



TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

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**GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO
FREEDOM OF INFORMATION ACT (FOIA) 1999**

**UPDATED PUBLIC STATEMENT OF THE REGULATED INDUSTRIES
COMMISSION 2013**

**In compliance with sections 7, 8, and 9 of the Freedom of Information
Act (FOIA) 1999**

In accordance with Sections 7, 8 and 9 of the Freedom of Information Act (“FOIA”) the Regulated Industries Commission (“the Commission”) is required by law to publish the following statement, which lists the documents that are available to the public.

The FOIA gives members of the public:

1. A legal right for each person to access information held by the Commission;
2. A legal right for each person to have official information relating to him/her amended where it is incomplete, incorrect or misleading;
3. A legal right to obtain reasons for adverse decisions made regarding applicant’s request for information under the FOIA;
4. A legal right to complain to the Ombudsman and to apply to the High Court for Judicial Review to challenge adverse decisions made under the FOIA.

Section 7 Statements

Section 7 (1) (a) (i)

Function and structure of the Regulated Industries Commission

Mission statement:

The Mission Statement of the Regulated Industries Commission is to:

To ensure promotion of the highest quality of utility services at fair and reasonable rates while building a credible regulatory regime that responds adequately to stakeholders’ concerns and also ensure fairness, transparency and equity in the provision of utility services throughout the country.

The RIC is a statutory body established by Act No. 26 of 1998 (“the RIC Act”) to regulate and monitor the operations of the service providers named in the RIC Act. The RIC replaced the Public Utilities Commission (“PUC”) whose jurisdiction was issued under the PUC Act Chap 34:01, which was repealed under

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the RIC Act. The service providers that presently fall under the purview of the RIC Act include:

- The Water and Sewerage Authority (“WASA”)
- The Trinidad and Tobago Electricity Commission (“T&TEC”)
- The Power Generation Company of Trinidad and Tobago (“PowerGen”)
- Trinity Power Limited (formerly InnCogen Limited).

The Commission consists of a Chairman, Deputy Chairman and at least three (3) other members. The total composition of the Commission shall not consist of less than five (5) or more than seven (7) members, appointed by the President for a maximum of five (5) years in each case. The RIC Act also provides for an Executive Director.

The RIC Act makes provision for the establishment of Consumer Services Committees, members of which are appointed by the Minister and will consist of a Chairman, a representative nominated by the Tobago House of Assembly and three (3) other members who will serve as consumer advocates. Such committees will advise the Commission on matters related to quality of service delivered and ensure that complaints procedures of service providers produce speedy resolutions for consumers. They may also be required to contribute to deliberations of the Commission where rates and licence conditions come under review.

The role of the Commission under the RIC Act includes:

- Making Recommendations to the Minister on the award of licences.
- Monitoring and enforcing compliance with licence conditions and imposing penalties for non-compliance.
- Prescribing and monitoring standards of services.
- Establishing the principles on which tariffs will be based and conducting periodic reviews of rates.
- Conducting studies of efficiency and economy of operation and performance by service providers.
- Investigating consumer complaints and facilitating relief in respect of rates, billing and unsatisfactory service.
- Facilitating competition among service providers, where desirable.
- Collection of Licence fees.

The functions of the Commission are discharged with the assistance of the thirty-two (32) members of staff employed at the office of the Commission. Staff serves as a support arm of the Commission by functioning in furtherance to the mandate of the Commission. See organizational structure of the Commission.

The office of the Commission is located on the 1st and 3rd Floors, Furness House, Corner of Wrightson Road and Independence Square, Port-of-Spain.

Effect of Functions on Members of the Public

Through the operations of the RIC, the public's interest is protected by the Commission ensuring:

- Maximum efficiency in the allocation and use of resources and that services are provided at the lowest cost
- Equal access by consumers to service, and the fair treatment of consumers and service providers who are similarly placed
- Non-discrimination in terms of pricing and quality of service, and
- Redress for customers in respect of rates, billings and unsatisfactory service.

Section 7 (1) (a) (ii)

Categories of Documents in the Possession of the Commission:

Operational Records

- The RIC Act
- The Telecommunications Act No. 4 of 2001 (section 85 (12) amends the First and Second Schedules of the RIC Act)
- Reports
- Policies, decisions of the Commission includes Minutes/Agenda
- Establishment Records
- Personal files of employees of the Commission
- Customer Service Records
- Research Papers on various areas of the Service Providers
- Research papers generated by the service providers
- News releases, speeches originating in the Commission
- Legislation and Legal Instruments
- Books, Brochures, newspaper clippings
- Materials dealing with conferences and events hosted by the Commission.

Administration Records

- Strategic Plans
- Policies pertaining to the internal operations of the Commission
- Human Resource matters
- General office files required for internal administration
- Accounting files and reports.

Section 7 (1) (a) (iii)**Materials prepared for publication or inspection**

The public may inspect and/or obtain copies of the following material between the hours of 9:00 a.m. to 12:00 noon and 2:00 p.m. and 3:30 p.m. on normal working days at:

Address: The Regulated Industries Commission
Furness House
Corner of Wrightson Road and Independence Square
Port-of-Spain.

