

Amended by 5-1930.
10-1934

TRINIDAD AND TOBAGO.

No. 41—1925.

I ASSENT,

[L.S.]

H. A. BYATT,
Governor.

16th November, 1925.

AN ORDINANCE to provide for the registration of persons entitled to vote at elections of members of the Legislative Council.

[16th November, 1925.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Registration of Electors (Legislative Council) Ordinance, 1925. Short title.

~~2. In this Ordinance the expression—~~ Interpretation.

“ Order in Council ” means the Order of His Majesty the King in Council dated the sixteenth day of April, 1924, and entitled “ The Trinidad and Tobago (Legislative Council) Order in Council, 1924 ” ;

“ District ” means an electoral district as constituted by the said Order in Council ;

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(1-1918). Ward " means (a) any Ward as defined by or under the Division of Trinidad Ordinance, 1918, and, when the same comes into force, chapter 285 of the revised edition of the laws, and includes the Ward of Tobago; and (b) any Ward as defined by or under the provisions of the Port-of-Spain Corporation (Amendment) Ordinance, 1924; and, when the same comes into force, chapter 224 of the revised edition of the laws.

(15-1924).

"Register" means a register of electors compiled in accordance with the provisions of this Ordinance, but shall include the registers compiled in accordance with the Registration of Electors (Legislative Council) Proclamation, 1924.

(19-1921).

"Revised edition of the laws" means the edition of the laws of the Colony prepared under the authority of the Statute Law Revision Ordinance, 1921.

~~Compiling
register
of electors.~~

~~3. (1) In the year 1927 and every subsequent third year a register shall be compiled in each district of all persons entitled under the provisions of the Order in Council to vote at the election of a member of the Legislative Council for such district.~~

(2) Where a district consists of more than one Ward, the register shall be compiled in separate parts for each Ward included in such district.

(3) Each register compiled in accordance with this Ordinance shall come into force on the next ensuing first day of January and shall remain in force for three years from that date.

(4) If for any reason a registration officer fails to compile a fresh register for any district or Ward, the register in force when the fresh register should have come into force shall continue in operation as the register for such district or Ward.

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4.—(1) The registration officer for the district of Port-of-Spain shall be the Town Clerk of the City of Port-of-Spain, and the registration officers for the remaining districts shall be the Wardens of each Ward included in each of such districts. For the purposes of the registration of voters the Borough of San Fernando shall be deemed to be part of the Ward of Naparima, and the Borough of Arima shall be deemed to be part of the Ward of Arima.

(2) The Governor may appoint fit and proper persons to assist any registration officer in the performance of his duties under this Ordinance.

(3) Subject to the authority, directions and control of the registration officer, an assistant shall have all the powers and may perform any of the duties of a registration officer under this Ordinance.

(4) Every appointment made under this section shall be published in the *Royal Gazette*.

5.—It shall be the duty of the registration officer to compile the register for his district or Ward in accordance with the provisions of this Ordinance and the rules set out in the Schedule hereto.

6.—(1) An appeal shall lie to a Judge in Chambers, (hereinafter referred to as "the Court") from any decision of a registration officer on any claim or objection which has been considered by him under this Ordinance. Provided however that no appeal shall lie where a claimant or objector has not availed himself of his opportunity, as provided by this Ordinance, of being heard by the registration officer on the claim or objection.

(2) Any claimant or objector desiring to appeal against the decision of a registration officer shall give written notice of appeal to the registration officer and to the opposite party, if any, when the decision is given or within seven days thereafter, specifying the grounds of appeal.

(3) The registration officer shall immediately forward such notice to the Registrar of the Supreme Court together with a statement of the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case and upon any point which

may be specified as a ground of appeal, and shall also furnish to the Court any further information which the Court may require and which he is able to furnish.

(4) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the Registrar of the Supreme Court of the fact for the purpose of enabling the Court, if it thinks fit, to consolidate the appeals or to select a case as a test case.

(5) On any appeal under this section the registration officer shall be a party to the proceedings.

(6) Every appeal under this section shall be prosecuted heard and determined by the Court in such manner as may be prescribed by rules of Court, and the costs of every such appeal shall be in the discretion of the Court hearing such appeal.

(7) The right of any person whose name is for the time being on the register to vote at an election shall not be prejudiced by any appeal pending under this section, and any vote given at an election in pursuance of that right shall be as good as if no such appeal were pending, and shall not be affected by the subsequent decision of the appeal.

