

Reissuance of Royal
 Gazette Notice No. 1150
 of 1.9.45 by sub. sec.
 (2) of sec. 5 Q 37/45

Amended by Order 37/45



TRINIDAD AND TOBAGO.

No. 18—1945.

I ASSENT,

[L.S.]

A. B. WRIGHT,
Acting Governor.

21st June, 1945

AN ORDINANCE to establish County Councils for the
 Colony.

[28th June, 1945.]

Commence-
 ment.

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

1. This Ordinance may be cited as the County Councils ^{Short title,}
 Ordinance, 1945.

Interpretation.

2. (1) In this Ordinance—

“the Clerk” of a County Council means the person appointed as such under the provisions of section 17 of this Ordinance ;

“councillor” means a person elected under this Ordinance, to be a member of a County Council ;

“election” means the election of a member or members of any County Council held under the provisions of this Ordinance ;

“electoral district” means a district constituted under section 3 of this Ordinance ;

“electoral division” means a division constituted under section 3 of this Ordinance.

(2) In this Ordinance, for all purposes connected with and having reference to the right to vote at elections and to the qualifications and election of members of County Councils, words importing the masculine gender include women, whether married or single.

PART I.

ELECTORAL DISTRICTS AND DIVISIONS.

Division of
Colony into
electoral
districts and
divisions.
1st Schedule.

3. (1) For the purposes of this Ordinance, the Colony shall be divided into the seven electoral districts mentioned in the first column of Part I of the First Schedule hereto and described in the second column of the said Part I. Each of these electoral districts shall be subdivided into the electoral divisions mentioned in the third column of the said Part I in respect of each electoral district.

(2) Each County and each Ward mentioned in the said Schedule shall, subject to any modification specified therein, comprise the area and be situated within the boundaries set out in the Division of Trinidad Ordinance in respect of such County or Ward.

(3) In the case of the electoral district of Tobago, the Parishes mentioned in the third column of Part I of the said Schedule shall for the purposes of this Ordinance be deemed to comprise the area and to be situated within the boundaries set out in Part II of the said Schedule.

PART II.

CONSTITUTION AND DUTIES OF COUNTY COUNCILS.

4. (1) There shall be a County Council for each electoral district and it shall consist of the following persons— Establishment of County Councils.

- (a) a Chairman who shall be the member of the Legislative Council for the County or Counties comprised in each such district (in the case of the electoral district of Tobago the Chairman shall be the member of the Legislative Council for the Island Ward of Tobago); and
- (b) councillors elected under the provisions of this Ordinance for each electoral division of such electoral district, each electoral division returning two councillors.

(2) Each County Council shall from time to time appoint a councillor to be Vice-Chairman of such Council. Each such appointment shall be for a period not exceeding twelve months but a councillor may be re-appointed at the end of his term of office as such.

(3) The term of office of councillors shall expire on the last day of every successive triennial period the first of which shall begin on the first day of January, 1946, except in the case of any councillor who has resigned or whose term of office has previously determined by virtue of the provisions of this Ordinance.

(4) A person ceasing to hold office as councillor shall, unless disqualified to hold office, and subject to the provisions of this Ordinance, be re-eligible.

5. The County Council of any electoral district shall be deemed to be legally constituted in spite of the death, retirement, incapacity to act, or disqualification of the Chairman or of any councillor or councillors so long as the number of councillors in office does not at any time fall below the number of electoral divisions of such electoral district. Death, &c., of Chairman or councillors.

6. No person shall be qualified to be elected or to be or continue to be a councillor for any electoral district unless— Qualification of councillors.

- (a) he is registered as a voter for an electoral division of such district; and
- (b) he is able to speak the English language; and
- (c) he resides in the electoral district; and

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(d) he possesses at least one of the following qualifications, namely :—

- (i) ownership in his own right of immovable property in the electoral district of the clear value of five hundred dollars free from encumbrances ; or
- (ii) a clear annual income of not less than two hundred and forty dollars ; or
- (iii) occupation as a tenant or usufructuary of a house or a house and land in the electoral district of an annual rental of not less than sixty dollars :

Provided that a person shall not be entitled to be elected or to be or continue to be a councillor for any electoral district if—

- (a) he is an undischarged bankrupt ; or
- (b) he has been convicted of treason or felony, or he has, within the previous ten years, been convicted of any offence involving dishonesty ; or
- (c) he has been debarred from exercising the practice of his profession on account of any action involving dishonesty ; or
- (d) he is the holder of an office of emolument under the Crown or under the Government of the Colony ; or
- (e) he is disqualified under the provisions of section 64 of this Ordinance.

Declaration
to be made by
councillor.
2nd Schedule.

7. (1) A person elected as a member of a County Council shall not, until he has made and subscribed a statutory declaration in the form set forth in the Second Schedule hereto, act as such. Every such declaration shall be delivered to the Chairman or to the Clerk of the County Council concerned and shall form part of the records of such Council.

(2) Any councillor may be required by a resolution of the County Council of which he is a member to satisfy such Council by means of a statutory declaration that he has the qualifications entitling him to continue to be a councillor.

No such resolution shall be moved unless a period of at least six months has elapsed since the making of the original declaration mentioned in the preceding subsection,

or if a resolution as aforesaid has previously been moved, unless a period of at least six months has elapsed since the moving of any such resolution.

(3) Any councillor who fails, within the time fixed by the Council to furnish a declaration in compliance with a resolution passed under the provisions of subsection (1) of this section shall be deemed to have ceased to be qualified to continue to be a councillor.

8. (1) Every councillor shall, at the first meeting of the County Council which he attends after having made and subscribed the declaration mentioned in the last preceding section of this Ordinance, take and subscribe the following oath of office, which shall be tendered to him by the clerk of such County Council or by the Warden or Assistant Warden of the County in which the meeting is held and shall be attested by the Chairman or Vice-Chairman :—

Oath to be taken by councillor.

Oath of Office.

“ I.....having been duly elected as a member of the County Council of....., do hereby swear that I am qualified to hold such office and that I will duly and faithfully fulfil the duties thereof without fear or favour, partiality or illwill, and to the best of my judgment and ability. So help me God.”

(2) Every person authorised by law to make an affirmation or declaration instead of taking an oath may make such affirmation or declaration instead of the said oath.

9. (1) If any councillor—

(a) dies or, by writing under his hand addressed to the Chairman of the County Council of which he is a member, resigns his seat on such Council ;
or

(b) is continuously absent from the Colony for more than ninety days without the leave of the County Council of which he is a member, or is absent from three consecutive ordinary meetings of such Council without leave as aforesaid ; or

(c) is not in the Colony at the date of his election and continues to be out of the Colony for a period of more than ninety days from the date of such election ; or

Seat of councillor, how vacated.

- (d) ceases to possess any of the qualifications required by section 6 of this Ordinance or is or becomes disqualified from being a councillor for any of the reasons set out in the proviso to the said section 6 ; or
- (e) makes a declaration or acknowledgment of allegiance to a foreign State or Power, or becomes a citizen or subject of any foreign State or Power ;

his seat in the Council shall thereupon become vacant.

(2) Such vacancy shall be formally declared by the County Council on the report of a committee of such Council specially appointed under the provisions of section 15 of this Ordinance by motion made by the Chairman or any councillor to consider and verify the grounds relied on as causing the vacancy.

Any such declaration of vacancy shall be signified forthwith by a notice under the hand of the Clerk of the County Council concerned and posted up in a conspicuous position on or near the main outer door of the usual place of meeting of such Council and it shall be the duty of such Clerk to send forthwith to the Colonial Secretary a copy of such notice.

(3) Whenever it shall be shown to the satisfaction of the Governor that the seat of an elected member of a County Council has become vacant, the Governor shall as soon as possible issue a writ for the election of a new member (hereinafter referred to as a bye-election), and such writ shall be addressed to the Returning Officer of the appropriate electoral division.

Disqualifica-
tions, when to
cease.