Tel. No.: (868) 625 5384

Fax No.: 624-2027

e-mail: ricoffice@ric.org.tt

Website: www.ric.org.tt/cms

The RIC Act
Reports
Utility Standards
Social Action Plan: Initial Framework
Research Papers
Publications
Business/Economic Journals
Regulatory Journals/Magazines
T&TEC Rate Review documents
Regulated Industries Commission Final Determination (Rates and Miscellaneous Charges): Regulation of Electricity Transmission and Distribution June 01, 2006 to May 31, 2011.
Video clippings of conferences and consultations.

Section 7 (1) (a) (iv)**Literature available by subscription**

The Commission does not possess any literature available by subscription.

Section 7 (1) (a) (v)

Procedure to be followed when accessing a document from the Commission

How to Request Information:

- *General Procedure*

Our policy is to answer all requests for information, both oral and written. However, in order to exercise your rights under the FOIA (for example the right to challenge a decision if your request for information is refused), you must make your request in writing. You must, therefore, complete the appropriate form (*Request for Access to Official Documents*) available at the Library at the Commission, for information that is not readily available to the public.

- *Addressing Requests*

To facilitate prompt handling of your request, please address it to the Alternate Officer of the Regulated Industries Commission. **(See Section 7 (1) (a) (vi)).**

- *Details in the Request*

Applicants should provide details that will allow for ready identification and location of the records that are being requested. If insufficient information is provided clarification will be sought from the applicant. If you are not sure how to write your request or what details to include, communicate with our Alternate Officer. **(See Section 7 (1) (a) (vi)).**

- *Requests not handled under the FOIA*

A request under the FOIA will not be processed to the extent that it asks for information which is readily available to the public, either from the Commission or from another public authority, e.g. brochures, pamphlets, reports etc.

Responding to your Request

- *Retrieving Documents*

The Commission is required to furnish copies of documents only when they are in our possession or we can retrieve them from storage.

- *Furnishing Documents*

An applicant is entitled to copies of information we have in our possession, custody or power. We are required to furnish only one copy of a document. If we cannot make a legible copy of a document to be released, we may not attempt to

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reconstruct it. Instead, we will furnish the best copy possible and note its quality in our reply.

Please note we are not compelled to do the following:

- (a) Create new documents. For example, we are not required to write a new program so that a computer will print information in the format you prefer.
- (b) Perform research for you.

Time Limits

- *General*

The FOIA sets a time limit of thirty (30) calendar days for determination of your request for access to documents. If we fail to meet this deadline, the FOIA gives you the right to proceed as though your request has been denied. We will try diligently to comply with the time limit. If it appears that processing your request may take longer than the statutory limit, we will acknowledge your request and advise you of its status. Since there is a possibility that requests may be incorrectly addressed or misdirected, you may wish to call or write to confirm that we have received the request and to ascertain its status.

- *Time Allowed*

We will determine whether to grant your request for access to information as soon as practicable but no later than 30 days as required by Section 15 of the FOIA. If a decision is taken to grant access to the information requested, you will be permitted to inspect the documents and/or be provided with copies.

Section 7 (1) (a) (vi)

Officers in the Commission responsible for:

- **The initial receipt of and action upon notices under Section 10,**
- **Requests for access to documents under Section 13 and**
- **Applications for correction of personal information under Section 36 of the FOIA, are:**

The Designated Officer:

Ms. Nadia John

Job Title: Legal/Corporate Secretary

Furness House

Cor. Wrightson Road and Independence Square

Port-of-Spain

Phone: 627-7820 ext. 325

Fax: 624-2027

Email: john@ric.org.tt

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The Alternate Officer:

Ms. Driselle Ramjohn
Job Title: Corporate Communications Manager
Furness House
Cor. Wrightson Road and Independence Square
Port-of-Spain
Phone: 627-7820 ext. 231
Fax: 624-2027
Email: ramjohnd@ric.org.tt

Section 7 (1) (a) (vii)

**Advisory Boards, Councils, Committees, and other bodies
(Where meetings/minutes are open to the public)**

None.

Section 7 (1) (a) (viii)

Library/Reading Room Facilities

Information in the public domain may be assessed in our Library/Information Centre or through our website at www.ric.org.tt/cms

The Library/Information Centre at the Commission is located Furness House, Corner of Wrightson Road and Independence Square, Port-of-Spain, and is open between the hours of 9:00 a.m. to 12:00 noon and 2:00 p.m. and 3:30 p.m. on normal working days.

No eating, smoking or drinking is allowed in the Library/Information Centre.

Policy of the Regulated Industries Commission for the provision of copies of documents which are readily available to the public

Members of the public may;

- i. Indicate the form in which the copies are to be made available e.g. soft or hard copies, and must take into consideration, the possibility that the copies may not be available in the form required.
- ii. Be required to supply copying paper for hard copies in instances where requests require large amounts of paper. This is to be determined at the discretion of the Commission.

Section 8 Statements

Section 8 (1) (a) (i)

Documents containing interpretations or particulars of written laws or schemes administered by the Commission, not being particulars contained in another written law.

