



TRINIDAD AND TOBAGO

No. 20—1956

[L.S.]

I ASSENT,

E. B. BEETHAM
Governor.

22nd May, 1956.

AN ORDINANCE to amend the Legislative Council (Elections) Ordinance, Ch. 2. No. 2, and to validate the omission to compile lists of electors in the year 1955.

[23rd May, 1956.]

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 Legislative Council (Elections) (Amendment) Ordinance, 1956, and shall be read as one with the Legislative Council (Elections) Ordinance, hereinafter referred to as the Principal Ordinance.

Short title.

Ch. 2. No. 2.
Ord. No. 35—
1955.

Section 2

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 41B of this Ordinance;”.

3. Subsection (1) of section 4 of the Principal Ordinance is hereby repealed and replaced as follows:—

“(1) The Governor may from time to time by proclamation published in the *Royal Gazette* direct that lists of electors comprising persons entitled to vote at an election for any electoral district shall be compiled, and that such compilation shall commence on a day appointed by such proclamation, and commencing on such day such lists shall, in accordance with the provisions of section 7 of this Ordinance, be compiled in such electoral district of all persons entitled under the provisions of the Order in Council to vote at an election for such district.”

Section 7A
of Principal
Ordinance
amended.

4. Subsection (2) of section 7A of the Principal Ordinance is hereby amended by deleting the words and figure “rule 8 of” occurring in paragraph (a) thereof.

5. Section 16 of the Principal Ordinance is hereby amended by inserting between the word "before" and the word "any" occurring in the third line thereof the words "the Supervisor of Elections or".

Section 16
of Principal
Ordinance
amended.

6. Section 20 of the Principal Ordinance is hereby amended—

(a) by repealing and replacing subsection (2) thereof as follows:—

Section 20
of Principal
Ordinance
amended.

"(2) Every candidate for election shall be nominated by six or more electors, qualified to vote in the electoral district for which the candidate seeks to be elected, signing a nomination paper in the form set out as Form No. 25 or Form No. 25A, as the case may be, in the First Schedule:

Provided 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."; and

(b) in subsection (5) thereof, by substituting the words "two hundred and fifty dollars" for the words "one hundred and twenty dollars".

7. Subsection (1) of section 27 of the Principal Ordinance is hereby amended by inserting after paragraph (c) thereof the following paragraph lettered (cc):—

Section 27
of Principal
Ordinance
amended.

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

8. After section 41 of the Principal Ordinance the following sections shall be inserted:—

New sections
41A to 41D
added to
Principal
Ordinance.

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

41A. (1) Subject to the provisions of section 41D 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.

41B. (1) Upon receiving a ballot paper from any elector in accordance with the provisions of subsection (3) of section 38 of this 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 provisions of sections 41A and 41B.

41C. Subject to the provisions of section 41D of this Ordinance, every presiding officer who fails or neglects to perform any duty imposed upon him by section 41A or section 41B 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 41A, 41B and 41C to electors with no hands.

41D. The provisions of sections 41A, 41B and 41C of this Ordinance shall not apply in relation to any elector who has no hands."

9. Section 44 of the Principal Ordinance is hereby repealed and replaced as follows:—

Section 44 of Principal Ordinance repealed and replaced.

"Agents

44. Each candidate may appoint one agent for the purposes of the proceedings at each polling station in the electoral district for which he is a candidate for election, and one agent to attend the final count of votes by the returning officer for the said electoral district. Every such appointment shall be in writing in the form set out as Form No. 33 in the First Schedule."

10. After section 56 of the Principal Ordinance the following section numbered 56A shall be inserted:—

New section 56A added to Principal Ordinance.

"Name and address of printer on placard.

56A. Every bill, placard, or poster, having reference to an election shall bear upon the face thereof the name and address of the printer or publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted any such bill, placard, or poster, as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher shall be liable on summary conviction thereof to a fine of five hundred dollars or to imprisonment for one year and shall, if a candidate or an agent of a candidate, be guilty of an illegal practice."

11. Subsection (3) of section 57 of the Principal Ordinance is hereby amended by substituting the word "badge" for the words "rosette or of any favour" occurring in the fifth line thereof, and for the words "rosette or favour" occurring in the seventh and eighth lines thereof.

Section 57 of Principal Ordinance amended.

12. Section 57D of the Principal Ordinance is hereby amended by inserting between the word "or" and the comma immediately preceding it in the fourth line thereof the words and comma "or who applies for a ballot paper at a time when there is upon any of his digits any mark of electoral ink,".

Section 57D of Principal Ordinance amended.

Section 57F
of Principal
Ordinance
repealed and
replaced.

13. Section 57F of the Principal Ordinance is hereby repealed and replaced as follows:—

'Penalty for
personation.

