



ST. CHRISTOPHER AND NEVIS

CHAPTER 3.23

ATTORNEY-GENERAL'S REFERENCE (CONSTITUTIONAL QUESTIONS) ACT

Revised Edition

showing the law as at 31 December 2017

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**ATTORNEY-GENERAL'S REFERENCE
(CONSTITUTIONAL QUESTIONS) ACT**

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The Regional Law Revision Centre Inc.,
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Available for purchase from—

Attorney General's Chambers,
Government Headquarters, P.O. Box 164,
Church Street, Basseterre, St. Kitts,
West Indies

Tel: (869) 465-2521

Ext. 1013

Tel: (869) 465-2127

Fax: (869) 465-5040

Email: attorneygeneral@gov.kn

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CHAPTER 3.23

ATTORNEY-GENERAL'S REFERENCE (CONSTITUTIONAL QUESTIONS) ACT

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CHAPTER 3.23

ATTORNEY-GENERAL'S REFERENCE (CONSTITUTIONAL QUESTIONS) ACT

AN ACT TO PROVIDE FOR THE REFERRAL OF IMPORTANT QUESTIONS OF INTERPRETATION OF THE CONSTITUTION AND THE CONSTITUTIONALITY OF LEGISLATION ENACTED BY PARLIAMENT AND THE NEVIS ISLAND LEGISLATURE TO THE COURT.

Short title.

1. This Act may be cited as the Attorney-General's Reference (Constitutional Questions) Act.

Interpretation.

2. In this Act—

“Constitution” means the Constitution of Saint Christopher and Nevis;

“counsel” means a person whose name has been entered on the Roll of Attorneys-at-law in Saint Christopher and Nevis; and

“Court” means the Court of Appeal.

Referring questions for opinion.

3. The Attorney General may, with the approval of Cabinet, refer to the Court for hearing and consideration, important questions of law or fact concerning—

(a) the interpretation of the Constitution;

(b) the constitutionality or interpretation of any legislation enacted by Parliament or by the Nevis Island Legislature; and

(c) any matter, whether or not in the opinion of the Court is *ejusdem generis* with the matters contained in paragraphs (a) and (b) submitted by the Attorney-General as an important question.

Questions deemed important.

4. A question concerning any of the matters mentioned in section 3, and referred to the Court by the Attorney-General, shall be deemed to be an important question.

Opinion of Court.

5. Where a reference is made to the Court under section 3, the Court shall—

(a) hear and consider it;

(b) answer each question so referred and give reasons for each answer;

(c) certify to the Attorney-General its opinion on each question,

and the opinion shall be pronounced in like manner as in the case of a judgment on appeal to the Court.

Notice to interested persons.

6. (1) The Court may, in its own discretion or upon the application of the Attorney-General or counsel representing an interested party, direct that any person interested or, where there is a class of persons interested, any one or more persons as representatives of that class, shall be notified of the hearing on a reference under this Act.

(2) The persons interested in the hearing, referred to in subsection (1), are entitled to be heard thereon, whether in person or by counsel acting on behalf of that person.

(3) The Court, where a person is to be notified under subsection (1), may direct that a copy of the reference be served on—

- (a) the interested person; or
- (b) counsel acting on behalf of the interested person.

Appointment of Counsel by Court.

7. The Court may, in its discretion, request any counsel to argue the case with respect to any interest that is affected and with respect to which counsel—

- (a) does not appear; and
- (b) has not been instructed by an interested person; and

the reasonable expenses thereby occasioned may be paid by the Minister responsible for finance and such expenses shall be a charge on the Consolidated Fund.

Costs and expenses.

8. (1) The Court shall not make an order as to cost unless, for exceptional reasons, the Court considers it proper to do so.

(2) The Court may, in its discretion, make an order that the expenses incurred for a matter heard under this Act be paid by the Minister responsible for finance and such expenses shall be a charge on the Consolidated Fund.

Savings.

9. The provisions of this Act do not derogate from the powers of the Court under any other enactment.