The following Legal Notices can be purchased at the Government Printery:

1. Legal Notice No. 83 of 2001 – The Regulated Industries Commission (Approval of Cess) Order 2001.
2. Legal Notice No. 42 of 2002 – The Regulated Industries Commission (Approval of Cess) Order 2002.
3. Legal Notice No. 104 of 2003 – The Regulated Industries Commission (Approval of Cess) Order 2003.
4. Legal Notice No. 133 of 2004 – The Regulated Industries Commission (Approval of Cess) Order 2004.
5. Legal Notice No. 64 of 2004 – The Regulated Industries Commission Electricity (Transmission and Distribution) Order 2004.
6. Legal Notice No. 282 of 2005 – Notice of the Trinidad and Tobago Electricity Commission's request for a review of tariffs.
7. Legal Notice 50 of 2005- The Regulated Industries Commission (Approval of Cess) Order 2005.
8. Legal Notice No. 178 of 2006 – The Regulated Industries Commission (Approval of Cess) Order 2006
9. Legal Notice No. 1 of 2008 – The Regulated Industries Commission (Approval of Cess) Order 2007
10. Legal Notice No. 122 of 2008 – The Regulated Industries Commission (Approval of Cess) Order 2008
11. Legal Notice No. 22 of 2009 – The Regulated Industries Commission (Approval of Cess) Order 2009
12. Legal Notice No. 17 of 2010 - The Regulated Industries Commission (Approval of Cess) Order 2010
13. Legal Notice No. 18 of 2011 - The Regulated Industries Commission (Approval of Cess) Order 2011
14. Legal Notice No. 29 of 2012 - The Regulated Industries Commission (Approval of Cess) Order 2012

Section 8 (1) (a) (ii)

Manuals of rules of procedure, statements of policy, records of decisions, letters of advice to persons outside the Commission, or similar documents containing rules, policies, guidelines, practices or procedures.

1. The Commission's Policy manual
2. FOIA responses
3. Complaints Responses

Section 8 (1) (b)

Documents containing information on the procedures to be employed or the objectives to be pursued in the enforcement of the written laws or schemes.

1. Legal Notice No. 64 of 2004 - Regulated Industries Commission Electricity (Transmission and Distribution) Order 2004.
2. Legal Notice No. 282 of 2005- Notice of the Trinidad and Tobago Electricity Commission's request for a review of Tariffs
3. Legal Notice No. 153 of 2009 - Regulated Industries Commission Electricity (Transmission and Distribution) Order 2009

Section 9 Statements

Section 9 (1) (e)

A report prepared for the Commission by a scientific or technical expert, whether employed within the Commission or not, including a report expressing the opinion of such an expert on scientific or technical matters.

- Water Quality testing from outside agency/agencies
- International Call Centres
- 2003 Report on T&TEC's Rio Claro Substation
- 2003-2004 Report on Pollution of the Caroni River affecting the Caroni Arena Water Treatment Plant.

Section 9 (1) (f)

A report prepared for the Commission, by a consultant who was paid for preparing the report

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- 2003 Report on The Willingness To Pay for Changes in Water, Wastewater and Electricity Services in Trinidad and Tobago.
- Report of Rate of Return Review for TSTT 1999-2003.
- Information Technology Incidence Report 2005
- 2005 Draft Final Report - Analysis of Investments Plans and Advisory on Asset Valuation Methodology in respect of the Trinidad and Tobago Electricity Commission
- 2008 Analysis of Investment Plans and Advisory on Asset Valuation Methodology for WASA