10. (1) Disqualification of a councillor due to absence from the Colony without leave shall cease, as regards subsequent elections, on his return.

(2) Where a councillor becomes disqualified through having been out of the Colony at the date of his election and not having returned to the Colony within ninety days after such election, the disqualification as regards subsequent elections, shall cease on his return.

(3) Where a councillor becomes disqualified by being declared bankrupt, the disqualification as regards subsequent elections shall in the case of bankruptcy cease on his obtaining an order of discharge.

11. (1) The several County Councils shall act in an advisory capacity and shall consider the needs of their respective electoral district and make recommendations in the manner hereinafter provided. Duties of
County
Councils.

(2) Without prejudice to the generality of the provisions of the preceding subsection, the several County Councils may consider and advise upon the following matters :—

- (a) the provision of housing, including public officers' quarters ;
- (b) rural and land settlement ;
- (c) the provision of new hospitals and school buildings and the maintenance of existing hospitals and school buildings ;
- (d) medical, health, water supply, sanitation and anti-malarial requirements ;
- (e) the provision of electric current and of transport and communication facilities ;
- (f) the construction of new roads and Crown traces and the maintenance of existing roads and Crown traces ;
- (g) the provision and maintenance of recreation grounds, pastures, markets, abattoirs and cemeteries ;
- (h) the establishment and functioning of social services ;
- (i) the establishment of public offices and police stations and the erection and maintenance of public buildings.

(3) Any recommendation made by a County Council shall be in accordance with the decision of such Council arrived at in accordance with the provisions of this Ordinance and of the Standing Orders of such Council. Any such recommendation if concerning the Government shall be transmitted in writing by or on behalf of the Chairman of such County Council to the Colonial Secretary, and if concerning any statutory or other body shall be transmitted in the same manner direct to such body.

PART III.

MEETINGS AND PROCEEDINGS OF COUNTY COUNCILS.

12. The following rules with respect to meetings and proceedings of County Councils shall be observed :— Meetings of
County
Councils.

- (a) each County Council shall hold monthly meetings for the transaction of general business on such days as such Council may from time to time determine ;

- (b) meetings shall be held at such place within the electoral district of each County Council as each such Council may from time to time appoint ;
- (c) the Chairman may at any time call a special meeting of a County Council ;
- (d) if the Chairman refuses to call a meeting after a request for that purpose signed by three members of the County Council has been presented to him, any three members of such Council may forthwith on that refusal call a meeting. If the Chairman (without so refusing) does not, within seven days after the presentation of any such request, call a meeting, any three members of such Council, upon the expiration of those seven days, may call a meeting ;
- (e) five clear days at least before any ordinary meeting of a County Council, a summons to attend such meeting specifying the business proposed to be transacted thereat and signed by the Clerk shall be sent by post to or left at the address of each member of such County Council given by him for the purpose ;
- (f) failure to serve a summons on any member of a County Council as provided in the last preceding paragraph shall not affect the validity of the meeting ;
- (g) except by leave of the County Council, no business shall be transacted at a meeting other than that specified in the summons relating thereto ;
- (h) the Chairman shall preside at all meetings of the County Council at which he is present and, if for any reason the Chairman is not present, the Vice-Chairman shall preside, and if both the Chairman and the Vice-Chairman are not present, the councillors present and constituting a quorum shall elect a chairman from among their number ;
- (i) at any meeting of a County Council of any electoral district a number of councillors equal to the number of electoral divisions in such district shall constitute the quorum for the transaction of business ;

- (j) all questions proposed for debate in a County Council shall be decided by a majority of votes of the councillors who are present and vote at a meeting held in accordance with this Ordinance ;
- (k) the Chairman shall not have an original vote, but in case of an equality of votes, he shall have a casting vote ; in the absence of the Chairman the Vice-Chairman or other councillor presiding shall have an original vote and also a casting vote ;
- (l) no councillor shall vote or take part in any matter before a County Council or a Committee thereof if he has directly or indirectly any pecuniary interest in such matter.

13. (1) Subject to the provisions of the last preceding ^{Standing} section of this Ordinance, each County Council shall as soon ^{Orders} as may be after the first day of January, 1946, draw up Standing Rules and Orders providing for the regulation and conduct of the proceedings and meetings of such County Council and of committees thereof for the maintenance of order and method in the despatch of business and in the conduct of debates in the Council, for the suspension of members, and for such other matters as may be deemed necessary to ensure the efficient functioning of any such Council. Without prejudice to the generality of the foregoing words, such Standing Orders may provide that the minutes of the proceedings of any meetings shall, when copies thereof have been circulated to members, be taken as read, and may also provide for the postponement of the confirmation of the minutes of the proceedings of any meeting.

(2) All such Standing Rules and Orders not being repugnant to the provisions of this Ordinance shall be followed and observed and shall be binding upon the Council to which they apply.

(3) A motion to suspend the Standing Rules and Orders or any of them may be made at any meeting of the County Council without notice, and shall be voted upon without debate but shall not be carried unless supported by at least two-thirds of the members present and voting.

(4) Standing Rules and Orders made by a County Council under the provisions of this section shall take effect when published in the *Royal Gazette* under the hand of the

Chairman of the County Council and shall remain in force until revoked or modified by a majority of at least two-thirds of the elected members of such Council. Any such revocation or modification shall take effect when published in the *Royal Gazette*.

Heads of
Government
Departments
to assist
Councils.

14. (1) The Chairman of any County Council, or the Vice-Chairman or any councillor presiding at a meeting of a County Council or of a committee thereof, may request the attendance of any person for the time being performing the functions of Head of any Government Department for the purpose of assisting any such Council or committee in its deliberations. Any such request shall contain an indication of the matter or matters as to which information is sought and the Head of Department shall make arrangements to comply with any such request either by attending personally or by sending an officer of his Department having knowledge of the matter or matters at issue.

(2) Any Head of Department or other officer as aforesaid shall be entitled to take part (as if he were a councillor) in the proceedings of the Council or committee relating to the matter in respect of which he was requested to attend, except that he shall not have the right to vote.

Appointment
of committees.

15. (1) A County Council may appoint committees, either of a general or special nature, for any purpose which, in the opinion of the Council, would be better regulated and managed by means of such committees.

(2) Any such committee shall consist of such number of councillors as shall be fixed by the County Council at the time of the appointment thereof and shall, unless otherwise decided by the Council, be under the Chairmanship of the Vice-Chairman.

(3) The quorum of any such committee shall be determined at the time of its appointment by the County Council.

(4) Every committee of a County Council shall, unless otherwise expressly authorised by its terms of reference, submit its proceedings and recommendations to the County Council for approval.

(5) The proceedings and recommendations of every committee of a County Council shall be submitted to the Council in the form either of minutes of the proceedings at the meetings of such committee or of a formal report signed by the chairman of such committee.

(6) Any recommendations made by a committee, when adopted by the County Council, shall become and be deemed to be resolutions of such Council.

16. A minute of the proceedings at a meeting of a County Council or of a committee thereof, signed by the Chairman, or by a councillor describing himself as or appearing to be, the chairman of the meeting at which such minute is signed shall be received in evidence without further proof.

Minutes signed by Chairman to be evidence.

17. Until the contrary is proved, every meeting of a County Council or of a committee thereof in respect of which a minute has been made as provided in the last preceding section of this Ordinance, and every meeting of a committee the proceedings of which are embodied in a report signed by the chairman of such committee and received by the County Council, shall be deemed to have been duly convened and held, and all the councillors taking part in any such meeting shall be deemed to have been duly qualified, and, where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute or in the report, as the case may be.

Meetings deemed to have been duly convened.

18. (1) Each County Council shall appoint a clerk, not being a member of such Council, with the approval of the Governor and subject to such terms and conditions as the Governor may approve.

Clerk of County Council.

(2) The remuneration of any such clerk shall be paid from the general revenue of the Colony.

(3) It shall be the duty of any such clerk to attend all meetings of the County Council and of committees thereof, to draw up the minutes of such meetings, to have charge and custody of, and to be responsible for, all records and documents of the County Council, and to perform all such duties as may be imposed on him by this Ordinance or by decision of the County Council.