(8) Notice shall be sent to the registration officer by the Registrar of the Supreme Court of the decision of the Court on any appeal under this section, and the registration officer shall make such alterations in the list of electors or the register, as the case may be, as may be required to give effect to the decision.

Expenses of registration.

7. Any expenses properly incurred by a registration officer in the performance of his duties in relation to registration, and any costs incurred by him as party to an appeal, shall be paid to such registration officer.

Rules of Court.

8.—(1) The Chief Justice, with the concurrence of a Puisne-Judge, may make rules of court for regulating the practice in respect of appeals under this Ordinance.

(2) No such rules of court shall come into operation until the same shall have been laid before the Legislative Council and gazetted for one month; but when the same shall come into operation they shall have effect as if enacted by this Ordinance and shall be judicially noticed.

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9.—(1) The Governor in Executive Council may make ^{Regulations.} regulations for all or any of the following purposes :

- (a) Prescribing the forms to be used for the purposes of this Ordinance ;
- (b) Prescribing the fees to be paid or charged in respect of any matter or thing to be done in connection with this Ordinance ;
- (c) Generally, for carrying out the provisions of this Ordinance.

(2) All regulations made under this section shall be published in the *Royal Gazette* and shall come into operation on such publication or at such other time as may be named in such regulations.

(3) All such regulations shall be judicially noticed.

10. The Governor may, by notice in the *Royal Gazette*, ^{Power to vary dates.} vary all or any of the dates in this Ordinance mentioned and may substitute other dates in lieu thereof.

11. The Registration of Electors (Legislative Council) ^{Repeal.} Proclamation, 1924, is hereby repealed, provided that the register of electors compiled in accordance with the provisions thereof for each district or Ward shall continue in force and operation as the register for such district or Ward, until a fresh register for such district or Ward has been compiled in accordance with the provisions of this Ordinance.

SCHEDULE.

REGISTRATION RULES.

(See section 5.)

Form of Register.

1. The names in the register, or in each part thereof where the register ^{Form of} is compiled in separate parts, shall be arranged in alphabetical order or in ^{register.} street order and shall be numbered consecutively. Such register shall be in the Form A in the Schedule to these rules or such other form as may be prescribed.

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Duty of Registration Officer to prepare and publish Lists.

Duty of registration officer to prepare electors lists.

2. It shall be the duty of the registration officer to cause a house-to-house or other sufficient inquiry to be made, and to prepare or cause to be prepared a list or lists (in this Ordinance referred to as electors lists) of all persons in the district or ward or wards for which he is the registration officer appearing to be entitled to be registered as electors, and to publish such list or lists in the form in which the register is to be framed on or before the fifteenth day of August.

Claims to be registered.

Claims to be sent to registration officer.

3. Any person who claims to be entitled to be registered as an elector and who is not entered, or is entered in an incorrect manner or with incorrect particulars on the electors lists, may claim to be registered, or to be registered correctly, by sending to the registration officer a claim in the form B or the form C in the Schedule to these rules or such other form as may be prescribed, not later than the first day of September.

Publication of lists of claimants.

4. It shall be the duty of the registration officer to publish the lists of claimants not later than the fifteenth day of September.

Objections.

Notice of objections.

5. Any person whose name appears on the electors lists for an electoral district may object to the registration of any person whose name is included in those lists by sending notice of objection in the form D in the Schedule to these rules, or such other form as may be prescribed, to the registration officer not later than the first day of September, and may object to the registration of any person whose name is included in the list of claimants by sending notice of objection in the form D in the Schedule to these rules, or such other form as may be prescribed, to the registration officer not later than the thirtieth day of September.

Notice to persons affected by objections.

6. The registration officer shall as soon as practicable after receiving any notice of objection, send a copy of the notice to the person in respect of whose registration the notice of objection is given.

Publication of objections to lists.

7. It shall be the duty of the registration officer to publish a list of the names of persons to whose registration notice of objection has been given not later than the fifteenth day of September.

Publication of objections to claims.

8. It shall be the duty of the registration officer to publish a list of the names of persons included in the list of claimants to whose registration notice of objection has been given as soon as practicable after the thirtieth day of September.

Preparation of the Register from the Lists.

Consideration of objections.