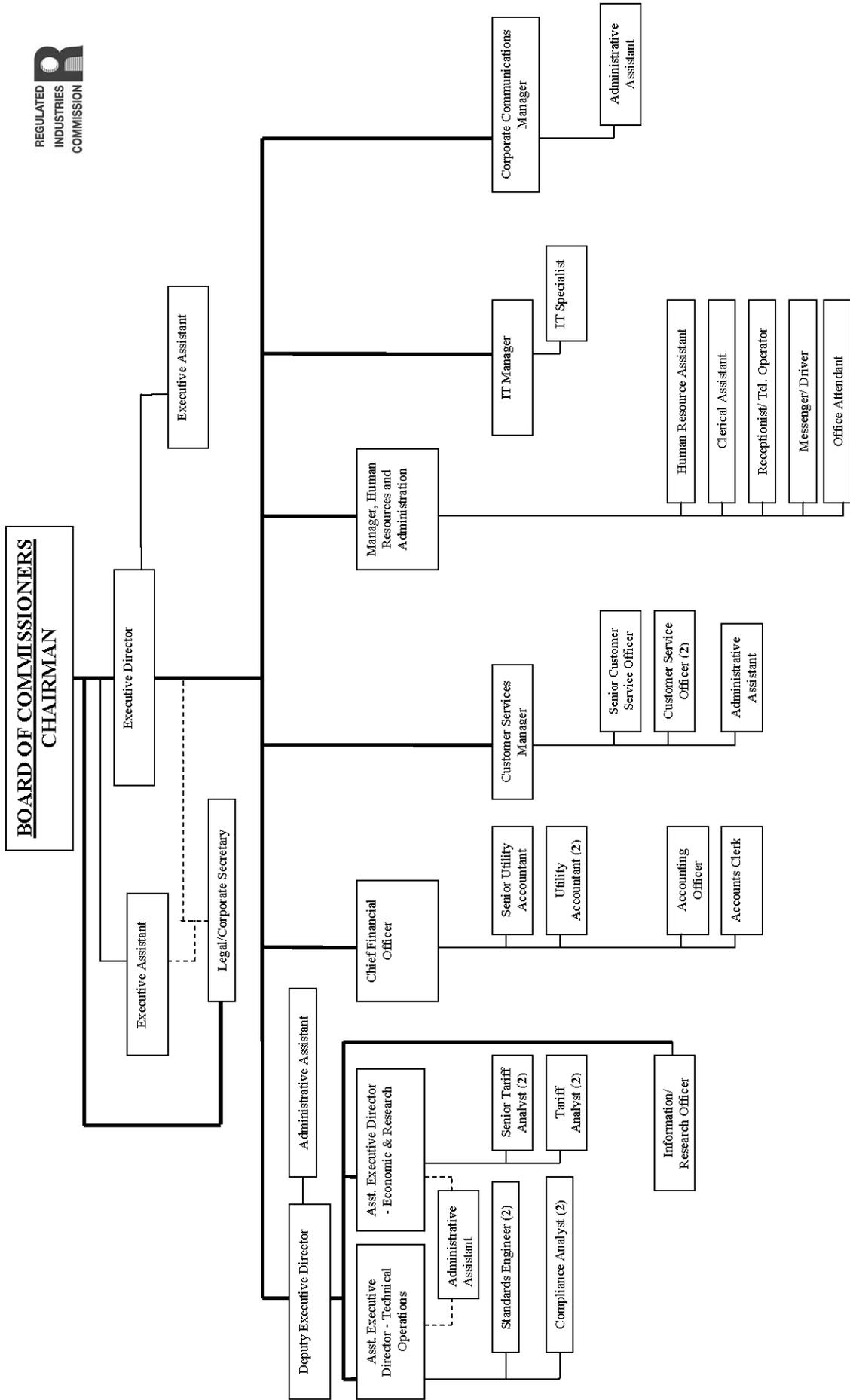
Section 9 (1) (h)

A report on the performance or efficiency of the Commission, whether the report is of a general nature or concerns a particular policy, programme or project administered by the public authority.

The following reports relate to the performance and efficiency of the RIC:

- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2000 June 01 to 2000 December 31.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2001 December 31.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2002 December 31.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2003 December 31. This report is dated August 20, 2005.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2004 December 31. This report is dated June 30 2009.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2005 December 31. This report is dated June 30 2009.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2006 December 31. This report is dated February 5 2010.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2007 December 31. This report is dated July 27 2010.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2008 December 31. This report is dated May 11 2011.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2009 December 31. This report is dated February 1 2012.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2010 December 31. This report is dated September 28 2012.

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REPUBLIC OF TRINIDAD AND TOBAGO

SUPREME COURT OF JUDICATURE

PRACTICE DIRECTION

ALTERNATIVE DISPUTE RESOLUTION PILOT PROJECT

Practice - Alternative Dispute Resolution – Part 4, CPR 1998 (as amended)

The objective of this Practice Direction is to establish a Supreme Court Civil Alternative Dispute Resolution Pilot Project (hereinafter referred to as the “pilot”) to provide for alternative dispute resolution in certain civil disputes in the Supreme Court of Trinidad and Tobago with a view to:

- (a) improving the pace of litigation;
- (b) promoting early and fair resolution of disputes;
- (c) reducing the cost of litigation to the parties and the court system;
- (d) improving access to the court;
- (e) enhancing participants’ satisfaction with dispute resolution in the justice system; and
- (f) providing litigation outcomes that meet the needs of the parties;

1. Duration of pilot project

This pilot project commences on 23rd January, 2013 and ends on 22nd January, 2014.

2. Application of the Practice Direction

These rules apply to all civil disputes in the High Court only where the Practice Direction permits.

3. Definitions

In this Practice Direction –

“the Act” means the Mediation Act, Chap. 5:32;

“ADR” means a collection of methods of resolving disputes otherwise than through the trial process including, in particular, mediation and settlement conferencing;

“ADR co-ordinator” means the Assistant Registrar so designated by the Chief Justice to be responsible for the management of disputes referred for mediation or a settlement conference under this Practice Direction;

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“ADR Implementation Committee” means the committee appointed by the Chief Justice to oversee the implementation of this Pilot Project;

“certified mediator” means a person whose name has been entered on the register of certified mediators under section 7 of the Act;

“court” means the High Court;

“court-annexed mediation services” means mediation services provided as the result of a referral by the court;

“court-annexed panel” means the roster of certified mediators maintained by the mediation agency for this Pilot Project and approved by the Chief Justice;

“court office” means:-

- (a) the place where documents are to be filed etc., and includes a registry or sub-registry; and
- (b) the place where work of a formal or administrative nature under rule 2.5(1) of the CPR is to be dealt with by members of the court staff;

“dispute” means any matter or part of any matter in which there is a disagreement between the parties which they seek to have resolved;

“mediation agency” means the mediation agency known as the Dispute Resolution Centre of Trinidad and Tobago located at the Ground Floor, Chamber Building, Columbus Circle, Westmoorings-by-the-Sea, Trinidad and Tobago;

“mediation brief” means copies of the pre-action protocol correspondence passing between the mediation parties (or their attorneys-at-law) and the bundle of copy pleadings together with the documents annexed thereto.

