

THE JUDICATURE ACT.

Statutory Instrument 13—14.

The Judicature (Fundamental Rights and Freedoms) (Enforcement Procedure) Rules.

Arrangement of Rules.

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THE JUDICATURE ACT.

Statutory Instrument 13—14.

The Judicature (Fundamental Rights and Freedoms) (Enforcement Procedure) Rules.

(Under sections 48(1)(d) of the Act.)

1. Citation.

These Rules may be cited as the Judicature (Fundamental Rights and Freedoms) (Enforcement Procedure) Rules.

2. Interpretation.

In these Rules, unless the context otherwise requires, “application” means an application to the High Court under article 50 of the Constitution for redress in relation to the fundamental rights and freedoms referred to in articles 20 to 47 of the Constitution.

3. Application to be made by motion.

(1) Every application shall be made by motion and shall be heard in open court by a single judge of the High Court.

(2) Where, in relation to an application, any question as to the interpretation of the Constitution arises, the judge hearing the application shall apply the provisions of article 137 of the Constitution and decide whether or not to refer the question to the constitutional court constituted in accordance with article 137 of the Constitution, and the Judicature (Interpretation of the Constitution) (Procedure) Rules shall apply to a reference made under this subrule.

(3) A reference shall be accompanied by a copy of the record of the proceedings of the court in which the reference arose.

4. Proceedings of constitutional court.

(1) The proceedings before the constitutional court shall be by way of legal arguments of the parties either written or oral or both which shall be

presented to the court in such order as the court may determine.

(2) The decision of the constitutional court together with a copy of its proceedings shall be remitted to the court which made the reference.

5. Decision of the court.

The court from which the reference arose shall decide the matters before it in accordance with the decision of the constitutional court or the Supreme Court if there has been an appeal from the decision of the constitutional court.

6. Appeals.

For purposes of appeals against the decision of the constitutional court the Judicature (Supreme Court) Rules shall apply with such modifications as may be necessary.

7. Civil Procedure Act, etc. to apply.

Subject to these Rules, the Civil Procedure Act and the rules made under it shall apply to proceedings under these Rules.

History: S.I. 26/1992.

Cross References

Civil Procedure Act, Cap. 71.

Constitution of 1995.

Judicature (Supreme Court) Rules, S.I. 13-12.

Judicature (Interpretation of the Constitution) (Procedure) Rules, S.I. 13-13.

Commissioners' note: Rule 4 of statutory instrument 26/1992 has been omitted because it was superseded by article 137 of the Constitution.
