

No. 10]

*Attorney General's Reference
(Constitutional Questions) Act*

[2005.

SAINT LUCIA

No. 10 of 2005

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I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

21st January, 2005

SAINT LUCIA

No. 10 of 2005

AN ACT to provide for the referral of important questions of interpretation of the Constitution and the constitutionality of legislation enacted by Parliament.

[On Order]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

PRELIMINARY

Short Title and Commencement

1.— (1) This Act may be cited as the Attorney General's Reference (Constitutional Questions) Act, 2005.

(2) This Act shall come into force on such day as the Attorney General may appoint, by Order in the *Gazette*.

Interpretation

2. In this Act —

“Constitution” means the Constitution of Saint Lucia 1978 or any constitution replacing the same;

“Court” means the Court of Appeal;

“Judge” means a Judge of the Court.

Referring questions for opinion

3.— (1) 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;
- (c) any matter, whether or not in the opinion of the Court *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;

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(c) certify to the Attorney General its opinion on each question,
with the reasons for each answer

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. The Court has power to 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 and those persons are entitled to be heard thereon.

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 does not appear, and the reasonable expenses thereby
occasioned may be paid by the Minister for Finance out of monies appro-
priated by Parliament for expenses of litigation.

Savings

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

Passed in the House of Assembly this 30th day of November, 2004.

J. BADEN ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 21st day of December, 2004.

HILFORD DETERVILLE,
President of the Senate.