

STATUTORY INSTRUMENTS

1983 No. 881

SAINT CHRISTOPHER AND NEVIS

The Saint Christopher and Nevis Constitution Order 1983

Made: 22nd June 1983
Coming into Operation: 23rd June 1983
At the Court at Buckingham Palace, the 22nd day of June 1983

CHAPTER II PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

Fundamental rights and freedoms.

3.- Whereas every person in Saint Christopher and Nevis is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origin, birth, political opinions, colors, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

- a) life, liberty, security of the person, equality before the law and the protection of the law;
- b) freedom of conscience, of expression and of assembly and association; and
- c) protection for his personal privacy, the privacy of his home and other property and from deprivation of property without compensation,

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any person does not impair the rights and freedoms of others or the public interest.

Protection of freedom of conscience.

11.- (1) Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Except with his own consent (or, if he is a person under the age of eighteen years, the consent of a person who is his parent or guardian) a person attending any place of education, detained in any prison or corrective institution or serving in a defence force shall not be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion that is not his own.

(3) Every religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education that it wholly maintains and such a community shall not be prevented from providing religious instruction for persons of that community in the course of any education that it wholly maintains or in the course of any education that it otherwise provides.

(4) A person shall not be compelled to take any oath that is contrary to his religion or belief or to take any oath in a manner that is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provisions that is reasonably required-

- a) in the interests of defence, public safety, public order, public morality or public health;

- b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practice any religion without the unsolicited intervention of members of any other religion; or
- c) for the purpose of regulating educational institutions in the interests of the persons who receive or may receive instruction in them,

and except so far as that provisions or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

(6) References in this section to a religion shall be construed as including references to a religious denomination, and cognate expression shall be construed accordingly.

Protection of freedom of expression.

12.- (1) Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication is to the public generally or to any person or class of persons) and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision-

- a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health;
- b) that is reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons of the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts or regulating telephony, telegraphy, posts, wireless broadcasting or television; or
- c) that imposes restrictions upon public officers that are reasonably required for the proper performance of their functions,

and except so far as that provisions or, as the case may be, the things done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection from discrimination on grounds of race etc.

15.- (1) Subject to subsections (4), (5) and (7), no law shall make any provision that is discriminatory either or itself or in its effect.

(2) Subject to subsections (6), (7), (8) and (9), a person shall not be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) In this section the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place or origin, birth out or wedlock, political opinions or affiliations, color, sex or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such descriptions.

SCHEDULE 5 LEGISLATIVE POWERS

PART 1

Matters with respect to which the Nevis Island Legislature has exclusive power to make laws

- (4) Archaeological or historical sites and monuments.
- (7) Cinemas.
- (17) Parks and other places for public recreation.
- (20) Sport and cultural activities.