(4) Pending the appointment of a clerk in accordance with the foregoing provisions of this section, an officer of the district administration designated by the Warden of the County in which the meetings of any County Council are held on or after the first day of January, 1946, shall act as the clerk of such Council.

PART IV.

REGISTRATION OF VOTERS.

Voters quali-
fications.

19. No person shall be entitled to be registered in an electoral division as a voter at any election of councillors for any electoral district unless—

- (a) he is a British subject by birth or naturalization ; and
- (b) he has attained the age of twenty-one years ; and
- (c) he has resided in the electoral division for a period of not less than six months immediately preceding the date of registration ; and
- (d) he is of sound mind.

Certain pro-
hibitions
applicable to
voters.

20. (1) No person shall be registered as a voter in more than one electoral division.

(2) No person shall be capable of being registered as a voter or voting at any election if disqualified under the provisions of section 64 or 65 of this Ordinance.

Compilation of
registers of
voters.

21. (1) There shall be for each electoral division a register of all persons entitled under the provisions of this Ordinance to vote at the election of members of the County Council for that division.

(2) The first register shall be compiled and published at least two months prior to the first day of January, 1946. Thereafter, a fresh register shall be compiled not less than three months and not more than six months before the end of each successive triennial period the first of which shall begin on the first day of January, 1946, and each such register shall be published not less than two months prior to the end of any such period.

(3) Publication of each such register shall be effected by posting it up in a conspicuous place at all the Wardens' offices and sub-offices and all Police stations within the electoral division to which it relates.

(4) The Governor in Council may by order published in the *Royal Gazette* subdivide any electoral division into polling districts, and whenever any such order is in force the register in respect of such electoral division shall be compiled in as many parts as there are polling districts.

(5) A register shall remain in force until the next succeeding register is published, and, notwithstanding anything to the contrary in subsection (2) of this section,

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a register shall not cease to be in force if the register which is to replace it has not been compiled or published within the period specified in the said subsection (2).

22. (1) For each electoral division there shall be a Registration Officer who shall be the Warden of the County of which such electoral division forms part. The Governor may appoint assistant registration officers to assist any Registration Officer in the performance of his duties under this Ordinance, and, 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.

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

23. (1) It shall be the duty of each Registration Officer to compile and publish the register of voters for his electoral divisions in accordance with the provisions of this Ordinance and of the rules made thereunder by the Governor in Council and confirmed by the Legislative Council.

(2) The rules contained in the Third Schedule hereto shall be deemed to have been made and confirmed as aforesaid and shall remain in force until revoked or amended.

24. The Governor may by notice in the *Royal Gazette* vary all or any of the dates in this Part of this Ordinance and the Third Schedule hereto mentioned and may substitute other dates in lieu thereof. The power conferred on the Governor by this section may be exercised in relation to a particular register specified in the notice or in relation to registers generally.

25. Copies of the current register of voters of an electoral division may be obtained on application made to the Registration Officer of such division and on payment of such fee as may be prescribed.

26. (1) An appeal shall lie from any decision of a Registration Officer of any electoral division on any claim or objection which has been considered by any such Officer under this Ordinance. Any such appeal shall lie to a Magistrate within whose magisterial district the said electoral division is. No appeal shall lie where a claimant or objector has not availed himself of his opportunity.

as provided by this Ordinance or the rules made thereunder, 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 Clerk of the appropriate Magistrate's 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 Clerk of the Peace accordingly 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 and the costs of such appeal shall be in the discretion of the Court.

(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 Clerk of the court of the decision on any appeal under this section, and the Registration Officer shall make such alterations in the list of voters or the register, as the case may be, as may be necessary to give effect to such decision.

27. (1) The Governor in Council may make rules for regulating the practice in respect of appeals under the last preceding section of this Ordinance. Rules of Court.

(2) Rules made under this section shall not have effect until approved by the Legislative Council.

28. Any expenses properly incurred by any Registration Officer in the performance of his duties under this Ordinance in relation to registration, and any costs incurred by him as party to an appeal, shall be paid from the public moneys of the Colony (save in so far as paid by an appellant). Expenses of registration.

PART V.

ELECTIONS.

29. The first general election of members of the County Councils shall be held in the month of December, 1945, on such date or dates as the Governor shall appoint. General elections shall subsequently take place during the last month of each triennial period, the first of which shall begin on the first day of January, 1946. Time for holding elections. *Amended by Dec: 21 28 37/45*

30. (1) The Governor shall from time to time appoint a Returning Officer for each electoral district, and may at any time cancel any such appointment. Notice of every such appointment shall be published in the *Royal Gazette*. Returning Officers and Presiding Officers.

(2) If any Returning Officer is prevented, by sickness or any other cause, from acting, or refuses or neglects to act, at any election, the Governor may at any time appoint some other person to act in the place of such Returning Officer at such election, and it shall not be necessary to publish in the *Royal Gazette* any appointment made under this subsection.

31. (1) For the purposes of every general election of members of County Councils and for the purposes of the election of members to supply vacancies caused by death, resignation, or otherwise, the Governor shall issue writs of election addressed to the Returning Officers of the respective electoral districts for which members are to be returned. Issue of writs for general elections.

In the case of a bye-election, the writ shall specify the electoral division or divisions concerned and the number of members which are to be returned in each such division.

(2) Every such writ shall specify the day and place of election and shall be returnable to the Governor as hereinafter provided. Every such writ shall be issued at least fifteen clear days before the day fixed for the election.

Notice of election.

32. On the Governor issuing a writ of election, the Returning Officer shall forthwith publish notice of the issue of such writ and of the day and place fixed for the election in one or more daily newspapers; and the Returning Officer shall also cause notices to be posted up in a conspicuous position at the Wardens' offices and sub-offices and at Police stations in the electoral district naming the day and place fixed for the election, on which day nomination of members will be received by him.

Copies of register of electors to be available.

33. Before the day fixed for holding an election every Returning Officer shall obtain from the Registration Officer or Officers in the electoral district a sufficient number of copies of the register of voters for the time being in force by virtue of this Ordinance.

Nomination of candidates.

34. (1) On the day and at the place fixed for holding the election the Returning Officer shall attend at nine o'clock in the morning to receive the nomination of candidates for the seat or seats to be filled.

(2) Every candidate for membership of a County Council shall be nominated in writing by two registered voters of the electoral division for which he is nominated. Every nomination shall contain the full name of the candidate and his place of abode and description. Every nomination shall be delivered to the Returning Officer between the hours of nine o'clock and twelve o'clock in the forenoon and one o'clock and four o'clock in the afternoon.

4th Schedule

(3) Every nomination shall be accompanied by a statutory declaration by the candidate of his qualifications and of his willingness to serve. Such declaration shall be in the form in the Fourth Schedule to this Ordinance and if it is not delivered as aforesaid the nomination of such candidate shall be deemed to be void.

Uncontested elections.

35. If the number of candidates duly nominated in respect of any electoral division does not exceed the number of seats vacant in any such division, the Returning Officer shall forthwith publicly declare such candidate or candidates, as the case may be, to be elected and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate or candidates.

36. (1) If there shall be more candidates duly nominated for any electoral division than there are seats to be filled, a poll of the voters shall be taken in each such division, and in such case the Returning Officer shall adjourn the elections to a day being not less than eight days and not later than fifteen days after the day fixed for holding the election. ^{Contested elections.}

(2) The Returning Officer shall, as soon as practicable after adjourning the election, give public notice of the day on which the poll will be taken, the electoral divisions in which it will be taken, the candidates nominated for each such division, and the situation of each polling station. Such notice shall be published in one or more daily newspapers and copies thereof shall be posted up in a conspicuous position at Wardens' offices and sub-offices and Police stations in the electoral district to which they relate.

