
STATUTORY INSTRUMENTS

2007 No. 1678

The Virgin Islands Constitution Order 2007

THE CONSTITUTION OF THE VIRGIN ISLANDS

CHAPTER 5

THE LEGISLATURE

Miscellaneous

Determination of questions as to membership

87.—(1) The High Court shall have jurisdiction to hear and determine an appeal under section 67(9) and any question whether—

- (a) any person has been validly elected as a member of the House of Assembly; or
- (b) any elected member of the House of Assembly has vacated his or her seat in the House or is required by virtue of section 67(4) to cease to perform his or her functions as a member.

(2) An application to the High Court for the determination of any question under subsection (1) (a) may be made by—

- (a) any person entitled to vote in the electoral district and at the election to which the application relates;
- (b) any person who was a candidate in that district at that election; or
- (c) the Attorney General.

(3) An application to the High Court for the determination of any question under subsection (1) (b) may be made by—

- (a) any person entitled to vote at an election in the electoral district for which the member concerned was returned;
- (b) any elected member of the House of Assembly; or
- (c) the Attorney General.

(4) If an application is made under subsection (2) or (3) by a person other than the Attorney General, the Attorney General may intervene and may then appear or be represented in the proceedings.

(5) The Legislature may make provision with respect to—

- (a) the circumstances and manner in which, and the imposition of conditions upon which, any application may be made to the High Court for the determination of any question under this section; and
- (b) the powers, practice and procedure of the High Court in relation to any such application.

(6) An appeal shall lie as of right to the Court of Appeal from any final decision of the High Court determining such a question as is referred to in subsection (1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (6), and no appeal shall lie from any decision of the High Court in proceedings under this section other than a final decision determining such a question as is referred to in subsection (1).

(8) In the exercise of the powers conferred on him or her by this section, the Attorney General shall not be subject to the direction or control of any other person or authority.