



TRINIDAD AND TOBAGO

No. 33—1961

[L.S.]

I ASSENT,

SOLOMON HOCHOY

Governor.

21st September, 1961.

AN ORDINANCE to provide for the registration of electors to vote at elections of Members of the House of Representatives, of Municipal Councils and County Councils, and to regulate the holding of such elections; to provide for the registration of other persons; to provide for disqualifying the holders of certain specified offices and appointments from membership of the said House and Councils and for the determination of questions as to membership of the Legislature and of Municipal Councils and County Councils; and for other purposes connected therewith.

[On Proclamation]

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

1. This Ordinance may be cited as the Representation of the People Ordinance, 1961.

Commence
ment.

Enactment.

Short title.

Interpretation.

2. (1) In this Ordinance—

“candidate” in relation to an election, means a person who at that election is elected to serve in the House of Representatives, a Municipal Council, or a County Council, or a person who is nominated as a candidate at the election or is declared by himself or others to be a candidate on or after the day of the issue of the writ for an election, or after the dissolution or vacancy in consequence of which the writ was issued;

“central register” means the register established by the Supervisor under subsection (2) of section 19;

“committee room” does not include any house or room occupied by a candidate as a dwelling by reason only of the candidate there transacting business with his agents in relation to the election, and no room or building shall be deemed to be a committee room by reason only of the candidate or any agent of the candidate addressing therein electors, committee men or others;

“the Commonwealth” includes any dependency of a country which is a member of the Commonwealth;

“the Constitution” means the Constitution of Trinidad and Tobago set out in the annex to the Trinidad and Tobago (Constitution) Order in Council, 1961;

“costs” includes charges and expenses;

“counting agent” means a counting agent appointed under the election rules;

“County Council” means a Council established under section 82 of the County Councils Ordinance;

“County Council election” means the election of a member or members to serve in a County Council;

“custodian” means a custodian of voting machines referred to in section 10;

“date of the allowance of an authorised excuse” has the meaning assigned to it by subsection (8) of section 55;

“declaration as to election expenses” means a declaration made under section 52;

- “disputed claim” has the meaning assigned to it by subsection (1) of section 49, as extended by section 50;
- “election” means an election of a member or members to serve in the House of Representatives, a Municipal Council or a County Council;
- “election documents” means the documents which a returning officer is required by the election rules to transmit to the Supervisor after an election;
- “election expenses” in relation to an election, means the expenses incurred, whether before, during or after the election, on account of or in respect of the conduct or management of the election;
- “election officer” means the Supervisor, the Assistant Supervisor of Elections, a returning officer, an election clerk, a presiding officer, a poll clerk, a machine attendant, a custodian of voting machines, a registration officer, an assistant registration officer, an area inspector or a scrutineer;
- “election rules” means the rules contained in the Third Third Schedule. Schedule;
- “elector” means any person who is registered as an elector in a unit register;
- “electoral district” means—
- (i) in relation to a Parliamentary election, an electoral district as defined in the Boundaries Commission Order, 1961, or a constituency as defined in an order made under article 47 of the Constitution;
 - (ii) in relation to a Municipal Council election—
 - (a) for Port-of-Spain, a Ward as constituted in section 7 of the Port-of-Spain Corporation Ordinance, Ch. 39. No. 1.
 - (b) for San Fernando, a Ward as constituted in section 7 of the San Fernando Corporation Ordinance, Ch. 39. No. 7.
 - (c) for Arima, the Borough of Arima;
 - (iii) in relation to a County Council election, an electoral division constituted under section 3 of the County Councils Ordinance, Ch. 39. No. 15.

“electoral ink” means the ink, whether composite or consisting of two or more separate solutions, supplied by the Supervisor for use in accordance with the election rules;

“electoral registration” means a registration referred to in section 29;

“electoral vehicle placard” means a placard referred to in subsection (5) of section 37;

“finger” includes thumb;

“House of Representatives” means the House of Representatives referred to in article 20 of the Constitution;

“insufficient return” means a return of less persons than the number of—

(a) seats to be filled at an election for which the writ was issued, and

(b) persons nominated at the said election;

“municipality” means the City of Port-of-Spain, the Borough of San Fernando or the Borough of Arima;

“Municipal Council” means a Council as defined in the Port-of-Spain Corporation Ordinance or the San Fernando Corporation Ordinance or the Arima Corporation Ordinance;

“Municipal Council election” means the election of a member or members to serve in a Municipal Council;

“newspaper” means a newspaper published in the Territory;

“nomination day” means the day appointed, in accordance with this Ordinance, for the nomination of candidates;

“Parliamentary election” means an election of a member or members to serve in the House of Representatives;

“payment” includes any pecuniary or other reward and “pecuniary reward” and “money” shall, save in sections 95 and 96, be deemed to include any office place or employment and any valuable security or other equivalent of money, and any valuable consideration; and expressions referring to money shall be construed accordingly;

Ch. 39. No. 1.

Ch. 39. No. 7.

Ch. 39. No. 11.

“personal expenses”, as used with respect to the expenditure of any candidate in relation to an election, includes the reasonable travelling expenses of such candidate and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election;

“polling agent” means a polling agent appointed under the election rules;

“polling day” means the day fixed for holding the poll at an election;

“polling division” means a polling division as provided in subsection (2);

“polling station” means any room or place secured by a returning officer for the taking of the votes of electors on polling day;

“postal ballot box” has the meaning assigned to it in the election rules;

“postal ballot paper” has the meaning assigned to it in the election rules;

“postal elector” has the meaning assigned to it in the election rules;

“prescribed” save in Part VI means prescribed by the rules;

“qualifying date” means with reference to—

(a) registration at any time other than during an electoral registration, the date of such registration; and

(b) registration during an electoral registration, the tenth day after the date of the publication of the preliminary lists of electors specified in the proclamation issued under section 29;

“registered electoral vehicle” means a vehicle the registration of which has been notified under subsection (4) of section 37;

“Registrar” means Registrar of the Supreme Court;

“registration area” means a registration area set out in the First Schedule;

First Schedule.

“registration rules” means the rules contained in the Second Schedule;

Second Schedule.

“registration unit” means a subdivision of a registration area determined in accordance with the registration rules;

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“return as to election expenses” means a return (including the bills and receipts to be transmitted therewith) to be made under subsection (1) of section 51;

“road” has the meaning assigned to it in the Motor Vehicles and Road Traffic Ordinance;

“rules” means rules made under this Ordinance;

“Senate” means the Senate referred to in article 15 of the Constitution;

“Speaker” means the Speaker of the House of Representatives, and includes the Deputy Speaker of that House; and, where the offices of Speaker and Deputy Speaker are both vacant, includes the Clerk of the House of Representatives;

“Supervisor” means the Supervisor of Elections referred to in section 3 or any person acting in his office;

“Territory” means Trinidad and Tobago;

“unit register” means a unit register established by a registration officer under subsection (1) of section 19;

“voter” means any person who votes at an election;

“voting machine” has the meaning assigned to it in the election rules;

“writ” means the writ for an election.

(2) For the purposes of this Ordinance a registration unit shall be deemed to be a polling division.

(3) A reference in this Ordinance to an assistant registration officer, to a scrutineer or to an area inspector shall, unless the contrary intention appears, be read as including a reference to a temporary assistant registration officer, to a temporary scrutineer or to a temporary area inspector, as the case may be.

(4) A reference in this Ordinance to a Part or section or Schedule shall, unless the contrary intention appears, be read as a reference to a Part, section or Schedule of this Ordinance, and a reference to a subsection or paragraph shall, unless the contrary intention appears, be read as a reference to a subsection or paragraph, as the case may be, of the section in which the reference occurs.

(5) References in this Ordinance to the City of Port-of-Spain or to the Borough of San Fernando or the Borough of Arima shall be construed as references to the said City and Boroughs as at the commencement of this Ordinance described respectively in the First Schedule to the Port-of-Spain Corporation Ordinance or the First Schedule to the San Fernando Corporation Ordinance or the First Schedule to the Arima Corporation Ordinance.

Ch. 39. No. 1.

Ch. 39. No. 7.

Ch. 39. No. 11.

PART I

ADMINISTRATION

3. (1) There shall be for the Territory a Supervisor of Elections and such other public officers as may be necessary to assist the Supervisor in the discharge of his duties. Supervisor of Elections.

(2) Before entering upon his duties under this Ordinance the Supervisor shall take and subscribe before a Judge an oath in the form set out as Form No. 1 in the Fifth Schedule.

(3) The Supervisor shall— Fifth Schedule Form No. 1

- (a) make such arrangements and do such things as are necessary for the initiation and maintenance of the unit and central registers in accordance with this Ordinance, and shall for that purpose make arrangements for the preparation and issue of the necessary forms and instruments and for the collection or reception of the forms when filled in and for the keeping of such records as may be necessary;
- (b) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Ordinance;
- (c) issue to election officers such instructions as from time to time he may deem necessary to ensure the effective execution of the provisions of this Ordinance; and
- (d) execute and perform all other powers and duties that by this Ordinance are conferred or imposed upon him.

4. There shall be an Assistant Supervisor of Elections who is subject to the authority, direction and control of the Supervisor, and he shall perform such of the functions and exercise such of the powers of the Supervisor as may be assigned to him by the Supervisor. Assistant Supervisor of Elections.

5. (1) There shall be a registration officer for each registration area and such number of assistant registration officers, official photographers, clerks and messengers to registration officers and area inspectors for each registration area in the Territory as may be necessary to assist the registration officers in the discharge of their duties. Registration officers etc.

(2) The Supervisor shall assign every assistant registration officer to one or more polling divisions.

Scrutineers.

6. (1) Subject to subsection (2), each political party having a member or members in the House of Representatives is entitled to nominate persons for appointment as scrutineers in connection with registrations under this Ordinance, and the Supervisor shall appoint each person so nominated to be a scrutineer; and the Supervisor shall, at the request of the political party which nominated a scrutineer, remove such scrutineer from office.

(2) The number of scrutineers appointed by the Supervisor on the nomination of a political party shall not exceed the number of assistant registration officers for the time being and each scrutineer shall be assigned to an assistant registration officer by the political party which nominated him.

(3) The Supervisor may, after consultation with the political party that nominated a scrutineer for appointment, remove such scrutineer from office if the Supervisor considers him for good and sufficient cause to be unfit or incompetent to discharge the duties of his office, or if such scrutineer at any time refuses or wilfully neglects to perform any of his functions under this Ordinance.

(4) Upon his removal from office as in subsection (3), the scrutineer shall forthwith cease to act in his office and shall not be entitled to any remuneration in respect of any period after his removal.

Returning officers.

7. (1) For the purposes of an election in an electoral district there shall be a returning officer for such electoral district.

(2) Forthwith upon his appointment a returning officer shall establish an office in his electoral district or, with the approval of the Supervisor, at some convenient place outside such district, and shall cause an advertisement to be inserted in at least one newspaper specifying the place at which he has established his office.

Election clerks.

8. (1) For the purposes of an election in an electoral district there shall be one or more election clerks for such electoral district.

(2) Where more than one election clerk is appointed, the Supervisor shall specify the order of seniority among them and may assign any such election clerk to an area forming part of the electoral district.

(3) If at any time between the issue of a writ for an election and the delivery or transmission to the Supervisor of the election return for that election, the returning officer dies or becomes incapable of performing his functions as such, the election clerk, where only one such clerk has been appointed, or the senior election clerk, where more than one such clerk has been appointed, shall forthwith report the fact to the Supervisor and shall perform the functions of the returning officer until some other person is appointed as returning officer or the returning officer ceases to be incapable of performing and resumes his functions.

9. (1) For the purposes of an election in an electoral district there shall be a presiding officer for each polling station in such electoral district.

Presiding
officers,
poll clerks
and machine
attendants.

(2) For the purposes of an election in an electoral district there shall be such number of poll clerks as may be necessary for each polling station in such electoral district, and where more than one such poll clerk has been appointed for a polling station, the returning officer shall specify the order of seniority among them.

(3) If a presiding officer dies or becomes incapable of performing his functions during the taking of the poll, the poll clerk, where only one such clerk has been appointed, or the senior poll clerk, where more than one such clerk has been appointed, shall forthwith report the fact to the returning officer and shall perform the functions of the presiding officer until the presiding officer resumes his functions or some other person is appointed as presiding officer; and some other person shall be appointed to act as poll clerk until the said poll clerk resumes his functions as poll clerk or some other person is appointed as poll clerk.

(4) Subject to subsection (3), if a poll clerk dies or becomes incapable of performing his functions during the taking of the poll, some other person may forthwith be appointed to act as a poll clerk until the said poll clerk resumes his duties or some other person is appointed as poll clerk.

(5) For the purposes of an election in an electoral district there shall be a machine attendant for each voting machine in use at a polling station in such electoral district, and if a machine attendant dies or becomes incapable of performing

his functions during the taking of the poll, the presiding officer shall forthwith report the fact to the returning officer; and some other person shall be appointed to perform the functions of the machine attendant until the machine attendant resumes his functions or some other person is appointed as machine attendant.

Custodian
of voting
machines.

10. (1) There shall be such number of custodians of voting machines as may be necessary.

(2) A custodian shall prepare voting machines for use at and for the purpose of elections and shall perform such other duties as the Supervisor may assign to him.

Candidates
and members
not to be
election
officers.

11. No candidate and no member of the House of Representatives or of a Municipal Council or of a County Council may be appointed as an election officer; and if any election officer becomes a candidate or such a member he thereby vacates his office.

PART II

FRANCHISE AND REGISTRATION

Electors.

12. (1) The persons entitled to vote at an election in an electoral district are electors for that electoral district who are on polling day qualified to be electors for that electoral district.

(2) Where an elector for an electoral district has ceased to reside in that electoral district he shall not on that account cease to be qualified to be an elector for that electoral district until he has become qualified to be an elector for another electoral district.

(3) In determining whether an elector has become qualified for the purposes of subsection (2) the period between the qualifying date during an electoral registration and polling day shall not be reckoned as a period of residence.

Qualifications
for registration
as Parliamen-
tary or
County
Council
electors.

13. Subject to the provisions of this Ordinance, a person is qualified to be an elector for an electoral district at a Parliamentary election or a County Council election who is a British subject of the age of twenty-one years or upwards and who on the qualifying date—

(a) has resided in the Territory for a period of at least six months immediately preceding such date; and

- (b) has resided in that electoral district for a period of at least two months immediately preceding such date.

14. (1) Subject to the provisions of this Ordinance, a person is qualified to be an elector for an electoral district at a Municipal Council election who is of the age of twenty-one years or upwards and who on the qualifying date—

Qualifications
for registration
as Municipal
Council
electors.

- (a) is a British subject and has or will have resided in the Territory for a period of at least six months immediately preceding the qualifying date; or
- (b) is not a British subject but has or will have resided in the Territory for a continuous period of at least five years immediately preceding the qualifying date; and
- (c) has resided for a period of at least two months immediately preceding the qualifying date in that electoral district; or
- (d) on the qualifying date and for a period of at least twelve months immediately preceding such date (in this section referred to as the qualifying period) has or will have resided within ten miles of the Municipality, such ten miles to be measured along the nearest road or way by land or water, and during such period—
- (i) has or will have been in occupation of any rateable hereditaments in the municipality assessed in the current house rate book or a portion of such rateable hereditaments (in this section referred to as qualifying property) for which he shall have really and *bona fide* paid during the qualifying period rent at a rate not less than sixty dollars a year; or
- (ii) has or will have been in occupation as owner of qualifying property of an annual rateable value of not less than sixty dollars.

(2) Where the qualifying property or any part thereof is jointly occupied by more persons than one, each of such occupiers shall be entitled in respect of such property or part thereof jointly occupied if the annual rateable value at which the property is rated to the house tax or the yearly rent *bona fide* paid by such occupiers for one year at least in respect of

the property shall be an amount which, when divided by the number of occupiers, shall give a *bona fide* rent of not less than sixty dollars a year for each of such occupiers.

(3) The qualifying property need not be, during the whole of the qualifying period, the same property or in the same electoral district but may be different properties in the same electoral districts or in different electoral districts and in any such case the owner or occupier of such property shall be registered in the electoral district in which he last owned or occupied such property during the qualifying period.

(4) Where a person succeeds to qualifying property by descent, marriage settlement or demise, then for the purposes of qualification, the occupancy of the property by a predecessor in title and the rating of the predecessor in respect thereof shall be equivalent to the occupancy and rating of the successor, and rating in the name of the predecessor shall, until a new rate is made after the date of succession, be equivalent to rating in the name of the successor and the successor shall not be required to prove his own occupancy or rating before the succession.

Change of residence of elector and registration of minors as electors.

15. (1) Where, during an electoral registration, a person is not qualified as an elector but would be so qualified if he continued until the qualifying date to reside in an electoral district or within ten miles of a Municipality, as the case may be, he shall be registered as an elector.

(2) A person who, during an electoral registration is not of the age of twenty-one years, but will be of that age on polling day and is otherwise qualified as an elector shall be registered as an elector.

Disqualification of electors.

16. (1) No person is qualified to be or to remain registered as an elector who—

- (a) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory;
- (b) is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of imprisonment the execution of which has been suspended;

(c) is disqualified for registration as an elector by virtue of any law in force in the Territory by reason of his having been convicted of any offence relating to elections.

(2) No person, other than a person referred to in paragraph (b) of subsection (1) of section 14, is qualified to remain registered as an elector if he ceases to be a British subject.

17. (1) From time to time and in accordance with this Ordinance there shall be registered— Registration of persons.

(a) all persons who are qualified to be registered as electors; and

(b) all other persons in the Territory except such persons as are exempted by order of the Governor in Council.

(2) The registration of persons referred to in paragraph (a) of subsection (1) shall be kept clearly distinct from that of those persons referred to in paragraph (b) of subsection (1).

(3) Nothing in this Ordinance shall be construed as making it obligatory for any person to be registered under this Ordinance or as subjecting a person not registered under this Ordinance to a penalty for failing to furnish an election officer with information relevant to his registration under this Ordinance.

18. (1) The Territory shall be divided into the registration areas set out in the First Schedule. Registration areas and registration units. First Schedule.

(2) The registration areas referred to in subsection (1) shall be sub-divided in accordance with the registration rules into such number of registration units as the Supervisor may consider necessary or expedient.

(3) In accordance with the registration rules, the Supervisor may increase or decrease the number of registration units and may vary the boundaries of any registration unit.

19. (1) Every registration officer shall establish a unit register for each registration unit in his registration area and such register shall consist of the originals of the registration record cards of all persons registered under section 17 in respect of that registration unit. Registers.

(2) The Supervisor shall establish a central register for the Territory, which shall consist of the duplicates of the registration record cards of all persons registered under section 17.

Registration
to be in one
unit.

20. (1) Subject to the provisions of this Ordinance, no person shall be registered in more than one unit register for the purpose of any category of election or more than once in a unit register.

(2) Subject to the provisions of this Ordinance, a person shall be registered in respect of the registration unit in which on the qualifying date he has his place of residence.

(3) If a person who is qualified to be registered as an elector has his place of residence in more than one registration unit, he shall, subject to the provisions of this Ordinance, be registered in respect of the registration unit for which he opts.

(4) If within such time as may be determined by the Supervisor a person does not exercise the option referred to in subsection (3), the registration unit in respect of which he is to be registered shall be decided—

(a) where the registration units are situate in the same registration area, by the registration officer of such area; and

(b) where the registration units are situate in more than one registration area, by the Supervisor.

(5) For the purposes of this Ordinance the place of residence of a person shall be determined in accordance with the registration rules.

Registration
record cards.

21. (1) Every original of a registration record card shall be kept in the appropriate unit register until such time as the registration rules provide for its transfer to another unit register.

(2) Every duplicate of a registration record card shall be transmitted to the Supervisor in accordance with the registration rules.

(3) Registration record cards shall contain such matters and particulars as may be prescribed by the registration rules.

22. (1) Whenever a person who is registered under paragraph (b) of subsection (1) of section 17 becomes qualified to be registered under paragraph (a) of the said subsection, his registration under the said paragraph (b) shall be cancelled and he shall be registered under paragraph (a) of the said subsection in accordance with the registration rules.

Transfers of registrations.

(2) Whenever a person who is registered under paragraph (a) of subsection (1) of section 17 has ceased to be qualified to be so registered, his registration under the said paragraph (a) shall be cancelled and he shall be registered under paragraph (b) of the said subsection in accordance with the registration rules.

23. The Supervisor shall cause identification cards containing the prescribed matters and particulars to be issued in accordance with the registration rules.

Identification cards.

24. The Supervisor may by notice require any person, within such time and in such form as may be specified in such notice, to furnish him with such information as it is within the power of that person to give, and as may be relevant to the registration or the cancellation of a registration of a person under this Ordinance.

Power of Supervisor to require information.

25. (1) An objection to the registration by an assistant registration officer of any person as an elector may be made in accordance with the registration rules to the appropriate registration officer by any elector or by a scrutineer assigned to the assistant registration officer; and the registration officer may allow or disallow any such objection.

Objection to registration and disallowance of registration.

(2) Where an assistant registration officer has disallowed the registration of a person as an elector, such person or a scrutineer assigned to such assistant registration officer may apply in accordance with the registration rules to the appropriate registration officer for the registration of that person as an elector; and the registration officer may allow or disallow any such application.

26. (1) An appeal lies to the Full Court against the decision of a registration officer under section 25 or under the registration rules.

Appeals to Full Court.

(2) An appellant under this section shall give written notice of appeal to the registration officer within fourteen days after the date on which the decision is given, specifying the grounds of appeal.

(3) The registration officer shall immediately forward such notice of appeal to the Registrar and to the opposite party, if any, and shall also forward to the Registrar a statement of material facts that, in his opinion, have been established in the case, and of his decision upon the whole case and upon any point specified as a ground of appeal; and he shall also furnish to the Full Court any further information that the Full Court may require and he is able to furnish.

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

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

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

(7) The right of any elector to vote at an election is not prejudiced by any appeal pending under this section; and any vote given at an election in pursuance of that right is as valid as if no such appeal were pending, and is not affected by a subsequent decision of the appeal.

(8) Notice shall be given to the Supervisor and to the registration officer of the registration area concerned by the Registrar of the decision of the Court on any appeal under this section; and the Supervisor and the registration officer shall make such alterations in the central register and in the appropriate unit registers respectively as may be required to give effect to the decision.

(9) A decision of the Full Court under this section is final to all intents and purposes.

Adaptation of registers on change in registration units.

27. Where any change is made in the number or the boundaries of registration units, the Supervisor in consultation with the registration officer of any registration area affected thereby may, in accordance with the registration rules, combine or

divide any registers or transfer registration record cards from one register to another or make such other adjustments in the registers affected as are rendered necessary by the changes.

28. No misnomer or inaccurate description of any person or place named in any register or in any list, record, card, nomination paper, notice or other document required for the purposes of this Ordinance affects the full operation of the document with respect to that person or place in any case where the name or description of the person or place is such as to be commonly understood. Misnomers in registers etc.

29. (1) For the purposes of an election, the Governor may, by proclamation published in the *Royal Gazette*, direct that an electoral registration shall be conducted in the electoral district in which such election is to be held. Electoral registration.

(2) A proclamation under subsection (1) shall specify the election to which such proclamation relates, and shall fix the date of commencement and of the termination of the electoral registration and the date when the preliminary lists of electors are to be published.

(3) An electoral registration shall be conducted in accordance with provisions relating thereto in the registration rules.

PART III

ELECTIONS

30. Any person who is holding, or acting in, the office of Supervisor or Assistant Supervisor of Elections or of returning officer shall, so long as he holds, or is acting in, such office, be disqualified for membership of the House of Representatives, a Municipal Council or a County Council. Disqualification of Supervisor, Assistant Supervisor and returning officers.

31. (1) A person is disqualified for membership of the House of Representatives or a Municipal Council or a County Council if he holds, or is acting in, any office or appointment that is specified in the Fourth Schedule. Disqualifying offices and appointments.

(2) The Governor in Council may from time to time by order amend the Fourth Schedule by deleting the reference to any office or appointment mentioned therein or by including other offices or appointments therein or otherwise as he may consider expedient. Fourth Schedule.

(3) No order referred to in subsection (2) shall have effect unless it has been approved by resolution of both chambers of the Legislature.

Writs of
election.

32. (1) An election shall be instituted by a writ of election issued by the Governor under the public seal of the Territory addressed to the returning officer for the electoral district for which the election is to be held; and every such writ shall be forwarded to the Supervisor for transmission to the returning officer to whom it is addressed.

Fifth Schedule
Form No. 2.

(2) Every writ of election shall be in the form set out as Form No. 2 in the Fifth Schedule and shall specify:—

- (a) the day of the nomination of candidates, being not less than fifteen days after the day of issue of the writ;
- (b) the day upon which, if necessary, the poll shall be taken, being not less than fifteen nor more than twenty-eight days after nomination day; and
- (c) the day the writ is returnable to the Supervisor.

(3) On receipt of the writ, the returning officer shall endorse thereon the date of receipt of the writ and shall proceed to hold the election in accordance with the election rules.

Governor
authorized to
adjourn
polling day in
event of
emergency.

33. (1) Where at any time between the issue of a writ under subsection (1) of section 32 and the day appointed by the writ for the holding of a poll at any election the Governor in Council is satisfied that it is expedient to do so by reason of—

- (a) the existence of a state of war affecting the Territory; or
- (b) the declaration of a state of emergency in the Territory or any part thereof by any authority empowered to make such a declaration; or
- (c) the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or outbreak of infectious disease or other calamity, whether similar to the foregoing or not; or
- (d) the likelihood that the revised lists of electors for all electoral districts or for any particular electoral district will not be ready before the day appointed for the holding of the poll; or
- (e) the likelihood that any essential electoral equipment, supplies or materials will not be available in adequate quantities upon the day appointed for the holding of the poll,

the Governor may by proclamation adjourn the holding of the poll to some other day specified in such proclamation being not more than thirty days after the day specified in the writ.