37. (1) Any candidate duly nominated, may, not less than six clear days before the day fixed for taking the poll, withdraw from his candidature by giving notice to that effect, signed by him, to the Returning Officer: ^{Withdrawal of candidature} Provided that on such withdrawal there remains not less than one duly nominated candidate where there is only one seat to be filled or there remain not less than two duly nominated candidates where there are two seats to be filled.

(2) If any such candidate withdraws from his candidature in accordance with the preceding subsection or dies, before the day fixed for taking the poll, the Returning Officer shall forthwith give public notice of such withdrawal or death in the manner mentioned in the last preceding section; and if on such withdrawal or death there remains only one duly nominated candidate where there is only one seat to be filled or there remain only two duly nominated candidates where there are two seats to be filled, the Returning Officer shall forthwith declare such candidate or candidates to have been elected, and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate or candidates.

38. (1) In the case of a poll at an election, the votes shall be given by ballot. ^{Vote by ballot.} The ballot of each voter shall consist of a paper (hereinafter referred to as a "ballot

paper") showing the names and description of the candidates. Each ballot paper shall have a number printed on the back and shall have attached to it a counter-foil with the same number printed on the face.

(2) The Returning Officer shall, on or before the day fixed for taking the poll, visit each polling station and see that each such station is provided with proper doors, barriers, tables, chairs and other conveniences, and is properly arranged for carrying out the provisions of this Ordinance.

The Returning Officer shall, subject to the approval of the Governor, appoint a Presiding Officer to preside at each polling station, and such clerks and other persons as he may deem necessary to assist in the taking of the poll and subsequent counting of the votes: Provided that no person shall be appointed by a Returning Officer for the purpose of a poll if such person has been employed by any other person in or about the election. The Returning Officer shall also provide each polling station with a copy certified under his hand of the register of voters for the electoral division or polling district, as the case may be, a proper ballot box, and a sufficient number of voting papers, and such other conveniences for taking the poll as may be necessary.

Proper polling station.

39. No person shall vote at any polling station other than the polling station appointed for voters of the electoral division or polling district in respect of which he is registered as a voter. Any person contravening this section shall be liable on summary conviction to imprisonment for three months.

Hours for taking the poll.

40. (1) The taking of the poll at each polling station shall be between the hours of eight and twelve o'clock in the morning and one and five o'clock in the afternoon of the same day and a Presiding Officer shall preside at every polling station during the whole time that the poll is being taken.

(2) During the interval when voting is suspended between twelve noon and one o'clock the Presiding Officer shall place the ballot box and all documents relating to the election under his own seal, and shall take proper precautions for the security of such ballot box and documents.

41. (1) Each ballot box shall be of convenient size, and shall be so constructed that a ballot paper can be introduced therein but cannot be withdrawn without the box being unlocked. Each such box shall be provided with a lock and key. Size and construction of ballot box.

(2) Immediately before the taking of the poll, the Presiding Officer shall exhibit the ballot box empty to such persons as may be in the polling station. He shall then securely lock it, and seal it in such a manner as to prevent its being opened without breaking the seal, and such box shall not be again unlocked except by the Returning Officer at the close of the poll in manner hereinafter mentioned.

42. For the guidance of voters, notices shall be printed in bold characters and posted in various conspicuous places outside and inside of each polling station in the form set out below (adapted to suit the circumstances of each case) :— Directions to voters.

“ Directions.

- (1) You can vote for one candidate only.
two candidates
- (2) Place a cross opposite the name of the candidate for whom you wish to vote.
each candidate
- (3) Fold up your ballot paper so that your cross
crosses
cannot be seen ; show the official mark on the back of your ballot paper to the Presiding Officer and then put it in the ballot box and leave the room.”

43. (1) Each Presiding Officer shall keep order at his polling station and shall regulate the number of voters to be admitted at a time and exclude all other persons except his assistants, the candidates, one agent for each candidate appointed by such candidate in writing, and the constables on duty. Keeping of order at polling station.

(2) The candidates and their agents shall be posted in such a place that they can see each person who presents himself as a voter, and hear his name as given by him, but so that they cannot see how any voter votes. They shall not interfere in the proceedings save in so far as may be allowed by this Ordinance.

(3) If any person persists, after being warned, in disobeying the directions of the Presiding Officer or in acting in contravention of this section it shall be lawful for the Presiding Officer to cause him to be removed from the polling station.

(4) In any case where the proceedings at a polling station are interrupted or obstructed by any riot or open violence, the Presiding Officer may adjourn the further holding of the election at such polling station until the next working day, and so on as often as may be necessary.

(5) Any of the powers vested in the Presiding Officer by this section shall be exercisable by the Returning Officer.

Voting.

44. (1) Each person on coming to vote shall state his name and address to the Presiding Officer or polling clerk in an audible voice.

(2) Immediately before a ballot paper is delivered to a person coming to vote it shall be marked on both sides with the official mark, either stamped or perforated, and the number, name and residence of the voter as stated in the copy of the register shall be called out, and the number of such voter shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the voter to denote that he has received a ballot paper but without indicating the particular ballot paper which he has received.

(3) The Presiding Officer may, and shall, if requested by a candidate or his agent, put to the voter the following questions :—

(a) Are you the same person whose name appears as A.B. on the register of voters now in force for this division?

(b) Have you already voted at this election either here or elsewhere?

If any person refuses or fails to answer any question put to him as in this subsection provided, the Presiding Officer may refuse to give him a ballot paper, and if any person makes a false answer to any such question he shall be liable, on summary conviction, to imprisonment for three months.

(4) A voter, on receiving his ballot paper, shall forthwith retire to a screened table set apart within the polling station and there secretly mark his paper and fold

it up so as to conceal his votes. He shall then put the ballot paper, so folded up, into the ballot box after having shown the Presiding Officer the official mark on the back. A voter shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

(5) A voter shall mark his vote or votes upon the ballot paper by placing a cross opposite the name of the candidate for whom he wishes to vote, or, if there be two seats to be filled, opposite the name of the candidate or candidates (not exceeding two) for whom he wishes to vote.

(6) The Presiding Officer shall, on request, give such instructions as may appear to be necessary to any voter as to the manner in which he should record his vote.

45. The non-attendance of any candidate at a polling station or during the counting of votes shall not in any way invalidate any act or thing done under this Ordinance if such act or thing is otherwise duly done, notwithstanding any provision which requires such act or thing to be done in the presence of such candidate.

Non-attendance of candidates not to invalidate any act.

46. If a person representing himself to be a particular voter named on the register applies for a ballot paper after another person has voted as such voter, the applicant shall, upon duly answering the questions set forth in subsection (3) of section 44 of this Ordinance, be entitled to mark a ballot paper in the same manner as any other voter; but the ballot paper (hereinafter referred to as a tendered ballot paper) shall be of a colour differing from the other ballot papers, and, instead of being put into the ballot box, shall be given to the Presiding Officer. A tendered ballot paper shall be endorsed by the Presiding Officer with the name of the voter and his number in the register of voters, and set aside in a separate packet. A tendered ballot paper shall not be counted by the Returning Officer, but the name of the voter and his number on the register shall be entered on a list to be called the tendered votes list.

Tendered ballot paper.

47. (1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the Presiding Officer the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the Presiding Officer, obtain another ballot paper in

Spoilt ballot papers.

the place of the one so delivered up (hereinafter referred to as a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled by the Presiding Officer writing the word "cancelled" across the face of the same.

(2) All cancelled ballot papers shall be preserved by the Presiding Officer in a separate packet and shall be given up by him at the close of the poll to the Returning Officer as hereinafter provided.

Blind, illiterate, &c., voters.

48. (1) If any voter is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Ordinance, or if any voter informs the Presiding Officer that he is unable to read, the Presiding Officer shall, at the request of such voter, mark or cause to be marked such voter's vote or votes on the ballot paper in the manner directed by such voter and shall have the ballot paper so marked to be placed in the ballot box. The name and number on the register of voters of every voter whose vote or votes is or are so marked for him and the reason why he has not personally marked the ballot paper shall be entered on a list to be called the list of votes marked by the Presiding Officer.