9. The registration officer shall, as soon as practicable, consider all objections of which notice has been given to him in accordance with these rules, and for that purpose give at least five clear days' notice to the objector and to the person in respect of whose registration the notice of objection has been given, of the time and place at which the objection will be considered by him.

Consideration of claims.

10. The registration officer shall also consider all claims of which notice is given to him in accordance with these rules, and, in respect of which no notice of objection is given, and, if he considers that the claim may be allowed without further inquiry, shall give notice to the claimant that his claim is allowed.

If the registration officer is not satisfied that any such claim can be allowed without inquiry, he shall give at least five clear days' notice to the claimant of the time and place at which the claim will be considered by him.

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11. If on the consideration of any claim or objection it appears to the registration officer that the claimant, or person in respect of whose name objection is taken, is not entitled to be entered on the register in the character in which he claims to be registered, or in which he is entered on the list, but is entitled to be entered on the register in another character or in another place on the register, the registration officer may decide that the name of that person shall be so entered on the register.

Supplemental powers on consideration of claims and objections.

12. The registration officer shall make such additions and corrections in the electors lists as are required in order to carry out his decisions on any objections or claims, and shall also make any such corrections in those lists, by way of the removal of duplicate entries (subject to any expression of choice by the person affected as to those entries), the expunging of the names of persons who are dead or subject to any legal incapacity, the correction of clerical errors and otherwise to make those lists complete and accurate as a register.

Correction of lists.

13. Where the registration officer makes any correction in the lists otherwise than in pursuance of a claim or objection, or for the purposes of correcting a clerical error, he shall give notice to the person affected by the correction, and give that person an opportunity of objecting to the correction, and if necessary of being heard with respect thereto.

Objections to corrections.

14. The registration officer shall make all the necessary corrections of the lists and do everything necessary to form those lists into a register in time to allow the publication of the lists so corrected as a register as required by these rules.

Formation of lists into register.

Duty to publish and deliver Copies of the Register.

15.—(1) It shall be the duty of the registration officer to publish the register or, where an electoral district consists of more than one ward and the register is compiled in separate parts, the part or parts thereof compiled by him, on or before the thirty-first day of December, by making a copy thereof available for inspection by the public at his office.

Publication of register.

(2) It shall also be the duty of the registration officer, on the application of any person during business hours and on payment of the prescribed fee, to furnish copies to the applicant of such register, or part or parts thereof.

General.

16. Where the registration officer by these rules is required to publish any document, and no specific provision is made as to the mode of publication, he shall publish the document by making a copy of the document available for inspection by the public in his office, and, if he thinks fit, in any other manner which is, in his opinion, desirable for the purpose of bringing the contents of the document to the notice of those interested.

Publication of documents.

Any failure to publish a document in accordance with these rules shall not invalidate the document.

If any person without lawful authority destroys, mutilates, defaces or removes, any notice published by the registration officer in connection with his registration duties, or any copies of a document which have been made available for inspection in pursuance of these rules, he shall be liable on summary conviction to a fine not exceeding five pounds.

17. The registration officer shall, without fee, on the application of any person, supply forms of claims and notices of objections.

Duty of registration officer to supply forms.

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Supply of copies of claims, objections, &c. 18. The registration officer shall, on the application of any person, allow that person to inspect, and take extracts from, or on payment of the prescribed fee, supply to that person copies of, the electors' lists for any registration unit in his district and any claim or notice of objection made under these rules.

Mode of sending notices, &c. 19. Any claim or notice of objection which is under these rules to be sent to the registration officer may be sent to him by post addressed to him at his office.

Any notice which is required to be sent by the registration officer under these rules to any person shall be sufficiently sent if sent by post to the address of that person as given by him for the purpose, or as appearing on the lists, or if there is no such address, to his last known place of abode.

Information from householders, &c. 20. The registration officer may require any employer or any householder or any person owning or occupying any land or premises within his district, or the agent of such person, to give, in the prescribed form, any information in his possession which the registration officer may require for the purpose of his duties as registration officer; and, if any person fails to give the required information, or gives false information, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds. Any notice requiring information under this rule may be sent by post.

Access to San Fernando and Arima burgess rolls and rate books. 21. For the purposes of these Rules the registration officers for the Wards of Naparima and Arima respectively shall have access to the Burgess rolls and house rate books of the Boroughs of San Fernando and Arima respectively.

