



TRINIDAD AND TOBAGO

No. 15—1957

Rep. No 33 - 1960

[L.S.]

I ASSENT,

E. B. BEETHAM

Governor.

18th October, 1957.

Handwritten initials and checkmark

AN ORDINANCE to amend the Legislative Council (Elections) Ordinance, Ch. 2. No. 2.

[On Proclamation] *G.N. 161/1957 : No. 23/1957*

Commencement.

7.11.57

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof. Enactment

1. (1) This Ordinance may be cited as the Legislative Council (Elections) (Amendment) Ordinance, 1957, and shall be read as one with the Legislative Council (Elections) Ordinance, hereinafter referred to as the Principal Ordinance. Short title and commencement. Ch. 2. No. 2.

(2) This Ordinance shall come into operation on a day to be appointed by the Governor by proclamation in the *Royal Gazette*.

Section 4(1)
of Principal
Ordinance
amended.

Ord. No. 20
of 1956.

2. Section 4 of the Principal Ordinance is hereby amended by inserting immediately after the word "Council" occurring in subsection (1) thereof, as enacted by section 3 of the Legislative Council (Elections) (Amendment) Ordinance, 1956, the words "and any other law enacted thereunder".

New section
16A inserted
in Principal
Ordinance.

3. There shall be inserted in the Principal Ordinance immediately after section 16 thereof the following new section to be numbered 16A:—

"Failure to
perform
undertaking
on oath.

16A. If any election officer required by this Ordinance to take any oath wilfully or negligently fails in any material particular to perform the undertaking made by him in such oath such election officer shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of one hundred and twenty dollars or to imprisonment for three months or to both such fine and such imprisonment."

New section
19A inserted
in Principal
Ordinance.

4. There shall be inserted in the Principal Ordinance immediately after section 19 thereof the following new section to be numbered 19A:—

"Checking of
nomination
papers.

19A. (1) On each of the three days before the day fixed for the nomination of candidates the returning officer shall attend at the place fixed for the nomination of candidates between the hours of nine o'clock in the morning and twelve noon; and any intending candidate or his agent may there present to him for scrutiny any document which is required by law to be tendered or delivered to the returning officer by or on behalf of such candidate for the purposes of the nomination of such candidate.

(2) The returning officer shall scrutinize every document so presented to him and shall advise the person presenting the same whether such document complies with the requirement of subsection (2) or subsection (4), as the case may be, of section 20 of this Ordinance and shall thereupon return every such document to the person presenting the same."

5. Section 20 of the Principal Ordinance is hereby amended by substituting for the proviso to subsection (2) thereof, as enacted in section 6 of the Legislative Council (Elections) (Amendment) Ordinance, 1956, the following:—

Section 20 of Principal Ordinance amended.

Ord. No. 20 of 1956.

“Provided that no candidate shall be deemed not to have been validly nominated by reason only of the fact that subsequent to nomination day any person by whom his nomination paper was signed is struck off the list of electors for the relevant electoral district:

Provided further that no nomination paper shall be valid or acted upon by the returning officer unless it is accompanied by the consent in writing of the person therein nominated, or where such person is absent from the Colony, by his duly authorised agent, in the form set out as Form No. 25 or Form No. 25A, as the case may be, in the First Schedule to this Ordinance.”

6. There shall be inserted in the Principal Ordinance immediately after section 23A thereof the following new section to be numbered 23B:—

New Section 23B inserted in Principal Ordinance.

“Posting of certified copies of nomination papers and statutory declarations.

23B. The returning officer shall cause a copy of the nomination paper and of the statutory declaration tendered or delivered by or on behalf of every candidate for the purpose of his nomination to be posted up in the office of the returning officer and shall cause the same to be kept so posted up for a period of seven days commencing on the day after that fixed for the nomination of candidates. Every such copy shall be certified by the returning officer to be a correct copy of the original of which the same is a copy, and shall be open for scrutiny by the public while so posted up.”

7. Section 38 of the Principal Ordinance is hereby amended by substituting for the words “with a black lead pencil and not otherwise a cross” occurring in the third and fourth lines of subsection (3) thereof the words “in pencil or in ink a mark in the form of a cross”.

