

THE JUDICATURE ACT.

Statutory Instrument 13—12.

The Judicature (Interpretation of the Constitution) (Procedure) Rules.

Arrangement of Rules.

Rule

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THE JUDICATURE ACT.

Statutory Instrument 13—12.

The Judicature (Interpretation of the Constitution) (Procedure) Rules.¹

(Under section 48(1)(c) of the Act.)

1. Citation.

These Rules may be cited as the Judicature (Interpretation of the Constitution) (Procedure) Rules.

2. Interpretation.

In these Rules, unless the context otherwise requires—

- (a) “constitutional court” means a court consisting of five judges of the Court of Appeal²;
- (b) “reference” means a reference of a question as to the interpretation of the Constitution as provided for in article 137 of the Constitution and these Rules.

3. Manner of making reference to constitutional court.

(1) Where a reference to the constitutional court regarding any question as to the interpretation of the Constitution is to be made, the court making the reference shall submit the reference in terms of specific questions or issues to be answered or resolved by the constitutional court.

(2) The court from which the reference arises shall, after framing the specific questions or issues, proceed to hear the evidence necessary to answer the questions or resolve the issues unless the evidence is already on the record of the proceedings of the court.

4. Notice to the Attorney General, etc.

No motion shall be made without notice to the Attorney General and any

¹See the footnote to S.I. 13-1.

²This provision has been modified to comport with the Constitution of 1995.

other party affected by the application.

5. Hearing of persons without notice.

On the hearing of an application the court, if it thinks fit, may permit a person to be heard notwithstanding the fact that that person has not been served with notice of motion in respect of the application.

6. Evidence.

Evidence at the hearing of an application shall be tendered by affidavit; but the court may of its own motion or on the application of any party to the application direct that evidence be given orally on any particular matter.

7. Civil Procedure Act, etc. to apply.

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

History: S.I. 25/1992.

Cross References

Civil Procedure Act, Cap. 71.
Constitution of 1995.

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