(2) All necessary precautions shall be taken by the Presiding Officer to ensure that no person, save the person by whom the ballot paper is marked for the voter, shall know for whom such voter has voted.

Duty of Presiding Officer at close of the poll.

49. (1) The Presiding Officer of each polling station, as soon as practicable after the close of the poll, shall in the presence of the candidates or their agents, make up into separate packets, sealed with his own seal and the seals of such candidates or of their agents as desire to affix their seals—

- (a) each ballot box in use at his station, unopened but with the key attached, and so sealed as to prevent the introduction of additional ballot papers, and
- (b) the unused and spoilt ballot papers, and
- (c) the tendered ballot papers, and
- (d) the marked copies of the register of voters and the counterfoils and the ballot papers, and
- (e) the tendered votes list, and the list of votes marked by the Presiding Officer,

and shall, with all convenient speed, deliver such packets to the Returning Officer.

(2) The packets shall be accompanied by a statement made by the Presiding Officer showing the number of ballot papers entrusted to him and accounted for under the heads of "Ballot papers in the ballot box" and "Unused, spoilt and tendered ballot papers", which statement is in this Ordinance referred to as a ballot paper account.

50. (1) The Returning Officer shall make arrangements for counting the votes as soon as practicable after the close of the poll and the candidates or their agents shall be informed of the day and time at which counting will begin. The counting shall take place at the place of election as specified in the writ and the Returning Officer shall deal with each electoral division separately and in turn. Counting of votes.

(2) The Returning Officer shall count the votes contained in the ballot box or boxes from each electoral division in the presence of the candidates for such division or of their agents and he shall keep the ballot papers face upwards and shall take all proper precautions for preventing any person from seeing the numbers on the backs of such papers.

(3) Each candidate may appoint one agent to attend the counting of the votes.

(4) The Returning Officer shall as far as practicable proceed continuously with the counting of the votes, allowing only time for refreshments, and excluding (except so far as he and the candidates or their agents agree) the hours between 10 p.m. and 8 a.m. During the excluded period the Returning Officer shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such of the candidates or of their agents as desire to affix their seals, and the Returning Officer shall take proper precautions for the security of such papers and documents.

(5) Any ballot paper which has not on its back an official mark, or on which a vote is given to more than one candidate where there is only one seat to be filled, or to more than two candidates where there are two seats to be filled, or on which anything except the same number on the back is written or marked, by which the voter can be identified, or which is unmarked or about which there is any uncertainty as to the vote, shall be void and not counted.

(6) The Returning Officer shall endorse the word "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection

objected to " if an objection to his decision is in fact made by a candidate or his agent. The Returning Officer shall report to the Governor the number of ballot papers rejected and not counted by him under the several heads of—

- (a) want of official mark,
- (b) voting for more candidates than entitled to,
- (c) writing or mark by which voter can be identified,
- (d) unmarked or for any uncertainty,

and shall, on request, allow the candidates or their agents before such report is sent to copy it.

(7) The decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final subject to reversal on proceedings being taken to question the election or return.

(8) Upon the completion of the counting in respect of each electoral division, the Returning Officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or marked copy of the register of voters and counterfoils, but shall proceed, in the presence of the candidates or their agents, to verify the ballot paper account given by each Presiding Officer by comparing it with the number of ballot papers counted by him as aforesaid, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination.

Casting vote
of Returning
Officer.

51. The Returning Officer shall not be entitled to vote at an election for which he is the Returning Officer: Provided that whenever there is an equality of votes between candidates in the same electoral division at any election and the number of seats to be filled is less than the number of such candidates, the Returning Officer may, if he is registered as a voter in such electoral division, give an additional vote to one such candidate (if there is only one seat to be filled) or to two such candidates (if there are two seats to be filled).

If the Returning Officer is not a registered voter, or if, being so registered, he declines to vote, he shall, when there is an equality of votes, make a special mention of the result when endorsing the writ of election, and the County Council for the electoral district concerned shall, on request made by the Governor, declare one or two of the candidates, as the case may require, to be duly elected as a member or members of such County Council.

52. (1) The Returning Officer shall, as soon as he shall have ascertained the result of the poll in any electoral division, forthwith publicly declare to be elected the candidate or candidates for whom the majority of votes have been given. Where there is an equality of votes, and the Returning Officer has not given his casting vote under the provisions of the last preceding section, the names of the candidates concerned shall be announced, and the Returning Officer shall proceed as provided in the last preceding section.

Declaration of
the poll and
return of the
writ.

(2) Immediately after publishing the result of the poll in respect of any electoral division, the Returning Officer shall endorse the result of the poll on the writ showing the number of votes given to each candidate.

(3) As soon as all the endorsements on the writ of election have been made, such writ shall be forwarded to the Governor by the Returning Officer together with a statement, showing with respect to each electoral division—

- (a) the number of persons who, from the counter-foils, appear to have been supplied with ballot papers ;
- (b) the number of persons who voted ;
- (c) the number of rejected votes ;
- (d) the number of spoilt ballot papers ;
- (e) the number of unused ballot papers ;
- (f) the number of ballot papers marked or caused to be marked by the Presiding Officer.

(4) The Returning Officer shall, as soon as may be after returning the writ of election to the Governor, forward the parcel of papers made up in accordance with subsection (1) of section 49 of this Ordinance to the Warden of the County in which the election was held, and the Warden shall keep the same in safe custody and shall allow no person to have access thereto: Provided that when proceedings questioning the validity of any election or return have been taken under this Ordinance, the Warden shall, on the order of the magistrate dealing with such proceedings, deliver to such magistrate the parcel of papers relating to the election which is in dispute: Provided also that after the expiration of twelve months from the date of any election it shall be lawful for the Warden to burn the said parcel of papers used at such election.

(5) Nothing in this section contained shall be held to prevent a magistrate from inspecting any paper delivered to him as provided in the last preceding subsection.

Publication
of names of
councillors.

53. The Colonial Secretary shall cause the name or names of the person or persons elected as councillors to be published in the *Royal Gazette*.

Protection of
voter.

54. No voter who has voted at an election shall, in any proceedings to question an election, be required to state for whom he voted.

Saving validity
of elections.

55. No election shall be declared invalid by reason of any non-compliance with the directions of this Ordinance as to the procedure at an election, or by reason of any mistake in the use of any of the prescribed forms, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Ordinance and that such non-compliance or mistake did not affect the result of the election.

Irregularity at
elections.

56. In case no election is had of any councillor or councillors upon the date or within the time provided for such election, or if, in case of any such election being had, the same is or afterwards becomes void, the voters shall not thereby be disabled from electing such councillor or councillors for the future; but in any such case the election shall be had as in the case of a bye-election.

Invalid
elections.

57. (1) Whenever a complaint shall be made to the Magistrate having jurisdiction in an electoral district by any person who was a candidate at any election held in such district under this Ordinance, or by any six persons entitled to vote at any such election, that an undue return or undue election of a councillor has been made, the provisions of the following subsections shall apply.

(2) The Magistrate shall issue a summons to the Returning Officer at such election and also to the person or persons against whose return or election the petition has been presented, to appear before him on a day to be named in such summons.

(3) On such parties appearing, or in default of their appearance, on it being shown that such summons was duly served, it shall be lawful for such Magistrate to investigate the matter of such election petition, and if on such investigation it shall appear to him that such election was invalid, or that any other person ought to have been returned thereat in preference to the person returned as elected, it shall be lawful for the said Magistrate

to declare accordingly. If the Magistrate shall declare the said election to have been invalid, the same shall be deemed to have been null and void, and a fresh election shall be held as upon a vacancy ; if the said Magistrate shall declare that any person ought to have been returned in preference to any other person, the latter person shall at once cease to be a councillor, and the first-mentioned person shall be deemed to all intents and purposes to have been duly elected.

(4) No proceedings under this section shall be taken except within twenty-one days after the return made by the Returning Officer to the Governor of the member or members to whose election the complaint relates.