Section 38 of Principal Ordinance amended.

8. There shall be inserted in the Principal Ordinance immediately after Part V thereof the following new Part as Part VA:—

New Part VA inserted in Principal Ordinance

“PART VA

ELECTION EXPENSES, ILLEGAL AND CORRUPT PRACTICES AND CERTAIN OTHER ELECTION OFFENCES.

53A. (1) On or before the day fixed for the nomination of candidates and not later than the hour fixed for

Election agent of candidate.

the closing of nominations on nomination day, each candidate at an election shall give notice in writing to the returning officer appointing either himself or some other person as his election agent and specifying an address within the electoral district to which all claims, notices, writs, summonses and documents may be sent.

(2) If the candidate is absent from the Colony, the notice prescribed in subsection (1) of this section may be delivered by his election agent to the returning officer.

(3) A candidate shall not have more than one election agent at one and the same time.

(4) A candidate may at any time give notice in writing to the returning officer revoking the appointment of his election agent.

(5) In the event of such revocation or of the death of the election agent, whether such event is before, on, or after polling day, another election agent shall be appointed not later than the day following such revocation or death; and notice of the appointment shall be given to the returning officer in the manner provided in subsection (1) of this section.

(6) The returning officer shall forthwith after receiving notice of the appointment of an election agent, give public notice of the name and address as aforesaid of the election agent.

(7) Any claim, notice, writ, summons or other document delivered at such address and addressed to the election agent shall be deemed to be duly served upon him.

(8) Every election agent may, in respect of any matter connected with the election in which he is acting, be sued in any court having jurisdiction over the place where such address is situate.

(9) For the purposes of this section, the expression "candidate at an election" shall mean a person who is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election.

Sub-agents.

53B. (1) An election agent of a candidate may appoint one deputy (hereinafter referred to as a sub-agent) in respect of each polling division to act as such within the polling division.

(2) Every election agent appointed under subsection (1) or subsection (5) of section 53A of this Ordinance may act, in relation to any matter required to be done in any polling division, by a sub-agent and anything done for the purposes of this Ordinance by or to a sub-agent, in his polling division, shall be deemed to be done by or to the election agent, and any act or default of a sub-agent, which, if he were the election agent, would be an illegal practice or other offence against this Ordinance shall be an illegal practice and offence against this Ordinance committed by the sub-agent and the sub-agent shall be liable to punishment accordingly, and the candidate shall suffer the like incapacity as if the said act or default had been the act or default of the election agent.

(3) The election agent shall, not later than three clear days before the taking of the poll, declare in writing to the returning officer the name and address of each of his sub-agents.

(4) The appointment of a sub-agent shall not terminate by reason only of the election agent who appointed him ceasing to be election agent, but it may be revoked by the election agent for the time being of the candidate.

(5) In the event of any revocation under subsection (4) of this section or of the death of a sub-agent, another sub-agent may be appointed and his name and address shall be declared in writing to the returning officer not later than the day following such revocation or death.

(6) When the name and address of a sub-agent are declared to him under subsection (3) or subsection (5) of this section the returning officer shall give public notice of the same within twenty-four hours of his having received such declaration.

53C. (1) If the name of the election agent and the address as required by section 53A of this Ordinance are not given, the candidate shall be deemed at the time mentioned in that section to have named himself as election agent.

Effect of
default in
appointment
of election
agent.

(2) If the person whose name has been given as that of the candidate's election agent (not being the candidate himself) dies and a new appointment is not made on the day of the death or on the following day,

the candidate shall be deemed to have appointed himself as from the time of the death.

(3) If the appointment of a candidate's election agent is revoked without a new appointment being made, the candidate himself shall be deemed to have been appointed (or re-appointed) election agent.

(4) Notwithstanding the provisions of subsection (1) of section 53A of this Ordinance, where a candidate is by virtue of this section to be treated as his own election agent, he shall be deemed to have his office at his address as given in his nomination paper, even if that address is not within the electoral district.

(5) The returning officer on being satisfied that a candidate is by virtue of this section to be treated as his own election agent, shall proceed to publish not later than the following day the like notice as if the name of the candidate and the address had been duly given to him under subsection (1) of section 53A of this Ordinance, and the provisions of subsection (7) of that section shall apply accordingly.