(2) Any proclamation made pursuant to paragraph (b), (c), (d) or (e) of subsection (1) may be expressed to apply only to such electoral districts as are specified in the proclamation, in which event the poll shall be taken in any electoral districts not so specified upon the day appointed in the writ for the holding of the poll.

(3) Where any proclamation is made under this section, the writs for all the electoral districts to which such proclamation applies shall be deemed to be amended by substituting for the day specified in such writs for the holding of the poll the day specified in such proclamation.

(4) Subject to subsection (5), where a proclamation under this section is made before the day that would have been nomination day if such proclamation had not been made, or where any proclamation under this section is made after nomination day on the ground set out in paragraph (d) of subsection (1), nomination day is hereby adjourned to the day specified therefor in the proclamation being not less than fifteen and not more than twenty-eight days next before the day to which the holding of the poll is adjourned by such proclamation.

(5) If the new nomination day specified under subsection (4) is a common law holiday or a public holiday, nomination day is hereby adjourned to the first day, not being a common law holiday or public holiday, after the new nomination day.

(6) Where a proclamation is made under this section after nomination day on a ground other than the ground set out in paragraph (d) of subsection (1), the adjournment by such proclamation of the day upon which the poll is taken in no way affects the validity of any nomination validly made upon nomination day; and no other nomination shall be made.

(7) Where a proclamation is made under this section after nomination day on the ground set out in paragraph (d) of subsection (1), the adjournment by such proclamation of the day upon which the poll is to be held does not affect the validity of any nomination made prior to such proclamation and that could validly be made on the day to which nomination day was adjourned; and nominations of other persons qualified as candidates for the election in question may be made.

34. (1) The proceedings at an election shall be conducted in accordance with the election rules. Rules for elections.

(2) Returning officers at elections shall do all such acts and things as may be necessary for effectually conducting elections in the manner provided by the election rules.

(3) No election shall be declared invalid by reason of any act or omission by a returning officer or any other person in breach of his official duty in connection with the election or otherwise or of the election rules if it appears to the Court having cognizance of the question that the act or omission did not materially affect the result of the election.

Place and manner of voting and facility to employees to vote.

35. (1) Save as otherwise provided by the election rules, all persons voting as electors at an election shall do so in person at the polling station allotted to them under the election rules.

(2) Every employer shall on polling day allow every elector in his employ the prescribed period for voting and no employer shall make any deduction from the pay or other remuneration of any such elector or impose upon or exact from him any penalty by reason of his absence during such period.

Voting at elections.

36. At an election no person shall as an elector—

- (a) give more than one vote for any one candidate; or
- (b) give more votes in all than the total number of persons to be elected for the electoral district at the election;
- (c) vote in more than one electoral district or more than once in the same electoral district.

Registration of motor vehicles as electoral vehicles.

37. (1) At any time between nomination day and the fifth day next before polling day any duly nominated candidate or the election agent of such candidate may by notice in writing require the appropriate police officer to register as electoral vehicles on behalf of such candidates so many and such motor vehicles as may be specified in such notice, so, however, that notice shall not be given in respect of the registration as electoral vehicles on behalf of any candidate of more than one motor vehicle for every such number, prescribed in relation thereto in the Sixth Schedule, of electors whose names appear upon the lists of electors for the relevant electoral district.

Sixth Schedule.

(2) Every notice under subsection (1) shall specify—

- (a) the name of the candidate by or on behalf of whom it is given;
- (b) the electoral district for which he is a candidate;
- (c) the total number of vehicles, not being more than the number prescribed under subsection (2), which are desired to be registered as electoral vehicles on his behalf;
- (d) the name and address of the driver of each of the said vehicles and the number of his driving permit; and

(e) the name and address of the owner of every such vehicle and the type, make and registration number under the Motor Vehicles and Road Traffic Ordinance of every such vehicle. Ch. 16 No. 9.

(3) So soon as may be after the receipt of any notice under subsection (1) the appropriate police officer shall satisfy himself by personal enquiry or otherwise as he may think fit—

(a) as to the truth of the matters specified pursuant to subsection (2) in such notice;

(b) that the owner of every motor vehicle specified in such notice consents to the use of such motor vehicle as an electoral vehicle on behalf of the candidate by or on whose behalf the notice was given; and

(c) that application has not been made for the registration of such motor vehicle as an electoral vehicle on behalf of any other candidate in such electoral district or in any other electoral district.

(4) The appropriate police officer shall satisfy himself as to the matters referred to in subsection (3) and shall, not later than seventy-two hours after the receipt by him of the notice under subsection (1), notify the candidate by or on whose behalf the notice under subsection (1) was given of the registration of the vehicles to which such notice relates as electoral vehicles on behalf of such candidate and shall supply to such candidate or to his election agent an electoral vehicle placard and a driver's card in respect of every vehicle so registered.

(5) Every electoral vehicle placard shall specify—

(a) that the vehicle to which the placard relates is a registered electoral vehicle;

(b) the registration number (under the Motor Vehicles and Road Traffic Ordinance) of such vehicle; and

(c) the name of the electoral district in respect of which such vehicle is registered as an electoral vehicle.

(6) Every driver's card shall specify that he is the driver of a registered electoral vehicle, the matters mentioned in paragraphs (b) and (c) of subsection (5), and the name of the candidate on whose behalf such vehicle is registered as an electoral vehicle.

(7) Where a motor vehicle registered as an electoral vehicle (in this section referred to as the said electoral vehicle) is, on or before polling day, destroyed or damaged or for any other reason becomes unavailable for use as an electoral vehicle—

- (a) the candidate on whose behalf the said electoral vehicle was registered under this section or his election agent may give notice under subsection (1) in respect of another motor vehicle and request that it be registered in the place of the said electoral vehicle;
- (b) on the surrender to the appropriate police officer of the electoral vehicle placard of the said electoral vehicle, or on the production to him of evidence by statutory declaration or otherwise accounting satisfactorily for the failure to surrender the same, the appropriate police officer shall cancel the registration of the said electoral vehicle and in place thereof register as an electoral vehicle on behalf of the said candidate the motor vehicle mentioned in the notice given to him under paragraph (a);
- (c) the provisions of the preceding subsections of this section shall apply *mutatis mutandis* in respect of a notice given under paragraph (a).

(8) In this section "appropriate police officer" means a police officer designated by the Commissioner of Police for the purposes of this section.

PART IV

ELECTION CAMPAIGN

Application. 38. Section 37, this Part and sections 76 to 86 apply only in respect of parliamentary elections.

Appointment of election agents. 39. (1) Not later than the latest time for the delivery of notices of withdrawals for an election, a person shall be named by or on behalf of each candidate as the candidate's election agent, and the name and address of the candidate's election agent shall be declared in writing by the candidate or some other person on his behalf to the returning officer not later than that time.

(2) A candidate may name himself as election agent and thereupon shall, so far as circumstances admit, be subject to the provisions of this Ordinance both as a candidate and as an election agent, and, except where the context otherwise requires, any reference in this Ordinance to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked.

(4) If whether before, during or after the election the appointment of an election agent is revoked or an election agent dies, another election agent shall be appointed forthwith and his name and address declared in writing by the candidate or some other person on his behalf to the returning officer.

(5) Upon the name and address of an election agent being declared to the returning officer, the returning officer shall forthwith give public notice of that name and address.

40. (1) The election agent of any candidate may appoint one deputy (in this Ordinance referred to as a sub-agent) in respect of each polling division. Appoint-
ment of
sub-agent.

(2) An election agent may act in relation to any matter in a polling division by the sub-agent for that polling division and anything done for the purposes of this Ordinance by or to the sub-agent in his polling division shall be deemed to be done by or to the election agent, and any act or default of a sub-agent, which if he were an election agent, would be an illegal practice or other offence against this Ordinance shall be an illegal practice and offence against this Ordinance committed by the sub-agent and the sub-agent shall be liable to be punished accordingly, and the candidate shall suffer the like incapacity as if the said act or default had been the act or default of the election agent.

(3) Not later than three clear days before the day of the poll the election agent shall declare in writing the name and address of every sub-agent to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every sub-agent so declared.

(4) The appointment of a sub-agent shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent for the time being of the candidate, and in the event of the revocation of the appointment or the death of the sub-agent another sub-agent may be appointed, and his name and address shall be forthwith declared in writing by the candidate or some other person on his behalf to the returning officer, who shall forthwith give public notice of the name and address so declared.

Office of
election
agent.

41. (1) Every election agent or sub-agent shall have an office to which all claims, notices, writs, summons and documents may be sent, and the address of the office shall be declared at the same time as the appointment of the agent or the sub-agent to the returning officer, and shall be stated in the public notice of the name of the agent or the sub-agent.

(2) Any claim, notice, writ, summons or document delivered at the office of the election agent or sub-agent and addressed to him, shall be deemed to have been served on him and every election agent or sub-agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction at the place where his office is situate.

Effect of
default in
appointment
of election
agent.

42. (1) If no person's name and address are given as required by section 39 as the election agent of a candidate who remains validly nominated at the latest time for delivery of notices of withdrawals, the candidate shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another person as his election agent.

(2) If the person whose name and address have been so given as those of the candidate's election agent (not being the candidate himself) dies and a new appointment is not made on the day of the death or on the following day, the candidate shall be deemed to have appointed himself as election agent as from the time of the death.

(3) If the appointment of a candidate's election agent is revoked without a new appointment being made the candidate himself shall be deemed to have been appointed (or re-appointed) election agent.

(4) Where a candidate is by virtue of this section to be treated as his own election agent, he shall be deemed to have his office at his address as given in his nomination paper.

(5) The returning officer, on being satisfied that a candidate is by virtue of this section to be treated as his own election agent, shall forthwith proceed to publish the like notice as if the name and address of the candidate and the address of his office had been duly given to him under sections 39 and 41.

Election Expenses

Making of
contracts
through
election agent.

43. (1) The election agent of a candidate shall appoint every polling agent, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

(2) A contract whereby any election expenses are incurred shall not be enforceable against a candidate at the election unless made by the candidate himself or by his election agent.

44. (1) Except as permitted by section 45, or in pursuance of section 48 or section 49, no payment and no advance or deposit shall be made by a candidate or by any agent on behalf of the candidate or by any other person at any time in respect of election expenses otherwise than by or through the election agent of the candidate.

Payment of expenses through election agent.

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than ten dollars, be vouched for by a bill stating the particulars and by a receipt.

(3) All money provided by any person other than the candidate for any election expenses, whether as a gift, loan, advance or deposit, shall be paid to the candidate or his election agent and not otherwise.

45. (1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election; but the amount which a candidate may pay shall not exceed four hundred dollars, and any further personal expenses so incurred by him shall be paid by his election agent.

Personal expenses of candidate and petty expenses.

(2) The candidate shall send to his election agent within the time limited by this Ordinance for sending in claims, a written statement of the amount of personal expenses paid as aforesaid by the candidate.

(3) Any person may, if so authorised in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(4) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Ordinance for sending in claims, and shall be vouched for by a bill containing the receipt of that person.

46. (1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account—

Prohibition of expenses not authorised by election agent.

(a) of holding public meetings or organising any public display; or

- (b) of issuing advertisements, circulars or publications; or
 - (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate.
- (2) Paragraph (c) of subsection (1) shall not—
- (a) restrict the publication of any matter relating to the election in a newspaper or other periodical;
 - (b) apply to any expenses not exceeding in the aggregate the sum of two dollars which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others or to expenses incurred by any person in travelling or similar personal expenses.

(3) Where a person incurs any expenses required by this section to be authorised by the election agent, that person shall within twenty-one days after the date of publication of the result of the election send to the Supervisor a return of the amount of those expenses, stating the election at which and the candidate in whose support they were incurred, and the return shall be accompanied by a declaration made by the said person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer thereof) verifying the return and giving particulars of the matters for which the expenses were incurred.

(4) Subsection (3) does not apply to any person engaged or employed for payment or promise of payment by the candidate or his election agent.

Fifth Schedule
Form No. 3.

(5) The return and declaration under the foregoing provisions of this section shall be in the form set out as Form No. 3 in the Fifth Schedule and the authority received from the election agent shall be annexed to and deemed to form part of the return.

Limita-
tion of
election
expenses.

47. (1) No sum shall be paid and no expense shall be incurred by a candidate at an election or by his election agent whether before, during or after an election, on account of or in respect of the conduct or management of the election, in excess of the amount of two thousand four hundred dollars.

(2) The said maximum amount shall not be required to cover the candidate's personal expenses.

(3) In determining the said maximum amount regard shall not be had to any deposit required to be made by a candidate in accordance with the election rules.

48. (1) Every claim against a candidate or his election agent in respect of election expenses which is not sent in to the election agent within twenty-one days after the day on which the result of the election is declared shall be barred and not paid.

Time for sending in and paying claims.

(2) All election expenses shall be paid within thirty-five days after the said day.

(3) The claimant or the candidate or his election agent may apply to the Supreme Court for leave to pay a claim for any election expenses, although sent in after the said period of twenty-one days or although sent in to the candidate and not to the election agent, and the court on cause shown to its satisfaction may by order grant the leave.

(4) Any sum specified in the order of leave may be paid by the candidate or his election agent and when paid in pursuance of the leave shall not be deemed to be in contravention of subsection (2).

49. (1) If the election agent disputes any claim sent in to him within the period of twenty-one days mentioned in section 48, or refuses or fails to pay the claim within the period of thirty-five days so mentioned the claim shall be deemed to be a disputed claim.

Disputed claims.

(2) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court, and any sum paid by the candidate or his agent in pursuance of the judgment or order of the court shall not be deemed to be in contravention of subsection (1) of section 44 or subsection (2) of section 38.

(3) Subsections (3) and (4) of section 48 shall apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after the said period of twenty-one days.

50. So far as circumstances admit, this Ordinance shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of the claim, the claim shall be a disputed claim within the meaning of this Ordinance and be dealt with accordingly.

Claim by election agent.

51. (1) Within forty-two days after the day on which the result of the election is declared, the election agent of every candidate at the election shall transmit to the Supervisor a true return in the form set out as Form No. 4 in the Fifth Schedule, containing, as respects that candidate, a statement

Return as to election expenses.

Fifth Schedule Form No. 4.

of all payments made by the election agent together with all the bills and receipts.

(2) The return shall deal under a separate heading or sub-heading with any expenses included therein—

- (a) with respect to which a return is required to be made under subsection (3) of section 46; or
- (b) which are on account of the remuneration or expenses of speakers at public meetings.

(3) The return shall also contain with respect to that candidate—

- (a) a statement of the amount of personal expenses, if any, paid by the candidate;
- (b) a statement of all disputed claims of which the election agent is aware;
- (c) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the Supreme Court;
- (d) a statement of all money, securities and equivalent of money received by the election agent from the candidate or any other person for the purposes of election expenses incurred or to be incurred, with a statement of the name of every person from whom they may have been received.

(4) Where the candidate is his own election agent, a statement of all money, securities and equivalent of money paid by the candidate shall be substituted in the return as to election expenses for the statement of money, securities and equivalent of money received by the election agent from the candidate.

(5) Where after the date at which the return as to election expenses is transmitted, leave is given by the Supreme Court under subsection (3) of section 48 for any claims to be paid, the candidate or his election agent shall, within seven days after the payment thereof, transmit to the Supervisor a return of the sums paid in pursuance of the leave, accompanied by a copy of the order of the Supreme Court giving the leave; and in default he shall be deemed to have failed to comply with the requirements of this section without such authorised excuse as is mentioned in section 55.

Declara-
tion as to
election
expenses.

Fifth Schedule
Form No. 5.

52. (1) The return transmitted under subsection (1) of section 51 shall be accompanied by a declaration made by the election agent before a Justice in the form set out as Form No. 5 in the Fifth Schedule.

(2) At the same time that the election agent transmits the said return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the Supervisor a declaration made by him before a Justice in the form set out as Form No. 5 in the Fifth Schedule.

Fifth Schedule
Form No. 5.

(3) Where the candidate is out of the Territory when the return is so transmitted, the declaration required by this subsection may be made by him within fourteen days after his return to the Territory, and in that case shall be forthwith transmitted to the Supervisor, but the delay hereby authorised in making the declaration does not exonerate the election agent from complying with the provisions of this Ordinance as to the return and declaration as to election expenses.

(4) Where the candidate is his own election agent, the declaration by an election agent as to election expenses need not be made and the declaration by the candidate as to election expenses shall be modified as specified in the said Form No. 5 in the Fifth Schedule.

Fifth Schedule
Form No. 5.

53. Notwithstanding anything contained in sections 51 and 52, no return or declaration as to election expenses shall be required in the case of a person—

Cases
where
return and
declara-
tion not
needed.

- (a) who is a candidate at an election but is so only because he has been declared by others to be a candidate;
- (b) who has not consented to the declaration or taken any part as a candidate in the election.

54. (1) Where an electoral vehicle has been employed by or on behalf of a candidate under section 37 there shall be included in the return as to election expenses in respect of such candidate as an expense the sum actually paid for the hire of such vehicle or the sum of twenty dollars, whichever shall be the greater.

Imputed
expense for
hire of
electoral
vehicle.

(2) The Governor in Council may by order approved by both chambers of the Legislature alter the sum of twenty dollars mentioned in subsection (1).

55. (1) A candidate or his election agent may apply for relief under this section to the Supreme Court.

Authorised
excuses
for
failures
as respects
return and
declara-
tions.

(2) Relief under this section may be granted—

- (a) to a candidate, in respect of any failure to transmit the return and declaration as to election expenses or any part of them, or in respect of any error or false statement therein, or

(b) to an election agent, in respect of the failure to transmit the return and declaration which he was required to transmit, or any part of them, or in respect of any error or false statement therein.

(3) The application for relief may be made on the ground that the failure, error or false statement arose—

(a) by reason of the illness of the applicant; or

(b) where the applicant is the candidate, by reason of the absence, death, illness or misconduct of his election agent or sub-agent or of any clerk or officer of such agent; or

(c) where the applicant is the election agent, by reason of the death or illness of any prior election agent of the candidate, or of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the candidate; or

(d) by reason of inadvertence or any reasonable cause of a like nature,

and not by reason of any want of good faith on the part of the applicant.

(4) The court may, after such notice of the application in the electoral district and on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as to the court seems fit, make such order for allowing an authorised excuse for the failure, error or false statement as to the court seems just.

(5) Where it is proved to the court by the candidate that any act or omission of the election agent in relation to the return and declarations was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing the act or omission, the court shall relieve the candidate from the consequences of the act or omission of the election agent.

(6) An order under subsection (4) may make the allowance conditional on the making of the return and declaration in a modified form or within an extended time and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of the foregoing provisions relating to the expenses of a candidate.

(7) An order under subsection (4) relieves the applicant for the order from any liability or consequences under this Ordinance in respect of the matter excused by the order.

(8) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Ordinance as the date of the allowance of the authorised excuse.

56. (1) Where on an application under section 55 it appears to the court that any person who is or has been an election agent has refused or failed to make such return, or to supply such particulars, as will enable the candidate and his election agent respectively to comply with the provisions of this Ordinance as to the return or declarations as to election expenses, the court, before making an order under the said section, shall order that person to attend before the court.

Power of court to require information from election agent.

(2) The court shall on the attendance of that person, unless he shows cause to the contrary, order him to make the return and declarations or to deliver a statement of the particulars required to be contained in the return as to the court seems just, within such time, to such persons and in such manner as the court may direct, or may order him to be examined with respect to the particulars.

57. The Supervisor shall, within ten days after he receives from the election agent of a candidate a return as to election expenses, publish a summary of the return in at least one newspaper, accompanied by a notice stating the date on which the return and declaration were received by him and that the return and declaration (including the accompanying documents) can be inspected at the office of the Supervisor.

Publication of summary of return.

58. (1) Any returns or declarations (including the accompanying documents) sent in under sections 46, 51 and 52 to the Supervisor shall be retained by the Supervisor in his office for safe keeping and such returns or declarations (including the accompanying documents) shall at all reasonable times during two years next after they are received by him be open to inspection by any person on payment of a fee of twenty-five cents; and the Supervisor shall on demand furnish copies thereof or any part thereof at the price of twelve cents for every one hundred and twenty words or part thereof.

Inspection of returns and declarations.

(2) Subject to subsection (3), after the expiration of the said two years the Supervisor may cause the said returns and declarations (including the accompanying documents) to be destroyed or, if the candidate or his election agent so require, shall return them to the candidate.

(3) Any returns or declarations sent under section 46 shall be returned, not to the candidate if he or his election agent so require, but to the person sending them if he so requires.

PART V

OFFENCES

Offences by election officers, etc.

Offences by
registration
officers etc.

59. (1) A registration officer or an assistant registration officer is guilty of a corrupt practice who, wilfully or without reasonable excuse,

- (a) omits from a unit register for the registration area or registration unit for which he has been appointed the registration record card of any person entitled to have the said card entered therein, or
- (b) enters in the said register the registration record card of any person who is not entitled to have the said card entered therein or the registration record card of any fictitious or non-existent person.

(2) A registration officer or an assistant registration officer is guilty of a corrupt practice who, wilfully or without reasonable excuse,

- (a) enters any false or incorrect matter or thing upon a registration record card or an identification card in a unit register for the registration area or registration unit for which he has been appointed, or
- (b) omits to enter upon a registration record card or in any such register, any relevant matter or thing that he knows or reasonably believes to be true.

Offences by
election
officers
other than
registration
officers.

60. An election officer, other than a registration officer or assistant registration officer, is guilty of a corrupt practice, who—

- (a) makes, in any record, return or other document that he is required to keep or make under this Ordinance, any entry that he knows or has reasonable cause to believe to be false, or does not believe to be true ; or
- (b) permits any person whom he knows or has reasonable cause to believe not be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be ; or
- (c) refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be ; or

- (d) except as provided in this Ordinance permits any person to vote at a polling station at which he knows or has reasonable cause to believe that such person is not entitled to vote ; or
- (e) wilfully prevents any person from voting at a polling station at which he knows or has reasonable cause to believe such person is entitled to vote ; or
- (f) wilfully rejects or refuses to count any ballot that he knows or has reasonable cause to believe is validly cast for any candidate in accordance with the provisions of this Ordinance ; or
- (g) wilfully counts any ballot that he knows or has reasonable cause to believe was cast contrary to the provisions of this Ordinance .

61. (1) An election officer required by this Ordinance to take any oath or affirmation who wilfully or negligently fails in any material particular to perform the undertaking made by him in such oath or affirmation, is liable, on summary conviction, to a fine of five hundred dollars or to imprisonment for a term of twelve months or to both such fine and such imprisonment. Breaches of official duty.

(2) (a) If a person to whom this subsection applies, or who is for the time being under a duty to discharge any of the functions of such a person, is, without reasonable cause, guilty of any act or omission in breach of his official duty, he is liable, on summary conviction, to a fine of five hundred dollars or to imprisonment for a term of twelve months or to both such fine and such imprisonment.

(b) An action for damages does not lie in respect of the breach of his official duty by any person to whom this subsection applies.

(c) This subsection applies to any election officer or any person appointed to perform any duty under this Ordinance in connection with his official duties, and the expression "official duty" is for the purposes of this section to be construed accordingly but does not include duties imposed otherwise than by this Ordinance.

(3) If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve as a member of the House of Representatives, a Municipal Council or a County Council and if it has been determined on the hearing of a representation petition that such person was entitled to have been so returned, the returning officer shall, without prejudice to any civil or criminal liability which he may have incurred thereby, forfeit to such person the sum of two thousand five hundred dollars.

Prohibition
of canvassing
by election
officers and the
police.

62. (1) A scrutineer, a presiding officer, a poll clerk or a machine attendant who, when performing his duties under this Ordinance, and any other election officer who, at any time, attempts to persuade any person to vote for or support or to refrain from voting for or from supporting any person as a candidate for any election or as a candidate for nomination on behalf of any political party for such election, or to support any political party, or attempts to ascertain for what candidate or party any person intends to vote, is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for a term of six months or to both such fine and such imprisonment.

(2) An election officer, other than a scrutineer, who addresses any meeting on behalf of any candidate or political party, or in any way actively associates himself with the election campaign of any candidate or political party is liable upon summary conviction to a fine of two hundred and fifty dollars or to imprisonment for a term of six months or to both such fine and such imprisonment.

(3) Any member of the police force, of the Special Reserve Police, or of the Estate Police who shall by word, message, writing or in any other manner endeavour to persuade any person to give or dissuade any person from giving his vote at any election is liable on summary conviction to a fine of five hundred dollars or to imprisonment for a term of twelve months or to both such fine and such imprisonment ; but nothing in this subsection shall subject any such member to any penalty for anything done in the discharge of his duty as such member.

Requirement
of secrecy.

63. (1) The following persons, that is to say—

- (a) the Supervisor, the Assistant Supervisor of Elections, every returning officer, election clerk, presiding officer, poll clerk or machine attendant or custodian or police officer on duty attending at a polling station;
- (b) every candidate or election agent or polling agent so attending,

shall maintain and aid in maintaining the secrecy of voting.

(2) Every person attending at the counting of votes shall maintain and aid in maintaining the secrecy of voting.

(3) No person shall—

- (a) interfere with or attempt to interfere with an elector when he is voting ;
- (b) otherwise obtain or attempt to obtain at a polling station information as to the candidate or political party for whom an elector in that station is about to vote or has voted ;

- (c) communicate at any time to any person any information obtained in a polling station as to the candidate or political party for whom an elector in that station is about to vote or has voted ;
 - (d) directly or indirectly induce an elector to disclose to any person the name of the candidate or political party for whom he has or has not voted.
- (4) Every person attending the proceedings in connection with the issue or the opening of postal ballot papers shall maintain and aid in maintaining the secrecy of the voting and shall not—
- (a) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number on the counterfoil of the postal ballot paper sent to any person ;
 - (b) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of postal ballot papers the number on the counterfoil of any such ballot paper ;
 - (c) attempt to ascertain at the proceedings in connection with the opening of postal ballot papers the candidate for whom any vote is given in any particular postal ballot paper or communicate any information with respect thereto obtained at those proceedings.
- (5) No person having undertaken to assist a blind or incapacitated elector to vote shall communicate at any time to any person any information as to the candidate or political party for whom that elector intends to vote or has voted.
- (6) If any person fails to comply with or contravenes this section he is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for a term of six months.

