



TRINIDAD AND TOBAGO

No. 3—1959

[L.S.]

I ASSENT,

E. B. BEETHAM

Governor.

24th January, 1959.

AN ORDINANCE to amend the County Councils Ordinance,
Ch. 39. No. 15.

[24th January, 1959.]

Commence-
ment.

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

Enactment.

1. This Ordinance may be cited as the County Councils
(Amendment) Ordinance, 1959, and shall be read as one with
the County Councils Ordinance, hereinafter referred to as the
Principal Ordinance.

Short title.

Ch. 39. No. 15
(Laws 1951-
1953 Vol. 1,
p. 199.).

Section 2
of Principal
Ordinance
amended.

2. Section 2 of the Principal Ordinance is hereby amended by inserting in their appropriate alphabetical order the following definitions:—

“ “appropriate digit” means, in the case of an elector—

- (a) who has a right hand upon which there are any digits, that finger on the right hand which is nearest to the thumb or, if the elector has no right thumb, to the right thumb socket; or, if the elector has a right thumb but no fingers on his right hand, the right thumb;
- (b) who has no right hand or has a right hand but no digits upon such hand, the finger on the left hand which is nearest to the left thumb or, if the elector has no left thumb, to the left thumb socket; or, if he has a left thumb but no fingers upon his left hand, the left thumb;

“digit” includes both fingers and thumb;

“electoral ink” means the ink, whether composite or consisting of two or more separate solutions, supplied by the Supervisor of Elections for use in accordance with the provisions of section 45B of this Ordinance;”

Section 12
of Principal
Ordinance
amended.

3. Section 12 of the Principal Ordinance is hereby amended by substituting for subsection (3) thereof the following:—

“(3) Forthwith upon taking the oath referred to in subsection (2) of this section, the returning officer shall establish an office in his electoral district or, with the approval of the Supervisor of Elections, at some convenient place outside of such district, and shall cause an advertisement to be inserted in a daily newspaper specifying the place at which he has established his office.”

Section 13
of Principal
Ordinance
amended.

4. Section 13 of the Principal Ordinance is hereby amended—

(a) by substituting for subsection (1) thereof the following subsection:—

“(1) The Supervisor of Elections shall appoint for each electoral district such number of election clerks as he may deem necessary, and such clerks shall receive such fee for each election in that district as may be prescribed.”

- (b) in subsection (2) by substituting for the words "the election clerk" the words "an election clerk";
- (c) in subsection (3) by substituting for the words "the election clerk shall forthwith report the fact to the Supervisor of Elections and shall" the words "the Supervisor of Elections shall appoint one of the election clerks to".

4A. Section 14 of the Principal Ordinance is hereby repealed.

Section 14
of Principal
Ordinance
repealed.

5. Section 23 of the Principal Ordinance is hereby amended—

Section 23
of Principal
Ordinance
amended.

- (a) by substituting for the words "the total number of votes counted at the election" occurring in subsection (2) thereof the words "the total number of votes polled by all the candidates in the electoral division"; and
- (b) by substituting for subsection (3) thereof the following:—

"(3) For the purposes of subsection (2) of this section the number of votes polled by a candidate shall be the number of votes counted for such candidate in accordance with the provisions of section 48 of this Ordinance."

6. Subsection (1) of section 30 of the Principal Ordinance is hereby amended by inserting immediately after paragraph (c) thereof the following paragraph lettered (cc):—

Section 30
of Principal
Ordinance
amended.

"(cc) the necessary supplies of electoral ink;"

7. Subsection (3) of section 42 of the Principal Ordinance is hereby amended—

Section 42
of Principal
Ordinance
amended.

- (a) by substituting for the words "with a black lead pencil and not otherwise" occurring in the third and fourth lines thereof the words "in pencil or in ink a mark in the form of"; and
- (b) by inserting immediately before the words "a cross" occurring in the sixth line thereof the words "a mark in the form of".

New sections
45A to 45D
added to
Principal
Ordinance.

8. After section 45 of the Principal Ordinance the following sections shall be inserted :—

“Ballot
papers
not to be
delivered
to electors
unless no
marks of
electoral
ink appear
on electors.

45A. (1) Subject to the provisions of section 45D of this Ordinance, every presiding officer shall refuse to deliver any ballot paper to any elector unless he is satisfied that there does not appear—

(a) upon the appropriate digit of such elector;
or

(b) in the case of an elector who the presiding officer is satisfied is suffering from an injury to the appropriate digit, upon any of the other digits of such elector,

any mark of electoral ink.

(2) For the purpose of satisfying himself in the manner required by subsection (1) of this section the presiding officer shall in the presence of the poll clerk and of the sworn agents of the candidates inspect the appropriate digit of the elector or all of the digits of the elector, as the case may require.

(3) Every presiding officer who refuses to deliver any ballot paper to any elector under the provisions of this section shall make an entry in the poll book setting out the facts in relation to such refusal.

Electors to
immerse
appropriate
digit in
electoral
ink.

45B. (1) Upon receiving a ballot paper from any elector in accordance with the provisions of subsection (3) of section 42 of the Ordinance the presiding officer shall before removing the counterfoil from such ballot paper, if the elector has an appropriate digit, satisfy himself that there does not appear upon such digit any substance which in his opinion is likely to prevent the adhesion of electoral ink and shall require the elector to immerse such digit in the electoral ink :

Provided that where the presiding officer is satisfied that the elector is suffering from some injury to his appropriate digit which is of such a nature as to render it undesirable for him to immerse such digit in the electoral ink, the presiding officer may require him to immerse in such ink any other digit upon which the presiding officer is satisfied that there is no substance which is likely to prevent the adhesion of electoral ink.

