



# ST. CHRISTOPHER AND NEVIS

## CHAPTER 3.02

### ATTORNEY GENERAL'S ACT

#### Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

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## **CHAPTER 3.02**

### **ATTORNEY GENERAL'S ACT**

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## **CHAPTER 3.02**

### **ATTORNEY GENERAL'S ACT**

AN ACT TO GIVE EFFECT TO THE PROVISIONS OF PARAGRAPH 5 OF SCHEDULE 2 TO THE CONSTITUTION ORDER, 1983, AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

WHEREAS section 64(2) of the Constitution (West Indies Act – including the Constitution and Courts Orders, Cap. 1.01) provides that the office of Attorney General shall be either a public office or the office of a Minister:

AND WHEREAS paragraph 5 of Schedule 2 of the Constitution Order, 1983 (West Indies Act – including the Constitution and Courts Orders, Cap. 1.01) provides that until Parliament or, subject to the provisions of any law enacted by Parliament, the Governor-General, acting in accordance with the advice of the Prime Minister, otherwise provides, the office of Attorney General shall be a public office:

AND WHEREAS the office of Attorney General has been a public office since the coming into effect of the Constitution:

AND WHEREAS Parliament now decides that a law be enacted in accordance with the provisions of section 64(2) of the Constitution so as to make the office of Attorney General as of now an office of a Minister.

#### **Short title.**

1. This Act may be cited as the Attorney General's Act.

#### **Attorney General's Office.**

2. (1) In accordance with the provisions of paragraph 5 of the Second Schedule to the Constitution Order, 1983 and section 64(2) of the Constitution, the office of Attorney General shall, as of the date of the enactment of this Act, either be a public office or an office of a Minister.

(2) Whenever the office of Attorney General is an office of a Minister, then the Attorney General shall be appointed in accordance with the provisions of subsection (4) of section 52 of the Constitution.

#### **Duties and powers of Attorney General.**

3. (1) Whether the office of Attorney General is either a public office or an office of a Minister the holder of that office shall carry out the duties and exercise the

powers conferred on him or her by the Constitution, this Act, and by any other enactment.

(2) The Attorney General shall—

- (a) be the principal legal adviser to the Government;
- (b) ensure that the administration of public affairs is in accordance with the law;
- (c) superintend all matters connected with the administration of justice, except that anything done under this paragraph shall not contravene any provision of section 65 of the Constitution;
- (d) perform the duties that are performed by, and have the powers that belong to, the Law Officers of England and Wales by law or usage, so far as those duties and powers are applicable to Saint Christopher and Nevis;
- (e) be responsible for advising on the legislative Acts and generally advise government on all matters of law referred to the Attorney General's Chambers by the Government;
- (f) advise the Government upon all matters of a legislative nature and superintend all Government measures of a legislative nature;
- (g) advise the heads of the Government Ministries and Agencies of Government upon all matters of law connected with such Ministries and Agencies;
- (h) conduct and regulate all litigation for and against the Crown or any Ministry or Agency of Government;
- (i) perform such other functions as may be assigned to him or her by the Governor-General, from time to time, acting in accordance with the advice of the Prime Minister.

#### **Transitional provisions.**

4. (1) Where a person who—

- (a) held the office of Attorney General as a public officer before the coming into effect of this Act; or
- (b) subsequently holds the office of Attorney General as a public officer after the coming into effect of this Act,

is appointed to the office of Attorney General as a Minister, then the provisions of subsection (2) of this section shall apply to that person.

(2) For the purpose of granting gratuity and pension to the person referred to in subsection (1) of this section, in accordance with the provisions of the Legislator's Pensions Act, Cap. 22.05 the period served by that person in the office of Attorney General as a public officer shall qualify as a period to be taken into account when computing the aggregate period served by that person in order to grant the gratuity and pension to that person as a legislator.

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