Offences relating to registration, election documents, etc.

64. (1) A person is guilty of an offence who knowingly is unlawfully registered in more than one unit register for the purpose of any category of election or more than once in any unit register. Illegal registration.

(2) A person is guilty of an offence who induces or procures some other person to do an act if he knows that such act is, or but for that other person's want of knowledge would be, an offence by that other person under subsection (1).

(3) An offence under this section is an illegal practice.

(4) A candidate is not liable nor is his election avoided for an illegal practice under this section by any agent of his other than for an offence under subsection (2).

Destroying or defacing identification cards or other documents.

65. (1) Any person who, without lawful authority wilfully destroys, mutilates, defaces or makes any alteration to a identification card,

- (a) where the identification card relates to such person, is liable on summary conviction to a fine of one hundred dollars or to imprisonment for a term of three months;
- (b) where the identification card relates to some other person, is guilty of a corrupt practice.

(2) Any person who without lawful authority destroys, mutilates, defaces or removes, or makes any alteration in, a register or any notice published in pursuance of this Ordinance or any document or copy thereof that has been made available for inspection by the public in pursuance of this Ordinance is liable on summary conviction to a fine of one hundred dollars or to imprisonment for a term of three months.

Making false objection or statement and failure to give information

66. (1) Any person who objects in accordance with the registration rules to the registration of any other person as an elector upon any grounds that he knows or has reasonable cause to believe to be false is liable on summary conviction to a fine of one hundred dollars or to imprisonment for a term of three months.

(2) Any person who knowingly makes a false statement for the purpose of being registered, or of remaining registered as an elector is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for a term of six months or to both such fine and such imprisonment.

(3) Any person who in relation to any registration under this Ordinance makes before a registration officer or assistant registration officer any statement upon oath or any solemn affirmation that he knows or has reasonable cause to believe to be false or does not believe to be true is liable on summary conviction to a fine of five hundred dollars or to imprisonment for a term of twelve months.

(4) Subject to subsection (3) of section 17, where a person who is requested under this Ordinance by the Supervisor, a registration officer or an assistant registration officer to furnish him with information fails to comply with such a request or gives information which he knows to be false or does not believe to be true, such person is liable on summary conviction to a fine of five hundred dollars or to imprisonment for a term of twelve months.

67. A person is guilty of a corrupt practice who sells or attempts to sell, or purchases or attempts to purchase, or pledges or attempts to pledge, or receives by way of pledge in any manner whatsoever an identification card of an elector or any document or thing purporting to be an identification card of an elector.

Selling or purchasing or pledging identification cards.

68. (1) A person who with intent to deceive forges or counterfeits any registration record card or identification card is guilty of felony and liable on conviction on indictment therefor to imprisonment for a term of seven years.

Forgery of registration record cards and identification cards.

(2) A person is guilty of a corrupt practice who is guilty of an offence under this section.

69. (1) A person is guilty of an offence if at any election he—

Tampering with nomination papers, ballot papers, etc.

(a) fraudulently defaces or fraudulently destroys any nomination paper ; or

(b) forges or counterfeits any postal ballot paper ; or

(c) fraudulently defaces or fraudulently destroys any postal ballot paper ; or

(d) without due authority supplies any postal ballot paper to any person ; or

(e) fraudulently puts into any postal ballot box any paper other than the ballot paper which he is authorised by law to put in ; or

(f) without due authority destroys, takes, opens or otherwise interferes with any postal ballot box or postal ballot paper then in use for the purposes of the election ; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(2) A person guilty of an offence under this section is liable on summary conviction if he is a returning officer or an election clerk to a fine of five hundred dollars or to imprisonment for a term of twelve months ; or if he is any other person to a fine of two hundred and fifty dollars or to imprisonment for a term of six months.

70. (1) A person who wilfully destroys or damages a voting machine or any part thereof or, without lawful authority, interferes with any voting machine or any part thereof which has been prepared for use, or is in use at an election, is guilty of a misdemeanour and liable on conviction on indictment therefor to imprisonment for a term of five years and, in addition, to a fine of two thousand dollars.

Tampering with voting machines.

(2) A person is guilty of a corrupt practice who is guilty of an offence under subsection (1).

(3) A person who wilfully destroys or damages or, without lawful authority, interferes with any voting machine or any part thereof otherwise than as provided for in subsection (1) is guilty of a misdemeanour and liable on conviction on indictment therefor to imprisonment for a term of five years and, in addition, to a fine of two thousand dollars.

Offences relating to election campaign

Disturbance
at election
meetings.

71. (1) Any person who at a lawful public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called is guilty of a corrupt practice.

(2) This section applies to a political meeting held in an electoral district between the date of the publication of a notice of election under the election rules and polling day.

(3) If any police officer reasonably suspects any person of committing an offence under this section, he may require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name or address or gives a false name or address, he is liable on summary conviction to a fine of twenty-five dollars, and if he refuses or fails so to declare his name or address or if the police officer reasonably suspects him of giving a false name or address, the police officer may without warrant arrest him.

Premises not
to be used as
committee
rooms.

72. (1) Any person who hires or uses any premises to which this section applies or any part thereof for a committee room for the purpose of promoting or procuring the election of a candidate, or lets any premises to which this section applies or any part thereof knowing that it was intended to use them or that part as a committee room, is guilty of an illegal hiring.

(2) Subject to subsection (3), this section applies to any premises—

(a) that are licensed for the sale of any intoxicating liquor for consumption on or off the premises or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises ; or

(b) where any intoxicating liquor is supplied to members of a club, society or association, other than a permanent political club.

(3) This section does not apply to the hiring, using, letting, or permitting the use of any part of premises that is ordinarily let for the purposes of chambers or offices, or the holding of public meetings, or of arbitrations, if that part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

73. (1) Any person who, or any director of any body or association corporate which, before or during an election and for the purposes of affecting the return of any candidate at the election, makes or publishes any false statement of fact in relation to the personal character or conduct of the candidate, is guilty of an illegal practice unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true. False statement as to candidate.

(2) A person making or publishing any false statement of fact as in subsection (1) may be restrained by interim or perpetual injunction by the Supreme Court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate and, for the purposes of granting an interim injunction, *prima facie* proof of the falsity of the statement is sufficient.

(3) A person is guilty of an illegal practice who, before or during an election, knowingly publishes a false statement of withdrawal of a candidate at the election for the purpose of promoting or procuring the election of another candidate.

74. A person who corruptly induces or procures any other person to withdraw from being a candidate at an election in consideration of any payment or promise of payment, and a person withdrawing in pursuance of the inducement or procurement, is guilty of an illegal payment. Corrupt withdrawal from candidature.

75. (1) A person shall not—

- (a) print or publish, or cause to be printed or published any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate; or
- (b) post or cause to be posted any such bill, placard or poster as aforesaid; or
- (c) distribute or cause to be distributed any printed document for the said purpose,

unless the bill, placard, poster or document bears upon the face thereof the name and address of the printer and publisher.

(2) For the purposes of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing, and the expression "printer" shall be construed accordingly.

(3) A candidate or election agent acting in contravention of this section is guilty of an illegal practice, and any other person so acting is liable, on summary conviction, to a fine of five hundred dollars.

Providing money for illegal purposes.

76. Where any person knowingly provides money for any payment which is contrary to the provisions of this Ordinance, or for any expenses incurred in excess of any maximum amount allowed by this Ordinance, or for replacing any money expended in any such payment or expenses, except where the payment or the incurring of the expenses may have been previously allowed in pursuance of section 148 to be an exception, that person is guilty of an illegal payment.

No payment of expenses except through election agent.

77. A person who makes any payment, advance or deposit in contravention of subsection (1) or subsection (3) of section 44, or provides any money for any such payment, advance or deposit, is guilty of an illegal practice.

Expenses not authorised by election agent.

78. (1) Subject to subsections (2) and (3), if any person incurs or aids, abets, counsels or procures any other person to incur, any expenses in contravention of section 46 or knowingly makes a declaration required by subsection (3) of section 46 falsely, he is guilty of a corrupt practice, and if a person fails to send any declaration or return as required by section 46 he is guilty of an illegal practice.

(2) The court by whom a person is convicted under this section may, if it thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of subsection (2) of section 147.

(3) A candidate shall not be liable and his election shall not be avoided for a corrupt or illegal practice under this section committed by an agent without his consent or connivance.

(4) Where an act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, is deemed to be guilty of that offence, unless he proves that the act or omission took place without his consent or connivance and that he exercised all such diligence to prevent the com-

mission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

79. Any candidate or election agent who knowingly makes any payment or incurs any expense in contravention of section 47 is guilty of an illegal practice. Expenditure in excess of maximum.

80. (1) Subject to subsection (2), an election agent who pays a claim in contravention of subsection (1) of section 48 or makes a payment in contravention of subsection (2) of section 48 is guilty of an illegal practice. Payment of late claim.

(2) Where the court at the conclusion of the trial of a representation petition certifies that it has been proved to the court by the candidate that any payment was made by an election agent without the sanction or connivance of the candidate, the election of the candidate shall not be void, nor shall he be subject to any incapacity under this Ordinance by reason only of the payment having been made in contravention of section 48.

81. Subject to section 55, if a candidate or election agent fails to comply with the requirements of section 51 or section 52 he is guilty of an illegal practice. Failure to make return or declaration as to expenses.

82. If a candidate or election agent knowingly makes a declaration required by section 52 falsely, he is guilty of a corrupt practice. Making of false declaration.

83. If a person fails to comply with any order of the court made under section 56 the court may order him to pay a fine of two thousand five hundred dollars. Failure to comply with order of court.

Offences on polling day

84. (1) Subject to subsection (3), a person shall not, with a view to supporting or opposing the candidature of any individual as against any other or others at an election, either let, lend or employ, or hire, borrow or use, any motor vehicle or any animal drawn vehicle or any animal for the purpose of the conveyance of electors to or from the poll, and if he does so, he is guilty of an illegal practice. Use of motor vehicle etc. for conveying of electors to the poll.

(2) Where any motor vehicle or any animal drawn vehicle or any animal is let, lent, employed, hired, borrowed or used for the purpose of the conveyance of electors to or from the poll, it shall be presumed until the contrary is proved that the motor vehicle, animal drawn vehicle or animal was so let, lent, employed, hired, borrowed or used with a view to supporting or opposing the candidature of some individual as against some other or others at the election.

(3) Subject to subsection (4), nothing in this section shall—

- (a) prevent any motor vehicle, any animal drawn vehicle or any animal being let to or hired, employed or used by an elector, or several electors at their joint cost, for the purpose of being conveyed to or from the poll ; or
- (b) prevent any person employing any motor vehicle or any animal drawn vehicle or any animal for the purpose of conveying to or from the poll himself or any member of the same household, or borrowing any such vehicle or animal from a member of the same household to be employed for that purpose; or
- (c) apply to any motor vehicle registered as an electoral vehicle on behalf of any candidate, in relation to the user of such vehicle in accordance with section 85.

(4) In any prosecution under this section the burden of proving any exemption under paragraph (a) or paragraph (b) or paragraph (c) of subsection (3) shall be on the person charged.

(5) In this section “members of the same household” includes a visitor spending the night before or after polling day in the same dwelling house and a person employed by a member of the household at the dwelling house unless so employed exclusively for the purpose of that member’s trade, profession or business.

Restriction
on user of
registered
electoral
vehicles.

85. (1) No registered electoral vehicle shall be, at any time on polling day between one hour before the opening of the poll and one hour after the closing of the poll, on any road—

- (a) unless there is prominently displayed upon such vehicle the electoral vehicle placard in respect of such vehicle ; or
- (b) subject to subsection (2), outside the boundaries of the electoral district in respect of which it is a registered electoral vehicle; and
- (c) where more than five passengers are upon such vehicle.

(2) Paragraph (b) of subsection (1) does not apply to the presence of any motor vehicle upon a road outside the boundaries of the electoral district in respect of which such vehicle is registered as an electoral vehicle at any time when such vehicle is actually transporting electors in such electoral district from some point in such electoral district to some other point in such electoral district by the most direct route between such points practicable for motor traffic.

(3) A person is guilty of an illegal practice who, in contravention of this section—

- (a) drives or causes or permits to be driven any registered electoral vehicle ; or
- (b) is or causes any other person to be a passenger upon any such vehicle at a time when he knows or has reasonable cause to believe that such vehicle is being driven.

86. (1) A police officer may stop any motor vehicle or animal drawn vehicle which he has reason to believe is being driven or has been driven contrary to section 84 or section 85 and to question the driver of or any passenger in or upon such vehicle, whether stopped on his instructions or not, with a view to determining whether a breach of any such sections is being or has been committed.

Power to question passengers and detain vehicles.

(2) If the driver of any such vehicle—

- (a) refuses or fails to answer a question lawfully put to him under subsection (1) ; or
- (b) obstructs the police officer in the execution of his duty ; or
- (c) fails to obey any direction of the police officer requiring him to comply with the provisions of section 84 or 85 in respect of such vehicle ;

the police officer may require the driver to drive the vehicle to the nearest police station where it may be detained until one hour after the closing of the poll, and may arrest the driver without a warrant.

(3) If a passenger refuses or fails to answer a question lawfully put to him under subsection (1) the police officer may require him, by force if necessary, to leave the said vehicle, and may arrest him without a warrant.

(4) Any driver of any such vehicle who, upon being required to do so in accordance with subsection (2), refuses or fails to drive such vehicle to the nearest police station is guilty of an illegal practice.

(5) Any driver of any such vehicle or any passenger in or upon such vehicle who refuses or fails to answer any question lawfully put to him by a police officer under subsection (1) is guilty of an offence and liable on summary conviction to a fine of one hundred and twenty dollars or to imprisonment for a term of six months.

87. (1) No person shall hire or make use of any band of music on polling day within an electoral district for which an election is being held until two hours after the closing of the poll.

Prohibition of employment of bands of music.

(2) No person shall play in any band of music at any meeting or in any procession held on polling day within an electoral district for which an election is being held until two hours after the closing of the poll.

(3) Any person who contravenes this section is liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of three months.

Loudspeakers,
banners,
favours, badges,
etc. prohibited.

88. (1) No person shall furnish or supply any public address apparatus, loudspeaker, bunting, ensign, banner, standard or set of colours or any flag to any person with intent that it should be carried, worn or used on polling day within an electoral district for which an election is being held on any motor or other vehicle as political propaganda on polling day, and no person shall on polling day carry, wear or use within such electoral district any public address apparatus, loudspeaker, bunting, ensign, banner, standard or set of colours or flag, on any motor or other vehicle or otherwise as political propaganda.

(2) No person shall furnish or supply any flag, ribbon, label, symbol or like favour or any article of clothing to or for any person with intent that it be worn or used by any person within an electoral district on polling day as a badge to distinguish the wearer as the supporter of any candidate or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label, symbol or like favour or any article of clothing as such badge within an electoral district on polling day.

(3) Nothing contained in subsection (1) shall be deemed to extend to the furnishing, supplying, carrying, wearing or using of any banner bearing only the name of any candidate or party or only such name preceded by the words "Vote for".

(4) Any person who contravenes this section is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for a term of six months.

Persons not
to congregate
near polling
stations.

89. (1) Subject to subsection (2), during the hours when the poll is open on polling day no persons shall assemble or congregate in a polling station or within one hundred yards thereof.

(2) This section does not apply to—

(a) any electors who are waiting to vote at such polling station and who obey such instructions as may be given by the presiding officer or any police officer for the purpose of forming a queue with other electors so waiting, or

(b) any person who under the provisions of this Ordinance lawfully enters and remains in such station.

(3) A person who contravenes this section is liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of three months.

90. (1) During the hours that the poll is open upon polling day no person shall, in any polling station or upon any road or in any public place within one hundred yards of any polling station, seek to influence any elector to vote or to refrain from voting for any candidate or political party or to ascertain for whom any elector intends to vote or has voted.

Influencing electors to vote for any candidate.

(2) Any person who contravenes this section is liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of three months.

91. (1) (a) No intoxicating liquor shall be sold, offered or exposed for sale, or given away at any premises licensed under the Liquor Licence Ordinance, 1955, and situate in any electoral district for which an election is being held at any time between the opening and the closing of the poll on polling day.

Intoxicating liquor not to be sold.

Ord. No. 27—1955

(b) No intoxicating liquor shall be supplied to any person on the premises of any club registered under the Registration of Clubs Ordinance, 1955 and situate in any electoral district for which an election is being held at any time between the opening and closing of the poll on polling day.

Ord. No. 28—1955

(c) Any person who contravenes this subsection is liable on summary conviction to a fine of five hundred dollars or to imprisonment for a term of six months.

(2) No person shall on polling day consume any intoxicating liquor within a polling station.

(3) No presiding officer, poll clerk or machine attendant shall consume any intoxicating liquor on polling day until after the completion of his duties under this Ordinance.

(4) Any person who contravenes subsections (2) or (3) is liable on summary conviction to a fine of one hundred and twenty dollars or to imprisonment for a term of three months.

92. An employer who fails to comply with any of the provisions of subsection (2) of section 35 and any person who directly or indirectly by intimidation, undue influence, or in any other way interferes with the granting to an elector of the prescribed period for voting referred to in that subsection is liable on summary conviction to a fine of five hundred dollars or to imprisonment for a term of twelve months.

Interference with employees time off for voting.

93. (1) A person is guilty of an offence who votes at an election—

Illegal voting.

(a) knowing that he is not entitled to vote at the election;

- (b) as an elector more than once in the same electoral district or in more than one electoral district; or
- (c) in person at which he is entitled to vote as a postal elector.

(2) A person is guilty of an offence who induces or procures some other person to do an act if he knows that such act is, or but for that other person's want of knowledge would be, an offence by that other person under subsection (1).

(3) An offence under this section is an illegal practice.

(4) A candidate is not liable, nor is his election avoided, for an illegal practice under this section by any agent of his other than for an offence under subsection (2).

Other offences and savings

Damage to
electoral
vehicle.

94. A person is guilty of a corrupt practice who on or before polling day for an election wilfully damages or destroys a vehicle registered as an electoral vehicle for that election.

Bribery.

95. (1) A person is guilty of a corrupt practice who is guilty of bribery.

(2) A person is guilty of bribery who, directly or indirectly, by himself or by any other person on his behalf—

- (a) gives any money or procures any office to or for any elector or to or for any other person on behalf of any elector or to or for any other person in order to induce any elector to vote or refrain from voting; or
- (b) corruptly does any act as in paragraph (a) on account of any elector having voted or refrained from voting; or
- (c) makes any gift or procurement as in paragraph (a) to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at an election or the vote of any elector,

or if upon or in consequence of any such gift or procurement he procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any elector.

(3) A person is guilty of bribery who—

- (a) advances or pays or causes to be advanced or paid any money to or to the use of any other person with the intent that such money or any part thereof will be expended in bribery at any election or,
- (b) 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 election.

(4) Subsections (1) to (3) do not extend and shall not be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an election.

(5) An elector is guilty of bribery who, before or during an election, directly or indirectly by himself or by any other person on his behalf, receives, agrees to receive, 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.

(6) A person is guilty of bribery who, after an 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.

(7) In this section "elector" includes any person who has or claims to have a right to vote or is believed by the person offering the bribe to have a right to vote.

(8) For the purposes of this section—

(a) references to giving money includes references to lending, agreeing to give or lend, offering, promising, or promising to procure or to endeavour to procure any money or valuable consideration ; and

(b) references to procuring any office includes references to giving, procuring, agreeing to give or procure, offering, promising or promising to procure or to endeavour to procure any office, place or employment.

96. (1) A person is guilty of a corrupt practice who is guilty of treating.

(2) A person is guilty of treating who corruptly, by himself or by any other person on his behalf, 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—

(a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election ; or

(b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election.

(3) Every elector who corruptly accepts or takes any such food, drink, entertainment or provision is also guilty of treating.

Undue
influence.

97. (1) A person is guilty of a corrupt practice who is guilty of undue influence.

(2) A person is guilty of undue influence who—

(a) directly or indirectly, by himself 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 that person to vote or refrain from voting at any election, or on account of that person having voted or refrained from voting at any election ; or

(b) by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of an elector or thereby compels, induces or prevails upon an elector either to vote or to refrain from voting at any election.

Personation.

98. (1) A person is guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.

(2) A person is guilty of personation at an election if he—

(a) votes as some other person whether that other person is living or dead or is a fictitious person ; or

(b) votes for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person ; or

(c) votes when there is upon any of his fingers any mark of electoral ink.

(3) For the purposes of this section a person who has presented himself to a poll clerk for the purpose of voting at an election or who has marked whether validly or not and returned a postal ballot paper for the purpose of voting by post shall be deemed to have voted.

(4) A person charged with personation shall not be convicted except on the evidence of not less than two credible witnesses.

Penalty for
corrupt
practice.

99. (1) Except as otherwise specifically provided, a person guilty of a corrupt practice other than personation is liable—

(a) on summary conviction to a fine of five hundred

- dollars or to imprisonment for a term of six months or to both such fine and such imprisonment ; or
- (b) on conviction on indictment to imprisonment for a term of twelve months or to a fine of one thousand dollars or to both such imprisonment and such fine.

(2) A person who commits the offence of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation is guilty of felony and liable on conviction on indictment to imprisonment for a term of five years and, in addition, to a fine of one thousand dollars.

100. (1) Except as otherwise specifically provided, a person guilty of an illegal practice is liable on summary conviction to a fine of five hundred dollars or to imprisonment for a term of six months. Penalty for illegal practice.

(2) On a prosecution for an illegal practice it shall be sufficient to allege that the person charged was guilty of an illegal practice.

101. Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice, and any person charged with an illegal practice may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt practice. Findings on charge of corrupt practice or illegal practice.

102. (1) A person guilty of an offence of illegal payment or hiring is on summary conviction liable to a fine of five hundred dollars, or to imprisonment for a term of six months, and on a prosecution for such an offence it shall be sufficient to allege that the person charged was guilty of an illegal payment or hiring, as the case may be. Penalty for illegal payment or hiring.

(2) A candidate or election agent who is personally guilty of an illegal payment, or hiring is guilty of an illegal practice.

(3) Any person charged with an offence of illegal payment or hiring may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

103. (1) Where a person has been declared by others to be a candidate at an election without his consent, nothing in this Ordinance shall be construed to impose any liability on that person, unless he has afterwards given his assent to the declaration or has been nominated. Savings for elections.

(2) Nothing in this Ordinance shall be construed as prohibiting the employment of a paid canvasser.

Rights of
creditors.

104. The provisions of this Ordinance prohibiting—

- (a) payments and contracts for payments ;
- (b) the payment or incurring of election expenses in excess of the maximum allowed by this Ordinance ; or
- (c) incurring of expenses not authorised by the election agent,

do not affect the right of any creditor, who, when the contract was made or the expense was incurred, did not know that the contract or expense was in contravention of this Ordinance.

PART VI

LEGAL PROCEEDINGS

Disputed Appointments and Elections

Method of
questioning
appointment
or election.

105. (1) The following questions shall be referred to and determined by the Supreme Court in accordance with sections 105 to 128—

- (a) where leave has been granted under paragraph (2) of article 43 of the Constitution, any question whether any person has been validly appointed as a Senator or validly elected as a member of the House of Representatives; and
- (b) any question whether any person has been validly elected as a member or to an office of a Municipal Council or of a County Council.

(2) Every such reference shall be by a petition, in this Ordinance referred to as a representation petition.

(3) A petition complaining of no return or an insufficient return shall be deemed to be a representation petition.

Presentation
and service
of representa-
tion petition.

106. (1) A representation petition may be presented by any one or more of the following persons—

- (a) in respect of an appointment to the Senate, by any person who on the date of the appointment of the person to whom the petition relates, was entitled to vote as an elector at a Parliamentary election;
- (b) in respect of an election or return to the House of Representatives, by—
 - (i) a person who had a right to vote at the election; or
 - (ii) a person validly nominated as a candidate at the election.

(2) The person whose appointment, election or return is complained of is hereinafter referred to as the respondent; but, if the petition complains of the conduct of a returning officer or election clerk, the returning officer or election clerk shall for the purposes of this Part be deemed to be a respondent.

(3) The petition shall be in the prescribed form, state the prescribed matters and be signed by the petitioner, or all the petitioners if more than one.

(4) The petition shall be presented by delivering it to the Registrar.

(5) The Registrar shall send a copy of the petition—

(a) in the case of a petition questioning the appointment of a person to the Senate, to the Solicitor General, and

(b) to such other persons as may be prescribed;

and shall cause the petition to be published in the prescribed manner.

(6) The petition shall be served in such manner as may be prescribed.

107. (1) A petition questioning the appointment of a person to the Senate shall be presented within twenty-eight days of the date of the notification in the *Royal Gazette* of the appointment.

Time for presentation or amendment of representation petition.

(2) Subject to the provisions of this section, a petition questioning an election or return shall be presented within eight days after the return has been made of the member to whose election the petition relates.

(3) If the petition questions the election or return upon an allegation of corrupt practices and specifically alleges a payment of money or other reward to have been made by the member or on his account or with his privity since the time of the said return in pursuance or in furtherance of the alleged corrupt practice, it may be presented within twenty-eight days after the date of the alleged payment.

(4) A petition questioning the election or return upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented—

(a) in the case of a petition relating to membership of the House of Representatives, not later than the expiration of fourteen days after the day specified in subsection (5);

(b) in the case of a petition relating to membership of a Municipal Council or a County Council, within

twenty-eight days after the date of the alleged illegal practice, or before the expiration of the period referred to in subsection (2), whichever is the later;

(c) notwithstanding paragraphs (a) and (b), if specifically alleging a payment of money or some other act to have been made or done since the day specified in subsection (5) by the member to whose election the petition relates or by an agent of his, or with the privity of that member or his election agent, in pursuance or in furtherance of the alleged illegal practice, within twenty-eight days after the date of the alleged payment or other act.