(5) It shall be lawful for the Magistrate in proceedings under this section to make such order as to costs as may seem to him right.

(6) The Magistrate to whom complaint is made under the provisions of subsection (1) of this section shall require the person or persons making complaint to deposit with him by way of security, preliminary to the issuing of the summons mentioned in subsection (2) of this section, the sum of seventy five dollars.

(7) In the event of such Magistrate making an order for costs against the person or persons so complaining, the sum so deposited shall, to the extent to which the same may suffice, be applied in discharge of the costs so awarded, and the balance thereof (if any) shall be returned to the complainant or complainants.

PART VI.

ELECTION OFFENCES.

58. The following persons shall be deemed guilty of bribery within the meaning of this Ordinance :—

Definition of bribery.

- (1) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election.

- (2) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election.
- (3) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of a County Council, or the vote of any voter at any election.
- (4) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures or engages, promises or endeavours to procure the return of any person as an elected member of a County Council or the vote of any voter at any election.
- (5) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election.
- (6) Every voter who, before or during any election, directly or indirectly, by himself or by any other person in his behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place, or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.

- (7) Every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such election.
- (8) Every person who, directly or indirectly, corruptly pays any rate or tax on behalf of any other person for the purpose of enabling him to be registered as a voter in order thereby to influence his vote at any future election, and every person on whose behalf, and with whose privity, any such payment as last aforesaid is made.

59. The following persons shall be deemed guilty of Definition of treating. treating within the meaning of this Ordinance:—

- (1) Every person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly, gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote or to refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election.
- (2) Every voter who corruptly accepts or takes any such food, drink, entertainment, or provision.

60. Every person who, directly or indirectly, by himself Definition of undue influence. or by any other person on his behalf, makes use of or threatens to make use of, any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Ordinance,

Definition of personation.

61. Every person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name, shall be guilty of personation within the meaning of this Ordinance.

Penalty for bribery, treating or undue influence.

62. Every person who is guilty of bribery, treating or undue influence, under the provisions of this Ordinance shall, on summary conviction thereof, be liable to imprisonment for six months or to a fine of four hundred and eighty dollars.

Penalty for personation.

63. Every person who is guilty of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation, shall, on conviction thereof, be liable to imprisonment for two years.

Disqualification for bribery, &c.

64. Every person who is convicted of bribery, treating, undue influence, or personation, or of aiding, counselling, or procuring the commission of the offence of personation shall (in addition to any other punishment) be incapable during a period of seven years from the date of conviction—

- (a) of being registered as a voter, or voting at any election of a member of any County Council;
- (b) of being elected a member of any County Council, or if elected before his conviction, of retaining his seat as such member.

Penalty for certain illegal practices at elections.

65. Every person who—

- (a) votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Ordinance, or by any law, from voting at such election;
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate,

shall be guilty of an illegal practice, and shall, on summary conviction thereof, be liable to a fine of four hundred and eighty dollars and be incapable, during a period of five years from the date of conviction, of being registered as a voter, or voting at any election.

66. Every person who—

- (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper or the official mark on any ballot paper ; or
- (b) without due authority supplies a ballot paper to any person ; or
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in ; or
- (d) fraudulently takes out of the polling station any ballot paper ; or
- (e) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election ; or
- (f) not being duly registered as a voter, votes at an election,

Offences in respect of ballot papers, &c.

shall be liable, on summary conviction, if he is Returning Officer or Presiding Officer, or clerk employed at a polling station, to imprisonment for one year or to a fine of four hundred and eighty dollars, and, if he is any other person, to imprisonment for six months or to a fine of two hundred and forty dollars.

In any information or prosecution for an offence in relation to the ballot boxes, ballot papers, and other things in use at an election, the property in such ballot boxes, ballot papers, or things may be stated to be in the Returning Officer at such election.

67. (1) Every officer, clerk and agent, in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at that station, and no person shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

Infringement of secrecy.

(2) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not attempt to ascertain at such counting the number on the back of any ballot paper or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(3) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom or against whose name he has so marked his vote.

(4) Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction, to imprisonment for six months or to a fine of two hundred and forty dollars.

PART VII.

GENERAL.

Computation
of time.

68. In reckoning time for the purposes of this Ordinance, Sunday, Christmas Day, Good Friday, Easter Monday, Whit Monday, Corpus Christi, New Year's Day (and if that day falls on a Sunday the next following Monday), Empire Day (and if that day falls on a Sunday the next following Monday), the first Monday in August, Boxing Day (if Christmas Day falls on a Saturday, the next following Monday shall be a public holiday, and if Christmas Day falls on a Sunday, then the next following Monday and Tuesday shall be public holidays), and any other public holiday, shall be excluded; and where anything required by this Ordinance or any rules or regulations thereunder to be done on any day falls to be done on any such excluded day, that thing may be done on the next day, not being one of such excluded days.

Regulations.

69. The Governor in Council may make regulations prescribing the forms to be used for the purposes of this Ordinance, and generally, for carrying out the provisions of this Ordinance.

FIRST SCHEDULE.

(SECTION 3)

PART I.

<i>Name of Electoral District.</i>	<i>Description of Electoral District.</i>	<i>Electoral Divisions.</i>
1. St. George	...County of St. George exclusive of the City of Port-of-Spain and the Borough of Arima as respectively described in the Port-of-Spain Corporation Ordinance and the Arima Corporation Ordinance.	(i) St. Ann's Ward. (ii) Diego Martin Ward. (iii) Tacarigua Ward. (iv) Arima Ward (exclusive of the Borough of Arima). (v) San Rafael Ward. (vi) Blanchisseuse Ward.
2. St. David-St. Andrew	Counties of St. David and of St. Andrew	(i) Toco Ward. (ii) Valencia Ward. (iii) Matura Ward (iv) Manzanilla Ward. (v) Turure Ward. (vi) Tamana Ward.
3. Nariva-Mayaro	Counties of Nariva and of Mayaro	(i) Charuma Ward. (ii) Cocal Ward. (iii) Guayaguayare Ward. (iv) Trinity Ward.
4. Caroni	...County of Caroni	... (i) Cunupia Ward. (ii) Chaguanas Ward. (iii) Montserrat Ward. (iv) Couva Ward.
5. Victoria	...County of Victoria (exclusive of the Borough of San Fernando as described in the San Fernando Corporation Ordinance)	(i) Pointe-a-Pierre Ward. (ii) Naparima Ward (exclusive of the Borough of San Fernando). (iii) Savana Grande Ward. (iv) Ortoire Ward. (v) Moruga Ward.
6. St. Patrick	...County of St. Patrick	... (i) La Brea Ward. (ii) Cedros Ward. (iii) Erin Ward. (iv) Siparia Ward.
7. Tobago	...The Island of Tobago	... (i) Parish of St. David. (ii) Parish of St. Patrick. (iii) Parish of St. Mary. (iv) Parish of St. John. (v) Parish of St. Paul (including the Town of Roxborough) (vi) Parish of St. George. (vii) Parish of St. Andrew (including the Town of Scarborough).

PART II.

The boundaries set out below are indicated on a map of Tobago kept at the office of the Director of Surveys at Port-of-Spain and bearing the inscription "This is the map referred to in the First Schedule to the County Councils Ordinance" signed and dated by the Director of Surveys. A copy of such map will be deposited at the Warden's Office at Scarborough, Tobago.

Parish of St. David.