53D. (1) The election agent of a candidate shall appoint every polling agent, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

(2) A contract whereby any expenses are incurred on account or in respect of the conduct or management of an election shall not be enforceable against a candidate at the election unless made by the candidate himself or by his election agent, either by himself or by his sub-agent:

Provided that the inability under this section to enforce such contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice having been committed by his agent.

53E. (1) Except as permitted by or in pursuance of this Ordinance, no payment and no advance or deposit shall be made by a candidate at any election, or by any agent on behalf of the candidate, or by any other person at any time whether before, during or after the election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through

Making of
contracts
through
election
agent.

Payment of
expenses
through
election
agent.

the election agent of the candidate whether acting in person or by a sub-agent.

(2) All money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance or deposit, shall be paid to the candidate or his election agent and not otherwise.

(3) A person who makes any payment, advance or deposit in contravention of this section, or pays in contravention of this section any money so provided as aforesaid, shall be guilty of an illegal practice.

53F. (1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding four hundred dollars, but any further personal expenses so incurred by him shall be paid by his election agent. The provisions of this subsection shall not apply to any deposit made in accordance with subsection (5) of section 20 of this Ordinance.

Personal expenses of candidate and petty expenses.

(2) The candidate shall send to the election agent within the time limited by this Ordinance for sending in claims a written statement of the amount of personal expenses paid as aforesaid by such candidate.

(3) Any person may, if so authorized in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(4) A statement of the particulars of payments made by any person so authorized shall be sent to the election agent within the time limited by this Ordinance for the sending in of claims, and shall be vouched for by the necessary documents.

53G. (1) Subject to such exceptions as may be allowed in pursuance of this Ordinance, no sum shall be paid, and no expense shall be incurred, by a candidate at an election or by his election agent, whether before, during or after an election, on account of or in

Maximum expenses allowed.

respect of the conduct or management of such election, in excess of the amount of two thousand four hundred dollars or for purposes other than those in that behalf specified in the Sixth Schedule to this Ordinance.

(2) In determining the total expenditure incurred in relation to the candidature of any person at an election, regard shall not be had to the deposit required to be made by or on behalf of the candidate under subsection (5) of section 20 of this Ordinance or to any amount not exceeding four hundred dollars paid by a candidate in respect of personal expenses under subsection (1) of section 53F of this Ordinance.

(3) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice.

53H. So far as circumstances admit, this Part of this Ordinance shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim, the claim shall be a disputed claim within the meaning of this Part of this Ordinance and be dealt with accordingly.

53I. (1) Within thirty-five days after the day on which the candidate returned at an election is declared elected, the election agents of all candidates at that election shall transmit to the returning officer true returns (hereinafter referred to as election expenses returns), containing—

- (a) a statement of all payments made by the election agent, together with all the bills and receipts;
- (b) a statement of the amount of personal expenses, if any, paid by the candidate;
- (c) a statement of all disputed claims of which the election agent is aware;
- (d) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the Supreme Court;
- (e) a statement of all money, securities and equivalent of money received by the election agent from the candidate or any other

Remuneration
of election
agent.

Return and
declaration
respecting
election
expenses.

person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, with a statement of the name of every person from whom the same may have been received;

(f) a statement of any duly authorized expenses incurred for any purpose referred to in subsection (1) of section 53P of this Ordinance.

(2) Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than five dollars, be vouched for by the necessary documents.

(3) The election expenses return shall be accompanied by a declaration made by the election agent before a Justice of the Peace stating that the said return is accurate. The said declaration shall be in the form set out as Form No. 48 in the First Schedule to this Ordinance.

(4) Where the candidate has named himself as his election agent, a statement of all money, securities and equivalent of money paid by the candidate shall be substituted in the return required by this section to be transmitted by the election agent for the like statement of money, securities and equivalent of money received by the election agent from the candidate; and the declaration required by subsection (3) of this section to be made by an election agent shall be modified accordingly.

