

**SAINT VINCENT AND THE GRENADINES**  
**ATTORNEY GENERAL'S REFERENCE (CONSTITUTIONAL QUESTIONS) BILL 2018**  
**ARRANGEMENT OF SECTIONS**

**SECTIONS**

1. Short title
2. Interpretation
3. Referring questions for opinion
4. Questions deemed important
5. Opinion of Court
6. Notice to interested persons
7. Appointment of counsel by Court
8. Costs and expenses
9. Savings



SAINT VINCENT AND THE GRENADINES

BILL FOR

ACT NO. OF 2018

I ASSENT

[ ]

Governor-General

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

[ ]

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

**PRELIMINARY**

1. This Act may be cited as the Attorney General's Reference (Constitutional Questions) Act 2018. Short title

2. In this Act— Interpretation

“Constitution” means the Constitution of Saint Vincent and the Grenadines;

“Counsel” means means a person whose name has been entered on the Roll of Attorneys-at law in Saint Vincent and the Grenadines

“Court” means the Court of Appeal.

Referring questions for opinion	<p>3. The Attorney General may, with the approval of Cabinet, refer to the Court for hearing and consideration, any important question of law or fact concerning—</p> <ul style="list-style-type: none"> <li>(a) the interpretation of the Constitution;</li> <li>(b) the constitutionality or interpretation of any legislation enacted by Parliament; and</li> <li>(c) any other matter, which 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.</li> </ul>
Questions deemed important	<p>4. A question concerning any matter mentioned in section 3, and referred to the Court by the Attorney General, shall be considered to be a question of public interest or public importance.</p>
Opinion of Court	<p>5. Where a reference is made to the Court under section 3, the Court shall—</p> <ul style="list-style-type: none"> <li>(a) hear and consider the reference;</li> <li>(b) answer each question so referred;</li> <li>(c) certify to the Attorney General its opinion on each question, with the reasons for each answer,</li> </ul> <p>and the opinion shall be pronounced in like manner as in the case of a judgment on appeal to the Court</p>
Notice to interested persons	<p>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, whether in person or by counsel acting on behalf of that person.</p>
Appointment of counsel by Court	<p>7. The Court may, in its discretion, request any counsel to argue the case with respect to any interest that is affected and provided that which has not been instructed by an interested person.</p>
Costs and expenses	<p>8. (1) The Court shall not make an order as to costs unless, for exceptional reasons, the Court considers it proper to do so.</p> <p>(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 Ministry of Finance and shall be a charge on the Consolidated Fund.</p>

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

Passed in the House of Assembly this

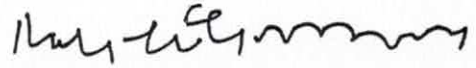
day of

2018.

Clerk of the House of Assembly.

**OBJECTS AND REASONS**

This Bill seeks to make provision for Constitutional and other questions to be referred to the Court of Appeal, by the Attorney General.



Dr. the Hon. Ralph Gonsalves  
Prime Minister, Minister of the Public  
Service, National Security, Legal Affairs  
and Grenadines Affairs