“mediation party” has the meaning given to it by the Act;

“mediation session” has the meaning given to it by the Act;

“pleadings” means the originating document, statement of case, defence, reply, counterclaim, and any other pleading and amended pleading (including any document annexed thereto) filed by the mediating parties in the court proceedings;

“referral order” means an order made in a matter to attend mediation or a settlement conference by the docketed Judge, Master or Registrar;

“Registrar” means the Registrar of the Supreme Court and includes Deputy Registrar and Assistant Registrar;

“settlement conference” means a non-adversarial, co-operative decision-making process in which a settlement officer assists the parties in resolving their dispute.

“settlement conference brief” means a bundle comprising the pleadings, any witness statements, the Claimant’s summary of facts, issues and applicable law and the Defendant’s summary of facts, issues and applicable law;

“settlement officer” means a Judge, Master or other person appointed by the Chief Justice for the purpose of presiding at a settlement conference who is assigned by the ADR co-ordinator to conduct a settlement conference.

4. Selection of Matters

- (1) Matters shall be randomly selected to participate in this Pilot Project.
- (2) When a matter has been selected, the attorneys-at-law for both parties shall be notified by letter from the ADR co-ordinator.
- (3) This Practice Direction does not apply to the following matters:
 - (a) Insolvency (including winding-up of companies);
 - (b) Non-contentious probate proceedings;
 - (c) Proceedings subject to the Family Proceedings Rules;
 - (d) Proceedings when the High Court is acting as a Prize Court;
 - (e) Administrative Law claims under Part 56 of the CPR; and
 - (f) Habeus Corpus claims under Part 57 of the CPR.

5. Referral of matters to mediation

- (1) A matter selected for this pilot project may be referred to mediation by the docketed Judge, Master or Registrar at any time during the course of proceedings with consent of the parties.
- (2) This Practice Direction does not restrict the right of the parties to engage in private mediation sessions before or at any stage of the proceedings.

6. Selection of mediator and Compilation of the Mediation Brief

- (1) Within 14 days from the making of the referral order under paragraph 7(1) of the Practice Direction, the mediation parties must contact the mediation agency to request a copy of the current roster of mediators and shall choose a mediator from the roster.

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- (2) The Claimant shall advise the ADR co-ordinator, in writing, of the parties' choice of mediator.

7. Compilation of the Mediation Brief

- (1) Within 14 days of the making of the referral order, the parties shall send to the ADR co-ordinator, their pre-action protocol correspondence, unless annexed to the pleadings.
- (2) The ADR Co-ordinator shall compile and forward the mediation brief to the mediation agency.

8. Scheduling the Mediation

- (1) Within 7 days of receipt of the mediation brief from the ADR co-ordinator and the letter from the Claimant indicating the parties' choice of mediator, the mediation agency shall inform the mediator so chosen.
- (2) If the mediation parties had failed to agree to a mediator then, within 7 days of receipt of the mediation brief from the ADR co-ordinator, the mediation agency shall assign the next available rostered mediator to the matter and shall inform the parties and the mediator so chosen.
- (3) Once a mediator has been chosen, the mediation agency will-
 - (a) co-ordinate with the parties, or their attorneys-at-law if they are represented, to schedule the mediation session; and
 - (b) notify the mediation parties once the date, time and place for the mediation session is fixed.

9. Preparation for mediation

Parties shall provide the mediator with any document or applicable law which he requests in preparation for the mediation session.

10. Attendance at mediation

- (1) Where a referral order is made under this practice direction, the mediation parties together with their attorneys-at-law (where they are represented), shall attend one mediation session of up to 5 hours.
- (2) A party attending mediation who requires the approval of some other person before agreeing to a settlement shall, prior to the mediation session, arrange to have ready access to that person for the duration of the session.

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- (3) Where a mediation party is not a natural person, the person attending the mediation session on behalf of that party must be authorized to settle the dispute or be in a position to be able to obtain such authority during the mediation session.

11. Conducting Mediation

- (1) All mediation sessions shall be conducted in accordance with the Act and in particular in accordance with the Code of Ethics in the First Schedule of the Act.
- (2) The parties shall sign an Agreement to Mediate prior to the start of the mediation session.
- (3) If a mediator cannot conduct a session due to illness or for any other cause, the mediation agency shall offer the mediation parties the services of another rostered mediator.
- (4) The mediator may, with the consent of the parties, extend the mediation session or schedule one further session with the parties if necessary.
- (5) A mediation session may be adjourned at any time with the consent of all parties, in which case the session must be rescheduled within the time limits set out in the Practice Direction.
- (6) Any agreement reached by the mediation parties at the mediation session must be recorded in writing and signed by the mediation parties and witnessed by the mediator.

12. Referral of matters to settlement conference

Matters selected for this pilot project may be referred to a settlement conference by the docketed Judge, Master or Registrar at any time during the course of proceedings, with the consent of the parties.