(5) At the same time that the election agent transmits the election expenses return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the returning officer a declaration made by him before a Justice of the Peace stating that the election expenses return made by his election agent or by him as his own election agent, as the case may be, is accurate. The said declaration shall be in the form set out as Form No. 49 in the First Schedule to this Ordinance.

(6) If the election expenses return and the declarations mentioned in subsections (3) and (5) of this section are not transmitted before the expiration of the time limited for that purpose, the candidate shall

not, after the expiration of such time, sit or vote in the Legislative Council until either such return and declarations have been transmitted, or until the date of the allowance of one of the excuses mentioned in subsection (1) of section 53K of this Ordinance (hereinafter referred to as an "authorized excuse") for the failure to transmit the same; and if he sits or votes in contravention of this subsection he shall be guilty of an offence and shall, on summary conviction therefor, be liable to a fine of five hundred dollars for every day on which he so sits or votes.

(7) If without an authorized excuse either a candidate or an election agent fails to comply with the requirements of this section, he shall be guilty of an illegal practice.

(8) Where a candidate is out of the Colony at the time when the election expenses return is transmitted to the returning officer, the declaration required by this section to be made by him shall be made by him within fourteen days after his return to the Colony, and in that case shall be forthwith transmitted to the returning officer, but the extension of time hereby authorised shall not exonerate the election agent from complying with the provisions of this Ordinance relating to the election expenses return and to the declaration required to be made by himself.

(9) Where, after the date on which the election expenses return is transmitted, leave is given by the Supreme Court for any claims to be paid, the candidate or his election agent shall within seven days after the payment thereof, transmit to the returning officer a return of the sums paid in pursuance of such leave accompanied by a copy of the order of the court giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section without such authorized excuse as in this Ordinance mentioned.

53J. (1) The returning officer at an election shall, within ten days after he receives from the election agent of a candidate an election expenses return, publish a summary of the return in not less than two daily newspapers published in the Colony, accompanied by a notice of the time and place at which the return and declaration (including the accompanying documents) can be inspected.

(2) The return and declarations (including the accompanying documents) sent to the returning officer by an election agent shall be forwarded by the returning officer to the Supervisor of Elections and shall at reasonable times during a period of two years after they are received by the Supervisor of Elections be open to inspection by any person on payment of a fee of twenty-four cents, and the Supervisor of Elections shall on demand furnish copies thereof or any part thereof at the price of twelve cents for every hundred and twenty words or part thereof.

(3) After the expiration of the said two years the Supervisor of Elections may cause the said return and declarations (including the accompanying documents) to be destroyed, or, if the candidate or his election agent so requires, shall return the same to the candidate.

53K. (1) Where the return and declarations respecting election expenses of a candidate at an election have not been transmitted as required by this Ordinance, or being transmitted contain some error or false statement, then—

Author'zed
excuse for
non-compliance*
with provisions
as to return
and declaration
respecting
election
expenses.

- (a) if the candidate applies to the Supreme Court, and shows that the failure to transmit such return and declarations, or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness or misconduct of his election agent or sub-agent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or
- (b) if the election agent of the candidate applies to the Supreme Court and shows that the failure to transmit the return and declarations which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior election agent of the candidate, or of the absence, death, illness or misconduct of any sub-agent, clerk or officer of

an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant—

the Court may, on being satisfied that notice of the application was published in two daily newspapers circulating in the Colony, and on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as to the Court seems fit, make such order for allowing an authorized excuse for the failure to transmit such return and declarations, or for an error or false statement in such return or declarations, as to the Court seems just.

(2) Where it appears to the Court that any person being or having been an election agent or sub-agent has refused or failed to make such return or supply such particulars as will enable the candidate or his election agent to comply with the provisions of this Ordinance as to the return and declaration respecting election expenses, the Court before making an order allowing the excuse as in this section mentioned shall order such person to attend before the Court, and on his attendance shall, unless he shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the Court seems just, and to make or to deliver the same within such time and to such person and in such manner as the Court may direct, or may order him to be examined with respect to such particulars, and may, in default of compliance with any such order, order him to pay a fine not exceeding five hundred dollars.