57F. Every person who is guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation, shall be liable—

- (a) on summary conviction thereof to imprisonment for one year or to a fine of five hundred dollars, or to both such imprisonment and such fine;
- (b) on conviction thereof on indictment to imprisonment for five years and in addition to such imprisonment to such fine as the Court may impose."

Section 57G
of Principal
Ordinance
amended.

14. Section 57G of the Principal Ordinance is hereby amended—

- (a) by substituting a full stop for the colon occurring at the end thereof; and
- (b) by inserting thereafter the following proviso:—

"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."

Section 57H
of Principal
Ordinance
amended.

15. Section 57H of the Principal Ordinance is hereby amended—

- (a) by substituting for the marginal note thereto the marginal note "Illegal Practices.";
- (b) by deleting the words and stops "and be incapable, during a period of five years from the date of conviction, of being registered as an elector, or voting at any election" where those words and stops occur in subsections (1) and (2);

- (c) in subsection (2), by inserting the words "or prospective candidate" between the word "candidate" and the word "as" occurring in the eighth line thereof;
- (d) by substituting for subsection (3) thereof the following subsection:—

"(3) Any person who, before or during an election, for the purpose of affecting the return of any candidate or prospective candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate or prospective candidate shall be guilty of an illegal practice and shall be liable on summary conviction thereof to a fine of five hundred dollars or to imprisonment for one year or to both such fine and such imprisonment."; and

- (e) by inserting after subsection (3) thereof the following subsection numbered (4):—

"Consequences
of illegal
practice.

(4) Any person who is convicted of any offence declared to be an illegal practice under this or any other section of this Ordinance shall, in addition to any other penalty for such offence, be incapable during a period of five years from the date of his conviction—

- (a) of being registered as an elector or voting at any election; and
- (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 five years from the determination of the appeal except the Court hearing the appeal shall direct that the period of five years shall run from the date of conviction."

First Schedule
to Principal
Ordinance
amended.

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

(a) by inserting after Form No. 25 therein the following form as Form No. 25A :—

“FORM NO. 25A (Section 20)

THE LEGISLATIVE COUNCIL (ELECTIONS)
ORDINANCE

NOMINATION PAPER

We, the undersigned electors for the electoral district of _____, do hereby nominate the following person as a proper person to serve as member of the Legislative Council for the said electoral district of _____, and we certify that to the best of our belief he is qualified for election as a member of the Legislative Council under the conditions prescribed by section 36 of His Late Majesty's Order in Council dated the 31st day of March, 1950.

Surname	Other Names	Address	Occupation

Signature

X.Y., nominated in the foregoing nomination paper, has consented to such nomination as Candidate for election as a member of the Legislative Council for the electoral district of _____, and has named as his address for serving of process and papers under the Legislative Council (Elections) Ordinance :—

Address

Witness my hand this _____ day of _____, 19 _____.

Signed by the duly authorised
agent of the said nominee in the
presence of : _____

.....
*Signature of duly
authorised Agent of
Candidate.*

.....
Signature of Witness ”

(b) 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 or other digit of his hands any mark of electoral ink. If there is any such mark he will not deliver a ballot paper to the elector.”; and

- (ii) by inserting a full stop immediately after the words “Presiding 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.”; and

(c) by inserting after Form No. 46, the following form :—

“FORM No. 47 (Fifth Schedule rule 22A).

THE LEGISLATIVE COUNCIL (ELECTIONS)
ORDINANCE

OATH OF A POLICE ELECTORAL OFFICER

I, _____, the undersigned, appointed
Police electoral officer for the unit/area.....
swear that I will act faithfully in my said capacity of Police
electoral officer, according to law, without partiality, fear,
favour or affection.

SO HELP ME GOD

Police Electoral Officer

Sworn before me at _____ this _____ day of _____ 19 _____
Returning Officer
(as the case may be).”

Fifth Schedule
to Principal
Ordinance
amended.
Ord. No. 35—
1955.

17. The Fifth Schedule to the Principal Ordinance, as amended by the Legislative Council (Elections) (Amendment) Ordinance, 1955, is hereby further amended :—

(a) in rule 2, by substituting the word “four” for the word “three” occurring in the last line;

(b) by inserting after rule 4 the following rule numbered (4A) :—

“(4A) Forthwith upon his appointment each Police electoral officer shall take and subscribe an oath in the form set out as Form No. 47 in the First Schedule and shall transmit such oath to the Supervisor of Elections.”; and

(c) in rule 8, by substituting the word “three” for the word “two” occurring in the first line.

Validation of
failure to
compile lists
of electors in
the year 1955.

18. Notwithstanding the provisions of section 4 of the Principal Ordinance, the omission to compile lists of electors in the year 1955 in accordance with the provisions of the said section shall be deemed to have been a lawful omission.

Passed in Council this fourth day of May in the year of Our Lord one thousand nine hundred and fifty-six.

G. E. L. LAFOREST

Clerk of the Council.