13. Procedure prior to settlement conference

- (1) Within 14 days of the making of the referral order, the Judicial Support Officer of the docketed Judge, Master or Registrar shall send a copy of the pleadings to the ADR co-ordinator.
- (2) Within 21 days of the making of the referral order, the parties shall send to the ADR co-ordinator:
 - (a) A summary of the claimant's facts, issues and applicable law;
 - (b) A summary of the defendant's facts, issues and applicable law.

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14. Selection of settlement officer and scheduling of settlement conference

- (1) Within 14 days of the making of the referral order, the ADR co-ordinator shall select the next available rostered settlement officer and issue a Notice of Assignment to the parties and to the settlement officer;
- (2) The ADR co-ordinator shall compile and forward a settlement conference brief to the settlement officer at the same time as the Notice of Assignment.
- (3) The settlement officer will schedule the settlement conference and shall issue to the parties a Notice of Appointment setting out the date, time and place of the settlement conference.

15. Attendance at a settlement conference

- (1) Where a referral order is made under this practice direction, all parties together with their attorneys-at-law (where they are represented), shall attend -
 - (a) a preliminary meeting with the settlement officer, if the settlement officer so directs, at which the parties will discuss the case including whether further documents should be included in the settlement conference brief, what issues are to be dealt with and the order in which that will be done, whether the opinion of an expert is required, and the timeline for receiving supplemental briefs, if required; and
 - (b) one settlement conference of up to 2 hours.
- (2) A party who will be attending a settlement conference and who requires the approval of some other person before agreeing to a settlement shall, prior to the settlement conference, arrange to have ready access to that person for the duration of the session.
- (3) Where a party is not a natural person, the person attending the settlement conference on behalf of that party must be authorized to settle the dispute or be in a position to be able to obtain such authority during the conference.

16. Conducting a settlement conference

- (1) The parties will be required to execute a confidentiality agreement at the start of the settlement conference.
- (2) The settlement conference shall be conducted on a “without prejudice” basis so that views expressed, statements or suggestions made by the parties during the settlement conference or the substance thereof shall not be referred to or otherwise utilized by the parties in any proceedings between the parties.

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- (3) Documents produced in a settlement conference and not otherwise discoverable, are not subject to disclosure through discovery or any other process and are not admissible into evidence for any purpose, including impeaching credibility.
 - (4) The views expressed and statements made by the settlement officer conducting the session, as well as his notes, records and recollections, are confidential and protected from disclosure for all purposes; and at no time shall any party summon, subpoena or call the settlement officer as a witness to testify to any oral or written communication made at any stage of the settlement conference.
 - (5) Parties will use their best efforts to engage in a meaningful and productive settlement conference and the settlement officer will assist them to reach a satisfactory resolution to their dispute.
 - (6) The settlement officer, together with the parties, is free to determine the manner in which the settlement conference proceeds.
 - (7) A party to a settlement conference may withdraw from the conference at any time but must explain to the settlement officer why he feels compelled to withdraw and must give the settlement officer an opportunity to address that issue before doing so.
 - (8) The parties in the matter are expected to be active participants in the settlement conference and their attorneys-at-law are expected to assist them wherever possible.
 - (9) The settlement officer may conduct private meetings with the individual parties and their attorneys-at-law.
 - (10) The settlement officer may, by consent, extend the settlement conference or schedule one further session with the parties if necessary.
 - (11) A settlement conference may be adjourned at any time with the consent of all parties, in which case the conference must be rescheduled within the time limit set out in the Practice Direction.
 - (12) Any agreement reached by the parties at a settlement conference must be recorded in writing and signed by the parties and witnessed by the settlement officer.
17. Time within which Mediation or Settlement Conference is to be conducted
- (1) Where a referral has been made to mediation or settlement conference under this Practice Direction, the mediation or settlement conference shall be completed within 70 days of the date of referral unless otherwise ordered by the court on an application by a party.

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- (2) The docketed Judge, Master or Registrar in a matter referred to mediation or settlement conference may, on application by a party to a claim, extend the time within which a mediation or settlement conference is to be conducted after taking into account all circumstances, including-
 - (a) the number of parties and the complexity of the issues in the action; and
 - (b) whether an extension of time to allow the parties to acquire more information would increase the chances for the success of the mediation or the settlement conference.

18. Reporting the Results of Mediation

- (1) Where a referral has been made to mediation under this Practice Direction, immediately upon completion of the mediation session, the mediator must complete an ADR Outcome Report which shall state -
 - (a) the date or dates of the mediation and its duration;
 - (b) whether the parties attended the mediation session;
 - (c) whether there was -
 - (i) full agreement; or
 - (ii) partial agreement; or
 - (iii) no agreement;
 - (d) where no agreement or a partial agreement was reached, whether the mediation parties were prepared to continue with mediation;
 - (e) where the mediation parties are prepared to continue mediation, whether the mediator considers that there are reasonable prospects of agreement if an extension of time was to be given.
- (2) Where the written agreement is not being submitted with the ADR Outcome Report, the mediator must state in the Report which party will be responsible for delivering the agreement to the ADR co-ordinator and the date by which that party will do so.
- (3) Within 4 days of the completion of the mediation session, the mediation agency shall send to the ADR co-ordinator, the ADR Outcome Report together with any attached agreement.