(3) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the Court seems best calculated for carrying into effect the objects of this Ordinance, and an order allowing an authorized excuse shall relieve the applicant for the order from any liability or consequences under this Ordinance in respect of the matter excused by the order.

(4) Where it is proved to the Court by the candidate that any act or omission of the election agent in relation to the return and the declaration respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the Court shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

53L. (1) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of the election which is not sent in to the election agent within twenty-eight days after the day on which the candidate is declared elected shall be barred and shall not be paid; and, subject to such exception as may be allowed in pursuance of this Ordinance, an election agent who pays a claim in contravention of this section, shall be guilty of an illegal practice.

Period for sending in claim and making payments for election expenses.

(2) All expenses incurred by or on behalf of a candidate at an election which are incurred on account of or in respect of the conduct or management of the election, shall be paid within twenty-eight days after the day on which the candidate is declared elected and not otherwise; and subject to such exception as may be allowed in pursuance of this Ordinance, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

(3) Where the Supreme Court trying an election petition finds that it has been proved to the Court by a candidate that any payment made by an election agent in contravention of this section was made without the sanction or connivance of the candidate the candidate shall not be subject to any incapacity under this Ordinance by reason only of such payment having been made in contravention of this section.

(4) If the election agent in the case of any claim sent in to him within the time limited by this section disputes it, or refuses or fails to pay within the period of twenty-eight days, such claim shall be deemed to be a disputed claim.

(5) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and

any sum paid by the candidate or his agent in pursuance of the judgment or order of such Court shall be deemed to be paid within the time limited by this section, and to be an exception from the provisions of this Ordinance requiring claims to be paid by the election agent.

(6) On cause shown to the satisfaction of the Supreme Court, such Court on application by the claimant or by the candidate or his election agent may by order give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although the same was sent in to the candidate and not to the election agent.

(7) Any sum specified in any order under this section may be paid by the candidate or his election agent, and when paid in pursuance of such order shall be deemed to be paid within the time limited by this section.

53M. (1) Where, on application made, it is shown to the Supreme Court by such evidence as seems to the Court sufficient—

- (a) that any act or omission of a candidate at any election, or of his election agent or of any other agent or person, would, by reason of being a payment, engagement, employment, or contract in contravention of this Part of this Ordinance, or being the payment of a sum or the incurring of expenses in excess of the maximum allowed by this Part of this Ordinance, or of otherwise being in contravention of any of the provisions of this Part of this Ordinance, be but for this section an illegal practice, payment, employment or hiring; and
- (b) that such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

Power of
Supreme Court
to exempt
act done in
good faith
from being
illegal practice

- (c) that notice of the application has been published in two daily newspapers circulating in the Colony,

and in the circumstances it seems to the Court to be just that the candidate and the said election and other agent and person or any of them, should not be subject to any of the consequences under this Ordinance of the said act or omission, the Court may make an order allowing such act or omission to be an exception from the provisions of this Part of this Ordinance which would otherwise make the same an illegal practice, payment, employment or hiring, and thereupon such candidate, agent or person shall not be subject to any of the consequences, under this Ordinance, of the said act or omission.

53N. The provisions of this Ordinance prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense in excess of the maximum, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Ordinance.

Saving for creditors

53O. Where a returning officer is required or authorized by this Part of this Ordinance to give any public notice he shall do so by advertisements, placards, handbills or such other means as he thinks best calculated to afford information to the electors.

Public notice by returning officer.

53P. (1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the election agent of a candidate or a person authorised in writing by the election agent on account—

Prohibition of expenses not authorised by election agent.

- (a) of holding public meetings or organizing any public display; or
- (b) of issuing advertisements, circulars or publications; or
- (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or of disparaging another candidate:

Provided that paragraph (c) of this subsection shall not apply to any expenses not exceeding in the aggregate the sum of two dollars which may be incurred by an individual and are not incurred in pursuance of a

plan suggested by or concerted with others, or to expenses incurred by any person in travelling or in living away from home or similar personal expenses.

(2) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an illegal practice.

(3) Where the person guilty of an offence against this section is a body of persons corporate or unincorporate, every director or officer of the body shall, unless he proves that the act constituting the offence was committed without his knowledge or consent, be guilty of the like offence.

