTIVE DATE

This Practice Direction will come into effect on the 1st day of August 2007 and will be applicable to all civil actions filed in the Court.

Dated this 17th day of June 2007.

Sir Brian Alleyne, SC, KCN
Chief Justice [Ag.]

IN THE EASTERN CARIBBEAN SUPREME COURT (2007)**PRACTICE DIRECTION****NO. 2 OF 2007****JUDGMENT SUMMONSES**

This Practice Direction is made pursuant to Part 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and clarifies Part 52 of the Rules.

1. INTRODUCTION

This Practice Direction deals with the clarification of the scope of CPR Part 52.1 and the jurisdiction of the master as it relates to judgment summonses.

2. SCOPE OF PART 52.1 CPR 2000

For the avoidance of doubt, CPR Part 52 deals with applications to enforce a judgment debt against a judgment debtor for non-payment by a committal order where this is not prohibited by any relevant enactment.

This Part deals only with committal of a judgment debtor for the enforcement of money judgments.

3. JURISDICTION OF THE JUDICIAL OFFICER ON HEARING JUDGMENT SUMMONS (PART 52.4 CPR 2000)

Judgment summonses can only properly be heard by a Judge who then has the jurisdiction to make any order pursuant to Part 52.4(c). The Master has no jurisdiction to hear or determine applications for judgment summonses. Consequently the court office shall not list any judgment summonses for hearing by a Master of the Eastern Caribbean Supreme Court.

4. EFFECTIVE DATE

This Practice Direction will come into effect on the 1st day of September, 2007 and will be applicable to all Judgments Summonses filed in the Court.

Dated this 29th day of June, 2007.

Sir Brian Alleyne, SC, KCN
Chief Justice [Ag.]

IN THE EASTERN CARIBBEAN SUPREME COURT (2008)**PRACTICE DIRECTION 3****NO. 1 OF 2008****COURT DOCUMENTS**

This Practice Direction is made pursuant to Part 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 3 of the Rules.

1. INTRODUCTION

This Practice Direction clarifies the position as stated in CPR Part 3.6 with regard to all court documents which are filed.

2. SCOPE OF CPR PART 3.6(3) & (4)

Part 3.6(3)(a) states that every document filed at the court must be headed with the full title of the proceedings and the title of the document. Part 3.6(3)(b) states that every document which is filed should state, the name of the person filing it, or, in the case where it is more than one person, the persons filing the document, their business address, reference (if any) telephone and fax numbers. Part 3.6(3)(c), and (d) go on to state that every document must contain its date and must, except in the case of an affidavit, be signed by the person filing it. Part 3.6(4) complements the previous provisions by stating that the full name of the signatory must be set out legibly below the signature.

3. DOCUMENT HEADINGS

All documents filed at the court must be headed in accordance with the rules. This would mean that the full title of the proceedings as well as the title of the document must be at the head of the document. At first glance the nature of the proceedings as well as the document filed should be quite clear to the reader. If any of the parties is acting in a representative capacity this should be properly reflected in the heading.

3.1 Where proceedings are brought under the provisions of a particular statute, the statute should be named in the title of the proceedings.

Example;

In the Matter of the Constitution of St Vincent and the Grenadines

AND

In the Matter of an Application by Jane Doe for Redress Pursuant to Section 16 of the said Constitution for Contraventions of Sections 6, 9, 10 and 13 thereof in relation to her

BETWEEN:

Jane Doe

Claimant

and

**THE ATTORNEY GENERAL
OF ST VINCENT AND THE GRENADINES**

Defendant

NOTICE OF APPLICATION

3.2 Where the subject matter of the proceedings is particular property this should be reflected in the title of the proceedings.

Example;

In the Matter of parcel 223, block 44 in the Hades Registration section.

BETWEEN:

A. B. a minor (by J.K. his next friend)

Claimant

and

C. D

Defendant

DEFENCE AND COUNTERCLAIM

3.3 Where the proceedings concern a particular document, such as a will or a trust or a deed the document should be identified in the title.

Example;

In the Matter of a Deed of Conveyance dated 28 February 1975 OR [trust or settlement] of

OR

In the Matter of the last will and testament of Nicholas Heller, deceased... [or as the case may be.]

BETWEEN:

A. B. (Acting herein and represented by her Attorney Jim Doe)

Claimant

and

C. D

Defendant

CLAIM FORM

3.4 Where the proceedings concern an estate or a company this should be reflected in the title of the proceedings.

Example;

In the Matter of the estate of John Begoode, deceased OR In the Matter of XYZ Limited,

AND

In the Matter of section 2003 of the Companies Act, 1996.