19. Reporting the Results of a Settlement Conference

- (1) Where a referral has been made to a settlement conference under this Practice Direction, then, immediately upon completion of the conference, the settlement officer must complete an ADR Outcome Report which shall state-
 - (a) the date or dates of the settlement conference and its duration;
 - (b) whether the parties attended the settlement conference session;
 - (c) whether there was:
 - (i) full agreement; or

- (ii) partial agreement; or
 - (iii) no agreement
 - (d) where no agreement or a partial agreement was reached, whether the parties were prepared to continue with the settlement conference;
 - (e) where the parties are prepared to continue the settlement conference, whether the settlement officer considers that there are reasonable prospects of agreement if an extension of time was to be given.
- (2) Within 4 days of the completion of the settlement conference, the settlement officer shall send to the ADR co-ordinator the ADR Outcome Report as well as any agreement arrived at by the parties.
- (3) Where the written agreement is not submitted to the ADR co-ordinator with the ADR Outcome Report, the settlement officer must state in the Report which party will be responsible for delivering the agreement to the ADR co-ordinator and the date by which that party will do so.

21. Failure to Comply with this Practice Direction

- (1) Where a referral order has been made under this Practice Direction and a party fails to supply the documents required to compile a mediation or settlement conference brief, the ADR co-ordinator shall bring that party's default to the attention of the docketed Judge, Master or Registrar who will make such order as to costs as he sees fit.
- (2) Where a referral order has been made under this Practice Direction and a party—
- (a) fails to comply with a request by a mediator or settlement officer for further documentation in preparation for a mediation session or settlement conference; or
 - (b) fails to attend a mediation session or settlement conference, without notice, within half-hour of the appointed time, or
 - (c) attends the mediation session or settlement conference without having authority to settle the dispute:

then,

- (i) in the case of a mediation, the mediator shall cancel the session and the mediation agency shall inform the ADR co-ordinator in writing and the ADR co-ordinator shall bring that party's default to the attention of the docketed Judge, Master or Registrar who will make such order as to costs as he sees fit; and
- (ii) in the case of a settlement conference, the settlement officer shall cancel the settlement conference and shall inform the ADR Co-ordinator in writing and the ADR Co-ordinator shall bring that party's default to the

99—Continued

attention of the docketed Judge, Master or Registrar who will make such order as to costs as he sees fit.

22. Action by the Court after Completion of Mediation or Settlement Conference

- (1) Where parties have arrived at an agreement through either mediation or settlement conference, at the next scheduled hearing of the matter the docketed Judge, Master or Registrar may, if the parties so desire, enter the agreement which the parties arrived at, or any part thereof, as a consent order.
- (2) Where no agreement was reached by the parties, at the next scheduled hearing of the matter the matter will be subject to further case management by the docketed Judge, Master or Registrar.

23. Costs

Where there has been a settlement of the issues in a matter referred to mediation or a settlement conference but there is no agreement by the parties on the issue of costs, the docketed Judge, Master or Registrar shall determine the issue of the costs of the proceedings.

24. Complaints

- (1) Complaints about issues related to the administration of this Pilot Project shall, in the case of mediation, be made to the mediation agency and, in the case of settlement conferencing, shall be made to the ADR Co-ordinator.
- (2) All complaints shall be in writing and shall contain particulars of the issue complained of.
- (3) The mediation agency, in the case of a complaint dealing with mediation, or, the ADR Co-ordinator, in the case of a complaint dealing with a settlement conference, shall review and attempt to resolve informally any complaint received. If the complaint cannot be resolved informally, the mediation agency or the ADR Co-ordinator shall refer the complaint to the ADR Pilot Project Implementation Committee to be dealt with as the Committee sees fit.
- (4) If a party or his attorney-at-law forms the view that a mediator on the court-annexed panel has violated the Code of Ethics in the First Schedule of the Act in the conduct of a mediation in which that party or his attorney at law participated, the party or his attorney-at-law shall refer the complaint to the Mediation Board pursuant to Section 5(1)(b) of the Act.

99—Continued

- (5) Pending the outcome of the deliberations of the Mediation Board, the mediator against whom the complaint has been made will not be rostered on the court-annexed panel.

25. Research and Evaluation

- (1) For purposes of research and evaluation, parties, attorneys-at-law, mediators and settlement officers participating in this Pilot Project shall be required to complete Evaluation Forms which shall not disclose any confidential information as defined in the Act, and which shall not disclose the identities of the parties to the mediation or settlement conference.
- (2) The Evaluation Forms as well as the ADR Outcome Reports may be disclosed to persons authorized by the Chief Justice.

26. Forms

The approved forms for use in this pilot project are annexed in Appendix A.

Dated this 17th day of January, 2013.

A. MENDONCA
Chief Justice (Ag.)

APPENDIX A

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Letter Advising of Selection for Pilot Project

Date

Address of Claimant/Claimant's Attorney

Address of Defendant/Defendant's Attorney

Dear.....,

Re: Case Number and names of parties

As you are aware, the Judiciary has launched a Pilot Project to test the effectiveness of mediation and settlement conferencing in the civil litigation system.

I am pleased to inform you that the above-captioned case has been selected for the Pilot Project. Both you and your client could save expense and delay through the utilization of either of these processes.