(5) The said day is—

(a) that on which the returning officer receives the return and declarations as to election expenses by the said member and his election agent; or

(b) where the return and declarations are received on different days, the last of those days; or

(c) where there is an authorised excuse for failing to make the return and declarations, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse.

(6) A petition presented within the time limited by subsection (2) or subsection (3) may, for the purpose of questioning the election or return upon an allegation of an illegal practice, be amended with the leave of the Supreme Court within the time within which a petition questioning the election upon the allegation of that illegal practice could be presented under subsection (4).

(7) Subsections (4), (5) and (6) apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(8) For the purpose of this section, the allegation that an election is, under this Ordinance, avoided on the grounds that corrupt or illegal practices or illegal payments, employments or hirings were committed in reference to the election for the purpose of promoting or procuring the election of any person thereat and had so extensively prevailed that they may be reasonably supposed to have affected the result of the election, shall be deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.

108. (1) At the time of presenting a representation petition Security for costs. or within three days afterwards the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.

(2) The security shall be—

(a) in the case of a petition relating to membership of the Senate or of the House of Representatives, an amount of two thousand dollars; and

(b) in the case of a petition relating to membership of a Municipal Council or a County Council, an amount not exceeding one thousand dollars as the Supreme Court, on summons, directs,

and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

109. Within the prescribed time, not exceeding five days Notice of presentation and security and copy of petition to be served on respondent. after the presentation of the petition, the petitioner shall, in the prescribed manner, serve on the respondent a notice of the presentation of the petition and of the nature of the proposed security, and a copy of the petition.

110. (1) Within a further prescribed time, not exceeding Objections to security. ten days after service of the notice of the presentation of the petition, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the recognisance.

(2) If the objection is allowed, the petitioner may, within a further prescribed time not exceeding five days, remove it by a deposit in the prescribed manner of such sum of money as will in accordance with subsection (3) or subsection (4) make the security sufficient.

(3) Any objection to a recognisance may be heard and determined by the Registrar, and the Registrar may, if he allows the objection, direct what sum should be deposited so as to make the security sufficient.

(4) A determination or direction by the Registrar under subsection (3) may be reviewed by the Supreme Court, and upon such review the court may make any determination or give any direction which the Registrar may have made or given.

(5) If no security is given as required by section 108 or any objection is allowed and not removed as aforesaid, no further proceeding shall be had on the petition.

Petition at issue.

111. On the expiration of the time limited for objections, or, after objection made, on the objection being disallowed or removed whichever last happens, the petition shall be at issue.

Trial of petition.

112. (1) A representation petition shall be tried by the Supreme Court in open court, without a jury, and notice of the time and place of trial shall be given in the prescribed manner not less than fourteen days before the day of trial.

(2) The jurisdiction of the Supreme Court to try representation petitions may be exercised by a single judge.

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(3) The court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day until its conclusion.

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(4) The trial of a petition relating to membership of the Senate or of the House of Representatives shall be proceeded with notwithstanding the prorogation of the Legislature, and, in the case of a petition questioning an election or return, notwithstanding the resignation by the respondent as a member of the House of Representatives.

(5) On the trial of the petition, unless the court otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice.

(6) On the trial of a petition questioning an election or return and claiming the seat for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.

Elector not to be asked for whom he voted.

113. No elector who has voted at an election shall in any proceedings on a representation petition be required to state for whom he voted.

114. Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in an action tried before the Supreme Court. Witnesses.

115. (1) On the trial of a representation petition questioning an election or return the court may, by order under the hand of the judge, require any person who appears to him to have been concerned in the election to attend as a witness and any person refusing to obey the order is guilty of contempt of court. Power of court to summon witnesses at its own instance.

(2) The court may examine any person so required to attend or who is in court although he is not called and examined by any party to the petition.

(3) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and respondent, or either of them.

116. (1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of a representation petition, according to the scale allowed to witnesses at the trial of civil actions before the Supreme Court, may be allowed to him by a certificate of the court or of the Registrar; and, if the witness was called and examined by virtue of section 115, shall be deemed part of the expenses of the court, but otherwise shall be deemed costs of the petition. Witnesses' expenses.

(2) The expenses of the court shall be paid out of such sums as shall be appropriated for the purpose by the Legislature. The expenses of the court shall be paid out of such sums as shall be appropriated for the purpose by the Legislature.

117. (1) At the conclusion of the trial of a representation petition in respect of an appointment to the Senate, the court shall determine whether the person whose appointment was questioned was validly appointed or not, and shall forthwith certify in writing the determination to the Governor and to the President of the Senate. Conclusion of trial of representation petition.

(2) At the conclusion of the trial of a representation petition in respect of an election or return, the court shall—

(a) determine whether the person whose election or return is questioned, or any and what other person, was duly returned or elected or whether the election was void;

(b) forthwith certify in writing the determination—

(i) in the case of a petition relating to membership of the House of Representatives, to the Speaker;

- (ii) in the case of a petition relating to membership of a Municipal Council, to the Minister and to the Town Clerk of the Municipal Council concerned;
 - (iii) in the case of a petition relating to membership of a County Council, to the Minister and to the Chief Executive Officer of the County Council concerned;
- (c) where any charge is made in a petition relating to membership of the House of Representatives of any corrupt or illegal practice having been committed at the election, the court may in addition to giving a certificate, and at the same time, make a special report to the Speaker as to matters arising in the course of the trial an account of which in the judgment of the court ought to be submitted to the House of Representatives.

(3) The certified determination of a representation petition by the Supreme Court shall be final to all intents and purposes.

(4) In this section "Minister" means the Minister charged with responsibility for local government.

Representation
petition
treated as
vacancy
petition.

118. Notwithstanding that it has determined and certified that the person to whom the petition relates was validly appointed or elected, as the case may be, the court may, if satisfied that since the date of the appointment or election circumstances have arisen by reason of which such person has vacated this seat, proceed under subsection (1) of section 135 as if the petition were a vacancy petition.

Withdrawal
of petition
questioning
an election
or return.

119. (1) A petitioner shall not withdraw a representation petition questioning an election or return without the leave of the court on special application, made in the prescribed manner and within the prescribed time.

(2) The application shall not be made until the prescribed notice of the intention to make it has been given.

(3) Where there are more petitioners than one, the application shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn the petitioners are liable to pay the costs of the respondent.

120. (1) Before leave for the withdrawal of a petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors and, if the election was an election at which candidates are required to have election agents, by the election agents of all the said parties who were candidates at the election, but the Supreme Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

Evidence
required for
withdrawal
of petition.

(2) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4) Copies of the said affidavit shall be delivered to the Director of Public Prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the Director of Public Prosecutions or other representative appointed by him in opposition to the allowance of the withdrawal of the petition, and shall have the power to receive the evidence on oath of any person or persons whose evidence the Director of Public Prosecutions or his representative may consider material.

(5) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

121. If any person makes any agreement or terms or enters into any undertaking in relation to the withdrawal of a representation petition, and such agreement, terms or undertaking is or are for the withdrawal of the petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other such representation petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be liable on conviction on indictment to imprisonment for a term of twelve months or to a fine of one thousand dollars, or to both such imprisonment and such fine.

Punishment
for corrupt
withdrawal.

Substitution
of new
petitioner.

122. (1) On the hearing of the application for leave to withdraw a petition any person who might have been a petitioner in respect of the petition may apply to the court to be substituted as the petitioner, and the court may, if the court thinks fit, substitute him accordingly.

(2) If the proposed withdrawal is in the opinion of the court the result of any agreement, terms or undertaking prohibited by the section 121 or induced by any corrupt bargain or consideration, the court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in the security, the original petitioner and his surety shall be liable to pay the costs of the substituted petitioner.

(3) If the court does not so direct, then the security to the same amount as would be required in the case of a new petition, and subject to the like condition, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within the prescribed time after the order of substitution.

(4) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

Report on
withdrawal.

123. (1) In every case of the withdrawal of a representation petition the court giving leave for the withdrawal shall make a report to the persons mentioned in paragraph (b) of subsection (2) of section 117.

(2) The report shall state whether in the opinion of the court the withdrawal of the petition was the result of any agreement, terms or undertaking or was in consideration of any payment, or in consideration that the seat should be at any time vacated or in consideration of the withdrawal of any other such representation petition or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

Abatement
of petition.

124. (1) A representation petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) A petition questioning the appointment of any person to the Senate shall be abated if the respondent dies.

(3) The abatement of a petition shall not affect the liability of the petitioner or any other person to the payment of costs incurred in respect of any proceeding taken prior to the abatement.

(4) On the abatement of a petition under subsection (1) the prescribed notice thereof shall be given; and any person who might have been a petitioner in respect of the appointment or election, as the case may be, may, within the prescribed time after the notice is given, apply to the Supreme Court in the prescribed manner to be substituted as a petitioner; and the court may, if the court thinks fit, substitute him accordingly.

(5) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

125. (1) If before the trial of a representation petition questioning an election or return a respondent, other than a returning officer or an election clerk, gives the prescribed notice that he does not intend to oppose the petition or dies, the Registrar shall give notice thereof in the electoral district to which the petition relates; and any person who might have been a petitioner in respect of the election may, within the prescribed time after the notice is given, apply to the Supreme Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly; but the number of persons admitted as respondents under this section shall not exceed three.

Withdrawal
and substi-
tution of
respondents
before trial.

(2) A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

126. (1) All costs of and incidental to the presentation of a representation petition and the proceedings consequent thereon, except such as are by this Ordinance otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportion as the Supreme Court may determine; and in particular any costs which in the opinion of the court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of the petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused whether or not they are on the whole successful.

Costs of
petition.

(2) If a petitioner neglects or refuses, for six months, after demand to pay to any person summoned as a witness on his behalf or to the respondent any sums certified to be due to him for his costs, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the

Supreme Court, every person who under section 108 entered into a recognisance relating to the petition shall be held to have made default in the recognisance, and the recognisance shall thereupon be enforced as if it were a recognisance entered into before the Supreme Court and declared by the Supreme Court to have been forfeited.

Further
provision as
to costs of
petition.

127. (1) Where upon the trial of a representation petition questioning an election or return it appears to the court that any person is proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to the election to which the petition relates, the court may, after giving that person an opportunity of being heard by counsel or solicitor and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person, and, where such an order is made against more than one person, may order that if the costs cannot be recovered from one or more of those persons they shall be paid by some other of those persons or by either of the parties to the petition.

(2) Where any person appears to the court to have been guilty of a corrupt or illegal practice, the court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the court in relation to the said offence or to the said person to be paid by the said person to such person or persons as the court may direct.

Jurisdiction.

128. Subject to the provisions of this Part and of the rules made thereunder, the principles, practice and rules on which committees of the House of Commons of the Parliament of the United Kingdom used to act in dealing with election petitions shall be observed, so far as may be, by the Supreme Court in the case of representation petitions questioning elections or returns.

Disputed Vacancies

129. (1) The following questions shall be referred to and determined by the Supreme Court in accordance with sections 129 to 135—

Method of questioning vacancies.

- (a) where leave has been granted under paragraph (2) of article 43 of the Constitution, any question whether any Senator or member of the House of Representatives has vacated his seat or is required, under the provisions of paragraph (2) of article 18 or paragraph (3) of article 23 of the Constitution, to cease to exercise any of his functions as a Senator or as a member of the House of Representatives; and
 - (b) any question whether a member of a Municipal Council or of a County Council has vacated his seat or his office therein.
- (2) Every such reference shall be by a petition (hereinafter referred to as a vacancy petition) presented to the court—
- (a) in the case of the Senate, by—
 - (i) authority of a resolution of the Senate; or
 - (ii) any person who on the date of the presentation of the petition is entitled to vote as an elector at a Parliamentary election;
 - (b) in the case of the House of Representatives, by—
 - (i) authority of a resolution of the House; or
 - (ii) any person who on the date of the presentation of the petition would be entitled to vote at an election held for the electoral district for which the person to whom the petition relates was elected.
- (3) For the purposes sections 129 to 135, in the case of a petition presented under sub-paragraph (i) of paragraph (a) of subsection (2) or under sub-paragraph (i) of paragraph (b) of subsection (2), the nominal petitioner shall be the clerk of the Senate or the clerk of the House of Representatives, as the case may be.

130. (1) A vacancy petition presented to the Supreme Court shall be in the prescribed form, state the prescribed matters and be signed by such persons as may be prescribed.

Contents, delivery and service of vacancy petition.

(2) The petition shall be delivered to the Registrar and the Registrar shall send a copy of the petition to such persons as may be prescribed, and shall cause it to be published in the prescribed manner.

(3) The petition shall be served in such manner as may be prescribed.

Security
for costs.

131. (1) Where a vacancy petition has been presented to the Supreme Court otherwise than by authority of a resolution, the petitioner shall, at the time of delivering the petition to the Registrar or within three days afterwards, give security for all costs which may become payable by him to any witness summoned on his behalf or to any party to the petition.

(2) The security shall be—

- (a) in the case of a petition relating to membership of the Senate or of the House of Representatives, an amount of two thousand dollars; and
- (b) in the case of a petition relating to membership of a Municipal Council or a County Council, an amount not exceeding one thousand dollars as the Supreme Court, on summons, directs,

and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

Service of
vacancy
petition.

132. Within the prescribed time, not exceeding five days after delivery of a vacancy petition, the petitioner shall cause notice of the presentation of the petition, and of the nature of the proposed security and a copy of the petition to be served upon—

- (a) the member whose seat is the subject-matter of the petition;
- (b) in the case of a petition relating to membership of the Senate, the Solicitor General; and
- (c) such other persons as may be prescribed.

Parties to
vacancy
petition.

133. (1) The parties to a vacancy petition shall be—

- (a) the petitioner;
- (b) the member whose seat is the subject-matter of the petition; and
- (c) such other person as, in the opinion of the court, is interested in the determination of the question referred and whom the court directs may be heard upon the hearing of the reference.

(2) The court shall hear the Solicitor General or other representative appointed by him whether or not he is a party to the petition, and shall have the power to receive the evidence on oath of any person or persons whose evidence the Solicitor General or his representative may consider material.

134. Subject to such modifications and adaptations as may be necessary for the purpose, the following provisions shall, so far as they are applicable, have effect in relation to proceedings on a vacancy petition presented to the Supreme Court:—

Application of provisions.

- (a) section 110 (except that in subsection (5) thereof the reference to section 108 shall be deemed to be a reference to section 131);
- (b) section 111;
- (c) subsections (1) to (4) inclusive of section 112;
- (d) sections 114, 115 and 116;
- (e) section 126 (except that in subsection (2) thereof the reference to section 108 shall be deemed to be a reference to section 131).

135. (1) At the conclusion of the hearing of a vacancy petition the Supreme Court shall determine whether or not the member whose seat is the subject matter of the petition has vacated his seat, and shall forthwith certify in writing the determination as in subsection (1), or paragraph (b) of subsection (2), of section 117, as the case may be.

Determination of vacancy petition.

(2) The certified determination of a vacancy petition by the Supreme Court shall be final to all intents and purposes.

Speaker's Election and Vacation of Office

136. Where leave has been granted under paragraph (2) of article 43 of the Constitution, any question whether any person—

Method of questioning election of Speaker or vacation of his office.

- (a) has been validly elected as Speaker of the House of Representatives from among persons who are not Senators or members of the House of Representatives, or, having been so elected, has vacated the office of Speaker; or
 - (b) who has been elected as Speaker of the House of Representatives from among members of that House has vacated the office of Speaker by virtue of paragraph (5) of article 24 of the Constitution,
- shall be referred to and determined by the Supreme Court in accordance with sections 136 to 140.

(2) No such question shall be referred to the court except—

- (a) by the clerk of the House of Representatives when so authorised by a resolution of the House or,
- (b) by a member of the House of Representatives.

Delivery of
reference.

137. (1) A reference to the Supreme Court questioning whether a person was duly qualified to be elected to be Speaker shall be delivered to the Registrar within twenty-one days of the election.

(2) The reference shall be in the prescribed form, state the prescribed matters and be signed by such person as may be prescribed.

(3) The Registrar shall send a copy of the reference to the clerk of the House of Representatives, who shall cause it to be laid on the table of the House of Representatives.

Security for
costs.

138. (1) When a question has been referred to the Supreme Court under section 137 by a member of the House of Representatives the member so referring the question shall, at the time of delivering the reference to the Registrar or within three days afterwards, give security for all costs which may become payable by him to any witness summoned on his behalf or to any party to the reference.

(2) Security shall be an amount of one thousand dollars and shall be given in the prescribed manner by recognisance entered into by any number of sureties approved by the court not exceeding four or by a deposit of money, or partly in one way and partly in the other.

Parties to a
reference.

139. The parties to a reference to the Supreme Court shall be—

- (a) the clerk of the House of Representatives or the member referring the question, as the case may be;
- (b) the person whose election or tenure of office as Speaker is questioned;
- (c) such other persons as the court may direct.

Determination
of reference.

140. (1) At the conclusion of the hearing of a reference, the Supreme Court shall determine whether the person had been validly elected as Speaker or whether he had vacated the office of Speaker, as the case may be; and shall forthwith certify in

writing the determination to the clerk of the House of Representatives, who shall cause it to be laid on the table of the House.

(2) The certified determination of a reference under this section by the Supreme Court shall be final to all intents and purposes.

Miscellaneous

141. (1) Any summons, notice or document required to be served on any person with reference to any proceeding under this Part for the purpose of causing him to appear before the Supreme Court may be served by delivering it to that person, or by sending it by post by a registered letter to, his last known place of abode in the Territory, or in such other manner as the Court may direct.

Service of notices.

(2) In proving service by post under this section it shall be sufficient to prove that the letter was pre-paid, properly addressed and registered with the post office.

142. Subject to the provisions of this Part, the rules of the Supreme Court with respect to costs to be allowed in actions, causes and matters in the Supreme Court shall in principle and so far as practicable apply to costs of petitions and other proceedings under this Part.

Costs.

143. The authority having for the time being power to make rules of court for the Supreme Court may make rules prescribing anything required or authorised by this Part to be prescribed and generally for the purposes of this Part.

Rules of procedure.

144. The Supreme Court shall, subject to the provisions of this Part, have the same powers, jurisdiction and authority with respect to any proceedings brought under or by virtue of this Part as if the proceedings were an ordinary action within its jurisdiction.

Powers of Court.

145. (1) Where on a representation petition questioning an election or return it is shown that corrupt or illegal practices or illegal payments or hirings committed in reference to an election for the purpose of promoting or procuring the election of any person thereat have so extensively prevailed that they may be reasonably supposed to have affected the result of the election, his election if he has been elected shall be void and he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.

Incapacity of candidate for general corruption, etc. at election.

(2) An election shall not be liable to be avoided otherwise than under this section by reason of general corruption, bribery, treating or intimidation.

Incapacity of candidate for employing corrupt canvasser or agent.

146. If at an election a candidate or his election agent personally engages as a canvasser or agent for the conduct or management of the election any person whom he knows or has reasonable grounds for supposing to be subject to an incapacity to vote at an election by reason of his having been convicted of any corrupt or illegal practice within the meaning of this Ordinance the candidate shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election is held.

Avoidance of election and incapacities on conviction of corrupt or illegal practice.

147. (1) Subject to section 148, if a candidate who has been elected or his election agent is guilty of any corrupt or illegal practice his election is void.

(2) Subject to section 149, but in addition to any punishment as provided by sections 68, 70, 99 and 100—

(a) a person convicted of a corrupt practice is incapable during a period of seven years from the date of his conviction—

(i) of being registered as an elector or voting at any election; and

(ii) of being elected a member of the House of Representatives or a Municipal Council or a County Council, or if elected before such conviction, of retaining his seat as such member;

(b) a person convicted of an illegal practice is incapable during a period of five years from the date of his conviction—

(i) of being registered as an elector or voting at any election; and

(ii) of being elected a member of the House of Representatives or a Municipal Council or a County Council, or if elected before such conviction, of retaining his seat as such member.

(3) In the event of any appeal against a conviction under sections 68, 70, 99 or 100 the incapacities referred to in subsection (2) shall continue until the appeal is determined and thereafter, unless the conviction is quashed, shall remain in force with effect from the date of the determination of the appeal, except the court hearing the appeal shall direct that the period of the incapacity shall run from the date of the conviction.

148. (1) An application for relief under this section may be made to the Supreme Court.

Power to except innocent act from being corrupt practice, or illegal practice, payment or hiring.

(2) If it is shown to the court by such evidence as to the court seems sufficient—

- (a) that a corrupt or illegal practice committed at an election by the agent of a candidate was committed contrary to the order of the candidate or without his sanction or connivance; and
- (b) that the candidate took all reasonable means of preventing the commission of corrupt and illegal practices at the election; and
- (c) that such notice of the application is given in the electoral district as to the court seems fit;

and in the circumstances it seems to the court to be just that the candidate should not be subject to any of the consequences under this Ordinance of the act or omission constituting the corrupt or illegal practice, the court may make an order allowing the act to be an exception from the provisions of this Ordinance making it a corrupt or illegal practice on the part of the candidate, and thereupon he shall not be subject to any of the consequences under this Ordinance of the said act or omission.

(3) If it is shown to the court by such evidence as to the court seems sufficient—

- (a) that any act or omission of any person would apart from this section by reason of being in contravention of this Ordinance be an illegal practice, payment or hiring;
- (b) that the act or omission arose from inadvertence, or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and
- (c) that such notice of the application is given in the electoral district as to the court seems fit;

and under the circumstances it seems to the court to be just that either that or any other person should not be subject to any of the consequences under this Ordinance of the act or omission, the court may make an order allowing the act or omission to be an exception from the provisions of this Ordinance making it an illegal practice, payment or hiring, and thereupon no person shall be subject to any of the consequences under this Ordinance of the said act or omission.

(4) Notwithstanding this section, the court determining a representation petition may declare an election void where it is shown that the commission of a corrupt or illegal practice may be reasonably supposed to have affected the result of the election.

(5) A decision of the Supreme Court under this section or under section 149 shall be final to all intents and purposes.

Remission of incapacities.

149. Where any person is subject to any incapacity by virtue of a conviction, and any witness who gave evidence against that person upon the proceeding for the conviction is convicted of perjury in respect of that evidence, the incapacitated person may—

- (a) if no appeal is made, upon or after the expiration of the ordinary period allowed for making an appeal against the conviction of perjury; or
- (b) if an appeal is made and the conviction is affirmed, upon or after the date on which that appeal is disposed of; or
- (c) if an appeal is made and is abandoned or fails by reason of non-prosecution thereof, upon or after the date on which that appeal is abandoned or so fails,

apply to the Supreme Court, and the court, if satisfied that the conviction so far as respects that person was based upon perjury, may order that the incapacity shall thenceforth cease.

Court to report to Supervisor convictions and acquittals for and orders as to corrupt and illegal practices.

150. (1) Where any candidate or other person is convicted of a corrupt or illegal practice, or where any incapacity imposed by virtue of a conviction for a corrupt or illegal practice is remitted by a court in exercise of the powers conferred on the court by section 149 then, upon the expiration of the ordinary period allowed for making an appeal or, if an appeal is made, upon the date on which that appeal is finally disposed of or abandoned or fails by reason of non-prosecution thereof, the court in which the trial or appeal is conducted shall furnish the Supervisor with a statement setting forth—

- (a) the decision of the court in which the trial or appeal was conducted or, as the case may be, of the order of the court made under section 149; and
- (b) the name, address and description of the candidate or other person so convicted or acquitted or, as the case may be, in respect of whom such power was exercised; and

(c) the offence for which such candidate or other person has been convicted or acquitted or, as the case may be, the terms of the order made by the court.

(2) Immediately upon receiving the statement furnished to him pursuant to subsection (1) of this section the Supervisor shall transmit a copy of the same to each registration officer.

151. (1) A proceeding against a person in respect of an offence to which this section applies may be commenced at any time within one year of the day the offence was committed. Time limit for prosecutions.

(2) For the purposes of this section, the issue of a summons, warrant or other process shall be deemed to be the commencement of a proceeding, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealing or act of the alleged offender; but save as aforesaid service or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

(3) This section applies to any corrupt or illegal practice, any illegal payment or hiring and any offence under section 75.

152. Where any corrupt or illegal practice or any illegal payment or hiring or any offence under section 75 is committed by any association or body of persons, corporate or incorporate, those members of the association or body who have taken part in the commission of that offence are liable to any fine or punishment imposed for that offence by this Ordinance. Offences by corporations.

153. On any prosecution for a corrupt or illegal practice or for any illegal payment or hiring the certificate of the returning officer at an election that the election mentioned in the certificate was duly held and that the person named in the certificate was a candidate at the election shall be sufficient evidence of the facts therein stated. Evidence by certificate of holding of elections.

PART VII

GENERAL PROVISIONS

Affirmation
instead of
oath.

154. Every person who is required to take an oath in pursuance of this Ordinance may elect to make a solemn affirmation instead of taking that oath.

Powers to
administer
oath or
affirmation.

Fifth Schedule
Form No. 6.

155. (1) Save as is provided in subsection (2) of section 3, every election officer shall, before entering upon his duties under this Ordinance take an oath in the form set out as Form No. 6 in the Fifth Schedule before any person authorized by law to administer oaths or affirmations or before the Supervisor or any registration officer, assistant registration officer, returning officer, election clerk, presiding officer or poll clerk.

(2) The Supervisor and every registration officer, assistant registration officer, returning officer, election clerk, presiding officer and poll clerk are hereby authorized and empowered to administer any oath or affirmation and to take any declaration required by this Ordinance to be made or taken by an election officer or any other person.

Public notice.

156. Where the Supervisor or a returning officer is required or authorized by this Ordinance to give any public notice, he shall, in the absence of any provision to the contrary do so by advertisements in a daily newspaper, placards, hand-bills, radio broadcast or such other means as he thinks best calculated to afford information to the members of the public concerned.

Computation
of time.

