
CHAPTER 198

THE SUPREME COURT (CONSTITUTIONAL REDRESS)—ANTIGUA AND BARBUDA RULES

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S.R.O. 5/1970.

THE HIGH COURT (CONSTITUTIONAL REDRESS) ACT

THE SUPREME COURT (CONSTITUTIONAL REDRESS)—ANTIGUA AND BARBUDA RULES.

The Chief Justice in exercise of the powers conferred upon him by section 3 of the High Court (Constitutional Redress) Act, and all other powers thereunto enabling him, hereby makes the following Rules:

1. These Rules may be cited as the Supreme Court (Constitutional Redress)—Antigua and Barbuda Rules and shall come into force on their publication in the *Gazette*. Short title and commencement.

Single judge to exercise jurisdiction.

2. The jurisdiction of the High Court to hear and determine any application made by any person in pursuance of section 18 (1) or section 119 (1) of the Constitution shall be exercisable by a single judge.

Procedure for enforcement of protection provisions.

3. An application to the High Court pursuant to section 18 of the Constitution for redress by any person who alleges that any of the provisions of section 3 to 17 (inclusive) of the Constitution has been or is being contravened in relation to him may be made either by motion to the High Court supported by affidavit, or by filing a writ of summons, claiming a declaration of right and/or praying for an injunction or other appropriate order.

Notice of motion.

4. (1) No motion shall be made without previous notice to the parties affected thereby, but the High Court if satisfied that the delay caused by proceeding in the ordinary way would or might entail irreparable or serious mischief may make an order *ex parte* on such terms as to costs or otherwise, and subject to such undertaking, if any, as it thinks just; and any party affected by such order may, within seven days of the service of the order upon him, apply to the High Court to set it aside.

(2) Unless the High Court gives leave to the contrary, there must be at least three clear days between the service of notice of a motion and the day named in the notice for hearing the motion.

(3) The notice of a motion must include a concise statement of the nature of the claim made or the relief or remedy required.

Copy of application to Attorney-General.

5. Where any application is made to the High Court pursuant to section 18 of the Constitution by motion or by filing a writ of summons and the Attorney-General is not a party to the proceedings the applicant or plaintiff shall file an extra copy of the motion and affidavit or affidavits in support thereof or of the writ of summons as the case may be and the Registrar shall within three days thereafter forward such extra copy or copies to the Attorney-General for his information.

6. Where in the course of any action or proceeding (civil or criminal) before the High Court any question arises under the provisions of sections 3 to 17 (inclusive) of the Constitution the High Court may determine such question and give effect to such determination so far as applicable in its judgment or decision in such action or proceeding.

Constitutional question may be determined by High Court.

7. (1) An application to the High Court pursuant to section 119 of the Constitution by any person who alleges that any provision of the Constitution (other than a provision of Chapter II) has been or is being contravened may be made either by motion to the High Court supported by affidavit or by filing a writ of summons claiming a declaration and praying for such relief as he may deem appropriate.

Applications under section 119 of Constitution.

(2) The provisions of rules 4 and 5 of these Rules shall apply to applications made pursuant to section 119 of the Constitution as they apply to applications made pursuant to section 18 thereof.

(3) No application pursuant to section 119 of the Constitution shall be brought after the expiration of six months from the date of the contravention complained of, or, in the case of an alleged continuing contravention, from the date when it ceased.

8. Save as otherwise provided in these Rules the jurisdiction and powers conferred on the High Court in respect of applications made by any person in pursuance of section 18 (1) or section 119 (1) of the Constitution shall be exercised in accordance with the practice and procedure (including any rules of court) for the time being in force in relation to civil proceedings in the High Court with such variations as circumstances may require.

Practice and procedure.

Made this 30th day of January, 1970.