(4) Any expenses incurred on account of any purpose referred to in subsection (1) of this section and duly authorized by the election agent of the candidate shall be returned as part of the candidate's election expenses.

(5) Nothing in this section contained shall be interpreted as restricting the right of any newspaper or periodical to comment on any matter relating to the election.

53Q. Any candidate or election agent who makes a declaration required by section 53I containing any statement false in fact, which he knows or believes to be false or does not believe to be true, shall be guilty of a corrupt practice.

53R. Subject to such exception as may be allowed in pursuance of this Ordinance, any person who knowingly provides money—

- (a) for any payment which is contrary to the provisions of this Ordinance; or
- (b) for any expenses incurred in excess of the maximum amount allowed by this Ordinance; or
- (c) to replace any money expended in any such payment or expenses,

shall be guilty of illegal payment.

53S. (1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for any of the purposes or capacities mentioned in the Sixth Schedule to this Ordinance.

Making false declaration as to election expenses to be a corrupt practice.

Penalty for providing money for unlawful payments.

Certain forms of employment prohibited.

(2) Subject to such exceptions as may be allowed in pursuance of this Ordinance, if any person is engaged or employed in contravention of this section the person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was so engaged or employed contrary to law.

- 53T. (1) (a) Any premises wherein the sale by wholesale or retail of any intoxicating liquor is authorized by any licence, whether such licence authorizes the sale for consumption on or off the premises; or
- (b) any premises where any intoxicating liquor is sold or is supplied to members of a club, society or association other than a permanent political club; or
- (c) any premises wherein refreshment of any kind, whether food or drink, is ordinarily sold for consumption in the premises,

Use of certain premises as committee room prohibited.

shall not be used as a committee room for the purpose of promoting or procuring the election of a candidate at an election.

(2) If any person hires or uses any such premises or part thereof as a committee room, he shall be guilty of illegal hiring, and the person letting such premises or part, or permitting the same to be used, if he knew that it was intended to use the same as a committee room, shall also be guilty of illegal hiring.

(3) Nothing in this section shall apply to any part of such premises which is ordinarily let for the purposes of chambers or offices or the holding of public meetings or of arbitrations if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

(4) In this section "intoxicating liquor" has the same meaning as is assigned to the expression in the Registration of Clubs Ordinance, 1955.

Ord. No. 28 of 1955.

53U. (1) A person guilty of an offence of illegal payment, employment or hiring shall, on summary conviction therefor, be liable to a fine of five hundred dollars.

Illegal payment, employment, hiring or contract.

(2) A candidate or an election agent of a candidate who is personally guilty of an offence of illegal payment, employment or hiring shall be guilty of an illegal practice.

Certain expenditure to be illegal practice.

53V. (1) No payment or contract shall, for the purpose of promoting or procuring the election of a candidate at any election, be made to or with an elector on account of the use of any house, land, building or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill or notice :

Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

(2) Subject to such exceptions as may be allowed in pursuance of this Ordinance, if any payment or contract for payment is knowingly made in contravention of this section either before, during or after an election, the person making such payment or contract for payment shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Ordinance, shall also be guilty of an illegal practice.

"Committee room."

53W. For the purposes of this Part of this Ordinance, the expression "committee room" shall not include any house or room occupied by a candidate at an election as a dwelling, by reason only of the candidate there transacting general business with his agents in relation to such election, nor shall any room or building be deemed to be a committee room for the purposes of this Part of this Ordinance by reason only of the candidate or any agent of the candidate addressing therein electors, committee men or others.

Penalty and disqualification on conviction of illegal practice.

53X. A person guilty of an illegal practice under this Part of this Ordinance shall, on summary conviction therefor, be liable to a fine of five hundred dollars.

53Y. A person guilty of corrupt practice under this Part of this Ordinance shall, on conviction therefor on indictment, be liable to imprisonment for one year or to a fine of one thousand dollars, and subject to the provisions of this section, shall be incapable during a period of seven years from the date of his conviction—

Penalty for corrupt practice.