*In the Matter of section 2003 of the
Companies Act, 1996.*

BETWEEN:

A. B.

Claimant

and

C. D

Defendant

REQUEST FOR DEFAULT JUDGMENT

In all circumstances, as the examples show, the title of the document should be stated.

4. DOCUMENTS FILED ON BEHALF OF A FIRM

Part 3 makes no provision for signatures in the name of the firm. Therefore all court documents drafted by a legal practitioner should bear his/her signature. Legibly printed below the signature should be the name of the signatory and, if applicable, the firm for which he or she is a legal representative as this would allow for easy identification.

Example;

Dated this 13th day of May 2007

Jane Doe

Doe & Associates

Attorney-at-law for the Claimant

5. REQUIREMENTS FOR ALL COURT DOCUMENTS

The information required in Part 3.6(3)(b) should be contained in every court document filed and should be placed at the foot of the last page of the document filed. This would also allow for easy identification of the filing solicitors. This is applicable to all court documents filed both in High Court and Court of Appeal matters.

6. EFFECTIVE DATE

This Practice Direction will come into effect on the 1st day of May 2008 and will be applicable to all civil proceedings filed in the Court.

Dated this 7th day of March 2008.

Sir Brian Alleyne, SC, KCN
Chief Justice [Ag.]

IN THE EASTERN CARIBBEAN SUPREME COURT (2008)**PRACTICE DIRECTION 62****NO. 2 OF 2008****APPEALS
INTERLOCUTORY APPLICATIONS
SERVICE AND CONDUCT**

This Practice Direction is made pursuant to Part 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 62 of the Rules.

1. INTRODUCTION

This Practice Direction establishes the procedure upon the filing of interlocutory applications and also establishes practice relating to evidence of service of documents in appeal matters.

2. REQUIREMENTS ON FILING AND SERVICE OF ANY INTERLOCUTORY APPLICATION OR DOCUMENT IN RELATION TO AN APPEAL MATTER

- (a) Where Part 62 or any Practice Direction or Practice Guide requires that a document be filed and served, the party serving the document must file an affidavit of service with the High Court Office where the matter originates within 7 days of service of that document and transmit a copy of the filed document by facsimile to the Court of Appeal forthwith.
- (b) In the case of interlocutory applications-
 - (i) the applicant/s must file an affidavit of service evidencing service within 7 days of the date of service of that application.
 - (ii) The respondent/s must file a notice indicating whether the application is opposed not less than 7 days after service of the Notice of Application.

In each case, the parties must transmit a copy of the file affidavit of service or notice to the Court of Appeal by facsimile. It is the duty of the parties to assist the Court by verifying that all relevant documents have been received by the Court of Appeal prior to the date of the hearing.

3. ATTENDANCE AT CHAMBER PROCEEDINGS

Unless the Court or Judge directs otherwise, the parties to an application and/or their counsel should not attend Chamber Proceedings.

4. NOTICES OF HEARING OF INTERLOCUTORY APPLICATIONS

A Notice of Hearing of an Application is conditional upon compliance with Paragraph 2 (b) (i) above. If the requirements are not satisfied by the date of the hearing the court or a judge may decide how to dispose of the matter.

5. EFFECTIVE DATE

This Practice Direction will come into effect on the 1st day of May 2008.

Dated this 1st day of April, 2008.

Sir Brian Alleyne, SC, KCN
Chief Justice [Ag.]

IN THE EASTERN CARIBBEAN SUPREME COURT (2008)**PRACTICE DIRECTION 62 B****NO. 3 OF 2008****APPEALS
INTERLOCUTORY APPLICATIONS
STANDARD DIRECTIONS**

This Practice Direction is made pursuant to Part 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 62 of the Rules.

1. INTRODUCTION

This Practice Direction establishes standard directions to govern the conduct of interlocutory applications in appeals.

2. WHEN STANDARD DIRECTIONS APPLY

- (a) The standard directions contained in paragraph 3 shall apply to interlocutory applications in appeals unless;
 - (i) the court orders otherwise, whether on its own initiative or on the application of a party; or
 - (ii) the parties agree otherwise, subject to the approval of the court or a Judge.
- (b) If a party desires the court to make an order for directions other than or in additions to the standard directions that party shall, at the time of the filing of the notice of application, in the case of the applicant, or the filing of a statement that the application is opposed, in the case of a respondent, file a draft of the directions that such party proposes.