Declaration as to age and nationality. 22. The registration officer, before registering any person as an elector, may, if he thinks it necessary—

(a) require that person either to produce a certificate of birth or, if that is not practicable or convenient, to make a statutory declaration that such person has attained the required age, and

(b) require that person to produce a certificate of naturalization or to make a statutory declaration that he is a British subject.

Where a declaration is so required no fee shall be paid thereon.

The registration officer shall during Office hours allow any person to inspect and take a copy of any such declaration.

Hearing of claims and objections. 23. On the consideration of any claim or objection or other matter by the registration officer, any person appearing to the registration officer to be interested may appear and be heard either in person or by any other person, other than counsel, on his behalf.

Power to require evidence on oath. 24. The registration officer may at the request of any person interested, or if he thinks fit without such request, on the consideration of any claim or objection or other matter require that the evidence tendered by any person should be given on oath and may administer an oath for the purpose.

Provisions as to misnomer or inaccurate description. 25. No misnomer or inaccurate description of any person or place on any list or in the register or in any notice shall prejudice the operation of this Ordinance as respects that person or place, provided that the person or place is so designated as to be commonly understood.

Reckoning of time. 26. In reckoning time for the purpose of these rules, Sunday, Christmas Day, Good Friday, Easter Monday, Corpus Christi, or any other public holiday, or day of public fast, or public thanksgiving, shall be excluded; and where anything is required by these rules to be done on any day falls to be done on any such day, that thing may be done on the next day not being one of any such days.

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SCHEDULE TO RULES.

FORM A.

Rule 1.

Form of Register.

PERSONS ENTITLED TO VOTE AT THE ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL FOR THE ELECTORAL DISTRICT OF WARD.

No.	Full Name.	Residence.	Qualification.

FORM B.

Rule 3.

CLAIM TO BE REGISTERED AS AN ELECTOR.

To the Registration Officer for the Ward of _____ in the electoral district of _____

I (name in full) of (address) (occupation) hereby give you notice that I claim to have my name inserted in the list of electors for the Ward of _____ in the said electoral district; the particulars of my qualifications and the proof thereof which I produce are as follows:—

Qualifications: (set out)

Proof: (set out)

Dated this _____ day of _____ 192 .

(Signed)

Witness (Signature)
(Address)
(Occupation)

FORM C.

Rule 3.

CLAIM TO BE CORRECTLY ENTERED IN REGISTER OF ELECTORS.

To the Registration Officer for the Ward of _____ in the electoral district of _____

I (name in full) of (address) (occupation) hereby give you notice that my name and/or residence and qualifications are entered incorrectly at No. _____ in the list of electors for the Ward of _____ in the electoral district of _____ The entry should be as follows:—

Full name :
Residence :
Qualification :

Dated this _____ day of _____ 192 .

(Signed)

Witness (Signature)
(Address)
(Occupation)

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Rule 5.

FORM D.

NOTICE OF OBJECTION TO RETENTION OF NAME IN THE LIST OF ELECTORS, OR
LIST OF CLAIMANTS TO BE REGISTERED.

To the Registration Officer of the Ward of _____ in the electoral
district of _____

I, *A.B.*, of _____ in the _____ of
being a person whose name appears in the list of electors for the Ward of
in *the said* electoral district; hereby give you notice that

I object to the name of *C.D.*, of _____ in the _____ of
being retained in the list of _____ on the
ground that _____

State
shortly the
ground on
which the
objection
is based.

Dated this _____ day of _____ 192 _____

Signature.

Passed in Council this thirtieth day of October,
in the year of Our Lord one thousand nine hundred and
twenty-five.

JOHN DE NOBRIGA,
Clerk of the Council.

The Elections (Legislative Council) Ordinance, 1925.

COMPARATIVE TABLE.