The parish is bounded by a line commencing at a point on mean high water mark of ordinary spring tides (hereinafter referred to as 'high water mark') on the west coast of the Island situate in midstream at the mouth of the Courland River proceeding thence in a south-easterly direction upstream along the centre line of the said river to a point in the centre of the Plymouth road at its crossing of the said river; thence south-eastwards along the centre of the Plymouth Road to a point at its junction with the southern end of the Whim Local Road; thence northwards and eastwards along the centre of the Whim Local Road and of the Dunvegan Road to a point at the junction of the last named road with the Providence Road; thence northwards along the centre of the Providence Road to a point in midstream at the crossing by the said road of the Providence River; thence downstream along the centre line of the said river in a north-westerly direction to its confluence with the Courland River thence upstream in a general north-easterly direction along the centre line of the Courland River to a point at its source; thence due north to a point on the crest of the Main Ridge near Mount Dillon; thence north-eastwards along the crest of the said ridge to a point due south of the source of Stettin River; thence due north to a point at the source of the said river; thence downstream in a general northerly direction along the centre line of the said river to a point at its mouth on high water mark of Englishman's Bay situate on the north-west coast of the Island; thence in a general south-westerly direction along high water mark to the point of commencement.

Parish of St. Patrick.

The Parish is bounded by a line commencing at a point on mean high water mark of ordinary spring tides (hereinafter referred to as 'high water mark') on the west coast of the Island situate in midstream at the mouth of Courland River proceeding thence in a south-easterly direction upstream along the centre-line of the said river to a point in the centre of the Plymouth Road at its crossing of the said river; thence south-eastwards along the centre of the Plymouth Road to a point at its junction with a foot-path or trace which junction is situate about 600 feet west of the southern end of the Whim Local Road; thence in a south-westerly direction along the centre of the said foot-path or trace through Orange Hill Estate to its junction with the Orange Hill Road; thence south-westwards along the centre of the Orange Hill Road, to a point at its junction with the Bethel-Hopeton Road; thence southwards and westwards along the centre of the said road to a point at its junction with the Montgomery Local Road; thence south-westward along the centre of the said road to a point at its junction near Montgomery Church with the Buccoo Bay Road; thence generally southwards along the centre of the Montgomery Local Road to a point at its junction with the Orange Road; thence south-eastwards along the centre of the Orange Road to a point at its junction with the Buccoo Main Road; thence generally eastwards along the centre of the Orange Road to a point at its junction with the Milford Road; thence due east for about 100 feet to a point on high water mark at Little Rockly Bay on the south-east coast of the Island; thence; south-westwards and westwards along high water mark to Crown Point; thence northwards along high water mark to Pigeon Point; thence north-eastwards along high water mark to the point of commencement.

Parish of St. Mary.

The Parish is bounded by a line commencing at a point on mean high water mark of ordinary spring tides (hereinafter referred to as 'high water mark') at Barbados Bay on the south-east coast of the Island which point is situate south-west of the commencement of a road connecting the sea coast with the Windward Road proceeding thence to the commencement and along the centre of the said connecting road to a point at its junction with the Windward Road; thence in a general north-westerly direction along the centre of the Caledonia Road to a point at its junction south of Greenhill with the Mount St. George Local Road; thence in a general northerly direction along the centre of the Caledonia-Castara Road to a point on the crest of Main Ridge; thence north-eastwards along the crest of Main Ridge to a point due north of the source of Belle River; thence due south to a point at the source of the said river; thence downstream in a general southerly direction along the centre line of the said river to a point at its confluence with Great Dog River; thence downstream in a general south-easterly direction along the centre line of the said Great Dog River to a point on high water mark at Richmond Bay; thence in a general south-westerly direction along high water mark to the point of commencement: Smith's Island.

Parish of St. John.

The parish is bounded by a line commencing at a point on mean high water mark of ordinary spring tides (hereinafter referred to as 'high water mark') situate in midstream at the mouth of Stettin River at Englishman's Bay on the north-west coast of the Island proceeding thence upstream in a southerly direction along the centre line of the said Stettin River to a point at its source; thence due south to a point on the crest of Main Ridge; thence north-eastwards along the crest of the said ridge to the trigonometrical station at an elevation of 1,804 feet on the summit of Pigeon Peak; thence south-eastwards in a straight line to a point in the centre of the roadway at the junction of the Windward Main Road with the Merchiston Road; thence south-eastwards in a straight line to a point at the source of a stream which flows into Lucy Vale Bay; thence downstream in an easterly direction along the centre of the said stream to a point on high water mark at Lucy Vale Bay on the north-east coast of the Island; thence northwards and south-westwards along high water mark to the point of commencement: Giles or Melville Islands; Little Tobago and Goat Island.

Parish of St. Paul.

The parish is bounded by a line commencing at a point on mean high water mark of ordinary spring tides (hereinafter referred to as 'high water mark') at Richmond Bay on the south-east coast of the Island which point is situated in midstream at the mouth of Great Dog River proceeding thence upstream in a general north-westerly direction along the centre line of the said river to a point at its confluence with Belle River; thence upstream in a general northerly direction along the centre of the said Belle River to a point at its source; thence due north to a point on the crest of Main Ridge; thence north-eastwards along the crest of the said ridge to the trigonometrical station at an elevation of 1,804 feet on the summit of Pigeon Peak; thence south-eastwards in a straight line to a point in the centre of the roadway at the junction of the Windward Main Road with the Merchiston Road; thence south-eastwards in a straight line to a point at the source of the stream which flows into Lucy Vale Bay; thence downstream in an easterly direction along the centre of the said stream to a point on high water mark at Lucy Vale Bay on the north-east coast of the Island; thence southwards and south-westwards along high water mark to the point of commencement; Queens' Island and Richmond Island.

Parish of St. George.

The parish is bounded by a line commencing at a point on mean high water mark of ordinary spring tides (hereinafter referred to as 'high water mark') at Minister Bay on the south-east coast of the Island situate in midstream at the mouth of Bacolet River proceeding thence upstream in

a general north-westerly direction along the centre line of the said river to a point which bears south-east from a point in the centre of the North Side Road at the 2nd Mile post situate about 800 feet north-west of the junction of the said road with a road connecting the said North Side Road with Providence Road; thence north-west in a straight line to the point in the centre of the North Side Road previously described; thence in a North-westerly direction in a straight line to the source of the first tributary which enters the Providence River on the right ascending above the first crossing of the said river by the Providence Road; thence down-stream in a general north-westerly direction along the centre line of the said tributary to a point at its confluence with the Providence River; thence westwards along the centre line of the Providence River to a point at its confluence with the Courland River; thence upstream in a general north-easterly direction along the centre line of the said river to a point at its source; thence due north to a point on the crest of Main Ridge near Mount Dillon; thence eastwards along the crest of Main Ridge to a point in the centre of the Caledonia-Castara Road; thence in a general southerly direction along the centre of the Caledonia-Castara Road to a point south of Greenhill at the junction of the said road with the Mount St. George Local Road; thence south-eastwards along the centre of the Caledonia Road to a point at its junction with the Windward Road; thence south-westwards along the centre of a road connecting Windward Road with the sea coast at Barbados Bay and continuing to a point on high water mark at the said bay; thence westwards and south-westwards along high water mark to the point of commencement.

Parish of St. Andrew.

The parish is bounded by a line commencing at a point on mean high water mark of ordinary spring tides (hereinafter referred to as 'high water mark') at Little Rockly Bay on the south-east coast of the Island which point is situate due east of and about 100 feet from the junction of Milford and Orange Roads proceeding thence due west for about 100 feet to a point in the centre of the road at the said junction; thence generally westwards along the centre of the Orange Road to a point at its junction with the Buccoo Main Road; thence north-westwards along the centre of the Orange Road to a point at its junction with the Montgomery Local Road; thence northwards along the centre of the Montgomery Local Road to its junction near Montgomery Church with the Buccoo Bay Road; thence north-eastwards along the centre of the Montgomery Local Road to a point at its junction with the Bethel-Hopeton Road, thence eastwards and north-eastwards along the centre of the Bethel-Hopeton Road to a point at its junction with the Orange Hill Road; thence north-eastwards along the centre of the said road to a point at its junction with a foot-path or trace; thence north-eastwards along the centre of the said foot-path or trace through Orange Hill Estate to a point at its junction with the Plymouth Road; thence eastwards along the centre of the Plymouth Road for about 600 feet to a point at its junction with the Whim Local Road; thence northwards and eastwards along the centre of the Whim Local Road and of the Dunvegan Road to a point at the junction of the last named road with the Providence Road; thence northwards along the centre of the Providence Road to a point in midstream at the crossing by the said road of the Providence River; thence upstream along the centre line of the said river to a point at its confluence with the first tributary entering it on the right ascending; thence south-eastwards along the centre line of the said tributary to its source and continuing in a straight line in the same general direction to a point in the centre of the North Side Road at the 2nd Mile post situate about 800 feet north-west of the junction of the said road with a road connecting the said North Side Road with Providence Road; thence south-east in a straight line to a point in mid-stream of the Bacolet River; thence in a general south-easterly direction along the centre line of the said river to a point on high water mark at Minister Bay on the south-east coast of the Island; thence south-westwards along high water mark to the point of commencement.

