SAINT LUCIA

No. 2 of 2023

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Amendment of section 16
4. Amendment of section 18
5. Amendment of section 41
6. Amendment of section 73
7. Amendment of section 106
8. Substitution of section 108
9. Insertion of new section 108A
10. Amendment of section 124

I Assent

[L.S.] ERROL CHARLES,
Acting Governor-General.

March 8, 2023.

SAINT LUCIA

No. 2 of 2023

AN ACT to amend the Constitution of Saint Lucia, Cap. 1.01.

WHEREAS under section 41(1) of the Constitution of Saint Lucia, Cap. 1.01 Parliament may alter any of the provisions of the Constitution;

AND WHEREAS under section 41(2) of the Constitution of Saint Lucia, Cap. 1.01 a Bill to alter section 41, Schedule 1 to the Constitution or any of the provisions of the Constitution specified in Part I of that Schedule shall not be regarded as being passed by the House unless on its final reading in the House the Bill is supported by the votes of not less than 3/4 of all the members of the House;

AND WHEREAS the provisions of the Constitution of Saint Lucia, Cap. 1.01 are being altered by this Act.

[9th March, 2023]

BE IT ENACTED by the King'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:

Short title

1. This Act may be cited as the Constitution of Saint Lucia (Amendment) Act, 2023.

Interpretation

2. In this Act, "principal Act" means the Constitution of Saint Lucia, Cap. 1.01.

Amendment of section 16

3. Section 16(4) of the principal Act is amended by deleting the words "Her Majesty in Council" and substituting the words "Caribbean Court of Justice".

Amendment of section 18

4. Section 18(1) of the principal Act is amended by deleting the words "Her Majesty in Council" and substituting the words "Caribbean Court of Justice" where the words appear in the definition of the word "court".

Amendment of section 41

5. Section 41(7) of the principal Act is amended by deleting paragraph (a) and substituting the following —

"(a) section 108 in order to give effect to the Agreement concerning appeals from a court having jurisdiction in Saint Lucia to the Caribbean Court of Justice;".

Amendment of section 73

6. Section 73(5) of the principal Act is amended by deleting the words "Her Majesty in Council" and substituting the words "Caribbean Court of Justice".

Amendment of section 106

7. Section 106 of the principal Act is amended by deleting the words "Her Majesty in Council" and substituting the words "Caribbean Court of Justice".

Substitution of section 108

8. The principal Act is amended by deleting section 108 and substituting the following —

"Appeals to the Caribbean Court of Justice

108.—(1) An appeal shall lie as of right from the decisions of the Court of Appeal to the Caribbean Court of Justice in the following cases —

(a) final decisions in civil proceedings where —

(i) the matter in dispute on appeal to the Caribbean Court of Justice is of the prescribed value or upwards, or

(ii) the appeal involves directly or indirectly a claim to or a question respecting property or a right of the prescribed value or upwards;

(b) final decisions in proceedings for dissolution or nullity of marriage;

(c) final decisions in civil or criminal proceedings which involve a question as to the interpretation of this Constitution;

(d) final decisions given in the exercise of the jurisdiction conferred on the High Court relating to redress for contravention of the provisions of this Constitution for the protection of fundamental rights;

(e) final decisions given in the exercise of the jurisdiction conferred on the High Court relating to the determination of any question for which a right of access to the High Court is expressly provided by this Constitution; and

(f) such other cases as may be prescribed by Parliament.

(2) An appeal shall lie from the decisions of the Court of Appeal to the Caribbean Court of Justice with the leave of the Court of Appeal —

(a) in respect of decisions in civil proceedings where in the opinion of the Court of Appeal, the question involved in the appeal is one that by reason of its great general or public importance or otherwise, ought to be submitted to the Caribbean Court of Justice; and

(b) such other cases as may be prescribed by Parliament.

(3) An appeal shall lie to the Caribbean Court of Justice with the special leave of the Caribbean Court of Justice from a decision of the Court of Appeal from a civil or criminal matter.

(4) A reference in this section to decisions of the Court of Appeal —

(a) is construed as references to decisions of the Court of Appeal in exercise of the jurisdiction conferred by this Constitution or any other law for the time being in force in Saint Lucia;

(b) does not include a reference to decisions in exercise of the jurisdiction conferred under section 108(2) of this Constitution.

(5) In this section, "prescribed value" means the value of twenty-five thousand dollars or such value as may be prescribed by Parliament.

(6) This section is subject to section 39(8) of this Constitution.".

Insertion of new section 108A

9. The principal Act is amended by inserting immediately after section 108 the following new section 108A —

"Abolition of appeals to Her Majesty in Council

108A.—(1) An appeal shall not be brought from or in respect of a decision of the Court of Appeal to Her Majesty in Council —

(a) as of right;

(b) by leave of a court;

(c) by special leave of Her Majesty in Council or otherwise.

(2) Nothing in this section shall be construed as conferring jurisdiction on the Caribbean Court of Justice to hear and determine matters in relation to a decision of the Court of Appeal which at the date of abolition of appeals to Her Majesty in Council was, pursuant to this Constitution or any law, declared to be final.

(3) Where in any other written law provision is made for an appeal to Her Majesty in Council that provision shall, after the abolition of appeals to Her Majesty in Council, be construed as a reference to an appeal to the Caribbean Court of Justice.

(4) Subject to subsection (5), this section does not affect proceedings pending before Her Majesty in Council immediately before the abolition of appeals to Her Majesty in Council.

(5) An appeal pending before Her Majesty in Council at the date of abolition of appeals to Her Majesty in Council may be transferred to the Caribbean Court of Justice with the consent of all parties.

(6) Proceedings are deemed to be pending where —

(a) an appeal to Her Majesty in Council has been instituted before the abolition of appeals to Her Majesty in Council;

(b) leave to appeal or special leave to appeal to Her Majesty in Council has been granted or applied for before the abolition of appeals to Her Majesty in Council.

(7) A judgement of Her Majesty in Council which at the abolition of appeals to Her Majesty in Council has been given and not satisfied may be enforced after the date of the abolition of appeals to Her Majesty in Council as if the judgement had been a judgement of the Caribbean Court of Justice.".

Amendment of section 124

10. Section 124 of the principal Act is amended by inserting in the proper alphabetical sequence the following new definitions —

" "Agreement" means the Agreement Establishing the Caribbean Court of Justice;

"Caribbean Court of Justice" means the Caribbean Court of Justice under the Agreement;".

Passed in the House of Assembly this 28th day of February, 2023.

CLAUDIUS J. FRANCIS,
Speaker of the House of Assembly.

Passed in the Senate this 2nd day of March, 2023.

ALVINA REYNOLDS,
President of the Senate.

SAINT LUCIA
PRINTED BY THE NATIONAL PRINTING CORPORATION
CASTRIES
2023 [Price : $4.00]