

(i) How are the agencies of law enforcement and justice organized in the BVI?

As Chairperson of the Virgin Islands General Legal Council (“the Council”) I have no dealings with the agencies of law enforcement and justice in the BVI other than the supervision and regulation of all legal practitioners whose name are entered on the Roll which is the register of legal practitioners kept by the Registrar of the High Court.

The core function of the Council as set out in Section 5 of the Legal Profession Act 2015 is the supervision and regulation of the legal profession in the Territory to internationally accepted standards; i. e the supervision and regulation of all persons permitted to carry on the practice of law in the Territory and who are enrolled on register of legal practitioners kept by the Registrar of the High Court.

The Council is not concerned with the organization of the agencies of law enforcement in the Territory and is concerned with those agencies only to the extent necessary for the accomplishment of the abovementioned functions.

With regard to the administration of Justice the BVI courts are part of the Eastern Caribbean Supreme Court a supra national court system for a number of Eastern Caribbean States including six independent states: and three British Overseas Territories. The Court system works reasonably well in the Territory and the Court is generally well regarded.

The Council is empowered to initiate and promote reforms and improvements in any branch of the law, the administration of justice and the practice of Law and in the formulation of legislation and is tasked, inter alia with promoting good relations between the legal profession and persons concerned in the administration of justice in the Virgin Islands and between the legal profession and

the public generally; and broadly with promoting, maintaining and supporting the administration of justice and the observance of the rule of law. These functions relate to support for the administration of justice generally rather than an operational role in the investigation of the conduct of persons holding public office, or enforcement of their obligations in so far as such matters do not involve their conduct as members of the legal profession.

(ii) What processes and systems are in place to monitor the effectiveness of the overall system of law enforcement and justice?

As Chairperson of the Council I am aware of the provisions of the Legal Profession Act 2015 which makes provisions for the supervision and regulation of all legal practitioners entered on the Roll.

The monitoring of the effectiveness of the overall system of law enforcement and justice is beyond the scope of the role of the Council

(iii) What particular role does the Virgin Islands General Legal Council play in relation to the overall system of justice in the BVI and the observance of the rule of law?

Pursuant to the Legal Profession Act 2015 the Council is the body that supervises and regulates the legal profession in the Territory of the Virgin Islands on the basis of the provisions of that Act.

Please also see my response to question (i) above.

- (iv) What do you as the Chair of Virgin Islands General Legal Council consider to be the strengths and weaknesses of the overall system of law enforcement and justice in the BVI?**

As Chairperson of the Council I am of the view that so far as the supervision and regulation of the legal profession in the Territory is concerned the Legal Profession Act 2015 makes adequate provisions for supervising and regulating the legal profession.

- (v) What steps do you as the Chair of the Virgin Islands General Legal Council consider should be taken to ensure that the strengths and weaknesses you have identified can be maintained or remedied respectively?**

Continued adherence to and enforcement of the provisions of the Legal Profession Act.

- (vi) What processes and systems are in place to investigate and prosecute matters relating to corruption abuse of office or other serious dishonestly that may have taken place in public office (including within the legal professional and the justice system) in recent years?**

Part V of the Legal Profession Act makes provisions for disciplinary matters relating to legal practitioners who are subject to the Legal Profession Act.

- (vii) What if any challenges have there been/are there in relation to investigation and prosecuting matters relating to corruption, abuse of office or other serious dishonestly that may have taken place in public office (including within the legal professional and the justice system) in recent years?**

As Chairperson of the Council I am not aware of any such matters relating to the legal profession in recent years.

**Anthea L. Smith
Chairperson
Virgin Islands General Legal Council
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