

# Going To Court

## What Court?

There are several courts in Guyana.

**THE COURT OF  
APPEAL**

**THE FULL COURT**

**THE HIGH COURT**

**MAGISTRATES'  
COURTS**

**LAND COURT**



The **magistrates' courts** are the largest in number. Small criminal and civil matters are heard in them, e.g. cases of minor assault, petty theft, abusive language, landlord and tenant claims and claims for debts under \$50,000.00. There are magistrates' courts in every county and most of the cases brought by the police and individuals are heard in them. A person may, however, bring a private criminal action in the Magistrates' Court. N.B. The Director of Public Prosecutions (DPP), has at all times the discretion to withdraw this private matter.

This court also conducts preliminary inquiries/committal proceedings into the merits of charges for indictable offences such as rape, manslaughter, murder and treason. The Magistrate, after hearing and assessing the evidence led before him, may commit the accused to stand trial in the High Court. If insufficient evidence was found to have been led, then the accused would be discharged. Note: This discharge is not an acquittal. Charges may again be brought against a person for the same alleged offence.

Above the magistrates' courts is the **High Court**, where serious

criminal cases such as murder and rape are heard, as well as civil claims for amounts over \$50,000.00, cases involving trespass to land and claims for damages for injuries as a result of traffic accidents. The High Court also deals with custody and adoption of children, divorce, injunctions, applications for probate and letters of administration and the passing of transports to land and mortgages.

There is one High Court but cases are heard in each country, at the High Court buildings in Georgetown, New Amsterdam and Suddie.

**Appeals** from the magistrates' court and from a High Court judge's decision in chambers are heard by the Full Court of the High Court.

The final court is the **Court of Appeal** where both criminal and civil appeals from the High Court and some from the Full Court and magistrates' courts are heard. The Court of Appeal building is in Kingston, Georgetown.

**The Land Court** is a court established by statute to adjudicate on matters involving lands, including prescriptive rights.

### Who Presides Over The Courts?

A magistrate, who is normally an attorney-at-law, presides over each magistrate's court. Some deal exclusively with certain kinds of case, e.g. claims for possession by landlords and fraud.

A magistrate is addressed as "Your Worship".

A **Judge** presides over sittings of the High Court. There is provision for twelve judges of the High Court and overall responsibility lies with the Chief Justice.

Sittings of the Full Court are presided over by not less than two judges.

The **Chancellor**, who is the head of all the judges, and four or five other **Justices of Appeal** comprise the Court of Appeal. Three or five members of the court hear appeals.

The Land Court is presided over by a Commissioner of Title.

Judges of the High Court, the Full Court and the Court of Appeal and the Land Court are addressed as "Your Honour".

### **How Do I Begin Legal Proceedings?**

This depends on whether it is a civil or criminal matter and if it is civil, the kind of claim you want to make.

If you want to sue someone for a sum of money below \$50,000.00 or for property worth less than \$50,000.00, you should file a claim called a *plaint* in the magistrates' office. A copy of it with a date fixed for hearing before a magistrate will then be served by a bailiff on the person you have sued.

If you wish to bring a private criminal case, perhaps for insulting or abusive language, you must file a *complaint* in the magistrates' office and a copy of it will be served upon the person you wish to summon.

If you want to claim a sum of money over \$50,000.00 or damages for slander, trespass or injuries received in a car accident you must file a *writ of summons* in the Registry of the Supreme Court. It is then served by a marshal on the person you are claiming against.

All criminal proceedings in the High Court are brought by the **Director of Public Prosecutions**.

### **Do I Have To Have A Lawyer?**

No, but it is advisable to have an attorney-at-law represent you, particularly in the High Court, where rules of evidence and procedure have to be followed strictly.

See Section Number 31 on Lawyers.

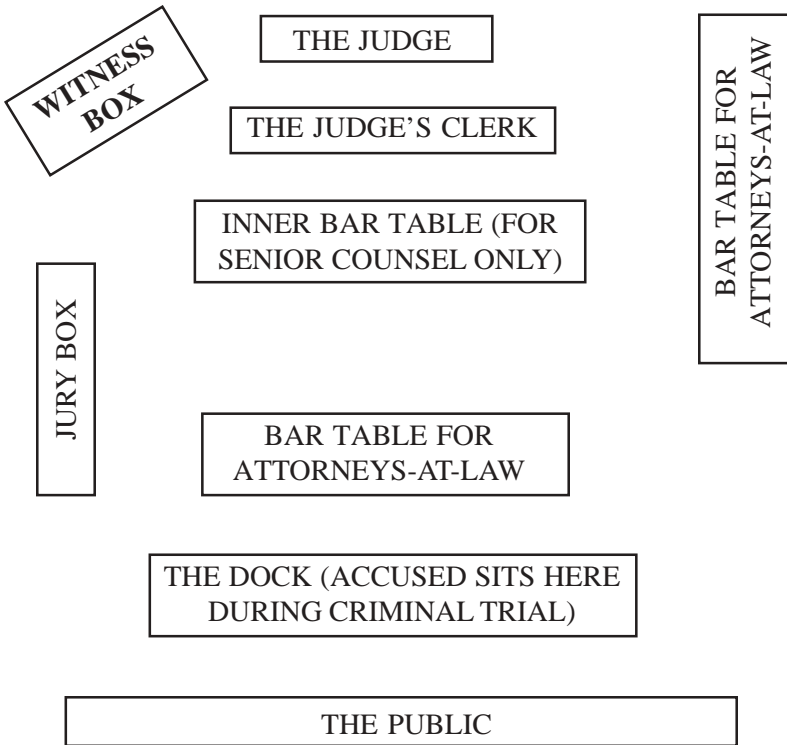
### **How Should I Dress For Court?**

As usual, as long as this does not mean, for example, unbuttoned shirts or very low cut dresses. Men are not allowed to wear hats.

For women, well-tailored long pants (not tight) are permitted, or pants suits. It is advisable to avoid wearing bright colours such as red, orange, pink, to court.

### **What Does A Courtroom Look Like?**

Here is a diagram of a typical courtroom of the High Court.



If you are a witness in court, you must be prepared to speak clearly and loudly, and to tell the truth as well as you recall.