I am enclosing a brochure which explains a little about these two processes as well as a copy of the Practice Direction for the Pilot Project. I urge you to read and then discuss them with your client so that at the appropriate time you will be aware of the procedure to be followed and what each of the processes involves

If you have any questions, please call.....

Yours faithfully,

Asst. Registrar
Supreme Court of Trinidad and Tobago/
ADR Co-ordinator

Encl. ~ADR Pilot Project Brochure

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REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV 20 -0000

Between

A.B.

CLAIMANT

And

C. D.

DEFENDANT

Mediation Referral Order

Dated this day of , 20 .

Before The Honourable

UPON this matter coming on for hearing at a (Case Management Conference/Pre Trial Review)

AND UPON Hearing attorney-at-law for the Claimant and attorney-at-law for the Defendant

AND UPON the parties agreeing to participate in mediation to resolve the claim herein.

99—Continued

IT IS BY CONSENT ORDERED THAT:

1. The parties to these proceedings do attend a mediation session to be arranged by the Dispute Resolution Centre (DRC) within 70 days of the date hereof.
2. The Claimant shall deliver copies of the pre-action correspondence exchanged between the parties to the ADR co-ordinator at the court office within 14 days of the date hereof.
3. The parties shall select a mediator from the Roster of Mediators maintained by DRC within 14 days of the date hereof. The Claimant shall provide the ADR co-ordinator with the name of the mediator selected at the time of delivery of his/its mediation brief.
4. DRC shall select the next available mediator from the said roster and notify the parties of the name of the selected mediator failing agreement by the parties on the selection of a mediator.
5. The cost of the mediator and the administrative costs of the DRC shall be borne by the Judiciary.
6. All further proceedings in this matter are stayed pending the outcome of the mediation session.
7. The parties will attend before this Court for further case management on the day of 20 in Courtroom POS.....at the Hall of Justice, Knox Street, Port of Spain at.....

.....
 Assistant Registrar

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REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV 201 -0000

Between

A.B.

CLAIMANT

And

C. D.

DEFENDANT

Settlement Conference Referral Order

Dated this day of , 20 .

Before The Honourable

UPON this matter coming on for hearing at a (Case Management Conference/Pre-Trial Review)

AND UPON Hearing attorney-at-law for the Claimant and attorney-at-law for the Defendant

AND UPON the parties agreeing to participate in a settlement conference to resolve the claim herein.

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV 20 -0000

Between

A.B.

CLAIMANT

And

C. D.

DEFENDANT

Notice of Assignment of Settlement Officer

TAKE NOTICE that further to the Settlement Conference referral order of
made on
 the.....
has been appointed as the
 settlement officer in this matter.

99—Continued

TAKE FURTHER NOTICE that you are required to contact the Judicial Support Officer to.....at (Tel/e-mail).....in order to make arrangements to schedule your settlement conference.

.....
Assistant Registrar

To: Attorneys for Parties & Settlement Officer

99—Continued

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV 20 -0000

Between

A.B.

CLAIMANT

And

C. D.

DEFENDANT

Notice of Appointment for Settlement Conference

TAKE NOTICE that further to the Settlement Conference Referral Order of
made on the
 and in which.....
 has been appointed as the settlement officer, that the Settlement Conference
 will take place on.....
 at.....in.....Hall of
 Justice,

99—Continued

TAKE FURTHER NOTICE that you are required to attend a preliminary meeting
on..... at.....
in.....Hall of Justice,

.....
Judicial Support Officer to
Justice.....

Tel:
Fax:
E-mail:

To: Attorneys-at-law for the parties.

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV 20 -0000

Between

A.B.

CLAIMANT

And

C. D.

DEFENDANT

Settlement Conference Confidentiality Agreement

THE PARTIES HEREBY AGREE:

1. To participate in a settlement conference.
2. That the discussions and any draft agreements shall be treated as if they are made in a mediation session and will therefore be strictly confidential, subject to any of the exceptions set out in the Mediation Act, Chap. 5:32 of the Laws of Trinidad and Tobago, and shall not be admissible in any future proceedings between the parties.

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV 20 -0000

Between

A.B.

CLAIMANT

And

C. D.

DEFENDANT

ADR Outcome Report (Mediation/Settlement Conference)

(Please circle the applicable process)

1. Participants:

The following persons attended the mediation session/settlement conference:

(Please state their names).

(a) Claimant:.....

(b) Claimant's attorney-at-law:.....

(c) Defendant:.....

(d) Defendant's attorney-at-law:.....

(e) Others: (Please state relationship to the Claimant/Defendant in parentheses).

.....
.....
.....

99—Continued

2. Session

A Mediation Session/Settlement Conference was held on:

(Give all dates and times including duration of each session).

.....
.....
.....

3. Result

- (a) The parties met but were unable to arrive at an agreement.
- (b) The parties arrived at a partial agreement.
- (c) The parties and the mediator/settlement officer met and the mediator/settlement officer considers that there are reasonable prospects of agreement and an extension of time is required to pursue these prospects.
- (d) The parties have reached full agreement and a copy of the agreement
 - (i) is attached, or
 - (ii) will be delivered to the ADR co-ordinator by.....

.....
on or before.....

.....
Mediator/Settlement Officer

To: ADR Co-ordinator