

News

Residents pleased with SSA clean-up

9A

People

Facing life with a new heart

14A&15A



Opinion

The kaiso singer's duty

28A

AUGUST 4, 2024

www.nationnews.com

BARBADOS, WI

Your News, Your Time, Your Way | BDS.\$3.00

STILL ON JOB

Two ex-CJs to wrap up outstanding judgements

By **Maria Bradshaw**
mariabradshaw@nationnews.com

Two offices at the Supreme Court Complex on White Park Road, St Michael, have been allocated to former Chief Justices Sir Patterson Cheltenham and Sir Marston Gibson to complete their outstanding judgements.

The **Sunday Sun** understands that Sir Marston, who retired in 2020, has about 23 outstanding judgements while Sir Patterson, who demitted office last May, has two. The majority of Sir Marston's judgements are civil appeals and about five criminal appeals.

When contacted, Attorney General Dale Marshall said he was not aware of the number of outstanding judgements still to be written by the former Chief Justices but he confirmed that offices had been provided for them to utilise.

Constitution

"Under Section 82(4) of the Constitution, a former judge can still write and deliver judgements in matters which they heard as judges," Marshall explained, adding: "Both of the former Chief Justices have judgements still to write. Both of the former Chief Justices have been given permission by the current CJ to write those judgements from offices within the Supreme Court complexes where they have both privacy and ready access to materials."

Back in 2020 when Sir Marston demitted office, the delivery of his decisions were at a standstill as an

appeal had been filed before the Caribbean Court of Justice (CCJ) challenging the constitutionality of President Dame Sandra Mason and CCJ judge Andrew Burgess, who sat with him as Court of Appeal Judges before taking up their current positions, rendering a decision on a Court of Appeal case while not sitting as COA judges.

While Marshall did not give the status of that case, he said the situation was still creating a challenge for Sir Marston's delivery of judgements.

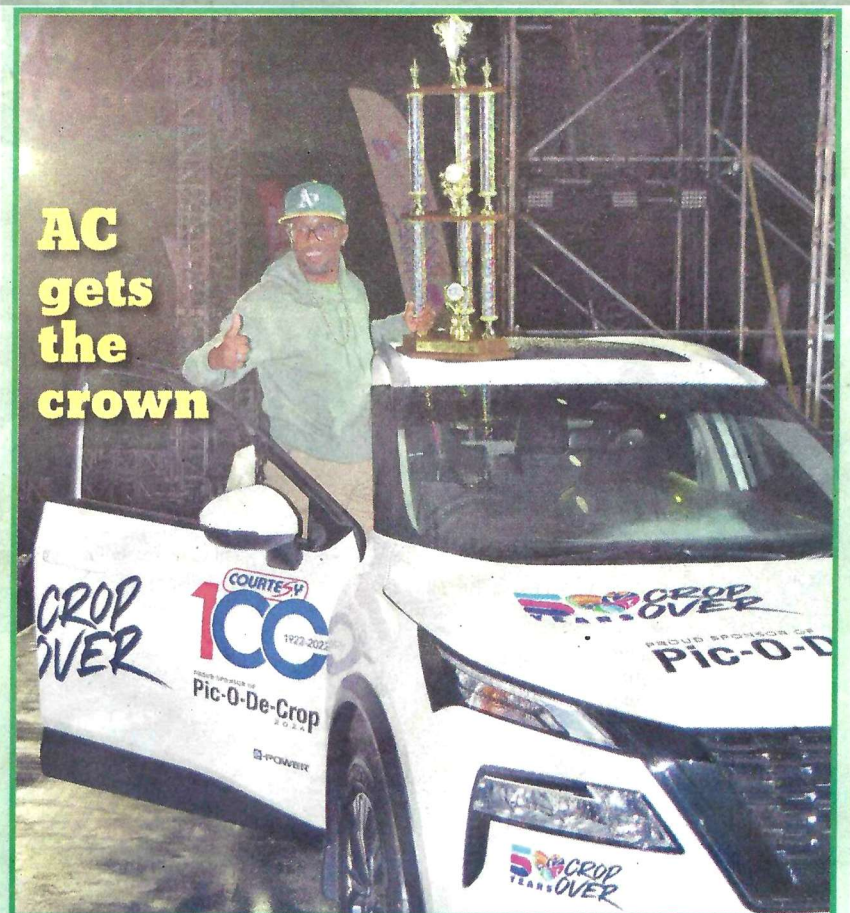
"The challenge is that the court was at that time, in many instances, made up of himself, Justice Burgess, who is now at the CCJ, and the President. So everything about this delay is awkward. In terms of Justice Burgess, he has now moved on to the Apex Court; The President is now in a position and for her to act in any way as a member of the judiciary is unethical. But the failure to deliver these decisions creates this problem," he said.

However, he stressed that the decisions "have to be given".

"And I'm sure the President herself will not physically, I mean, she can't physically attend court to do it. But, she now has to give her agreement with a decision that is now being written. Mr Justice Burgess now is at the Apex Court, so he now has to give his agreement to decisions which may get appealed to the Apex Court. And even though he would obviously recuse himself ... everything about it is awkward."

"So the delay in that instance is really, really, challenging.

Continued on Page 4A.



Adrian "AC" Clarke finally got his crown.

The veteran artiste, who has been hunting for another title since he last won in 2008, impressed the judges yesterday morning to cop the 2024 Courtesy Garage Pic O De Crop top spot.

AC amassed 133 points, beating his nearest rival by 28 points.

The battle at the National Botanical Gardens saw a diverse line-up of two former monarchs, veterans, three former junior monarchs, first timers, two teenagers and a

blind competitor.

AC, who hails from the De Big Show, sang his self-penned Going Fuh Crown which was arranged by Roger Gittens.

He has opted to keep the Nissan E Power X-Trail valued at \$136 000. (NS)

Here, AC with his trophy atop the prize vehicle yesterday morning.

(Picture by Reco Moore.)

Please see also Pages 16A to 2A for Crop Over coverage.