Section	Corresponding section in Elections (Legislative Council) Proclamation, 1924.	Remarks.
1 ..	1	
2 ..	2	.. Definition of " revised edition of the laws " added.
3 ..	3	
4 ..	4	
5 ..	5	
6 ..	6	.. Minor amendment made.
7 ..	7	do.
8 ..	8	do.
9 ..	9	do.
10 ..	10	do.
11 (1)	11 (1)	.. Amended so as to limit right of candidate to withdraw.
(2)	(2)	.. Minor amendment made.
12 ..	12	
13 ..	13	.. Amended so as to empower presiding officers to appoint clerks at counting of votes.
14 ..	14	
15 ..	15	
16 ..	16	.. Minor amendment made.
17 ..	17	
18 ..	18	.. Directions to voters simplified.
19 ..	19	.. Minor amendment made.
20 ..	20 (1)	
21 ..	20 (3)	Amended ; <i>c.f.</i> Ballot Act, 1872, 1st Sched. 24.
22 ..	20 (2) (4) & (5)	
23 ..	20 (3)	Amended ; <i>c.f.</i> Ballot Act, 1872, 1st Sched. 25.
24 ..	21	
25 ..	22	
26 ..	23	
27 ..	24	
28 ..	25	
29 ..	26	
30 ..	27	.. Amended ; <i>c.f.</i> Ballot Act, 1872, 1st Sched. 29.
31 ..	new	.. Ballot Act, 1872, 1st Sched. 31.
32 ..	28 (1) part	
33 ..	28 (2)	.. Hours for counting amended.
34 ..	29	.. Minor amendment made.
35 ..	30	

COMPARATIVE TABLE.—*Continued.*

Section.	Corresponding section in Elections (Legislative Council) Proclamation, 1924.	Remarks.
36 ..	28 (1) part	Amended ; <i>c.f.</i> Ballot Act, 1872, 1st Sched. 37.
37 ..	31	
38 ..	32	
39 ..	33	
40 ..	34	
41 ..	35	
42 ..	new ..	Ballot Act, 1872, s. 12.
43 ..	do. ..	do. s. 7.
44 ..	do. ..	do. 1st Sched. 47.
45 ..	do. ..	do. do. 48.
46 ..	do. ..	do. do. 49.
47 ..	do. ..	do. do. 50.
48 ..	do. ..	do. do. 51.
49 ..	do. ..	do. do. 52.
50 ..	do. ..	do. do. 55.
51 ..	do. ..	do. do. 56.
52 ..	38	
53 ..	36	
54 ..	37	
55 ..	new ..	Repeal of the Elections (Legislative Council) Proclamation, 1924.
Schedule ..	Schedule.	

The Elections (Legislative Council) Ordinance, 1925

No. 42 of 1925.

ARRANGEMENT OF SECTIONS.

PRELIMINARY.

1. Short title.
2. Interpretation.

ARRANGEMENTS FOR ELECTIONS.

3. Appointment of returning officers.
4. Polling districts and stations.
5. Issue of writs for holding elections.
6. Notice of time and place of election.
7. Copies of register of electors to be obtained.

PROCEDURE AT ELECTIONS.

8. Nomination of candidates.
9. Uncontested election.
10. Contested election. Adjournment to take the poll.
11. Withdrawal of candidature.
12. Vote by ballot.
13. Preparation for taking the poll.
14. Inspection of polling stations.
15. Hours for taking the poll.
16. Ballot boxes.
17. Electors to vote in Ward in which they are registered.
18. Directions to voters.
19. Admission to polling stations.
20. Duty of elector on coming to vote.
21. Procedure on delivery of ballot paper to elector.
22. Questions which may be put to an elector.
23. Mode of voting.
24. How to mark a vote.
25. Instructions by presiding officers.
26. Tendered ballot papers.
27. Spoilt ballot papers.
28. Blind, illiterate, &c., voters.
29. Procedure in case of obstruction of election.
30. Duty of presiding officer at each station on close of the poll.

COUNTING VOTES.

31. Agents.
32. Counting of votes.
33. Continuous counting.
34. What ballot papers are not to be counted.
35. Rejected ballot papers.
36. Verification of ballot paper account.
37. How far decision of returning officer final.
38. Casting vote of returning officer.
39. Declaration of the poll and return of writ.
40. Power of Council to elect in event of equality of votes.
41. Papers to be sent to Clerk of Legislative Council.

GENERAL PROVISIONS.

42. No obligation on voter to disclose vote.
43. Conclusiveness of register of electors.
44. Returning officer may preside at polling station.
45. Counters.
46. Employees.
47. Clerk may act for presiding officer.
48. Candidate may act in person.
49. Name and address of agent.
50. Absence of agents.
51. Computation of time.
52. Expenses of returning officer.
53. Employment of vehicles kept for hire.
54. Regulations.

REPEAL.

55. Repeal.

SCHEDULE.

Statutory Declaration of a Person Nominated as a Candidate for Election as a Member of the Legislative Council.