

**THE NATIONAL ASSEMBLY OF THE FIRST  
SESSION OF THE TWELFTH PARLIAMENT OF  
GUYANA**

**(2020-2021)**

**FIRST REPORT**

**OF THE**

**COMMITTEE ON APPOINTMENTS**

**IN RELATION TO THE APPOINTMENT OF A MEMBER  
TO THE JUDICIAL SERVICE COMMISSION**

**COMMITTEES DIVISION  
PARLIAMENT OFFICE  
PUBLIC BUILDINGS  
BRICKDAM  
GEORGETOWN**

**February 22, 2021.**

## **1<sup>st</sup> Report**

### **1. Introduction**

- 1.1 The Standing Committee established under the Constitution to address matters relating to the appointment of members of Commissions, pursuant to article 119C of the Constitution and under the provisions of Standing Order No. 84, has agreed to the following as its First Report.

### **2. Members of the Committee**

- 2.1 At a meeting of the Committee of Selection held on September 15, 2020, the following Members were nominated to the Committee on Appointments to address matters relating to the appointment of Members of Commissions:

#### **Members from the People's Progressive Party (PPP) (5):**

- (i) Hon. Gail Teixeira, M.P.,
- (ii) Hon. Dr. Vindhya V. H. Persaud, M.S., M.P.,
- (iii) Hon. Warren Kwame E. McCoy, M.P.,
- (iv) Mr. Alister S. Charlie, M.P.
- (v) Mrs. Yvonne Pearson-Fredericks, M.P.

#### **Members from the A Partnership for National Unity / Alliance for Change APNU/AFC (4):**

- (i) Mr. Khemraj Ramjattan, M.P.
- (ii) Dr. Nicolette O. Henry, M.P.
- (iii) Ms. Tabitha J. Sarabo-Halley, M.P.
- (iv) Ms. Annette N. Ferguson, M.P.

### **3. Election of Chairperson**

- 3.1 The Committee at its first meeting held on December 28, 2020, elected Hon. Gail Teixeira, M.P., Minister of Parliamentary Affairs and Governance, (Government Chief Whip) as its Chairperson.

### **4. Terms of Reference**

- 4.1 The Committee by Resolution No. 17 passed by the National Assembly on May 8, 2003, was entrusted to discharge the following functions in relation to the appointment of Members of the Commissions established under the Constitution-

- “(a) identifies appropriate bodies for consultation in the appointment of the relevant members of the Commission, conduct the necessary consultations and, where necessary, receive nominations from appropriate bodies;
- (b) make recommendations to the National Assembly:
  - (i) for a consensual mechanism for the Ethnic Relations Commission, the Women and Gender Equality Commission, the Indigenous Peoples’ Commission and the Commission on the Rights of the Child.
  - (ii) for the appointment of members of the Commissions with the exception of the Public Procurement Commission;
  - (iii) in connection with any other matter referred to it by the National Assembly from time to time.
- (c) report to the National Assembly in relation to each Commission as soon as possible upon the discharge of its function in relation thereto”.

## **5 Mandate**

- 5.1 The Committee was mandated by article 198 (2) (b) of the Constitution in relation to the Judicial Service Commission to nominate for appointment by the President:

*“not less than one and not more than two from among who are not attorneys-at-law in active practice, after the National Assembly has meaningfully consulted such bodies as appear to it to represent attorneys-at-law in Guyana and signified its choice of members to the President”.*

## **6. Meetings of the Committee**

- 6.1 The Committee held a total of three (3) meetings.

## **7 Judicial Service Commission- The Nomination Process**

- 7.1 At its 2<sup>nd</sup> Meeting held on Wednesday, January 13, 2021, the Committee commenced discussion to identify and consider entities to consult for nomination to the Judicial Service Commission.
- 7.1.1 The Committee noted that the Committee of Appointment of the Eleventh Parliament in 2019 had received nominations from two of the three organizations representing the legal professionals. Further that One of the two (2) nominees had subsequently indicated that she might have been deemed to be in active practice, since she was serving as the Legal Officer at CARICOM and had to make representation from time to time to the Caribbean Court of Justice.



7.1.2 The Committee also noted that the Bar Association had nominated Justice B.S. Roy (retired) in 2019. The Committee agreed that it would enquire from the Association whether its nominee remained the same or the name(s) of new nominee(s) would be submitted.

7.1.3 Thereafter, the Committee agreed to write the following entities to submit nominee (s) for appointment to the Judicial Service Commission:

- The Bar Association of Guyana;
- Guyana Association of Women Lawyers; and
- The Legal Practitioners' Committee.

7.1.4 On January 20, 2021, letters were dispatched, addressed to the Heads of the above-named organisations outlining the following:

- (i) that the organisation had been identified as an entity to be consulted to make nominations, in accordance with article 198 (2) (c) of the Constitution;
- (ii) the name of the nominee(s) to be appointed to the Judicial Service Commission should be submitted to the Committee for consideration;
- (iii) that specific information on the nominee (s) should be submitted on the bio data form which was provided.

7.1.5 On February 02, 2021 the Legal Practitioners' Committee, wrote a letter to the Clerk of Committee stating that the organisation did not regard itself as being eligible to participate in the process for nominating Members to be appointed to the Judicial Service Commission.

7.1.6 Recognizing that the letter should have been directed to the Berbice Bar Association of Legal Practitioners' instead of the Legal Practitioners' Committee, letter dated February 8, 2021 was sent to the organisation inviting it to submit nominee (s) for appointment to the Judicial Service Commission.

## **8. Nominations Received**

8.1 At the 3<sup>rd</sup> Meeting held on February 10, 2021, the Chairperson notified Members that the Committee was in possession of responses from the Guyana Bar Association, the Guyana Association of Women Lawyers, and the Berbice Association of Legal Practitioners'

8.1.1 The following were the names of the nominees which were received by way of letters dated February 2<sup>nd</sup>, 3<sup>rd</sup> and 10<sup>th</sup>, 2021 from the respective organisations:

- |  |   |
|--|---|
| - The Bar Association of Guyana              | - Justice Retired Beasraj Singh Roy             |
|  | - Justice Retired Charles R. Ramson, S.C., O.R. |
| - Guyana Association of Women Lawyers        | - Ms. Claudette La Bennett                      |
|  | - Mr. Denis S. Hanomansingh                     |
| - Berbice Association of Legal Practitioners | - Justice Retired Beasraj Singh Roy             |

8.1.2 The Committee noted that one of the nominees was not resident in Guyana and therefore was ineligible for consideration.

8.1.3 The members nominated and seconded the nomination of Retired Justice Beasraj Singh Roy as the nominee for appointment to the Judicial Service Commission.

8.1.4 Thereafter, Members considered and adopted the Report and Motion, and now therefore, reports to the National Assembly, that it has meaningfully consulted with the bodies that represent Attorneys-at-Law in Guyana.

8.2 The Committee further recommends that Justice Beasraj Singh Roy (Ret'd) be signified as the National Assembly's choice to the President for appointment to the Judicial Service Commission.

  
\_\_\_\_\_  
**Hon. Gail Teixeira**  
**Chairperson**  
**Committees on Appointments**

**February 18, 2021**