SECOND SCHEDULE.

(Section 7)

DECLARATION TO BE MADE BY PERSON ELECTED TO BE A MEMBER OF A COUNTY COUNCIL.

I,..... having been elected a member of the County Council of..... on the..... do solemnly and sincerely declare as follows :—

That I am duly qualified to be a member of the said County Council and that my qualification is the following :—

- 1. I am registered as a voter for the electoral division of.....
2. I am able to speak the English language.
3. I reside in the electoral district of
4. I possess in my own right immovable property in the aforesaid electoral district of the clear value of five hundred dollars free from all encumbrances ;

or

I am in receipt of a clear annual income of not less than two hundred and forty dollars ;

or

I am in occupation as tenant (or usufructuary) of a house, or house and land, in the aforesaid electoral district of an annual rental of not less than sixty dollars. I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Ordinance, and I am aware that if there is any statement in this declaration which is false in fact, which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

THIRD SCHEDULE.

(Section 23)

REGISTRATION RULES.

Form of Register.

1. The names in the register, or in each part thereof where the register is compiled in separate parts, shall be arranged in alphabetical order and shall be numbered consecutively. Such register shall be in the form A in the Appendix to these Rules or such other form as may be prescribed.

Amended Form of Register. sec. 5 37/4

Duty of Registration Officer to prepare and publish lists.

2. It shall be the duty of the Registration Officer of each electoral division 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 (hereinafter referred to as the voters' lists) of all persons in the electoral division appearing to be entitled to be registered as voters and to publish such list in the form in which the register is to be framed on or about the 1st day of July of each year during which a register has to be compiled; Provided that in respect of the year 1945, such publication may be made not later than the first day of August.

Duty of registration officer to prepare electors' lists.

Claims to be registered.

Claims to be registered.

3. Any person who claims to be entitled to be registered as a voter and is not entered, or is entered in an incorrect manner or with incorrect particulars, on the voters' list, may claim to be registered or to be registered correctly, as the case may be, by sending to the Registration Officer a claim in the forms "B" or "C" in the Appendix to these Rules not later than the fifteenth day of July next following the publication of such list. It shall be the duty of every Registration Officer to publish a list of such claimants not later than the last day of July next following:

Form B.

Provided that in respect of the year 1945, the fifteenth day of August and the last day of August shall be respectively substituted for the fifteenth day of July and the last day of July.

Objections.

Notice of objections.

Form D.

4. Any person whose name appears on the voters' lists for an electoral division may object to the registration of any person whose name is included in any such list by sending notice of objection in the form D in the Appendix to these Rules, or such other form as may be prescribed, to the Registration Officer not later than the fifteenth day of July 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 aforesaid, or such other form as may be prescribed, to the Registration Officer not later than the fifteenth day of August: Provided that in respect of the year 1945, the fifteenth day of August and the fifteenth day of September shall be respectively substituted for the fifteenth day of July and the fifteenth day of August.

Notice to persons affected by objections.

Publication of objections to list.

5. 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.

6. 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 last day of July: Provided that in respect of the year 1945, such publication may be made not later than the last day of August.

Publication of objections to claims.

7. 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 fifteenth day of August (or the fifteenth day of September, in respect of 1945).

Preparation of the Register from the lists.

Consideration of objections.

8. 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.

9. 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.

Correction of lists.

10. The Registration Officer shall make such additions and corrections in the voters' 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, 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.

11. 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.

12. 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.

General.

13. 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 of twenty-four dollars.

14. 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.

15. 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 voters' lists for any registration unit in his electoral division and any claim or notice of objection made under these rules.

Supply of copies of claims, objections, &c.

16. 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.

Mode of sending notices, &c.

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.

17. The Registration Officer, before registering any person as a voter, may, if he thinks it necessary—

Declarations as to age and nationality.

(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.

18. 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 or solicitor, on his behalf.

Hearing of claims and objections.

19. 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 an oath and may administer an oath for the purpose.

Power to require evidence on oath.

Provisions as to misnomer or inaccurate description.

20. 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.

(Rule 1.)

Appendix to Rules.

FORM A.

Form of Register.

PERSONS ENTITLED TO VOTE AT THE ELECTION OF MEMBERS OF THE COUNTY COUNCIL FOR THE ELECTORAL DIVISION OF.....

No.	Full Name.	Residence.

(Rule 3.)

FORM B.

CLAIM TO BE REGISTERED AS A VOTER FOR THE ELECTION OF MEMBERS OF THE COUNTY COUNCIL FOR THE ELECTORAL DIVISION OF.....

To the Registration Officer for the electoral division of..... in the electoral district of.....

I,.....of..... (Name in full) (Address) (Occupation)

.....hereby give you notice that I claim to have my name inserted in the list of voters for the electoral division of in the aforesaid electoral district. I am a British subject (state whether by birth or naturalization). I was born on the

.....and I have resided in the said electoral division since the.....and am still residing therein at (give address).

Dated this day of, 19.....

(Signature or Name.)

If claimant cannot sign, he will affix his mark in presence of a witness who will sign this form:

Signature of Witness

Address.....

Occupation

FORM C.

(Rule 3.)

CLAIM TO HAVE NAME CORRECTLY ENTERED IN REGISTER OF VOTERS FOR THE ELECTORAL DIVISION OF.....

To the Registration Officer for the electoral division of..... in the electoral district of.....

I,..... (Name in full) (Address) (Occupation)

.....hereby give you notice that my name and/or residence are entered incorrectly at No. in the list of voters for the electoral division of..... The entry should be as follows :—

Full name.....

Residence

Dated this.....day of....., 19.....

Signature or mark.....

If claimant cannot sign, he will affix his mark in presence of a witness who will sign this form :

Signature of Witness

Address of Witness

Occupation

FORM D.

(Rule 4.)

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

To the Registration Officer of the electoral division of.....

in the electoral district of.....

I,.....of..... (Name in full) (Address) (Occupation)

.....being a person whose name appears at No.....

in the list of voters for the electoral division of..... in the said electoral district, hereby give you notice that I object to the name

of.....of.....

being retained on the ground that..... (State shortly ground on which objection is based).

.....

.....

Dated this.....day of.....19.....

Signed.....

(SECTION 34.)

FOURTH SCHEDULE.

STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF A COUNTY COUNCIL.

I,.....of.....

in the electoral division of.....do solemnly and sincerely declare as follows:—

That I am duly qualified to be elected a member of the County Council of.....for the electoral division of....., and that my qualification is the following—

- 1. I am registered as a voter for the aforesaid electoral division.
- 2. I am able to speak the English language.
- 3. I reside in the said electoral district.
- 4. I possess in my own right immovable property in the aforesaid electoral district of the clear value of five hundred dollars, free from all encumbrances ;

or

I am in receipt of a clear annual income of not less than two hundred and forty dollars ;

or

I am in occupation as tenant (or usufructuary) of a house or house and land, in the aforesaid electoral district of an annual rental of not less than sixty dollars.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Ordinance, and I am aware that if there is any statement in this declaration which is false in fact and which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Signed.....

Declared before me this.....day of....., 19.....

Signed.....

Passed in Council this eighteenth day of May, in the year of Our Lord one thousand nine hundred and forty-five.

W. J. BOOS,
Clerk of the Council.