

**IN THE SUPREME COURT OF BERMUDA**

**CIVIL JURISDICTION**

**2018: No.**

**IN THE MATTER OF AN APPLICATION UNDER SECTION 15 OF THE BERMUDA  
CONSTITUTION 1968**

**AND IN THE MATTER OF THE DOMESTIC PARTNERSHIP ACT 2018**

**BETWEEN:**

**RODERICK FERGUSON**

**Applicant**

**and**

**THE ATTORNEY GENERAL**

**Respondent**

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**ORIGINATING SUMMONS**

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To: The Attorney General of Global House, Church Street in the City of Hamilton in the Islands of Bermuda.

**LET ALL PARTIES CONCERNED** attend before one of Her Majesty's Judges in the Supreme Court of Bermuda, Parliament Street, in the City of Hamilton, in the Islands of Bermuda on the \_\_\_\_ day of \_\_\_\_, 2018 at \_\_\_\_ o'clock in the \_\_\_\_ noon or so soon thereafter as Counsel for the Applicant may be heard on the hearing of an application for Orders of redress (as more particularly set out below) pursuant to section 15 of the Bermuda Constitution 1968 and pursuant to Order 114 of the Rules of the Supreme Court 1985.

By this Summons the Applicant seek the following Orders: -

1. An Order declaring that the Domestic Partnership Act 2018, in so far as its effect is to reverse the decision in the case of *Godwin & Deroche v The Registrar General, the Attorney General et al* [2017] SC (Bda) 36 Civ, notwithstanding provisions of the Human Rights Act 1981, is void for inconsistency:
  - (1) with section 1 (a) of the Bermuda Constitution 1968, in that its effect is to deprive the Applicant of the protection of law; and
  - (2) with section 1 (c) of the Bermuda Constitution 1968, in that its effect is to deprive the Applicant of property without compensation; or, alternatively
  - (3) with section 13 of the Bermuda Constitution 1968, in that its effect is to deprive the Applicant of property without compensation in circumstances where such deprivation amounts to taking possession of his interest in or right over such property without the conditions of section 13 (1) being satisfied; and
  - (4) with section 3 of the Bermuda Constitution 1968, in that its effect is to subject the Applicant to inhuman or degrading treatment; and
  - (5) with section 8 of the Bermuda Constitution 1968, in that its effect is to hinder the Applicant in his enjoyment of his freedom of conscience; and
  - (6) with section 9 of the Bermuda Constitution 1968, in that its effect is to hinder the Applicant in his enjoyment of his freedom of expression; and
  - (7) with section 10 of the Bermuda Constitution 1968, in that its effect is to hinder the Applicant in his enjoyment of his freedom of association with other persons; and
  - (8) with section 12 of the Bermuda Constitution, in that its effect is to discriminate against the Applicant on the basis of his creed.
2. An Order making provision for the costs of this application.
3. Such further or other Orders or relief as this Honourable Court may consider appropriate for the purpose of enforcing or securing the enforcement of sections 1, 3, 8, 9, 10, 12 and 13 of the Bermuda Constitution 1968, to the protection of which the Applicant is entitled

or such further or other Orders or relief as this Honourable Court may otherwise consider appropriate.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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**Registrar**

**Note:** This Summons may not be served more than twelve calendar months after the above date unless renewed by order of the Court.

This Summons was taken out by Messrs. Chancery Legal Ltd, 52 Reid Street, Hamilton HM 12, Bermuda,

Attorneys for the Applicant.

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Chancery Legal Ltd  
52 Reid Street  
Hamilton HM 12  
Bermuda  
Attorneys for the Applicant