157. (1) In reckoning time for the purpose of this Ordinance Sundays shall be included; but Christmas Day, Good Friday and any public holiday shall be excluded.

(2) Where anything required by or under this Ordinance to be done on any day falls to be done on a Sunday or on any such excluded day, that thing may be done on the next day not being a Sunday or one of such excluded days.

158. All expenses properly incurred by and all remuneration and travelling and subsistence allowances payable to election officers and to other persons appointed to perform functions under this Ordinance are hereby appropriated out of the Consolidated Fund of the Territory and shall be paid therefrom on the warrant of the Minister of Finance.

Expenses in carrying out Ordinance.

159. (1) The Governor in Council may make rules providing for such matters as may be necessary or expedient for carrying the purposes of this Ordinance into effect and, in particular without limiting the generality of the foregoing, may make rules, adding to, rescinding, varying or amending—

Rules.

- (a) any of the rules contained in the Second Schedule;
- (b) any rules contained in the Third Schedule which prescribe—
 - (i) the remuneration and travelling allowances to be paid to election officers and other persons employed in connection with an election ;
 - (ii) the duties of and the records to be kept by election officers ;
 - (iii) the symbols to be used on ballot labels or postal ballot papers and the mode of assigning them to candidates;
 - (iv) the number of copies of the lists of electors to be printed and the persons to whom and the terms upon which such lists shall be distributed ;
 - (v) the period during which every employer shall permit his employees to be absent from work for the purpose of recording their votes ;
 - (vi) the fees to be paid for copies of election documents ;
 - (vii) the persons who are entitled to vote as postal electors;
- (c) any of the Forms contained in the Fifth Schedule.

(2) Rules made under this section may provide that a person who commits any breach of such rules shall be guilty of an offence and upon summary conviction for such offence shall be liable to—

- (a) a fine of two hundred and fifty dollars ; or
- (b) a term of imprisonment of six months ; or
- (c) both such fine and such imprisonment.

(3) Rules made under this section shall be laid before both chambers of the Legislature as soon as may be after they are made and if within a period of forty days beginning with the day on which any such rules are so laid before it either chamber resolves that the rules be annulled, they shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

(4) In reckoning the period of forty days referred to in subsection (3), no account shall be taken of any time during which the Legislature is dissolved or prorogued or during which it is adjourned for more than seven days.

Enactments
amended.
Seventh
Schedule.

160. The amendments specified in the second column of the Seventh Schedule shall be made to the Ordinances referred to in the first column of that Schedule.

Amendment of
Electoral
Registration
Ordinance,
1960 and
of Registration
Rules, 1960.
Ord. No. 31
—1960

161. (1) The Electoral Registration Ordinance, 1960, shall be deemed always to have had effect as if—

(a) for section 3 there had been substituted the following :—

Registration.

3. (1) Subject to the provisions of this section, the Supervisor shall, between the 23rd day of January, 1961 and the 20th day of June, 1961, in accordance with this Ordinance and the rules cause to be registered—

(a) every person who is a British subject and who on the 15th day of July, 1961—

(i) will be twenty one years of age or over ;

(ii) will have resided in the registration unit in respect of which he is registered for a period of at least six months immediately preceding such date ; and

(b) all other persons.

(2) Where a person would be entitled to be registered under paragraph (a) of subsection (1) if he continued to reside in that registration unit until the 15th day of July, 1961, he shall be entitled to be registered notwithstanding that at

the date when the record of his registration is prepared he has not resided in such registration unit for a period of six months.

(3) The names and descriptions of persons referred to in paragraph (a) of subsection (1) of this section shall be kept clearly distinct in any such registration from those of persons referred to in paragraph (b) of the said subsection (1).

(4) The Supervisor shall not cause to be registered under paragraph (a) of subsection (1) any person who—

(a) has been sentenced by a court in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called) for a term exceeding one year and either has not received a free pardon or will not on the 15th day of July, 1961 have suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor ; or

(b) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Territory ; or

(c) is disqualified for registration as an elector by any law in force in the Territory relating to offences connected with elections.”;

(b) in section 9 the words “ identification card ” had been substituted for the words “ identity card ” wherever the latter words occur therein.

(2) Rule 8 of the Registration Rules, 1960 shall be deemed always to have had effect as if for paragraph (1) thereof there had been substituted the following :—

“ (1) The registration record for persons referred to in paragraph (a) of subsection (1) of section 3 of the Electoral Registration Ordinance, 1960 is a registration record card in duplicate in the form set out as Form No. 2 in the Schedule.”

Transitional
and validation.

162. (1) For the avoidance of doubt it is hereby declared that the Registration Rules, 1960 (in this section referred to as the said Rules) and any form or document issued or completed thereunder have, and always have had, lawful effect.

(2) Every person who was registered under paragraph (a) of subsection (1) of section 3 of the Electoral Registration Ordinance, 1960 (in this Ordinance referred to as the said Ordinance) shall be deemed for the purposes of this Ordinance to have been validly registered as an elector for the electoral district in which the registration unit in respect of which he was registered is situate.

(3) The unit registers and the central register compiled under and by virtue of the said Ordinance shall be deemed to be the initial unit registers and the central register established under section 19.

(4) The registration units into which any registration area had been subdivided under rule 3 of the said Rules immediately before the commencement of this Ordinance and any maps which the Supervisor had caused to be prepared under rule 4 of the said Rules shall be deemed respectively to be registration units into which such registration area is divided by the Supervisor under rule 3 of the registration rules at the commencement of this Ordinance and to be maps which the Supervisor has caused to be prepared under rule 4 of the registration rules.

(5) Notwithstanding the provisions of subsection (2) of this section, and of section 3 of the said Ordinance as enacted by section 161, any person who was not registered under the said Ordinance for the reason only that he had not complied on or before the 20th day of June, 1961 with paragraph (12) of rule 32 of the said Rules, shall, where such person has before the commencement of this Ordinance complied with the said paragraph, be registered in accordance with the registration rules.

(6) The following persons holding office at the commencement of this Ordinance shall be deemed to have taken the prescribed oath under this Ordinance at the commencement thereof—

(a) the Supervisor of Elections appointed under the Legislative Council (Elections) Ordinance ;

(b) registration officers appointed under the said Ordinance.

(7) Any act or thing done or omitted in relation to the registration of persons under the said Ordinance or the said Rules, which would have been validly and properly done or omitted under this Ordinance if this Ordinance had been law at the time of the act or omission, shall be deemed to have been validly and properly done.

(8) Any form or document completed or issued under the said Ordinance or the said Rules shall be deemed to have been issued or completed under this Ordinance, and for such purpose an itinerant assistant registration officer shall be deemed to be an assistant registration officer.

(9) Where anything has been commenced under the authority of the said Ordinance or the said Rules, such thing may be carried on and completed under the authority of this Ordinance.

(10) Until the first meeting of the House of Representatives references in subsection (1) of section 6 to the House of Representatives and in subsections (3) and (4) of section 159 to both chambers of the Legislature and to the Legislature shall be construed as references to the Legislative Council.

163. Subject to sections 161 and 162 and to article 107 of the Constitution of the West Indies, the following Ordinances are hereby repealed—

- | | |
|---|----------------|
| (a) the Legislative Council (Elections) Ordinance ; | Ch. 2 No. 2. |
| (b) the Legislative Council (Qualifications of Electors) Ordinance, 1957 ; | No. 16—1957. |
| (c) the Legislative Council (Removal of Certain Dis-qualifications) Ordinance, 1957 ; | No. 19—1957. |
| (d) the Municipal Elections Ordinance ; | Ch. 39 No. 12. |
| (e) the Local Government (Removal of Certain Dis-qualifications) Ordinance, 1957 ; | No. 20—1957. |
| (f) the Electoral Registration Ordinance, 1960. | No. 31—1960. |

164. This Ordinance shall come into operation on such day or days as the Governor may appoint by one or more proclamations published in the *Royal Gazette*; and the Governor may appoint different days for different provisions of this Ordinance.

FIRST SCHEDULE

(Section 2 (1))

REGISTRATION AREAS

City of Port-of-Spain.

Borough of San Fernando.

Arima, which comprises the Borough of Arima, and the Arima
Blanchisseuse and San Rafael Wards in the County of St. George.

The Diego Martin and Tacarigua Wards in the County of St. George.

The St. Ann's Ward in the County of St. George.

Counties of St. Andrew and St. David.

County of Caroni.

County of Victoria, exclusive of the Borough of San Fernando.

County of St. Patrick.

Counties of Nariva and Mayaro.

Tobago, which comprises the islands of Tobago, Little Tobago, Goat
Island, St. Giles or Melville and other small islands and rocks as
lie in close proximity to the island of Tobago.

SECOND SCHEDULE

(Section 2 (1))

REGISTRATION RULES

Arrangement of Rules

1. Citation.
2. Interpretation.

PART I—PERMANENT PERSONAL REGISTRATION

3. Registration area to be divided into polling divisions.
4. Maps to be prepared.
5. Registration offices.
6. Supply of registration record cards, etc.
7. Registration record inventory forms.
8. Manner of registration.
9. Allowance and disallowance of registrations.
10. Registration record cards and minors' registration cards.
11. Information to be given by persons to be registered.
12. Cards to be read over and signed.
13. Identification card.
14. Person unable to read or write.
15. List of questions.
16. Spoilt and disallowed registration record cards.
17. Certificate as to registration.
18. Attendance of scrutineer at registrations.
19. Correction of minor errors.
20. Documents to be safely kept.
21. Delivery of documents by assistant registration officer to registration officer.
22. Photograph and completion of registration.
23. Exemption from taking of photograph.
24. Delivery of documents by registration officer to Supervisor.
25. Completion of registration record card and identification card by Supervisor.
26. Filing of cards in unit registers.
27. Arrangement of unit registers.
28. Filing of cards in central register.
29. Arrangement of central register.
30. Delivery of identification card.
31. Objection to registration.
32. Application to registration officer for registration.
33. Review of registration by registration officer.
34. Enquiry by registration officer.
35. Duties of area inspector.
36. Check card.

Arrangement of Rules—*Continued*

37. Findings of area inspector.
38. Action in case of discrepancies.
39. Report of result of enquiry.
40. Custody of check cards.
41. Cancellation of registration.
42. Disposal of disused registration record cards and identification cards.
43. Change of place of residence in registration area or polling division.
44. Change of place of residence from one registration area to another.
45. Change of name.
46. Receipts for documents.
47. Replacement of lost, mutilated, etc. identification cards.
48. Partial or total loss of registration record cards.

PART II—ELECTORAL REGISTRATIONS

49. Electoral registration.
50. Office of temporary assistant registration officer.
51. Duties of temporary assistant registration officer.
52. Application of Part I.
53. Preparation of preliminary lists.
54. Spoilt Photographs.
55. Copy of notice of electoral registration to be posted in polling division.
56. Application for registration by person not on preliminary list.
57. Application by elector omitted from preliminary list.
58. Change of place of residence and of name.
59. Preparation of supplementary lists.
60. Preparation of revised lists.
61. Objection to electoral registration.
62. Changes in revised lists.
63. Division of unit register.

PART III—GENERAL

64. Manner of determining residence.
65. Forms to be supplied free of cost.
66. Supply of copies of notices and lists of electors.
67. Mode of sending documents to registration officer.
68. Declarations as to age and nationality.
69. Interpreter.
70. Enquiries by Supervisor as to address of registered person.
71. Checks by Supervisor.
72. Delivery of unit register to Supervisor.
73. Delivery of documents to Police.
74. Remuneration and allowances.
75. Offences and penalty.
76. Transitional.

1. These Rules may be cited as the Registration Rules.
2. (1) In these Rules—
 - “certificate as to registration” means a certificate as to registration referred to in rule 17 ;
 - “check card” means a check card referred to in rule 36 ;
 - “Forces postal elector” means a member of the Forces who is entitled under the election rules to vote as a postal elector ;
 - “inventory form” means a registration record inventory form referred to in rule 7 ;
 - “minor’s registration card” means a minor’s registration card referred to in paragraph (4) of rule 10 ;
 - “preliminary list” means a preliminary list of electors referred to in rule 53 ;
 - “list of cancellations” means a list of cancellations of registrations referred to in paragraph (1) (e) of rule 6 ;
 - “list of questions” means a list of questions referred to in rule 15 ;
 - “office hours” means the hours during which an office is open to public business ;
 - “police postal elector” means a member of the police who is entitled under the election rules, to vote as a postal elector ;
 - “registered person” means a person who is registered under these Rules ;
 - “registration list” means a registration list referred to in paragraph (1) (d) of rule (6) ;
 - “registration number” means the number printed on a registration record card or on an identification card, as provided in paragraph (3) of rule 10 and paragraph 1 (b) of rule 25, respectively ;
 - “registration office” means the office of a registration officer, an assistant registration officer or a temporary assistant registration officer ;
 - “revised list” means a revised list of electors referred to in rule 60 ;
 - “supplementary list” means a supplementary list of electors referred to in rule 59.

(2) A reference in these Rules to a rule or a Part shall, unless the contrary intention appears, be read as a reference to a rule or a Part contained in these Rules, and a reference in a rule to a paragraph shall be read as a reference to a paragraph of the rule in which the reference occurs.

PART I

PERMANENT PERSONAL REGISTRATION

3. (1) The Supervisor shall divide every registration area into such registration units (in these Rules referred to as “polling divisions”) as he may approve. Registration area to be divided into polling divisions.
- (2) In determining the boundaries of polling divisions the Supervisor shall have regard to geographical considerations and any other facts which may affect facility of communication between the various places within such polling divisions.
- (3) The Supervisor may from time to time increase or decrease the number of polling divisions within a registration area and vary the boundaries of any such polling division.

(4) Where the Supervisor makes any change in the number or boundaries of polling divisions within a registration area, he shall, whenever he considers it necessary, after consultation with the registration officer of such area, direct him—

- (a) to make the appropriate adaptations to the unit registers ; and
- (b) to notify such electors as may be affected by the change.

(5) Polling divisions shall be numbered by the Supervisor according to a numerical series for the whole Territory or in such other manner as may be approved by him.

Maps to be prepared.

4. (1) The Supervisor shall cause maps of every registration area and of every electoral district to be prepared showing clearly the boundaries of every polling division therein and any other features which he may consider necessary.

(2) Every map prepared under paragraph (1) shall be open to inspection by the public at the office of the Supervisor.

(3) Every map of a registration area prepared under paragraph (1) shall be open to inspection by the public at the office of the registration officer of the said area.

(4) Every map of an electoral district prepared under paragraph (1) shall be open to inspection by the public at the office of the returning officer of such district between the date of the publication of an election notice for an election in such district and polling day for such election.

Registration offices.

5. (1) Registration officers and assistant registration officers shall use as their offices for the purpose of these Rules—

- (a) in cases where such officers are public officers or officers in the employment of a Municipal or County Council, the places where they perform the duties of their substantive posts ; and
- (b) in other cases, such places as the Supervisor may approve.

(2) The offices referred to in paragraph (1) shall be open for public business every working day except Saturday between the hours of 8.30 o'clock in the forenoon and 4 o'clock in the afternoon, and on Saturdays between the hours of 8.30 o'clock in the forenoon and noon, or during such other times as shall be approved by the Supervisor.

(3) The Supervisor shall publish in the *Royal Gazette* and in a daily newspaper the addresses of the offices of the registration officers and of the assistant registration officers and of the times when such offices are open for public business.

Supply of registration record cards, etc.

6. (1) There shall be supplied by the Supervisor to every registration officer and by the latter to every assistant registration officer in his registration area—

- (a) unused registration record cards in loose-leaf binders ;
- (b) unused minor's registration cards ;
- (c) unused identification cards ;
- (d) from time to time a registration list for each polling division to which the assistant registration officer is assigned, containing the names and addresses of persons registered in the unit register of such polling division ;
- (e) from time to time a list of cancellations of registrations containing the names and addresses of persons in the Territory whose registrations have been cancelled ;
- (f) such other documents as may be necessary for the performance of his duties.

(2) No person may, except with the permission of the appropriate registration officer, remove a registration record card from a binder.

7. A registration officer shall include in every loose leaf binder supplied under rule 6 a number of registration record inventory forms, in the form set out as Form No. 10 in the Fifth Schedule, sufficient for entries to be made thereon in respect of every registration record card in the binder; and every assistant registration officer shall keep an inventory on such form of every registration record card used by him.

Registration record inventory forms. Fifth Schedule Form No. 10.

8. (1) The registration of persons qualified to be registered shall be effected in the manner set out in these Rules.

Manner of registration.

(2) A person wishing to be registered shall make oral application therefor to the assistant registration officer of the polling division in which he is resident.

9. (1) If the assistant registration officer is satisfied that such person is qualified to be registered, and, after examination of the registration list and the list of cancellations, that he is entitled to be registered as an elector, he shall cause a registration record card, an identification card and a certificate as to registration to be prepared for such person in accordance with these Rules.

Allowance and disallowance of registrations.

(2) If the assistant registration officer is not satisfied as in paragraph (1), he shall issue to such person a notice of disallowance, in the form set out as Form No. 11 in the Fifth Schedule, and send a copy of such notice to the registration officer of the registration area in which such person resides.

Fifth Schedule Form No. 11.

10. (1) The registration record card for an elector shall be in duplicate in the form set out as Form No. 12 in the Fifth Schedule.

Registration record cards and minors' registration cards

(2) The registration record card for a non-electoral who is seventeen years of age or over shall be in duplicate in the same form as that referred to in paragraph (1); but the original of the former card shall be of a different colour from the original of the latter.

Fifth Schedule Form No. 12.

(3) There shall be printed on every registration record card referred to in paragraphs (1) and (2) a registration serial number which shall be different for each card; but the cards referred to in paragraph (1) shall be numbered in a different series from those referred to in paragraph (2).

(4) A registration card, in the form set out as Form No. 13 in the Fifth Schedule, shall be completed by the assistant registration officer in respect of and issued to every person registered under these Rules who is under twenty-one years of age.

Fifth Schedule Form No. 13.

11. An assistant registration officer may require any person who wishes to be registered to give him such information, as lies within the power of such person to give, for inclusion in the registration record card of such person, and the assistant registration officer shall record such information in ink on the original of the registration record card and, by means of carbon paper, on the duplicate of the registration record card.

Information to be given by persons to be registered.

12. After the necessary particulars have been entered in a registration record card, the assistant registration officer shall sign it in duplicate, and, subject to rule 14, require the person being registered to read the registration record card and to sign it in duplicate if he is satisfied that the contents thereof are correct.

Cards to be read over and signed.

Identification card.

13. (1) Before signing the registration record card of a person who is seventeen years of age or over the assistant registration officer shall, if an identification card has previously been issued to such person, require him to surrender the same ; and, on his surrendering the same or giving a satisfactory excuse for his failure to do so, or if an identification card has not previously been issued to such person, the assistant registration officer shall enter the required particulars on an identification card for that person.

Fifth Schedule Form No. 14.

(2) An identification card shall be in the form set out as Form No. 14 in the Fifth Schedule and the print thereon of a card issued to an elector shall be in a different colour from that issued to a person who is not an elector.

(3) After having completed action as in paragraph (1), the assistant registration officer shall sign the identification card and, subject to rule 14, require the person being registered to read it and to sign it if he is satisfied that the contents thereof are correct.

Person unable to read or write.

14. (1) Where a person who is being registered is unable to read, the assistant registration officer shall, subject to paragraph (2), read over to him the contents of his registration record card and of his identification card.

(2) Before reading over the contents of a registration record card and of an identification card as in paragraph (1), the assistant registration officer shall inform the person who is being registered that the contents thereof will, should he so desire, be read over to him in the presence of a witness of his own choice.

(3) Should the person referred to in paragraph (2) inform the assistant registration officer that he wishes the said contents to be read over to him in the presence of a witness of his own choice, the assistant registration officer shall read over the said contents to such person in the presence of such witness as is there and then produced; but where no such witness is there and then available, such person may fix with the assistant registration officer a time not later than three days thereafter for the production of his witness and, at the time so fixed, the assistant registration officer shall read over the said contents to such person in the presence of such witness, if any, as may then be produced.

(4) Where a person who is being registered is unable to sign his name because of illiteracy or physical disability he shall, subject to paragraph (5), make an impression in ink on the original and the duplicate of his registration record card and on his identification card as follows :—

(a) with his right thumb ; or

(b) with his left thumb, should he not have a right thumb ; or

(c) with any other finger, should he not have any thumb.

(5) If a person referred to in paragraph (4) has no finger on either hand, the registration record card and the identification card of such person shall be signed for and on behalf of such person by a friend of his choice in the presence of the assistant registration officer.

(6) When an impression is made under paragraph (4) with a finger other than the right thumb, the assistant registration officer shall make a note of the finger with which it is made upon the original and the duplicate of the registration record card of the person who made such impression.

List of questions.

15. (1) A person being registered as an elector who does not affix his signature to his registration record card may be required by the assistant registration officer to answer any five of the twenty questions listed in the form set out as Form No. 15 in the Fifth Schedule.

Fifth Schedule Form No. 15.

(2) Before requiring a person to answer questions as in paragraph (1), the assistant registration officer shall inform such person that the questions will, should he so desire, be asked in the presence of a witness of his own choice.

(3) Should the person referred to in paragraph (1) inform the assistant registration officer that he wishes the said questions to be asked in the presence of a witness of his own choice, the assistant registration officer shall ask the questions in the presence of such witness as is there and then produced ; but where no such witness is there and then available, such person may fix with the assistant registration officer a time not later than three days thereafter for the production of his witness and, at the time so fixed, the assistant registration officer shall ask the questions of the person in the presence of such witness, if any, as may then be produced.

(4) In the presence of the person being registered and, where there is a witness, in the presence also of such witness, the assistant registration officer shall record on the list of questions the answer to every question asked by him.

(5) The assistant registration officer and, where there is a witness, such witness as well shall affix their signatures below the answers referred to in paragraph (4).

(6) After the answers have been recorded and signed, the list of questions shall be numbered by the assistant registration officer in sequence in respect of each polling division, and such number shall be placed on the original and on the duplicate of the appropriate registration record card in the place provided for the registrant's signature.

(7) After the list of questions has been numbered as in paragraph (6), it shall be kept confidentially in a separate file by the assistant registration officer who shall not permit any person other than the Supervisor and the registration officer of his registration area to have access to such file.

16. (1) An assistant registration officer, upon being satisfied that a registration record card cannot conveniently be used or that he is unable to complete such card, shall cancel it by writing the word "spoiled" upon the registration record card. Spoilt and disallowed registration record cards.

(2) A registration record card that has not been completed because of the disallowance of a registration shall be cancelled by the assistant registration officer by marking upon it the word "disallowed".

(3) When a registration record card has been cancelled under paragraph (1) or (2), the assistant registration officer shall record such cancellation upon the inventory form in respect of such registration record card.

17. (1) An assistant registration officer shall issue in respect of every person whose registration record card has been completed a certificate in triplicate to that effect in the form set out as Form No. 16 in the Fifth Schedule. Certificate as to registration. Fifth Schedule Form No. 16

(2) The assistant registration officer shall record the required particulars and affix his signature in ink on the original of the certificate and, by means of carbon paper, on the duplicate and on the triplicate and shall deliver the original and the duplicate to the person being registered.

(3) Every certificate issued under paragraph (1) to a person who is seventeen years of age or over shall contain a statement directing the person to whom the certificate is issued to have his photograph taken by an official photographer.

Attendance of scrutineer at registrations.

18. (1) A scrutineer is entitled to be present at any registration carried out by the assistant registration officer to whom he is assigned ; but if he is absent the registration is not on that account invalidated.

(2) A scrutineer may inspect any of the following documents, whether completed or not, in the possession of the assistant registration officer to whom he is assigned—

- (a) registration record cards ;
- (b) identification cards ;
- (c) inventory forms ;
- (d) notices of disallowance of registrations ;
- (e) minors' registration cards ;
- (f) certificates as to registration.

(3) A scrutineer may not see the answers to any questions asked under rule 15 nor may he be present when such answers are being given.

(4) A scrutineer shall not interfere with an assistant registration officer in the performance of his duties.

Correction of minor errors.

19. (1) An assistant registration officer may correct any clerical error in a registration record card or in an identification card and any other error in any such card that has been caused by inadvertence.

(2) The provisions of paragraphs (1) to (3) of rule 14 shall apply *mutatis mutandis* in respect of a correction made under this rule.

(3) A correction made under this rule shall be initialled by the assistant registration officer and by the person to whom the card relates, or by a witness present, as the case may be.

Documents to be safely kept.

20. (1) An assistant registration officer shall keep in safe keeping and shall not permit any person to have unlawful access to unused, completed or cancelled—

- (a) registration record cards ;
- (b) identification cards ;
- (c) inventory forms ;
- (d) check cards ;
- (e) notices of disallowance of registrations ;
- (f) minors registration cards ;
- (g) certificates as to registration ; and
- (h) answers to lists of questions.

(2) Should it be necessary for an assistant registration officer to keep any of the documents mentioned in paragraph (1) overnight he shall lock them in a container provided for that purpose by the Supervisor.

Delivery of documents by assistant registration officer to registration officer.

21. At such times as the Supervisor may direct, an assistant registration officer shall deliver to the appropriate registration officer all cards, forms, binders or other documents that have been completed or used by him or delivered to him in the performance of his duties.

Photograph and completion of registration.

22. (1) A person to whom a certificate as to registration is issued shall deliver the original and duplicate of the certificate to an official photographer who shall cause such person to affix his signature, or to make his impression, in the manner set out in paragraphs (4) to (6) of rule 14, in ink on the said original.

(2) The official photographer shall thereafter take the photograph of such person and then affix his signature in ink to the original and duplicate of the certificate and shall return the duplicate to such person.

(3) Notwithstanding any other rule, the registration of a person shall not be deemed to be completed until his photograph has been taken in accordance with paragraphs (1) and (2).

(4) The official photographer shall transmit the original of the certificate delivered to him under paragraph (1) and the exposed film of the photograph taken by him under paragraph (2) to the appropriate registration officer as directed by the Supervisor, and on receipt thereof the registration officer shall transmit the same to the Supervisor.