3. STANDARD DIRECTIONS

- (a) An applicant shall file and serve along with his notice of application the evidence in support on which he intends to rely, if any, and his skeleton arguments.
- (b) To increase preparation time the applicant shall forthwith upon filing and before serving the documents mentioned in paragraph (a) send copies of the documents to the respondent. Where the evidence in support is voluminous, the applicant need not send copies of such material, at this stage.
- (c) If, after having been served with the filed and stamped documents mentioned in paragraph (a), the respondent files and serves a statement that the application will be opposed the respondent shall, within 14 days from the date when he was served, file and serve any evidence on which he intends to rely and his skeleton arguments.

4. MANAGEMENT OF INTERLOCUTORY APPLICATIONS

- (a) It shall not be necessary for the management of an application for a case management conference to be held.
- (b) In the event the court makes directions other than the standard directions the court office shall notify the parties in sufficient time to enable those directions to be followed in time for the hearing of the application.

5. COMMUNICATION

- (a) The parties shall, in addition to filing their documents at the office of the High Court in the state or territory where the appeal originates, send copies by fax (or where that is impracticable, by courier) to the Court.
- (b) The parties should send electronic copies of their documents, whenever possible, to each other and to the court using such word processing system as they may agree or as they may be advised.

6. EFFECTIVE DATE

This Practice Direction will come into effect on the 1st day of May 2008.

Dated this 1st day of April, 2008.

Sir Brian Alleyne, SC, KCN
Chief Justice [Ag.]

IN THE EASTERN CARIBBEAN SUPREME COURT (2008)**PRACTICE DIRECTION 7****NO. 4 OF 2008****SERVICE OF CLAIM FORM OUT OF JURISDICTION**

This Practice Direction is made pursuant to Part 4.2(1) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 7 of the Rules.

1. INTRODUCTION

This Practice Direction relates to permission to serve a claim form out of the jurisdiction.

2. SCOPE OF CPR PART 7.5(3)

Part 7.5 deals with the procedure for service of a claim form out of the jurisdiction. In addition to setting out the procedure for making the application for such service, rule 7.5(2) articulates that an order granting permission for service out of the jurisdiction must state the periods within which the defendant must file the acknowledgement of service and the defence. These periods however have not been set out in CPR 2000 and rule 7.5(3) states that these periods are to be determined by a Practice Direction.

3. PERIODS FOR FILING ACKNOWLEDGEMENT OF SERVICE AND DEFENCE

- (a) Where an application has been granted for service of a claim form out of the jurisdiction the periods for filing the acknowledgement of service and defence, which will be stipulated in the order granting such application, will be calculated in accordance with the Table set out below.
- (b) The period for filing the acknowledgement of service under Part 7.5 is within the number of days after service of the claim form as listed in the Table. The only exception to the above is where the defendant is served with a claim form and the

statement of claim is to follow. In such a case the period for filing the acknowledgement of service will be the number of days listed in the Table commencing from the date of service of the statement of claim. (Reference Part 9.3(3))

- (c) For example in the case where a defendant in Belize is served with a claim form, including a statement of claim, the period for filing an acknowledgement of service of the claim is 28 days after service. If the defence is served with a claim form without a statement of claim the period for filing an acknowledgement of service does not begin to run until the statement of claim is served.
- (d) The period for filing a defence under Part 7.5 in the case where a statement of claim has been served is the number of days listed in the Table.

4. JURISDICTION

The jurisdiction of the court extends to the six independent member states to wit Antigua & Barbuda, Dominica, Grenada, St Kitts & Nevis, Saint Lucia and St Vincent & The Grenadines, and the three overseas territories to wit Anguilla, Montserrat and Territory of the Virgin Islands.

5. TRANSLATIONS

Rule 7.12 applies to the translation of a claim form and is deemed to include a statement of claim. Therefore when a claim form is served in accordance with Parts 7.10 and 7.11 the claimant must also file a translation of all the forms that will accompany the claim form.

TABLE

Place or Country	Number of Days	
	Acknowledgement of Service	Defence
• Bahamas	28	42
• Barbados	28	42
• Belize	28	42
• Guyana	28	42
• Jamaica	28	42
• Trinidad & Tobago	28	42
• Cayman Islands	28	42
• Turks & Caicos Islands	28	42
• US Virgin Islands	28	42
• Bermuda	28	42
• The rest of the world	35	56

6. EFFECTIVE DATE

This Practice Direction will come into effect on the 1st day of May 2008.

Dated this 7th day of March, 2008.

Sir Brian Alleyne, SC, KCN
Chief Justice [Ag.]