- (a) of being registered as an elector, or voting at any election of a member of the Legislative Council;
- (b) of being elected a member of the Legislative Council or, if elected before his conviction, of retaining his seat as such member:

Provided that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain in force for a period of seven years from the determination of the appeal except the Court hearing the appeal shall direct that the period of seven years shall run from the date of conviction.

53Z. Rules of Court may from time to time be made regulating the procedure to be followed for the purposes of applications to the Supreme Court under this Part of this Ordinance.”

Rules of Court.

9. Section 54 of the Principal Ordinance is hereby amended—

Section 54 of Principal Ordinance amended.

- (a) in subsection (1) thereof by substituting for the words “Liquor Licences Ordinance” the words and figures “Liquor Licences Ordinance, 1955”; and
- (b) in subsections (2) and (4) thereof by substituting for the words “Registration of Clubs Ordinance” the words and figures “Registration of Clubs Ordinance, 1955”.

10. There is hereby inserted in the Principal Ordinance immediately after section 54 thereof the following new section to be numbered 54A:—

New section 54A inserted in Principal Ordinance.

“Consumption of liquor in polling stations or by presiding officers or polling clerks prohibited.

54A. (1) If at any time between seven o’clock in the morning on polling day and the time when the presiding officer locks and seals the ballot box—

- (a) any presiding officer or poll clerk consumes any intoxicating liquor; or
- (b) any other person consumes any intoxicating liquor within a polling station,

such presiding officer, poll clerk or other person, as the case may be, shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of one hundred and twenty dollars or to imprisonment for three months.

(2) In this section "intoxicating liquor" has the same meaning as is assigned to the expression in the Registration of Clubs Ordinance, 1955."

Ord. No. 28
of 1955.

Section 56 of
Principal
Ordinance
amended.

11. Section 56 of the Principal Ordinance is hereby amended—

- (a) by inserting immediately after the word "officer" occurring in the first line thereof the words "other than an enumerator",
- (b) by re-numbering the same, as so amended, as section 56 (1), and
- (c) by adding at the end thereof the following new subsections to be numbered (2) and (3) respectively:—

"(2) Every enumerator who wilfully, and without reasonable excuse, omits from the preliminary list of electors for the polling division for which he has been appointed the name of any person entitled to have his or her name entered therein, or enters in the said list the name of any person who is not entitled to have his or her name entered therein, shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of two hundred and forty dollars or to imprisonment for six months or to both such fine and such imprisonment, and, in addition, shall forfeit his right to payment for his services as enumerator and shall be incapable during a period of seven years from the date of his conviction—

- (a) of being registered as an elector, or voting at any election of a member of the Legislative Council;
- (b) of being elected a member of the Legislative Council or if elected before his conviction, of retaining his seat as such member:

Provided that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain in force for a period of seven years from the determination of the appeal except the

Court hearing the appeal shall direct that the period of seven years shall run from the date of conviction.

(3) If any supervisor of enumerators or any enumerator attempts to persuade any person to vote for or support any person as a candidate for election to the Legislative Council, or whatever candidate is to be nominated on behalf of any political party for such election, or to support any political party, or to ascertain for what candidate or party any person intends to vote, such supervisor of enumerators or enumerator, as the case may be, shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of two hundred and forty dollars or to imprisonment for six months."

12. There is hereby inserted in the Principal Ordinance immediately after section 56A thereof, as enacted by section 10 of the Legislative Council (Elections) (Amendment) Ordinance, 1956, the following new section to be numbered 56B :—

New section 56B
inserted in
Principal
Ordinance.
Ord. 20 of 1956

"Penalties for
witnessing,
making out,
&c. false forms.

56B. (1) If any person, being a person who under the Registration Rules is authorized to witness the signature of a householder or other competent person acting on his behalf on a form left by an enumerator at any house, signs any such form as witness to any signature knowing or having reasonable cause to believe that such signature is not the signature of the person whose signature it purports to be, or that any entry on such form is false in a material particular, such person shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of two hundred and forty dollars or to imprisonment for six months or to both such fine and such imprisonment.

