

TRINIDAD AND TOBAGO.

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No. 9—1934.

I ASSENT,

[L.S.]

A. C. HOLLIS,
Governor.

5th May, 1934.

AN ORDINANCE to amend the Electors (Legislative Council) Ordinance, 1925.

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

Short title.
Construction
42 of 1925.

1. This Ordinance may be cited as the Electors (Legislative Council) (Amendment) Ordinance, 1934, and shall be read as one with the Electors (Legislative Council) Ordinance, 1925, hereinafter called the Principal Ordinance.

Amendment
of s. 8 of
Principal
Ordinance.

2. Section 8 of the Principal Ordinance is hereby amended by the addition of the following sub-sections :

(5) Every candidate or someone on his behalf shall at the time of his nomination deposit, or cause to be deposited with the Returning Officer the sum of £25 in cash, and if he fails to do so, the nomination of such candidate shall be deemed to be void.

(6) If after the deposit is made, the candidate is withdrawn not less than fourteen days before the day fixed for taking the poll, by notice given in pursuance of Section 11 of this Ordinance, the deposit shall be returned to the person by whom the deposit was made; and if the candidate dies after the deposit is made and before the poll is commenced, the deposit, if made by him, shall be returned to his legal personal representatives, or, if not made by him, shall be returned to the person by whom the deposit was made.

3. Sub-section (1) of section 17 of the Principal Ordinance is hereby repealed and the following section shall be substituted therefor : Amendment of s. 17 of Principal Ordinance.

17. Where an electoral district consists of more than one Ward, every person registered as an elector for such electoral district shall, when voting at any election, register his vote in the Ward in respect of which his name appears on the register of electors, and where a Ward has been sub-divided into polling districts, such person shall register his vote at the Polling Station appointed for the polling district in respect of which his name appears on the register. No person shall at any election vote for more than one candidate, nor at any polling station other than the one appointed for that part of the register in respect of which his name appears.

4. The Principal Ordinance is hereby amended after Section 41 by the inclusion of the following new sections as sections 41A and 41B : Additional sections to Principal Ordinance

41A (1) If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the amount deposited shall be forfeited to His Majesty; but, in any other case that amount shall be returned to the candidate, or to the person by whom the deposit was made, when the candidate is elected, as soon as he has taken the oath as a member, and, when the candidate is not elected, as soon as practicable after the result of the election is declared. Forfeiture of deposit in certain cases.

(2) For the purposes of this section the number of votes polled shall be deemed to be the number of ballot papers (other than spoilt ballot papers) counted.

Presentation
of Election
Petition
and security
for costs.

41b. The following provisions shall apply with respect to the presentation of an Election Petition.

(1) The petition shall be presented within twenty-one days after the return made by the Returning Officer to the Governor of the member to whose election the petition relates, unless it concerns the return of election upon an allegation of corrupt practices and specifically alleges a payment of money or other reward to have been made by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within twenty-eight days after the date of such payment.

(2) At the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner.

(a) To any person summoned as a witness on his behalf, or

(b) To the member whose election or return is complained of, or to any other person named as a respondent in the petition,

shall be given on behalf of the petitioner.

(3) The security shall be to an amount of £250, and shall be given by recognizance to be entered into by any number of sureties not exceeding four approved by the Registrar of the Supreme Court, or by deposit of money in the Supreme Court, or partly in one way and partly in the other.

(4) Rules, not inconsistent with the provisions of the Trinidad and Tobago (Legislative Council) Order in Council, 1924 and this Ordinance, as to the deposit of security, and the practice and procedure for the service and hearing of election petitions and matters incidental thereto, may be made in like manner as rules may be made under and for the purpose of the Judicature Ordinance, Cap. 35.

Passed in Council this twenty-seventh day of April, in the year of Our Lord one thousand nine hundred and thirty-four.

J. O'CONNOR,
Clerk of the Council.