(2) If any elector on being required so to do fails or refuses to immerse his appropriate digit or any other digit as required under subsection (1) of this section in electoral ink, the presiding officer shall destroy the ballot paper handed to him by such elector and shall make an entry in the poll book setting out the particulars in relation to the destruction of such ballot paper.

Penalty for failure of presiding officer to carry out the provisions of sections 45A and 45B.

45C. Subject to the provisions of section 45D of this Ordinance, every presiding officer who fails or neglects to perform any duty imposed upon him by section 45A or section 45B of this Ordinance shall be liable on summary conviction to a fine of two hundred and forty dollars or to imprisonment for six months.

Non-application of sections 45A, 45B and 45C to electors with no hands.

45D. The provisions of sections 45A, 45B and 45C of this Ordinance shall not apply in relation to any elector who has no hands."

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

Section 56 of Principal Ordinance amended.

- (a) in subsection (1) by inserting after the words "his election clerk" the words "or clerks";
- (b) in subsection (2) by substituting for the words and stops "or, where the same person is returning officer for more than one electoral district, by him or the election clerk for the electoral district concerned", the words "or an election clerk for the electoral district concerned";
- (c) in subsection (8) by deleting the stop and words "or election clerk, as the case may be".

10. Section 73 of the Principal Ordinance is hereby amended by inserting between the word "person" and the comma immediately following it in the third line thereof the stop and words ", or who applies for a ballot paper at a time when there is upon any of his digits any mark of electoral ink".

Section 73 of Principal Ordinance amended.

11. The First Schedule to the Principal Ordinance is hereby amended—

First Schedule to Principal Ordinance amended.

(a) in Form No. 31—

- (i) by inserting immediately after the first paragraph thereof the following paragraph:—

"Before delivering a ballot paper to an elector who has one or both hands

the presiding officer will in the presence of the poll clerk and of the sworn agents of the candidates inspect the hands of the elector so as to satisfy himself that there does not appear upon the appropriate digit or other digits of his hands, as the case may be, any mark of electoral ink. If there is any such mark, he will not deliver a ballot paper to the elector.”;

- (ii) by substituting for the words “a black lead pencil there provided” appearing in the second paragraph thereof the words “a pencil or pen”; and
- (iii) by inserting a full stop immediately after the word “officer” occurring in the fourth line of the third paragraph thereof and by substituting for the words and stops occurring thereafter to the end of the said paragraph the following words and stops:—

“The presiding officer will satisfy himself that there does not appear upon the appropriate or other digit of the hands of the elector any substance which in his opinion is likely to prevent the adhesion of electoral ink and will require the elector to immerse such digit in electoral ink. If the elector fails or refuses to immerse the said digit in electoral ink the presiding officer will destroy the ballot paper. If the elector immerses the said digit in electoral ink the presiding officer will then in full view of those present, including the elector, remove the counterfoil and place the ballot paper in the ballot box. The elector shall then forthwith quit the polling station.”;

(b) In Form No. 31A—

- (i) by inserting immediately after the first paragraph thereof the following paragraph:—

“Before delivering a ballot paper to an elector who has one or both hands

the presiding officer will in the presence of the poll clerk and of the sworn agents of the candidates inspect the hands of the elector so as to satisfy himself that there does not appear upon the appropriate digit or other digits of his hands, as the case may be, any mark of electoral ink. If there is any such mark, he will not deliver a ballot paper to the elector.”;

- (ii) by substituting for the words “a black lead pencil there provided” appearing in the second paragraph thereof the words “a pencil or pen”; and
- (iii) by inserting a full stop immediately after the word “officer” occurring in the fourth line of the third paragraph thereof and by substituting for the words and stops occurring thereafter to the end of the said paragraph the following words and stops:—

“The presiding officer will satisfy himself that there does not appear upon the appropriate or other digit of the hands of the elector any substance which in his opinion is likely to prevent the adhesion of electoral ink and will require the elector to immerse such digit in electoral ink. If the elector fails or refuses to immerse the said digit in electoral ink the presiding officer will destroy the ballot paper. If the elector immerses the said digit in electoral ink the presiding officer will then in full view of those present, including the elector, remove the counterfoil and place the ballot paper in the ballot box. The elector shall then forthwith quit the polling station.”;

- (c) in Form No. 43 by inserting in the first column thereof immediately below the words and symbol “Number of † spoiled ballot papers” occurring therein the following words, figures and symbols:—

“Number of ballot papers destroyed by presiding officer (section 45B (2)).”

Fifth Schedule
to Principal
Ordinance
amended.

12. Paragraph (1) of rule 7 of the Fifth Schedule to the Principal Ordinance is hereby amended by deleting sub-paragraph (a) thereof and substituting therefor the following sub-paragraph:—

“(a) mark the ballot paper by making in pencil or in ink a mark in the form of a cross within the space containing the name of the candidate for whom he intends to vote or, where there are two seats to be filled, within each of two spaces containing the names of the candidates for whom he intends to vote;”.

Passed in Council this twenty-third day of January, in the year of Our Lord one thousand nine hundred and fifty-nine.

P. A. GRANNUM

Acting Clerk of the Council