(2) If any person—

(a) presents any such form as is mentioned in subsection (1) of this section to any person authorized under the Registration Rules to witness the signature thereto, knowing or having reasonable cause to believe that such signature is not that of the person whose signature it purports to be or that any entry on such form is false in a material particular, or

- (b) delivers or transmits any such form to an enumerator or to a registration officer knowing or having reasonable cause to believe that any signature thereto is not the signature of the person whose signature it purports to be, or that any entry on such form is false in a material particular,

such person shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of two hundred and forty dollars or to imprisonment for six months or to both such fine and such imprisonment.

(3) If any person, being a person authorised under the Registration Rules to send in to the registration officer a statutory declaration in the form set out as Form No. 10A in the First Schedule hereto stating a claim on behalf of a person who is unable, because of illiteracy or some other reason, to fill in a claim form for himself—

- (a) sends in to the registration officer any such statutory declaration without having been requested to do so by the person in whose behalf the claim purports to be made, or

- (b) includes in any such statutory declaration any statement which he knows or has reasonable cause to believe is false in any material particular,

such person shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

(4) In this section the expression "Registration Rules" means the Registration Rules contained in the Second Schedule to this Ordinance."

13. The First Schedule to the Principal Ordinance is hereby amended by adding at the end thereof the following new Forms to be numbered 48 and 49:—

"FORM No. 48

Section 53I

THE LEGISLATIVE COUNCIL (ELECTIONS) ORDINANCE

DECLARATION BY ELECTION AGENT

Election in the Electoral District of

Date of publication of result of election

Name of Candidate

I solemnly and sincerely declare as follows:—

1. I
(Name and address)

was at this election the election agent of the person named above as a candidate.

2. I have examined the return of election expenses transmitted by me to the returning officer and to the best of my knowledge and belief it is a complete and correct return as required by law.

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by me as election agent of the candidate except as otherwise stated in relation to the candidate's personal expenses.

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

.....
Signature of Declarant

Signed and declared by the above-named declarant on the
day of , before me,

(Signed)

Justice of the Peace for

(NOTE—Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.)

THE LEGISLATIVE COUNCIL (ELECTIONS) ORDINANCE

DECLARATION BY CANDIDATE

Election in the Electoral District of
Date of publication of result of election
Name of candidate

I solemnly and sincerely declare as follows :—

1. I
(Name and Address)

am the person named above as a candidate at this election/and was my own election agent.

2. I have examined the return of election expenses transmitted /about to be transmitted/by my election agent to the returning officer, a copy of which is hereto attached and marked /by me as my own election agent to the returning officer, and to the best of my knowledge and belief it is a complete and correct return as required by law.

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by/my election agent/me as my own election agent/except as otherwise stated in relation to my personal expenses.

4. I understand that the law does not allow any election expenses not mentioned in the return to be defrayed except in pursuance of a court order.

Signature of Declarant

Signed and declared by the above-named declarant on the day of , before me,

(Signed)

Justice of the Peace for.....

(NOTE—Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.)"

Sixth Schedule inserted in Principal Ordinance.

14. There shall be inserted in the Principal Ordinance immediately after the Fifth Schedule thereto the following new Schedule as the Sixth Schedule:—

"SIXTH SCHEDULE

Sections 53g (1) and 53s (1)

PART I

Persons Legally Employed for Payment

- (a) One election agent.
(b) One sub-agent in each polling division.
(c) One polling agent in each polling place.
(d) One agent to attend the final count of votes by the returning officer.
(e) Two clerks and two messengers for each committee room.

PART II

Legal Expenses in addition to Expenses under Part I

- (a) The personal expenses of the candidate.
- (b) The expenses of printing, advertising, publishing, issuing and distributing addresses and notices.
- (c) The expense of stationery, messages, postages and telegrams.
- (d) The expense of holding public meetings.
- (e) The expense of hiring committee rooms.
- (f) The expense of transporting voters to the polls.

PART III

Miscellaneous Matters

Subject to the provisions of this Ordinance, expenses in respect of matters not specified in Parts I and II of this Schedule which, together with the expenses incurred under the said Parts, do not exceed two thousand four hundred dollars."

Passed in Council this eleventh day of September in the year of Our Lord one thousand nine hundred and fifty-seven.

G. E. L. LAFOREST

Clerk of the Council