23. (1) Where a person objects to the taking of his photograph for the reason that his face is disfigured or on religious grounds or on any other ground which the registration officer considers to be reasonable, the registration officer shall, on application by such person, exempt him from compliance with and from the operation of rule 22. Exemption from taking of photograph.

(2) An application under this rule shall be in the form set out as Form No. 17 in the Fifth Schedule and shall be handed by the applicant to the assistant registration officer before the issue to him of his certificate as to registration. Fifth Schedule Form No. 17.

(3) Where an application is handed to him under paragraph (2) the assistant registration officer shall deliver to the applicant only the duplicate of his certificate as to registration.

(4) The assistant registration officer shall endorse his recommendation on the application and shall forward the same and the original certificate as to registration to the registration officer together with the other documents related to such person under rule 21.

(5) If the registration officer is not satisfied that the applicant qualifies for exemption he shall hold an enquiry in relation to the same and the provisions of rule 34, other than paragraphs (8) to (10), shall apply *mutatis mutandis* in relation to such an enquiry.

(6) If the registration officer grants the application without or after holding an enquiry, he shall endorse on the application and on the original of the certificate as to registration and in the space for the photograph on the identification card and the registration record card of such person the words "Exempt from photograph" together with his signature, and shall record in the place reserved for remarks on the registration record card the reason for such exemption, and he shall return the original of the certificate as to registration to the assistant registration officer, who shall deliver the same to the applicant in exchange for the duplicate of his certificate as to registration.

(7) On receipt of his identification card under rule 30 the applicant shall deliver up the original of the certificate as to registration in lieu of the duplicate thereof.

(8) Where an application under this rule is refused the registration officer shall return the original of the certificate as to registration to the applicant.

(9) Where a person has complied with rule 22 but his photograph has been spoilt or misplaced, the registration officer may require him to have his photograph retaken until a proper photograph has been obtained.

Delivery of documents by registration officer to Supervisor.

24. At such times as the Supervisor may direct, a registration officer shall transmit to the Supervisor the registration record cards and the identification cards that were received by the registration officer from assistant registration officers or completed by him in the performance of his duties under these Rules.

Completion of registration record card and identification card by Supervisor.

25. (1) On receipt of the documents referred to in rule 24 and of the certificate and film referred to in paragraph (4) of rule 22 in respect of the same person, the Supervisor shall—

- (a) cause prints of the film to be attached to the identification card and to the original of the registration record card of such person;
- (b) thereafter cause the identification card to be laminated and the names and registration number of such person to whom it relates to be embossed on the laminated card ;
- (c) return the original of the registration record card and the identification card to the registration officer.

(2) Where a document or film required to be sent to the Supervisor under these Rules is not received by him or is lost or there is any error or insufficiency therein, the Supervisor may require the appropriate registration officer or assistant registration officer to cause the same to be remedied.

(3) The provisions of these Rules which govern any action which should or might have been taken in the first instance in respect of such document or film shall apply in respect of the said document or film, and any action may be taken thereunder to effect the said remedy.

Filing of registration record cards in unit registers.

26. (1) Subject to paragraph (2), on receipt of the originals of the registration record cards from the Supervisor, the registration officer shall file the same in a unit register in a binder designed for that purpose so as to enable the said cards to be staggered in such manner that only the name at the beginning of each registration record card will remain uncovered.

(2) Where a check card has been issued under rule 36, the registration record card of the person affected shall not be filed as provided in paragraph (1) until the report of the area inspector upon that card has been received and a decision made thereon by the registration officer approving the registration of such elector.

(3) The binder referred to in paragraph (1) shall be capable of being locked in such manner that no registration record card filed therein may be removed except by the application of force.

Arrangement of unit registers.

27. (1) A registration officer shall arrange the originals of the registration record cards in a unit register in groups under the several addresses in a polling division.

(2) Subject to paragraph (3), the cards referred to in paragraph (1) shall be arranged in alphabetical order.

(3) Where the houses in a polling division are properly and completely numbered, the cards in every group mentioned in paragraph (1) shall be arranged by the registration officer in order and in keeping with the numbering of such houses, appropriate numbers being inserted opposite every name in a group.

(4) The registration record cards of electors shall be kept in the same binder as, but separate from, the registration record cards of non-electors.

(5) The registration record cards of police postal electors, of Forces postal electors, and of Municipal Council electors qualified under paragraph (d) of subsection (1) of section 14 of this Ordinance shall be kept separate from those of other electors, and separate from each other.

28. (1) Subject to paragraph (2), the Supervisor shall place in the series mentioned in rule 29 the duplicates of the registration record cards received by him from registration officers. Filing of cards in central register.

(2) The Supervisor shall not file the duplicate of any registration record card of an elector which is being checked by an area inspector until the report of the area inspector upon that card has been received and a decision made thereon by the registration officer approving of the registration of such elector.

29. The duplicates of registration record cards in the central register shall be arranged by the Supervisor in an alphabetical or numerical series or a combined alphabetical and numerical series, and the registration record cards of electors shall be kept separate from those of non-electors. Arrangement of central register.

30. (1) At such time as the Supervisor may direct, the registration officer shall cause a completed identification card to be delivered to the person to whom it relates in exchange for the duplicate of the certificate as to registration of such last mentioned person, or the original thereof as provided in paragraph (7) of rule 23. Delivery of identification card.

(2) The identification card shall be delivered by the assistant registration officer, an area inspector or such other person as may be appointed by the Supervisor.

(3) The registration officer shall give at least seven days notice, in a newspaper and to each political party on whose nomination a scrutineer has been appointed for a polling division, of the time when and place where the person delivering identification cards in such polling division will be setting out to deliver the same; and every such scrutineer shall be entitled to accompany, and to witness the delivery of the cards by, the said person.

(4) Subject to paragraph (5), before delivery of the identification card the recipient shall sign his name or make his impression in the manner set out in paragraphs (4) to (6) of rule 14 on the duplicate or original of the certificate as to registration, as the case may be.

(5) Where the person delivering the identification card is satisfied—

(a) that the person to whom it relates is unable to produce the duplicate or original of his certificate as to registration, as the case may be, and

(b) as to the identity of such person,
he may issue the identification card to the person to whom it relates on such person giving to him a receipt therefor in a form approved by the Supervisor.

31. An elector or a scrutineer who objects to the registration of a person as an elector in pursuance of section 25 of this Ordinance shall do so by filling out a notice of objection in the form set out as Form No. 18 in the Fifth Schedule which shall consist of a postcard in duplicate, and by transmitting by registered post or delivering by hand one section thereof to the appropriate registration officer and the other section thereof to the person to whose registration objection is being made. Objection to registration.
Fifth Schedule Form No. 18.

Application to
registration
officer for
registration.
Fifth Schedule
Form No. 19.

32. (1) A person or a scrutineer who applies for the registration of a person as an elector in pursuance of section 25 of this Ordinance shall do so by filling out an application in the form set out as Form No. 19 in the Fifth Schedule.

(2) An application referred to in paragraph (1) shall be delivered by hand to the appropriate registration officer by the person whose registration is sought in the application, or by the scrutineer making the application in the presence of such person.

Review of
registration
by registration
officer.

33. (1) Subject to this rule, a registration officer shall consider an objection to a registration or an application for registration made to him under section 25 of this Ordinance.

(2) The registration officer shall on receipt of an objection to a registration proceed to hold an enquiry as provided for in rule 34.

(3) An objection or an application referred to in paragraph (1) may be made at any time.

(4) If the registration officer is satisfied immediately and without further enquiry that an applicant for registration is entitled to be registered as an elector he shall approve the application and register such person as an elector in the appropriate unit register.

(5) If the registration officer is not satisfied as in paragraph (4), he shall issue a check card and, if on receipt of the report of the area inspector he is satisfied that the applicant is entitled to be registered as an elector, he shall register him as such in the appropriate unit register.

(6) If on receipt of the report of the area inspector the registration officer is not satisfied as in paragraph (4), he shall proceed to hold an enquiry as provided for in rule 34.

Enquiry by
registration
officer.

34. (1) The registration officer shall give notice of an enquiry held under this rule to—

(a) the assistant registration officer who allowed the registration objected to or disallowed the registration in respect of which the application is made ;

(b) in the case of an objection, the objector and the person whose registration has been objected to ;

(c) in the case of an application, the applicant, and the person whose registration has been disallowed.

Fifth Schedule
Form No. 20.

(2) A notice referred to in paragraph (1) shall be in the form set out as Form No. 20 in the Fifth Schedule, and shall be given by registered post or by hand not less than five clear days before the time fixed for the holding of the enquiry.

(3) The registration officer may summon such witnesses as he may consider necessary and may order the production of any document that he may deem necessary, and he shall summon any witnesses as he may be requested by any of the persons referred to in paragraph (1) to summon.

(4) The registration officer shall permit the persons referred to in paragraph (1) and the witnesses summoned under paragraph (3) to appear before him and to be heard.

(5) A person referred to in paragraph (1) may appear either in person or by any other person, other than as counsel, on his behalf.

(6) The registration officer may, either at the request of any person referred to in paragraph (1) or without such request, require that the evidence given by any person at such hearing shall be upon oath or affirmation and may administer the necessary oath or cause the necessary affirmation to be made in his presence.

(7) The registration officer shall make and keep a record of all evidence taken and all documents produced during the enquiry as well as of his decision and the reasons therefor.

(8) Should the registration officer allow an application he shall register the applicant as an elector in the appropriate unit register.

(9) Should the registration officer disallow an application he shall issue to the applicant and to the person whose registration has been disallowed a notice of disallowance, in the form set out as Form No. 21 in the Fifth Schedule, and keep a duplicate copy of such notice together with the other papers relative to the application.

Fifth Schedule
Form No. 21.

(10) Should the registration officer allow an objection he shall thereupon cancel the registration record card of the person whose registration is objected to in the manner set out in paragraphs (5) to (8) of rule 41.

35. It shall be the duty of an area inspector to check particulars in registration record cards and to perform such other functions as the Supervisor may, in his discretion, direct.

Duties of area
inspector.

36. A check card shall be in the form set out as Form No. 22 in the Fifth Schedule, and shall be issued by a registration officer to an area inspector; and the registration officer shall forthwith inform the Supervisor of the issue thereof.

Check card.
Fifth Schedule
Form No. 22.

37. Where a check card is issued to an area inspector he shall report his findings upon the check card, which he shall sign and deliver to the registration officer who issued the check card to him.

Findings
of area
inspector.

38. (1) When the report of an area inspector discloses any discrepancies between particulars in a registration record card and any information obtained by such area inspector, the registration officer shall notify the person whose name appears on the registration record card, in the form set out as Form No. 23 in the Fifth Schedule, of his intention to hold an enquiry into the matter.

Action in
case of
discrepancies.

Fifth Schedule
Form No. 23.

(2) Subject to paragraphs (3) and (4), the provisions of rule 34 shall apply *mutatis mutandis* to an enquiry held under this rule.

(3) Notice of the enquiry shall be given to the person described in the registration record card and to the area inspector.

(4) If at the conclusion of the enquiry the registration officer is satisfied that the person mentioned in the check card is not entitled to be registered as an elector he shall thereupon cancel the registration record card of such person in the manner set out in paragraphs (5) to (8) of rule 41.

39. Forthwith upon the completion of an enquiry under rule 34 or rule 38, the registration officer shall inform the Supervisor and the person whose name appears upon the registration record card of his decision in the matter.

Report of
result of
enquiry.

40. A registration officer shall keep all signed check cards in two different groups; one group containing check cards upon which the particulars of the relevant registration record cards were found by the area inspector or by the registration officer after an enquiry to be correct, and the other group containing check cards upon which the particulars of the relevant record cards were found to be incorrect.

Custody of
check cards.

Cancellation of
registration.

41. (1) A registration officer shall cancel the registration—

- (a) of any person who the registration officer is satisfied is dead or no longer has his place of residence in the Territory ;
- (b) of any person registered as an elector in his registration area who has ceased to be qualified as such ;
- (c) of any person registered as a non-electors in his registration area who has been registered as an elector.

Fifth Schedule
Form No. 24.

(2) The registration officer shall send a notice, in the form set out as Form No. 24 in the Fifth Schedule, to an elector whose registration he proposes to cancel under this rule—

- (a) setting out the reason for such cancellation ;
- (b) indicating the time when he proposes to cancel the same ; and
- (c) requiring the elector within such time to produce his identification card to the registration officer.

(3) A notice under paragraph (2) shall be sent to the address at which the elector is registered or may be delivered to him in person.

(4) If an elector to whom a notice has been sent under this rule satisfies the registration officer that the cancellation of his registration is not justified, the registration officer shall not cancel the same; but if he is so satisfied after he has cancelled the registration he may re-instate the said registration, making the necessary correction on the registration record card.

(5) Where the registration officer cancels the registration of a person under this rule he shall stamp or write the word "cancelled" on the face of the registration record card of such person, and the identification card of such person shall be retained by the registration officer for destruction.

(6) The registration officer shall enter the reason for the cancellation of a registration record card by making a mark thereon against the appropriate number as provided for in paragraph (7), and shall affix his signature to any such entry.

(7) An entry against a number in a registration record card opposite to the reason for cancellation shall denote that the reason for cancellation is that set out opposite the said number as follows :—

- 1. Not a British subject.
- 2. Under age of 21.
- 3A. Not resident in Territory for required period.
- 3B. Not resident in electoral district for required period.
- 3C. Not resident in registration area.
- 4. Double registration.
- 5. Dead.
- 6A. Serving sentence of imprisonment of over one year.
- 6B. Under sentence of death.
- 7. Adjudged of unsound mind or certified to be insane.
- 8A. Convicted of corrupt practice.
- 8B. Convicted of illegal practice.
- 9. New registration record card issued.

(8) Forthwith on the cancellation of a registration under this rule, the registration officer shall inform the person whose registration has been cancelled and the Supervisor of the same, the reason therefor and the date of cancellation; and the Supervisor shall thereupon cause the duplicate of the appropriate registration record card to be cancelled in the manner set out in paragraphs (5) to (7).

42. (1) A registration officer and the Supervisor shall remove cancelled registration record cards from the unit and central registers respectively, and shall arrange them in the manner set out in rules 27 and 29 respectively.

Disposal of disused registration record cards and identification cards.

(2) A registration officer and the Supervisor shall keep cancelled registration record cards for as long a period as the reason for the cancellation exists, but in no case shall that period be less than two years, and on the expiration of such period he shall destroy the same.

(3) A registration officer shall send all registration record cards which have been used but have not been completed, or which have been cancelled under rule 41, together with the inventory forms relating to them to the Supervisor who shall keep them in safe custody ; and on the expiration of one year following his receipt of the same he shall destroy any such registration record cards.

(4) The Supervisor shall keep a note of the numbers of the registration record cards destroyed by him under this rule.

(5) A registration officer shall send all identification cards, which have been surrendered or transmitted to him, to the Supervisor who shall destroy the same.

43. (1) A registered person who has changed his place of residence from one polling division to another in the same registration area or from one address to another in the same polling division shall give notice to the registration officer of the registration area of such change of residence in the form set out as Form No. 25 in the Fifth Schedule.

Change of place of residence in registration area or polling division. Fifth Schedule Form No. 25.

(2) Upon the receipt of a notice referred to in paragraph (1), the registration officer shall, if he is satisfied as to the identity of the person giving the notice and as to the correctness of the other particulars contained therein, make such corrections on the registration record card of such person as may be necessary.

(3) When a person has given a notice under paragraph (1) and the registration officer is not satisfied as in paragraph (2) he shall issue a check card in connection therewith.

(4) After the registration officer has received the report upon a check card issued under paragraph (3) he shall, if he is then satisfied as in paragraph (2), make such corrections on the registration record card of such person as may be necessary.

(5) The registration officer, after correcting a registration record card in accordance with paragraph (2) or paragraph (4), shall—

(a) where the person has changed his place of residence from one polling division to another in the same registration area, transfer the registration record card of such person to its place in the appropriate unit register in accordance with rule 27 ;

(b) where the person has changed his place of residence from one address to another in the same polling division, transfer the registration record card of such person to its proper place in the same unit register in accordance with rule 27 ;

(c) notify such transfer to the Supervisor who shall make the necessary correction in the registration record card of such person in the central register ;

(d) inform the person to whom such registration record card relates that such transfer has been made.

Change of
place of
residence
from one
registration
area to
another.

44. (1) Where a registered person changes his place of residence from one registration area to another, his registration record card shall not be transferred to the unit register for the polling division in which he resides as a result of his change of residence.

(2) Where a person referred to in paragraph (1) is qualified and desires to be registered in the polling division in which he resides as a result of his change of residence, he shall make oral application therefor and, subject to paragraph (3), surrender his identification card to the assistant registration officer of the said polling division; and such person shall be registered in the unit register for the said polling division.

(3) An applicant under paragraph (2) shall inform the assistant registration officer of his address as recorded in his registration record card; and where such person does not surrender his identification card he shall make satisfactory explanation, by statutory declaration or otherwise, of his failure to surrender the same, and shall inform the assistant registration officer of his registration number and name as recorded on the identification card.

(4) Forthwith upon the registration of a person in accordance with paragraph (2), the assistant registration officer shall inform the appropriate registration officer of the particulars referred to in paragraph (3) and of the new registration number, registration area number, polling division number and address of the said person.

(5) Forthwith upon being informed as in paragraph (4), the registration officer shall transmit the particulars referred to in that paragraph to the registration officer of the registration area in which the said person was previously registered.

(6) Forthwith upon receipt of the information referred to in paragraph (5), the last mentioned registration officer shall examine the registration record card of the said person and, should that registration record card be valid, cancel it in the manner set out in paragraphs (5) to (8) of rule 41 and enter thereon the new registration number, registration area number, polling division number and address of the said person.

Change of
name.

Fifth Schedule
Form No. 26.

45. (1) Where a registered person changes his name he shall—

(a) give notice thereof to the registration officer of the polling division in which he is registered of such change of name in the form set out as Form No. 26 in the Fifth Schedule;

(b) produce to the registration officer satisfactory evidence of such change; and

(c) surrender to the registration officer his identification card.

(2) If the registration officer is not satisfied as to the identity of the person giving the notice or as to his change of name, he shall issue a check card in connection therewith.

(3) If upon receipt of the notice under paragraph (1), or of the report upon a check card issued under paragraph (2), the registration officer is satisfied as to the identity of such person and his change of name, he shall—

(a) cause a new identification card to be made out for such person;

(b) make the necessary changes in the registration record card of such person;

(c) notify the Supervisor of such change who shall cause the necessary changes to be made in the duplicate of the registration record card of such person; and

(d) transmit the surrendered identification card of such person to the Supervisor.

46. (1) An election officer shall give a receipt to any other election officer for any document received by the former from the latter under these Rules except in cases where the Supervisor directs that such receipts need not be given. Receipts for documents.

(2) An election officer shall give a receipt to any person who delivers to him any notice or application or other document required to be delivered to such officer under these Rules.

47. (1) Where an identification card has been issued to any person who claims that it has been lost, stolen, destroyed, mutilated or defaced he may apply to the appropriate registration officer for the replacement of such identification card, and such registration officer, if he is satisfied by statutory declaration or otherwise, that the application is a *bona fide* one, may issue to such person a replacement identification card. Replacement of lost, mutilated, etc. identification cards.

(2) An application under paragraph (1) shall be in the form set out as Form No. 27 in the Fifth Schedule and shall be accompanied by the fee referred to in paragraph (8). Fifth Schedule Form No. 27.

(3) The registration officer shall not issue a replacement identification card, in the case of an identification card which has become mutilated or defaced, until such identification card has been handed to him for destruction.

(4) Rule 13 shall apply *mutatis mutandis* in relation to a replacement identification card, but the registration officer shall also endorse thereon a note to the effect that such card is a replacement identification card.

(5) Subject to paragraph (6), a replacement identification card shall contain such particulars as were recorded on the identification card of the person to whom it relates.

(6) A registration officer may insert in a replacement identification card the print of a photograph different from that which was affixed to the identification card which it replaces if he is satisfied that it is a sufficiently good likeness of the person to whom it relates.

(7) A registration officer, on being satisfied as to the death of any person registered in his registration area to whom an identification card was issued under these Rules, shall, as soon as practicable after being so satisfied, require the personal representative of such person or any person in possession of the same to surrender to him the identification card that was issued to such person, if the registration officer is satisfied that it is within the power of any such person to do so.

(8) There shall be payable for every replacement identification card—

(a) in the case of a first issue, two dollars and twenty-five cents;

(b) in the case of any further issue, five dollars;

but the Governor-in-Council may, on the ground of poverty or for other good and sufficient cause, remit or refund the said fee or any part thereof.

48. (1) If both the original and the duplicate of a registration record card of an elector is lost, mutilated, defaced or destroyed, the appropriate registration officer shall require that elector to be registered anew, and if he neglects or refuses so to do the registration officer shall require him to surrender his identification card. Partial or total loss of registration record cards.

(2) If either the original or the duplicate of a registration record card of an elector is lost, mutilated, defaced or destroyed, the Supervisor shall prepare a photostatic record from the remaining copy and that copy shall be deemed to replace the lost, mutilated, defaced or destroyed original or duplicate of the registration record card, as the case may be; and the Supervisor shall make and sign a certificate on the photostatic copy to the effect that it is a true and correct reproduction.

PART II

ELECTORAL REGISTRATIONS

Electoral
registration.

49. (1) During the period commencing on the date of the publication of a proclamation under section 29 of this Ordinance and terminating on the date specified in paragraph (2) (hereinafter referred to as the period of an electoral registration)—

- (a) no person shall be registered under Part I ;
- (b) no registration shall be objected to except as provided in this Part ;
- (c) no alteration shall be made in any register as the result of the change of residence or change of name of any registered person in the electoral district to which such proclamation relates except as provided in this Part.

(2) The terminating date referred to in paragraph (1) shall—

- (a) in the case of a general election be thirty days, and
- (b) in the case of a bye-election be fifteen days,

after polling day for the election in respect of which the electoral registration is conducted.

Office of
temporary
assistant
registration
officer.

50. (1) A temporary assistant registration officer shall use as his office for the purposes of conducting an electoral registration such place, hereinafter referred to as a temporary registration office, as may from time to time be designated by the Supervisor.

(2) The Supervisor shall publish in the *Royal Gazette* and in at least one daily newspaper the addresses of temporary registration officers and all changes in the said addresses.

(3) A temporary registration office shall be open to public business during such hours as from time to time are notified by the Supervisor in the *Royal Gazette* and in at least one daily newspaper.

(4) A temporary registration office shall be closed on Christmas Day, Good Friday and public holidays.

Duties of
temporary
assistant
registration
officer.

51. It is the duty of a temporary assistant registration officer to attend at his registration office during an electoral registration from the date of the publication of the preliminary lists to the day before the qualifying date and to register persons who are qualified to be registered as electors for the polling divisions to which such officer is assigned, and for the registration of any minors entered on the registration record cards of such persons.

Application of
Part I.

52. Except as otherwise provided in these Rules, Part I applies *mutatis mutandis* to an electoral registration, and references in Part I to an assistant registration officer shall be construed as references to a temporary assistant registration officer.

Preparation of
preliminary
list.

53. (1) On the issue of a proclamation under section 29 of this Ordinance for the commencement of an electoral registration, every registration officer in whose registration area are situate any of the polling divisions of the electoral district to which such proclamation relates shall cause to be prepared a preliminary list of electors for every such polling division where such list has not already been prepared.

Fifth Schedule
Forms Nos.
28, 28A.

(2) A preliminary list in respect of a Parliamentary or a County Council election shall be in the form set out as Form No. 28 in the Fifth Schedule, and a preliminary list in respect of a Municipal Council election shall be in the form set out as Form No. 28A in the Fifth Schedule ; and the names and addresses of electors in any such list shall be arranged in the manner set forth in rule 27.

(3) In the case of a Municipal Council election the nature of the qualification of any person qualified as an elector under paragraph (d) of subsection (1) of section 14 of this Ordinance shall be indicated opposite to his name in the preliminary list, and where the elector is an alien that fact shall be indicated by the insertion of the letter and symbol " (A) " opposite to his name.

(4) A registration officer referred to in paragraph (1) shall not later than the day before the date fixed in the proclamation issued under section 29 of this Ordinance for the posting of the preliminary lists complete the preparation of the preliminary list of electors for a polling division referred to in paragraph (1).

(5) A registration officer shall supply a copy of the preliminary list for each polling division situate in his registration area to the temporary assistant registration officer for such polling division.

54. Where a person has complied with rule 22 but a proper photograph of him has not been obtained in pursuance of paragraph (9) of rule 23, he shall for the purposes only of the election to which the electoral registration relates be registered as if he were exempt from taking his photograph under rule 23 ; and on receipt of his identification card such person shall deliver up the duplicate of his certificate as to registration. Spoilt photographs.

55. On the date fixed in the proclamation issued under section 29 of this Ordinance for the publication of the preliminary list the registration officer shall cause to be posted in at least two places in each polling division in his registration area to which the proclamation relates a notice in the form set out as Form No. 29 in the Fifth Schedule and a copy of the preliminary list for such polling division ; and the preliminary list shall remain so posted at least until the expiration of the time specified in paragraph (5) of rule 59. Copy of notice of electoral registration to be posted in polling division. Fifth Schedule Form No. 29.

56. (1) If any person whose name is not on a preliminary list for a polling division claims that he is qualified to be registered as an elector for such polling division he may make oral application therefor to the temporary assistant registration officer for such polling division not later than the ninth day after the posting of the preliminary list under rule 55. Application for registration by person not on preliminary list.

(2) Where a registration is disallowed by an assistant registration officer before the commencement of an electoral registration or by a temporary assistant registration officer during an electoral registration, an application to the appropriate registration officer for the registration of such person shall be made not later than the thirteenth day after the posting of the preliminary list under rule 55.

