

Judge Appointed to Rule on Commercial Matters

Saint Lucia will soon have the ability to settle commercial disputes with the appointment of a judge to rule on commercial matters in a timely manner. High Court Judge -Justice Cadie St. Rose-Albertini was appointed to preside over such matters effective July 1, 2015 for the next three years. The Government of Saint Lucia has identified the establishment of a Commercial Division to its High Court as a high priority reform which will ultimately impact Saint Lucia's competitive position and its overall development. In the 2013/2014 Budget Address, the Honourable Prime Minister endorsed the Division and partnered with the Compete Caribbean Program for funding support in its implementation.

This ongoing project is coordinated by the National Competitiveness & Productivity Council and the Ministry of Legal Affairs in collaboration with the Eastern Caribbean Supreme Court. Last year, the NCPC with support from Compete Caribbean embarked on the design of the Commercial Division to the High Court based on the experiences of a similar court in the British Virgin Islands which has been internationally recognized as a good model. The design is now complete and the NCPC as well as the Ministry is in the process of taking the necessary steps to establish the Division.

Additionally, the establishment of this mechanism will increase Saint Lucia's competitiveness in the regional and international market. The World Economic Forum defines competitiveness as

“The set of institutions, policies and factors that determine the level of productivity of a country.”

Therefore, the presence of a set of institutions in a country that support businesses results in increased productivity and competitiveness. Thus, the operations of a Commercial Division can impact the competitiveness of a country through the promotion of business and investment

prospects. The Commercial Division may contribute to a healthy investment climate which encourages investment into the country thus leading to economic growth.

This project will mark the start of enhancing the World Bank's Ease of Doing Business Ranking for Saint Lucia and the overall business climate, through the Enforcing Contract indicator. For a number of years, this has been one of Saint Lucia's worse performing indicators. That is, in 2015 Saint Lucia ranks 145 out of 189 economies on this indicator. On average, it takes 635 days and 46 procedures to settle a commercial dispute. Saint Lucia's low ranking on this indicator is mainly due to the long delays in the trial and judgment phase. Frequently, after a case is filed, the parties have to wait over a year for a court date.

In general, the hiring of a Resident Judge to rule on commercial disputes will result in the speedy and efficient resolution of commercial disputes permits the court to be competitive and to support the business sector. In countries where contract enforcement is efficient, businesses are more likely to engage borrowers and customers which will translate to more business activity for firms.

It is expected that the new Division will be formally opened by the end of this year. It is anticipated that the Division will increase the efficiency of the legal system to settle commercial matters including contract enforcement.

The establishment of the Commercial Division cannot be realised without the associated legislative amendments or changes. It is expected that amendments will be made to the Code of Civil Procedure and the Civil Code as well as other pieces of legislation pertinent to the operations of the Commercial Division. Compete Caribbean has provided support for the revision of these pieces of legislation and will also assist in equipping the court.