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The Acquisition of Primary Legal Materials from the English-speaking Caribbean

ALAN MOSS*

In this presentation I shall be making reference particularly to the islands of the Eastern Caribbean, which are the jurisdictions I visit on a regular basis. I shall exclude Belize, which in the bookselling world we consider to be the province of Central American dealers, and also Guyana, for which no-one, I am afraid, seems to want to take responsibility. It's a difficult place to reach, and there's little to buy when you finally get there.

Since it's impossible in the time available to give you a complete run-down on the ins-and-outs of all of these jurisdictions, I shall instead examine some of the factors which affect the ease with which one can acquire legislation and look at just one or two of the individual jurisdictions which are in one way or another interesting.

The jurisdictions vary tremendously in size, of course. And you will observe as we go along that there is no correspondence between size on the one hand and ease of access to legislation on the other.

The first factor we shall consider is whether you can deal with these jurisdictions and their associated publishers from a distance. Because I am now a "known" customer I can purchase material from the Bahamas and the British Virgin Islands without the necessity of visiting the territory. But in order to become "known," of course, I had to visit them more than once.

The only jurisdiction which has a system in place to take your money and ship your materials is Anguilla. They have a website - www.anguillalaws.com –

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and one may pay by credit card. It is not quite as straightforward as it may seem, because shipping is via DHL and they wish you to pay the exact DHL shipping costs. Even so, it can be done.

It is probably not coincidental that in all of the jurisdictions which I do not have to visit in order to buy materials – Anguilla, the Bahamas and the British Virgin Islands – the US dollar is used as an official currency, parallel to the local currency. Most other jurisdictions require payment in the local currency, and doing this may be either difficult or sometimes even impossible. The members of the Organization of Eastern Caribbean States all use the Eastern Caribbean dollar, and I can certainly walk into a bank in Barbados and buy a draft in EC\$, but the same cannot be said for the Jamaican dollar or the Trinidad-and-Tobago dollars. This immediately precludes my being able to deal with those territories from a distance, even if they were otherwise prepared to ship.

So, being able to purchase and ship legal materials from Caribbean jurisdictions from a distance is very much the exception. For most jurisdictions, you must either go there in person or have someone on the ground locally to act on your behalf.

There is also the question of determining what the local procedures are for acquiring legislation. As most of you will know, current legislation in these jurisdictions is usually issued in the *Official Gazette*, and most of them also publish an annual compilation of laws. These publications are normally offered for sale at the Government Printery. At long intervals, however, a consolidation or “Revised Edition” of all laws in force at a particular date is issued, and these are frequently sold by a department attached to the Attorney General’s Chambers.

In either case, payment can sometimes be accepted by the agency selling them, but it may also be that one must pay the Treasury, which may be close by. Or not. For example, in St. Vincent, the Government Printery was recently relocated to an industrial estate about 5 miles out of town, and since payments must be made in Kingstown, one now needs to travel 20 miles in order to purchase St. Vincent’s laws. For me, that has made the difference between doing without a rented car and having to rent one whenever I visit the island.

I’ll speak now a little about Trinidad & Tobago, and I should at this point express the hope that my Trinidadian friends present will not take offence when I comment that Trinidad & Tobago, which one might expect to

be one of the more sophisticated jurisdictions, contrives to present difficulties all of its own, although it redeems itself in other areas.

The Government Printery for Trinidad & Tobago is where one purchases gazette subscriptions and annual volumes of legislation. The printer can accept payments, but that is of little practical advantage with regard to annual volumes since none has been published since 1999. Uniquely, however, Trinidad & Tobago's gazette subscription is made up of two elements: the Government Printery's charge, and that of the postal service, TT Post. Since TT Post is not always prompt in deciding what its charge for the year will be, it can be challenging to determine at what point in the year one will be able to pay a Gazette subscription.

This division of responsibility in effect makes impossible the claiming of issues which have not been received, for the Government Printery is always quite sure that it passed on all copies of the Gazette to TT Post for delivery, but since the deliveries are unrecorded, TT Post cannot be held accountable for the failure of any issue to arrive.

The purchase of Trinidad & Tobago's recent Revised Edition, on the other hand, provides a much more positive experience (once one has managed to make payment for it). The requisite sum must be paid by bank draft or in TT\$ at a somewhat Dickensian location, but once this has been achieved, the 31 volumes in 3 cartons are shipped by Federal Express to wherever one wishes. I have bought several of the sets, and I am happy to say that I still do not know what the cartons they come in look like.

To turn now to the Commonwealth of Dominica, if I may give the island its formal title and by doing so distinguish it from the Dominican Republic, which my friend and colleague Darlene Hull will comment on in her presentation, I can report that – unusually perhaps – access to its legislation has recently been improved through private enterprise. Since the early 1980s no annual volumes of laws have been produced for sale, and its latest Revised Edition is that for 1990-1991, updated to the end of 1992.

Four or five years ago I learned through conversation with the Government Printer there that a few annual volumes were in fact being produced, mainly for government departments, although none of them were being offered for sale. I suggested to the Government Printer that he might consider producing a small number of copies of the volumes to sell to me, and he readily agreed. Very good! The only problem, though, was that he never found it possible to follow through on his promise.

Eventually, however, I was put in touch with someone much lower down the hierarchy at the Government Printery: its principal binder. It turned out that he, like many others in his profession, was not averse to doing additional work in his own time. He was very soon able to provide me with not only current annual volumes of laws, but also sets of back volumes to fill the void which had existed since the early 1980s.

My understanding is that a similar situation exists in Trinidad, where at least one binder is producing annual volumes, mainly for attorneys-at-law. As we have seen, the latest officially published volume is that for 1999; I am at present trying to tap into that unofficial source for my clients.

And finally, another look at Anguilla, which, you will recall, was singled out for positive mention earlier. Much of its success in the production and sale of its legislation is, I am sure, due to the establishment of a Law Revision Centre under the aegis of the Attorney General's department. Although operating on a not-for-profit basis, the Centre appears to have brought a very business-like approach to the law revision process. There have been regular biennial updates to Anguilla's 2000 consolidation, bringing the coverage to 2006; a separate compilation of the island's financial legislation has been made available on CD-ROM; and a compilation of United Kingdom statutory instruments which relate to Anguilla is soon to be published.

The Centre is also using its acquired expertise to undertake law revision on behalf of two other British dependent territories in the Caribbean: Montserrat and the Turks & Caicos Islands. Thus, we may expect to see a new Turks & Caicos Islands revised edition within the next year or two, and, in 2009, an update to Montserrat's 2002 consolidation. The Centre's website, <http://lawrevisionbookshop.net/>, gives details of its work. The Centre's hope is that other jurisdictions may choose to utilise its services. My fear, however, is that law revision may be seen as too sovereign a function to be contracted out.