57. If any person whose name is not on a preliminary list for a polling division claims that he is registered as an elector for that polling division he shall make application, not later than the ninth day after the posting of the preliminary list under rule 55, to the appropriate registration officer, in the form set out as Form No. 30 in the Fifth Schedule, to have his name included in the supplementary list for that polling division. Application by elector omitted from preliminary list. Fifth Schedule Form No. 30.

58. (1) Subject to this rule, rules 43, 44 and 45 apply during the period of an electoral registration. Change of place of residence and of name.

(2) A notice of a change of place of residence under rule 43 by any person whose name is on a preliminary list shall be made not later than the ninth day after the posting of the preliminary list under rule 55.

(3) A person whose name is on a preliminary list for a polling division and who has changed his place of residence from the registration area in which such polling division is situate to a polling division in another registration area shall not be registered as an elector for such last mentioned polling division except in accordance with rule 56.

(4) A notice of a change of name under rule 45 by any person whose name is on a preliminary list shall be made not later than the ninth day after the posting of the preliminary list under rule 55.

Preparation of supplementary lists.

59. (1) Not later than the sixteenth day after the posting of the preliminary list under rule 55, the registration officer shall prepare a supplementary list of electors for each polling division, of the electoral district to which the electoral registration relates, that is situate in his registration area.

Fifth Schedule Forms Nos. 31; 31A.

(2) A supplementary list in respect of a Parliamentary or County Council election shall be in the form set out as Form No. 31 in the Fifth Schedule, and a supplementary list in respect of a Municipal Council election shall be in the form set out as Form No. 31A in the Fifth Schedule.

(3) A supplementary list for a polling division shall contain in separate paragraphs the names and addresses, arranged in alphabetical order according to surnames, of persons—

- (a) (i) who have been registered as electors for the polling division since the posting of the preliminary list ;
- (ii) who were registered as electors prior to the posting of the preliminary list but who were omitted from the said list ;
- (iii) whose registrations as electors have since the posting of the preliminary list been transferred to the polling division from another polling division in the same registration area as a result of their change of residence to the polling division ;
- (b) whose names are on the preliminary list and whose registrations as electors have been objected to and the objections have either been allowed by the registration officer or have not yet been determined ;
- (c) (i) whose names as appearing on the preliminary list have been changed and whose registrations as electors have been altered accordingly by the registration officer ;
- (ii) whose names are on the preliminary list and who have changed their addresses in the polling division and have had their registrations altered accordingly by the registration officer.

(4) Paragraph (3) of rule 53 applies in respect of a supplementary list for a Municipal Council election.

(5) A supplementary list shall be posted, together with and in the same place as the preliminary list, on the seventeenth day after the posting of the preliminary list under rule 55, and shall remain so posted for at least seven days inclusive of the day of first posting.

Preparation of revised list.

60. (1) The registration officer shall make all necessary removals from, and additions to, the unit registers for his registration area resulting during an electoral registration from the registration of electors or from decisions of the registration officer under section 25 of this Ordinance or from corrections under rule 58 or otherwise ; and he shall immediately notify all such removals, additions or corrections to the Supervisor, who shall thereupon make corresponding removals, additions and corrections in the central register.

(2) The registration officer shall prepare a revised list of electors for each polling division referred to in paragraph (1) of rule 59 containing the names of all electors, as they appear in the revised unit register for that polling division, who are registered as electors for the election for which such list has been prepared.

(3) A revised list in respect of a Parliamentary or a County Council election shall be in the form set out as Form No. 32 in the Fifth Schedule and the revised list in respect of a Municipal Council election shall be in the form set out as Form No. 32A in the Fifth Schedule; and the entries on every such list shall be consecutively numbered.

Fifth Schedule
Forms Nos. 32;
32A.

(4) Paragraph (3) of rule 53 applies in respect of a revised list for a Municipal Council election.

(5) A revised list shall be posted in the same place as the preliminary and supplementary lists, not later than twenty-two days before polling day for the election to which the electoral registration relates, and shall remain so posted for at least seven days.

61. (1) Subject to this rule, rules 31 to 34 apply in relation to an objection to the registration as an elector of any person whose name is on a preliminary list or a supplementary list or a revised list.

Objection to
registration.

(2) An objection to the registration of a person whose name is on a preliminary list shall be made not later than the ninth day after the posting of the preliminary list under rule 55.

(3) An objection to the registration of a person whose name appears on a supplementary list shall be made not later than the sixth day after the posting of the supplementary list under rule 59.

(4) An objection to the registration of a person whose name appears for the first time on a revised list shall be made not later than fifteen days before polling day for the election to which the electoral registration relates.

(5) The holding of an enquiry into an objection under this rule shall be held not later than eight days before the said polling day.

62. A registration officer shall not later than the eighth day before polling day for the election in respect of which such lists were prepared—

Changes in
revised list.

- (a) delete from the revised lists the names of any electors in respect of whose registration objections have been made and upheld;
- (b) initial any deletions on every revised list that has not been distributed to the appropriate returning officer;
- (c) notify the Supervisor of any such deletion;
- (d) notify the appropriate returning officers, if the revised lists have already been distributed to him.

63. If, before nomination day for the election to which the electoral registration relates, a registration officer finds that the number of registration record cards in any unit register is too great to be served by a single polling station he may, with the approval of the Supervisor, divide the unit register into two parts in separate binders in the manner directed by the Supervisor.

Division of
unit register.

PART III

GENERAL

64. (1) Subject to this rule, the question as to whether a person is or was resident at any material time or during any material period shall be determined by reference to all the facts of the case.

Manner of
determining
residence.

(2) The place of residence of a person is generally that place which has always been, or which he has adopted as, the place of his habitation or home to which place, when away therefrom, he intends to return. Specifically, when a person normally sleeps in one place and has his meals or is employed in another place, the place of his residence is where the person sleeps.

(3) Generally, a person's place of residence is where his family is ; if he is living apart from his family, with the intent to remain so apart in another place, the place of residence of such person is such other place.

(4) Temporary absence from a place of residence does not cause a loss or change of place of residence.

Fifth Schedule
Form No. 33.

(5) Any person who has more than one place of residence may opt in respect of which place he desires to be registered, in the form set out as Form No. 33 in the Fifth Schedule, and shall send the same to the registration officer or officers of the registration areas where his places of residence are situate.

(6) No person shall for the purposes of these Rules be deemed to be resident in any polling division to which he has come for the purpose of engaging temporarily in any employment of a seasonal nature.

Forms to be
supplied
free of cost.

65. Forms prescribed under this Ordinance which a person is required under this Ordinance to complete and to submit to an election officer shall be obtainable free of cost by such person at a registration office or any post office.

Supply of
copies of
notices and
lists of
electors.

66. A registration officer shall, on the application of any person, allow that person, under his supervision or that of a person authorised by him, to inspect a unit register or to inspect or to take extracts therefrom ; or on payment of the prescribed fee, supply to that person a copy of the list of electors for any polling division in his registration area or of any notice of objection or application for registration or other notice signed by or on behalf of any elector and deposited at a registration office in his area.

Mode of
sending
documents to
registration
officer.

67. Except as otherwise provided in these Rules, any document required by these Rules to be sent to the registration officer shall be addressed to him at his office and may be sent by registered post, postage free, or delivered to him by hand.

Declarations
as to
age and
nationality.

68. (1) A registration officer, an assistant registration officer or a temporary assistant registration officer before registering any person as an elector may, where he is in doubt as to the age or nationality of such person, require that person to produce—

- (a) either a certificate of birth or a statutory declaration that such person has attained the age of twenty-one years ; and
- (b) either a certificate of naturalization or a statutory declaration that he is a British subject.

(2) No fee shall be payable for any statutory declaration referred to in paragraph (1).

Interpreter.

69. (1) Whenever a registration officer, an assistant registration officer or a temporary assistant registration officer in the performance of his duties under these Rules does not understand the language spoken by any person he shall appoint an interpreter who shall be the means of communication between him and such person.

Fifth Schedule
Form No. 34.

(2) An interpreter appointed under this rule shall take oath in the form set out as Form No. 34 in the Fifth Schedule.

70. (1) At such time as the Supervisor may think fit he may send or cause to be sent by hand or by post to any registered person, a form set out as Form No. 35 in the Fifth Schedule.

Enquiries by Supervisor as to address of registered person.

(2) The form referred to in paragraph (1) shall include an enquiry as to whether such registered person is, at the date of his receipt thereof, resident at his address shewn on his registration record card and shall require him to record his reply to the enquiry in the space reserved therefor on the said form and, within fourteen days after the date thereof, to return it as directed therein to the Supervisor or to the registration officer of the registration area in which such person is registered, as the case may be.

Fifth Schedule Form No. 35.

(3) On an envelope addressed to any registered person in which is enclosed an enquiry under paragraph (2) the words "enquiry as to residence", and the address and official designation of the sender shall be clearly printed; and, where such envelope is transmitted by post and not delivered to the addressee, it shall be returned to the sender within seven days after having been received at the post office.

(4) A registered person who has received an enquiry under this rule shall reply thereto within the time and in the manner referred to in paragraph (2).

(5) Where within the time specified in paragraph (2) the Supervisor or the registration officer, as the case may be, does not receive a reply to the enquiry or where the form is returned under paragraph (3), the registration officer may, and at the request of the Supervisor shall, issue a check card in connection therewith.

71. The Supervisor may require a registration officer to carry out or to cause to be carried out a check of all registered persons or of all electors or of any other persons in his registration area or any part thereof for the purpose of maintaining the accuracy of the unit registers in his registration area.

Checks by Supervisor.

72. The Supervisor may at such times as he may think fit direct any registration officer to deliver to him any unit register for the registration area of such registration officer.

Delivery of unit register to Supervisor.

73. (1) There may be handed over to the police for investigation—

- (a) on the authority of the Supervisor, the original or the duplicate of a registration record card ;
- (b) on the authority of a registration officer, the original of a registration record card in his possession or in that of an assistant registration officer in his registration area.

Delivery of documents to police.

(2) For the purposes of paragraph (1) a registration record card may be removed from a binder in which it has been inserted.

(3) Nothing in this rule shall affect the power of the Supervisor or a registration officer to deliver any other document to the police for investigation.

74. (1) A registration officer shall be paid for the performance of his duties under these Rules, in addition to the salary of his substantive post, a sum at the rate of seven hundred and twenty dollars a year.

Remuneration and allowances.

(2) An assistant registration officer shall be paid for the performance of his duties under these Rules, in addition to the salary of his substantive post, a sum at the rate of three hundred and sixty dollars a year.

(3) A clerk to a registration officer shall be paid for the performance of his duties in connection with registrations under these Rules, in addition to the salary of his substantive post, a sum at the rate of three hundred and sixty dollars a year.

(4) A temporary area inspector shall be paid for the performance of his duties in connection with registrations under these Rules a flat sum of two hundred dollars and a commuted travelling allowance at the rate of fifty dollars a month.

(5) A messenger attached to the office of a registration officer shall be paid a sum of fifteen dollars a month if he is required to perform duties in connection with registrations under these Rules after his normal working hours.

(6) A temporary assistant registration officer, other than an assistant registration officer employed as such, shall be paid in respect of an electoral registration—

(a) for every person whose registration as an elector has been allowed or disallowed by him, twenty-five cents ;

(b) for every minor registered by him, fifteen cents ;
or the sum of thirty dollars, whichever is the greater.

(7) A temporary scrutineer shall be paid in respect of an electoral registration—

(a) for every person whose registration as an elector has been allowed or disallowed in his presence by the temporary assistant registration officer to whom he is assigned, ten cents ;

(b) for every minor registered in his presence by the said temporary assistant registration officer, five cents ;
or the sum of twelve dollars, whichever is the greater.

(8) The Supervisor shall classify polling divisions for the purposes of paragraphs (6) and (7).

(9) A commuted travelling allowance shall be paid to a registration officer as follows:—

(a) in the registration areas of Port-of-Spain and San Fernando at the rate of six hundred dollars per year ;

(b) in the other registration areas at the rate of twelve hundred dollars per year.

Offences and
penalty.

75. (1) The following persons are guilty of an offence against these Rules—

(a) a scrutineer who contravenes paragraph (3) or (4) of rule 18 ;

(b) a person who fails to obey any summons issued or order made by virtue of paragraph (3) of rule 34 ;

(c) a person who, without reasonable excuse, fails to comply with sub-paragraph (c) of paragraph (2) of rule 41 ;

(d) a person who, without reasonable excuse, fails to surrender an identification card in accordance with paragraph (7) of rule 47 or paragraph (1) of rule 48.

(2) A person guilty of an offence against these Rules is liable on summary conviction thereof to a fine of two hundred and fifty dollars or to a term of imprisonment of six months or to both such fine and such imprisonment.

Transitional.

76. Any person who was not registered under the Electoral Registration Ordinance, 1960 for the reason only that he had not complied on or before the 20th day of June, 1961, with paragraph (12) of rule 32 of the Registration

Rules, 1960, but who, before the commencement of this Ordinance, had complied with the said paragraph (12), shall be registered under this Ordinance—

- (a) as an elector, during the first electoral registration held after the commencement of this Ordinance for the polling division for which he was being registered, between the date of the posting of the preliminary list and nine days thereafter; and his name and address shall accordingly be inserted in the supplementary list for the said polling division during the said electoral registration; and
- (b) as a non-electoral, within seven days after the period of the first electoral registration held after the commencement of this Ordinance for the polling division for which he was being registered.

THIRD SCHEDULE

(Section 2 (1))

ELECTION RULES

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4. Election Notice.
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6. Duty of returning officer to decide on nomination documents and appeal to a Judge against such decision.
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APPENDIX—SYMBOLS.

Citation

1. These Rules may be cited as the Election Rules.

Interpretation

2. In these Rules :—

“ candidates’ counter control knob ” means the knob referred to in paragraph (4)(b) of rule 24 ;

“ carrying case ” means a carrying case referred to in paragraph (2)(b) of rule 29 ;

“ declaration of identity ” means a declaration of identity referred to in rule 67 ;

“ election notice ” means an election notice referred to in rule 4 ;

“ file of answers to questions ” means the said file referred to in rule 26 and in paragraph (1)(e) of rule 29 ;

“ imprinter ” means the imprinter referred to in paragraph (1)(h) of rule 29 ;

“ list of postal electors ” means a list of electors prepared under rule 64 ;

“ member of the Forces ” means a person serving on full pay as a member of any of the naval or military forces of the Crown raised in the Federation of the West Indies ;

“ poll card box ” means a box referred to in paragraph (1)(g) of rule 29 ;

“ postal ballot box ” means a box referred to in rule 74 ;

“ postal ballot paper ” means a ballot paper issued to a postal elector under rule 67 ;

“ postal elector ” means an elector whose name appears on a list of postal electors ;

“ postal voter ” means a postal elector who has cast his vote at an election ;

“ register of electors ”, in relation to a polling station, means the unit register or registers of electors or the part of a unit register of electors, subject to such removals therefrom or additions thereto as may be effected under rules 27 and 65, containing the names of persons entitled to vote at the polling station and supplied to a presiding officer under paragraph (1)(c) of rule 29 ;

“ register of postal electors ” means the register of postal electors referred to in rule 65 ;

“ registration number ” means the serial number appearing on the registration record card and on the identification card of an elector ;

“ revised list of electors ” in relation to a polling station, means the revised list of lists of electors containing the names of persons entitled to vote at the polling station ;

“ voting machine ” means a voting machine referred to in rule 21 and intended for use at a polling station at an election.

(2) A reference in these Rules to a rule or a Part shall, unless the contrary intention appears, be read as a reference to a rule or a Part contained in these Rules ; and a reference in a rule to a paragraph shall be read as a reference to a paragraph of the rule in which the reference occurs.

PART I

ISSUE OF WRIT AND NOMINATION OF CANDIDATES

3. At every general election, the writs of election for all electoral districts for which the election is to be held shall be dated on the same day and shall fix the same day for the nomination of candidates and for the taking of the poll. Writs to be of even date.

4. (1) The returning officer shall within two days after the receipt of a writ of election or within two days after he has been notified thereof by the Supervisor, whichever may be the sooner, and not less than fourteen clear days before the day fixed by the writ as nomination day— Election notice.

- (a) publish in the *Royal Gazette* and in at least one newspaper election notices in the form set out as Form No. 40 in the Fifth Schedule; Fifth Schedule Form No. 40
- (b) cause copies of such notices to be posted at his office and at such other places in the electoral district as he may deem necessary.

(2) Every election notice shall specify—

- (a) the days and place fixed under rule 6 for the examination of nomination documents;
- (b) the day and place fixed for the nomination of candidates ;
- (c) the day and the hours fixed for taking the poll in the event of a contested election ;
- (d) the place where and the day and time when the postal votes will be counted and the preliminary results of the poll announced ;
- (e) the place where and the day and time when the numbers of votes given to the several candidates will be finally determined ;
- (f) the place where the returning officer has established his office.

5. Before the first day fixed for the examination of nomination documents the Supervisor shall supply every returning officer with at least two copies of the revised lists of electors for the polling divisions in his electoral district or, where such lists have not yet been prepared, with at least two copies of the preliminary lists and the supplementary lists for such polling divisions. Supervisor to supply returning officers with copies of the lists of electors.

6. (1) On the twelfth and eleventh days preceding nomination day the returning officer shall attend, at the place fixed for the nomination of candidates, between the hours of nine o'clock in the morning and twelve noon for the purpose of receiving for scrutiny from any candidate or his agent the documents which are required by these Rules to be tendered or delivered on nomination day to the returning officer by or on behalf of a candidate for the purpose of his nomination. Duty of returning officers to decide on nomination documents, and appeal to a Judge against such decision.

(2) On receipt of the documents referred to in paragraph (1) the returning officer shall carefully scrutinize the same and shall, not later than the hour of two o'clock on the eleventh day before nomination day, certify on each copy of the nomination paper and of the statutory declaration of the candidate his decision as to whether the nomination paper is valid, or whether it is invalid and the reasons therefor, and shall thereafter return one copy of the nomination paper and of the statutory declaration to the person presenting the same and shall retain the other copies.

(3) The returning officer shall be entitled to hold a nomination paper invalid only on one of the following grounds, that is to say—

- (a) that the particulars of the candidate or the person signing the nomination paper or the statutory declaration are not as required by law ;

(b) that the nomination paper or the statutory declaration is not signed as so required.

Fifth Schedule
Form No. 40A.

(4) Where the returning officer has certified that the nomination paper of a candidate is invalid he or his agent may appeal against such decision to a Judge in Chambers not later than the tenth day before nomination day, by filing with the Registrar and serving on the returning officer a notice in the form set out as Form No. 40A in the Fifth Schedule.

(5) The Registrar shall give at least two days' notice in writing, to the appellant and to the returning officer, of the time and place fixed for the hearing of the appeal.

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

(7) On every such appeal the appellant or the returning officer may be represented by Counsel or Solicitor.

(8) The Judge shall deliver his decision allowing or disallowing the appeal not later than two days before nomination day, and every such decision shall be certified to the returning officer under the hand of the Judge or of the Registrar and shall be final to all intents and purposes.

Nomination
of candidates.

7. (1) On the day and at the place fixed for the nomination of candidates the returning officer shall attend between the hours of nine o'clock in the morning and twelve noon and between the hours of one and three o'clock in the afternoon for the purpose of receiving the nomination of any duly qualified candidate.

Fifth Schedule
Forms Nos. 41
and 41A.

(2) Every candidate for election shall be nominated by six or more persons, whose names appear on the lists of electors supplied to the returning officer under rule 5, signing as proposers a nomination paper in duplicate in the form set out as Form No. 41 or Form No. 41A, as the case may be, in the Fifth Schedule ; but a candidate shall be deemed to be validly nominated notwithstanding that subsequent to his signing the nomination paper any person by whom the nomination paper was signed has been struck off any of the said lists of electors for that electoral district.

Fifth Schedule
Forms Nos. 41
and 41A.

(3) No nomination paper shall be valid or shall be acted upon by the returning officer unless it is accompanied by the consent in writing of the person therein nominated or, where such person is absent from the Territory, by the consent of his duly authorised agent expressed in duplicate in the form set out as Form No. 41 or Form No. 41A, as the case may be, in the Fifth Schedule.

(4) The nomination paper shall state the full names and addresses of the candidate and his proposers, the occupation of the candidate and the registration numbers of his proposers.

(5) Each candidate shall be nominated by a separate nomination paper.

(6) A person shall not at any election be nominated as a candidate for more than one electoral district.

(7) When at any election nomination papers are received nominating the same person as a candidate for more than one electoral district, every such nomination shall be deemed to be void and the deposit accompanying every such nomination shall forthwith be forfeited and paid into general revenue.

Statutory
declaration of
qualifications.

8. Every candidate shall at the time fixed for the nomination of candidates cause to be delivered to the returning officer a statutory declaration of his qualifications made and subscribed to by him or, if he is absent from the

Territory on the day when the same is subscribed, by his duly authorised agent, in duplicate in one of the forms set out as Form No. 42, Form No. 42A, Form No. 42B, Form No. 42C, Form No. 42D, Form No. 42E, in the Fifth Schedule as the case may be ; and if such statutory declaration is not delivered as aforesaid the nomination of such candidate shall be deemed to be void. Fifth Schedule Forms Nos. 42 to 42E.

9. (1) A person shall not be validly nominated unless the sum referred to in paragraph (2) is deposited by him or on his behalf with the returning officer at the place and between the hours referred to in paragraph (1) of rule 7. Deposit.

(2) The deposit in respect of an election to the House of Representatives is two hundred and fifty dollars, and in the case of an election to a Municipal Council or a County Council is sixty dollars.

(3) The deposit may be made either by the deposit of any legal tender, or by means of a banker's draft, or, with the consent of the returning officer, in any other manner ; but the returning officer may refuse to accept the deposit sought to be made by means of a banker's draft, if he does not know that the drawer carries on business in the Territory.

10. (1) Except for the purpose of delivering nomination papers or of assisting the returning officer, no person shall be entitled to attend proceedings during the time of the delivery of nomination papers to the returning officer under rules 6 and 7 unless he is a person standing nominated as a candidate or is the election agent of such a person ; but where a candidate acts as his own election agent, he may name one other person who shall be entitled to attend in place of his election agent. Right to attend nomination proceedings.

(2) Any person upon whom the right to attend is conferred by this rule shall have the right to inspect and to object to the validity of any nomination paper.

(3) No objections shall be made later than one hour after the close of the time for the delivery of nomination papers to the returning officer.

11. (1) Where a nomination paper and the candidate's consent thereto and his statutory declaration of qualifications are delivered and the deposit is made in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until the returning officer decides that the nomination paper is invalid or proof is given to the satisfaction of the returning officer of the candidate's death, or the candidate withdraws. Decisions as to validity of nomination papers.

(2) The returning officer shall accept as valid any nomination paper and statutory declaration which under rule 6 has been certified as valid by the returning officer or by a Judge or the Registrar.

(3) If the returning officer decides that a nomination paper not referred to in paragraph (2) is invalid he shall, if he has not previously done so, as soon as practicable certify the same on the nomination paper and statutory declaration as in paragraph (2) of rule 6.

(4) Subject to paragraph (8) of rule 6, the decision of the returning officer that a nomination paper is invalid shall be final and shall not be questioned in any proceeding whatsoever.

(5) Subject to paragraph (4), nothing in this rule shall prevent the validity of a nomination being questioned on a representation petition.

12. (1) The returning officer shall cause a copy of the nomination paper and of the statutory declaration delivered by or on behalf of every candidate to be posted up at the place appointed for the delivery of nomination papers and shall cause the same to be kept posted up for the period of seven days commencing on the day after that fixed for the nomination of candidates. Returning officer to post copy of nomination papers.

(2) Every copy referred to in paragraph (1) shall be certified by the returning officer to be a correct copy of the original and shall be open for scrutiny by the public while posted up.

(3) Every nomination paper rejected by the returning officer shall be endorsed with a note of the decision that the nomination paper is invalid or of any other reason why the person nominated no longer stands nominated.

Transmission,
return and
forfeiture
of deposit.

13. (1) The full amount of every deposit made under rule 9 shall forthwith after its receipt be transmitted by the returning officer to the Accountant General.

(2) The full amount of every such deposit made under rule 9 shall be returned by the Accountant General to the person who made such deposit or his personal representatives upon the production by him or his personal representatives, as the case may be, of a certificate from the Supervisor that the candidate was elected or that he died before the close of the poll on polling day or, in the case of—

(a) an election of a single member in an electoral district, that he has polled not less than one-eighth of the total number of votes polled by all the candidates in the electoral district;

(b) an election of two members in an electoral district, that he has polled not less than one-twelfth of the total number of votes polled by all the candidates in the electoral district.

(3) For the purpose of paragraph (2) the number of votes polled by a candidate shall be the number of votes counted for such candidate in accordance with these Rules.

(4) Except as otherwise provided in this rule, every deposit made under rule 9 shall, at the expiration of one month from the conclusion of the election in respect of which it was made, be forfeited and paid into general revenue.

Withdrawal of
candidate.

14. (1) Any candidate may withdraw from his candidature at any time not less than twelve clear days before polling day by delivering to the returning officer a declaration in writing to that effect signed by himself and attested by the signatures of at least two of the proposers of his nomination, and any votes cast for the candidate who has so withdrawn shall be null and void.

(2) In the case of a candidate who is outside the Territory, a notice of withdrawal signed by his duly authorised agent and attested by at least two of the proposers of his nomination and accompanied by a written declaration also so signed and attested of the candidate's absence from the Territory shall be of the same effect as a notice of withdrawal under paragraph (1); but where the candidate stands nominated by more than one nomination paper, the notice of withdrawal shall be attested by at least two of the proposers on each of the nomination papers filed in favour of such candidate.

(3) When a candidate has withdrawn after the ballot labels are printed, the returning officer shall advise each presiding officer in his electoral district of such withdrawal and, when time permits, shall distribute to each presiding officer a printed notice of withdrawal.

(4) On polling day each presiding officer shall post up a copy of the printed notice of withdrawal in a conspicuous place in his polling station.

