

ANTIGUA AND BARBUDA



**THE ATTORNEY GENERAL'S REFERENCE (CONSTITUTIONAL  
QUESTIONS) ACT, 2009**

**No. 10 of 2009**

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(2) 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.

#### **7. Appointment of counsel by court**

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 has not been instructed by an interested person.

#### **8. Costs and Expenses**

(1) The Court shall not make an order as to costs 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 Ministry of Finance and shall be a charge on the Consolidated Fund.

#### **9. Savings**

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

Passed by the House of Representatives on  
the 21st day of September, 2009.

Passed by the Senate on the 23rd day  
of September, 2009.

**D. Gisele Isaac-Arrindell,**  
*Speaker.*

**Hazlyn M. Francis,**  
*President.*

**T. Thomas,**  
*Clerk to the House of Representatives.*

**T. Thomas,**  
*Clerk to the Senate.*

“Court” means the Court of Appeal; and

“counsel” means a person whose name has been entered on the Roll of Attorneys-at law in Antigua and Barbuda.

### **3. Referring questions for opinion**

(1) The Attorney General may, with the approval of Cabinet, and by way of case stated, 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; and
- (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 a question of public interest or public importance.

### **4. Questions considered important**

A question referred to the Court by the Attorney General, shall be considered to be a question of public interest or public importance.

### **5. Opinion of Court**

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

- (a) hear and consider the reference;
- (b) answer each question so referred;
- (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.

### **6. Notice to interested persons**

(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 made under this Act and those persons are entitled to be heard thereon, whether in person or by counsel acting on behalf of that person.

## **THE ATTORNEY GENERAL'S REFERENCE (CONSTITUTIONAL QUESTIONS) ACT, 2009**

### **ARRANGEMENT**

#### **Sections**

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

[L.S.]



I Assent,

**Louise Lake-Tack,**  
*Governor-General.*

4th November, 2009.

**ANTIGUA AND BARBUDA**

**THE ATTORNEY GENERAL'S REFERENCE (CONSTITUTIONAL  
QUESTIONS) ACT, 2009**

**No. 10 of 2009**

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

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title**

This Act may be cited as the Attorney General's Reference (Constitutional Questions) Act and shall come into operation on a date that the Minister responsible for Legal Affairs may, by Notice published in the *Gazette*, appoint.

**2. Interpretation**

In this Act—

“Constitution” means the Constitution of Antigua and Barbuda;