(5) If time does not permit of the printing and distribution of such notice, the presiding officer upon being advised of the withdrawal of any candidate shall himself prepare by hand a notice to that effect and post it up in a conspicuous place in his polling station.

(6) In either case the presiding officer shall, before admitting an elector within the voting machine enclosure to register his vote, inform such elector of the withdrawal of the candidate.

15. (1) If the number of persons nominated after all the decisions as to the validity or non-validity of all the nomination papers have been made by the returning officer exceeds the number of members to be elected, a poll shall be taken in accordance with these Rules. Method of election.

(2) If the number of persons nominated is the same as or less than the number to be elected, the person or persons standing nominated shall forthwith be publicly declared elected by the returning officer, who shall immediately thereafter certify by endorsement on the writ of election, in the form set out as Form No. 43 in the Fifth Schedule, the return of such candidate or candidates and shall return the writ so endorsed to the Supervisor within the time for that purpose specified therein. Fifth Schedule Form No. 43

(3) If before a poll is taken under paragraph (1) the number of persons standing nominated is so reduced that the said number becomes the same as or less than the number of members to be elected, then the remaining persons standing nominated shall be declared to be elected in accordance with paragraph (2).

PART II

PREPARATION FOR THE POLL

16. (1) When a poll is to be taken, the returning officer shall, as soon as practicable after nomination day, give notice by publication in one or more daily newspapers of— Notice of taking of poll.

- (a) the day on which and the hours during which the poll will be taken ;
- (b) the situation of each polling station ;
- (c) the name and address and occupation of each candidate nominated for election as given in his nomination paper, and the symbol assigned to him ;

(2) The returning officer shall also cause notices in the form set out as Form No. 44 in the Fifth Schedule to be posted at his office and at such other places in his electoral district as he may deem necessary. Fifth Schedule Form No. 44

17. (1) If before the closing of the poll proof is given to the satisfaction of the returning officer of the death of any of the candidates, the returning officer shall countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received on the day on which proof was given to the returning officer of the death ; but no fresh nomination shall be necessary in the case of a person shown in the notice of taking of the poll as standing nominated. Death of candidate.

(2) Where by reason of the death of a candidate proceedings are commenced afresh under this rule, then the returning officer shall fix—

- (a) a new date for the nomination of candidates being a date not more than fourteen days after the date on which proof was given to him of the death of the person shown as standing nominated ; and
- (b) a new date for the taking of the poll which date shall not be less than fifteen days or more than twenty-eight days from the new date fixed for the nomination of candidates.

18. The poll shall be taken by secret ballot and, except as provided under Part IV, the votes of electors shall be registered on voting machines on polling day at polling stations established under rule 19. Manner of voting

Provision of
Polling
Station.

19. (1) The returning officer shall establish in his electoral district such number of polling stations and in such locations as the Supervisor shall determine, each polling station being in premises of convenient access, with an outside door for the admission of electors, and, where possible, with another door through which electors may leave after they have voted.

(2) A polling station may be made to serve more than one polling division.

(3) Each presiding officer shall take care before the poll is opened that his polling station is provided with proper conveniences for the purposes of these Rules and that the same are properly arranged for giving effect to the provisions of these Rules with respect to the taking of the poll.

(4) In cases where the unit register of electors for a polling division has been divided into two parts, a polling station shall be provided for each part of such register.

Custody of
voting
machines.

20. (1) The Supervisor shall cause all voting machines to be securely kept and they shall be in his custody and control at all times except when they are in use at an election or when they are being used by a court for the purposes of a petition or prosecution relating to an election.

(2) The Supervisor shall cause all voting machines to be properly protected and preserved from damage or unnecessary deterioration and to be kept in good and proper repair, and shall not permit any unauthorised person to tamper with them.

(3) The Supervisor may appoint such persons as he may consider necessary to maintain, store and care voting machines and to deliver them at polling stations.

Requirements
of voting
machines.

21. Every voting machine used for the recording of votes at an election shall be so constructed as—

- (a) to provide facilities for voting for such candidates as may stand nominated ;
- (b) to permit each elector to vote at an election for any candidate or candidates for whom he is entitled to vote ;
- (c) to preclude each elector from voting for any person other than the person or persons for whom he is entitled to vote ;
- (d) to preclude each elector from voting for any one candidate more than once ;
- (e) to permit each elector to change his vote for any candidate in the manner provided by rule 47 ;
- (f) to permit voting in absolute secrecy except in cases where an elector has to be assisted in voting in accordance with these Rules ;
- (g) to have a public counter on the face of the machine which shall show clearly during any period of voting the total number of voters who have operated the machine during that period of voting ;
- (h) to have a protective counter, the register of which cannot be reset which shall be visible from the outside of the machine and which shall record the cumulative number of movements of the red voting switch of the machine ;
- (i) to be provided with a lock (hereinafter referred to as the presiding officer's lock) by means of which the machine may be locked against further voting immediately after the operation of the machine for an election is completed at or before the close of the poll ;
- (j) to be provided with a curtain that will conceal the action of each voter while he is voting ;

- (k) to register correctly and accurately by means of counters every vote cast at an election, a separate counter (hereinafter referred to as a candidate's counter) being provided for each candidate ;
- (l) to preclude every person from seeing or knowing during the process of voting the number of votes registered for any candidate and from tampering with any part of the registering mechanism of the machine ;
- (m) to be safely transportable.

22. (1) As soon as possible after the nomination of candidates for an election Ballot labels. the Supervisor shall cause ballot labels to be printed for insertion in the voting machines to be used at the election.

(2) A ballot label shall be in the form set out as Form No. 45 in the Fifth Schedule Form No. 45 Fifth Schedule.

(3) A ballot label shall be printed in black ink on clear white material of such size as will fit the ballot frame of the voting machine on which it is to be inserted and in as plain clear type as the available space will, in the opinion of the Supervisor, permit.

(4) The names of the candidates on a ballot label shall be uniformly printed and such type size for all the names of candidates shall be used as, in the opinion of the Supervisor, is required to fit the longest name into the ballot frame of the voting machine.

(5) The names, addresses and occupations of the candidates shall be arranged on a ballot label alphabetically in the order of their surnames and, if there are two or more candidates with the same surname, in the order of their other names, and numbered accordingly, and shall be printed exactly as they are set out in the nomination paper.

23. (1) There shall be printed upon every ballot label and every postal Symbols. ballot paper opposite the name of each independent candidate, one of the symbols numbered 1 to 15 shown in the Appendix hereto.

(2) The order in which such symbols are assigned to the names of such candidates shall correspond with the order in which the names of the candidates appear on the ballot label or the postal ballot paper.

(3) On the application of any political party desirous of using at an election the same symbol for all its candidates at such election (in these Rules referred to as "the party symbol"), which application shall be made not later than three days after the publication of the election notice for such election, the Supervisor may assign to such party the party symbol so applied for, and such symbol shall thereupon become the party symbol of such party for such election and all subsequent elections, unless and until, on application made as above, another party symbol is assigned to the political party.

(4) If a political party does not make an application in accordance with the provisions of paragraph (3), the Supervisor shall in his discretion assign to such party any one of the symbols numbered 16 to 30 shown in the Appendix hereto, and such symbol shall be the party symbol of such party for such election.

(5) The party symbols assigned to political parties by the Supervisor under paragraphs (3) and (4) shall be printed upon every ballot label and postal ballot paper opposite the name of each party candidate.

(6) The Supervisor shall cause the party symbols assigned under paragraphs (3) and (4) to be published in the *Royal Gazette* as soon as possible after such party symbols have been so assigned.

(7) A returning officer shall not recognise a candidate as a party candidate unless he has been informed on nomination day by the candidate in writing that he is a member of the party and this membership is confirmed by a list of party candidates supplied to the returning officer by the party of which he claims membership not later than nomination day.

Preparation
of machines
for elections.

24. (1) Not less than five days nor more than twenty days before polling day, one or more custodians, on direction of the Supervisor, shall complete the preparation of such voting machines as the Supervisor considers necessary for use at such election.

(2) The preparation referred to in paragraph (1) shall include—

- (a) the setting of all counters except the protective counter at zero ;
- (b) installing proper ballot labels on the voting machines ;
- (c) setting the machines so that each elector will be precluded from voting for more candidates than he is entitled to vote for ;
- (d) locking and covering all levers not in use for the election.

(3) The Supervisor shall give to the secretary of each political party having candidates to be voted for at an election and to each independent candidate concerned, not less than six days' notice of the time when and the place where the voting machines to be used at and for such election may be viewed by them ; and at such time and place one representative of each such political party certified as such by the secretary of the party and every such candidate or his representative is entitled to be present and to observe that the voting machines have been properly prepared for voting and are in proper condition and order for use at the election.

(4) At the time and place appointed under paragraph (3) a custodian shall in the presence of such persons referred to in paragraph (3) as are present—

- (a) lock the back door of each voting machine with the key (hereinafter referred to as the custodian's key) for such lock and for the custodian's lock at the front of the voting machine, and seal the same with a numbered metal seal ;
- (b) place the knob controlling the opening and closing of the voting machine for purposes of voting (hereinafter referred to as the candidates' counter control knob) in the polls closed position and seal it in that position with a metal seal ;
- (c) seal the safety catch for the custodian's lock with a numbered metal seal ;
- (d) lock the front door of the voting machine.

(5) Each voting machine, locked and sealed as in paragraph (4), shall remain locked and sealed until the time of examination immediately preceding the opening of the polls as provided in rule 40.

Certificates
of proper
preparation
of machines.

25. (1) After a voting machine has been locked and sealed as in rule 24 the custodian shall—

- (a) seal the custodian's key in one envelope, and the key to the officer's lock (hereinafter referred to as the presiding officer's key) and the key to the front of the voting machine in another envelope
- (b) cause to be written or printed on each of the said envelopes—
 - (i) the number of the voting machine to which the keys relate ;
 - (ii) the number of the polling station at which the voting machine is to be used ;
 - (iii) the numbers of the numbered seals on the voting machine ;
 - (iv) the number registered on the protective counter of the voting machine ;

(c) prepare the certificate in writing as in paragraph (3) and sign the same.

(2) Any person other than the custodian in whose presence a voting machine was locked and sealed under paragraph (5) of rule 24 may sign the certificate referred to in paragraph (1).

(3) The certificate referred to in paragraph (1) shall be in duplicate and shall include—

- (a) the number of the voting machine ;
- (b) a statement that the counters other than the protective counter of the voting machine have been set at zero ;
- (c) the number registered on the protective counter of the voting machine ;
- (d) the number on every numbered seal with which the voting machine has been sealed ;
- (e) a statement that the custodian's key, the key to the front of the voting machine, and the presiding officer's key have been sealed in separate envelopes identified by the number of the voting machine ;
- (f) a statement of the date and place when the voting machine was locked and sealed for use at the election and that the proper ballot labels were installed in the machine ;
- (g) the names of the persons in whose presence the voting machine was locked and sealed.

(4) The custodian shall forthwith cause—

- (a) the original of the said certificate to be delivered to the Supervisor ;
- (b) the duplicate of the said certificate and the sealed envelopes containing the keys to the voting machines to be delivered to the returning officer of the electoral district in which such machines are to be used.

26. The registration officers for the polling divisions in the electoral district for which an election is being held shall at least four clear days before polling day transmit to the returning officer of such electoral district the unit registers of electors for such polling divisions together with the keys for the binders of the said registers and, in respect of each such register, the file of answers to questions given by illiterate and disabled electors on their registration as electors ; and on receipt thereof the returning officer shall give to the registration officer a receipt for the same.

Delivery of unit registers of electors to returning officers.

27. (1) Where a person who is registered as an elector in the unit register for any polling division is appointed as presiding officer or poll clerk or machine attendant of a polling station for another polling division in the same electoral district, the returning officer shall transfer the registration record card of that person to the unit register of electors for the polling division of which such person is appointed the presiding officer or poll clerk or machine attendant, as the case may be ; and the necessary alterations shall be made by the returning officer to the relevant revised lists of electors.

Transfer of presiding officer, etc. as elector.

(2) The returning officer shall give notice in writing of any transfer made under paragraph (1) to every candidate in his electoral district and to the presiding officer of the polling station at which the person whose registration record card is so transferred would have been entitled to vote for the provisions of this rule.

(3) Every person whose registration record card is transferred under paragraph (1) shall be entitled to vote only at the polling station of which he is appointed presiding officer or poll clerk or machine attendant, as the case may be.

Printing and
distribution
of revised lists
of electors

28. (1) The Supervisor shall cause not less than sixty copies of the revised lists of electors for each polling station to be printed and to be delivered to the appropriate returning officer, and the returning officer shall dispose of the same in accordance with this rule.

(2) An election officer shall be entitled to as many copies of the lists of electors as he requires and as are approved by the Supervisor.

(3) Every candidate shall be entitled to a copy of the revised list of electors for each polling station in his electoral district free of cost.

(4) The returning officer shall retain in his office for inspection by the public a copy of the revised list of electors for each polling station in his electoral district.

(5) Available copies of the revised lists of electors for his electoral district shall be sold by the returning officer to candidates and to the general public at the rate of three cents for a list of electors for a polling station.

Equipment
of polling
station

29. (1) The returning officer shall at least two clear days before polling day furnish to each presiding officer in his electoral district for use at his polling station—

Fifth Schedule
Forms Nos. 46
and 46A.

(a) at least three copies of printed directions, in the form set out as Form No. 46 or Form No. 46A, as the case may be, in the Fifth Schedule, for the guidance of electors in voting ;

(b) a copy of or excerpts from these Rules ;

(c) the register of electors for the polling station ;

(d) three copies of the revised list of electors entitled to vote at the polling station ;

(e) the file of answers to questions by electors whose names appear on the said revised list of electors ;

(f) a sufficient number of poll cards for at least the number of electors on the said revised list of electors ;

(g) a poll card box made of some durable material with one lock and key and a slit or narrow opening in the top, and so constructed that poll cards may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked ;

(h) an imprinter having embossed on the plate thereof the numbers of the electoral district and of the polling station, and the date of the election, at which it is to be used ; and so designed that it may print on a poll card the above particulars and also the name and registration number from an identification card ;

(i) the several forms of oaths to be administered to electors printed together on a card ;

(j) the necessary envelopes and such other forms and supplies as may be authorised or furnished by the Supervisor ;

(k) the key to the poll card box, and the key to the carrying case referred to in paragraph (2), each sealed in a separate envelope ;

(l) the necessary supplies of electoral ink.

(2) When the register of electors is furnished by the returning officer to the presiding officer as in paragraph (1) (c)—

(a) the binder of such register shall be locked so that no registration record card can be removed from the register unless it is taken therefrom ;

(b) the binder and the file of answers to questions shall be locked in a carrying case and the binder or the carrying case shall be sealed by the returning officer before its delivery to the presiding officer.

- (c) the returning officer shall retain in his possession the key of the said binder ;
- (d) the carrying case may not be opened, nor shall the seal on the binder or the carrying case be broken, except at such time and place as the returning officer shall direct.
- (3) Until the opening of the poll the presiding officer shall keep the register of electors and file of answers to questions carefully locked in the carrying case referred to in paragraph (2), and the other documents and articles furnished to him under paragraph (1) carefully locked in the poll card box, and shall take every precaution for their safekeeping and to prevent any person from having unlawful access to them.
- (4) Before the hour fixed for the opening of the poll the presiding officer shall post in conspicuous places inside and outside the polling station copies of the directions referred to in paragraph (1) (a).
- (5) Each presiding officer shall, before polling day visit his polling station and see that it is provided with proper conveniences, as provided by these Rules, for taking the poll.

30. (1) Not less than one hour before the opening of the poll on polling day the Supervisor shall cause each voting machine to be delivered at the polling station where it is to be used and shall cause such machine to be set up in the proper manner for use at the election and to remain sealed until the examination of the machine immediately before the opening of the poll.

Delivery of voting machine to polling station.

(2) In the performance of his duties under paragraph (1), the Supervisor shall provide ample protection against molestation of or injury to the voting machines and, for such purposes, the Supervisor or any returning officer or presiding officer may call upon any police officer to furnish such assistance as may be necessary ; and it is the duty of every police officer when so called upon forthwith to furnish such assistance.

31. Not earlier than the day before polling day, and not later than forty-five minutes before the time for the opening of the poll, the returning officer shall deliver to the presiding officer of each polling station the sealed envelope containing the presiding officer's key and the key to the front doors of the voting machine to be used at his polling station at that election; and the presiding officer shall acknowledge the receipt of the same in writing to the returning officer.

Delivery of keys of voting machine.

PART III

TAKING OF THE POLL

32. (1) Subject to paragraph (2), the taking of the poll at each polling station shall be between six o'clock in the morning and six o'clock in the afternoon of the same day.

Hours of poll.

(2) If at the hour of the closing of the poll there are any electors within the polling station who have not cast their votes, the poll shall be kept open a sufficient time to enable them to vote.

33. Every employer shall permit each elector in his employment to be absent from his work on polling day during the hours of the poll for two hours in addition to the normal mid-day meal hour.

Employees time off for voting.

34. (1) A returning officer may, if he thinks fit, preside at a polling station in his electoral district and the provisions of these Rules relating to the presiding officer shall apply to the returning officer so presiding with the necessary modifications as to things to be done by the returning officer.

Returning officer or poll clerk may preside at polling station.

(2) A presiding officer may do, by a poll clerk, any act (including the taking of questions) which he is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Polling agent and counting agent.

35. (1) Subject to paragraph (2), each candidate or his election agent may, before the commencement of the poll, appoint—

- (a) one polling agent to attend at each polling station for such purposes as are provided by these Rules, and
- (b) one counting agent to be present at the issue and opening of postal ballot papers, to attend the counting of the votes of postal voters and to attend the declaration by the returning officer of the result of the poll ;

but where any such agent is a paid agent he shall be appointed by the election agent.

Fifth Schedule Forms No. 47 and 47A.

(2) An appointment of a polling agent shall be in the form set out as Form No. 47 in the Fifth Schedule and an appointment of a counting agent shall be in the form set out as Form No. 47A in the Fifth Schedule.

(3) An appointment of a polling agent shall be made before he assumes duty on polling day and shall be presented by the polling agent to the presiding officer of the polling station for which he was appointed ; and an appointment of a counting agent shall be presented by the counting agent to the returning officer concerned before he attends any proceedings referred to in subparagraph (b) of paragraph (1).

(4) If a polling agent or a counting agent dies, or becomes incapable of acting, the candidate or his election agent, as the case may be, may appoint another such agent in his place and the provisions of paragraphs (2) and (3) shall apply in respect of any such appointment.

(5) A candidate may himself do any act or thing which any polling agent of his, if appointed, would have been authorised to do, or may assist his polling agent in doing any such act or thing ; but no candidate and his polling agent shall be in the same polling station at the same time for more than ten consecutive minutes.

(6) A polling agent may, with the permission of the presiding officer, absent himself from the polling station during any period except the hour immediately prior to the closing of the poll.

(7) Where by these Rules any act or thing is required or authorised to be done in the presence of candidates or their election agents, polling agents or counting agents, the non-attendance of any such candidate or agent at the time and place appointed for the purpose, does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Declaration of secrecy. Fifth Schedule Form No. 48

36. (1) Before entering a polling station a declaration of secrecy, in the form set out as Form No. 48 in the Fifth Schedule, shall be made by every person referred to in rule 37.

(2) The Supervisor, the Assistant Supervisor of Elections, a returning officer or an election clerk shall make the declaration referred to in paragraph (1) in the presence of a Justice ; and any other person shall make the declaration in the presence either of a Justice, returning officer or election clerk, and subsections (1), (2), (3), (5) and (6) of section 63 of this Ordinance shall be read to the declarant by the person taking the declaration.

Admission to polling station.

37. The presiding officer shall regulate the number of electors to be admitted to his polling station at the same time, and shall exclude all other persons except such of the following persons who he is satisfied have made the declaration required under rule 36—

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;

- (c) the police officers on duty;
- (d) the companions of blind or incapacitated electors;
- (e) the Supervisor, the Assistant Supervisor of Elections, the returning officer, the election clerk, the poll clerks, the machine attendant and any custodian.

38. (1) The presiding officer shall cause every part of the polling station to be in plain view of himself and of the poll clerk and of any polling agent, candidate or election agent who may be present. Arrangement
of voting
machines.

(2) The presiding officer shall cause the voting machine being used at an election, if the construction of the machine so permits, to be placed in the polling station in such a position that the ballot label on the face of the machine can be plainly seen by the persons referred to in paragraph (1) except when a voter is registering his vote.

(3) Subject to rule 49, the presiding officer shall not be in any position that will permit him to see or ascertain how a voter votes or has voted.

(4) Subject to rule 49, the presiding officer shall not allow any person, except the companion of a blind or incapacitated elector to be in any position that will permit such person to see or ascertain how a voter votes or has voted.

(5) The presiding officer shall not permit any person to place any mirror, nor shall he allow any mirror to be, in such a position as to permit any person to view by means of such mirror any part of the front, sides or top of the voting machine whilst it is being used for an election.

(6) At frequent intervals during the hours of the poll, but not when an elector is voting, the presiding officer or poll clerk shall inspect the face of the machine in order to ascertain that the ballot label is in its proper place.

(7) When a voting machine is being used at an election, the counters of the machine other than the protective counter shall not be exposed except by a custodian and—

- (a) for good and sufficient reason, a statement whereof shall be made in writing by the custodian, signed by him and attested by the signature of the presiding officer; or
- (b) upon the written order of the returning officer for good and sufficient reason which he shall state in the order.

39. The presiding officer, the poll clerk and the machine attendant shall arrive at their polling station on polling day not later than thirty minutes before the opening of the poll. Arrival at
polling
station
of presiding
officer etc.

40. (1) Before permitting the first elector to vote at a polling station, the presiding officer shall, in the presence of the poll clerk, the machine attendant and of any polling agent, candidate or election agent who may be present, open the sealed envelope referred to in rule 31, containing the keys to the voting machine to be used at the polling station, unlock the front doors of the machine, and— Duties of
presiding
officer in
relation to
voting
machine.

- (a) ascertain whether the counters other than the protective counter are all set at zero, whether the seals on the said machine are unbroken and whether the numbers on the numbered seals are identical with the numbers in relation thereto certified on the envelopes containing the said keys;
- (b) compare the number appearing on the protective counter of the said machine with the reading thereof noted on the envelope containing the said keys and ascertain whether they are the same;

(c) inspect the face of the said machine to ascertain whether the proper ballot labels are in their places and that the said machine is otherwise ready for use.

(2) Should the presiding officer find that any counter referred to in paragraph (1) (a) is not registering zero, the presiding officer shall forthwith notify a custodian and the returning officer to that effect; and the custodian shall obtain the custodian's key for that voting machine from the returning officer and shall, if practicable, adjust the said counter at zero or cause the same to be so adjusted before the opening of the poll, and thereafter he shall replace any seal on the machine that he may have broken to enable him to turn the custodian's key therein.

(3) Should it not be practicable for a custodian to arrive at the polling station and to adjust at zero a counter referred to in paragraph (2) before the time fixed for the opening of the poll, the presiding officer shall forthwith record the number shown by such counter (in this rule referred to as the initial number), and if it is a candidate's counter, the name of such candidate as shown on the ballot label, sign the said record, post it in a conspicuous place upon a wall inside the polling station and cause it to remain there from the opening until the closing of the poll.

(4) After the poll has been closed, if the number shown by a candidate's counter referred to in paragraph (3) is greater than the initial number of such counter, the presiding officer shall subtract the initial number from the number shown on the counter and the difference between these two numbers shall be the total of the votes for the candidate in question.

(5) After the poll has been closed, if the number shown by a candidate's counter referred to in paragraph (3) is less than the initial number, of such counter, the presiding officer shall add one thousand to the number shown by the counter and shall subtract the initial number from the aggregate of one thousand and the number shown on the counter, and the difference between these two numbers shall be the total of the votes for the candidate in question.

(6) The presiding officer shall not permit any voting machine to be used for the purpose of recording votes for candidates at any election unless he is satisfied, after such machine has been inspected in accordance with these Rules, that it is in proper order and, if he is so satisfied, he shall sign a certificate to that effect and forthwith transmit the same to the returning officer.

(7) After the presiding officer has signed the certificate referred to in paragraph (6), he or the poll clerk, in the presence of any polling agent, candidate or election agent who may be present, shall, at the time fixed for the opening of the poll, remove the seal on the candidates' counter control knob of the voting machine and move the knob to the polls open position.

Entitlement
to vote.

41. Subject to rule 27 no person shall be entitled to vote at the polling station for any polling division unless his registration record card appears in the unit register of electors for that polling division.

Keeping order
in station.

42. (1) It is the duty of the presiding officer to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a police officer or

by any other person authorised in writing by the presiding officer to remove him; and the person so removed shall not, without the permission of the presiding officer, again enter the polling station on polling day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(4) The powers conferred by this rule shall not be exercised so as to prevent an elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

43. (1) Subject to paragraph (5), forthwith upon entering a polling station to register his vote at an election every elector shall hand his identification card to the poll clerk who shall thereupon examine the revised list of electors for such polling station.

Duties of
a poll clerk.

(2) If the name of such elector does not appear on the said list the poll clerk shall ascertain from the presiding officer if the registration record card of the said elector is in the register of electors supplied for use at the polling station and if it is, the poll clerk shall insert the name of such elector at the end of the said list and assign thereto an appropriate number.

(3) If the name of the elector is included in the said list or is inserted therein under paragraph (2) the poll clerk shall record on a poll card the consecutive number of such person appearing in the said list, and by means of the appropriate imprinter or otherwise, the name and registration number of such person, the numbers of the electoral district and of the polling station and the date of the election.

(4) Poll cards shall be in the form set out as Form No. 49 in the Fifth Schedule, shall be numbered consecutively by the poll clerk and shall be prepared in duplicate by means of carbon paper.

Fifth Schedule
Form No. 49

(5) If a prospective voter does not hand an identification card to the poll clerk he shall give his name and address to the poll clerk, who, if the name of such person is included on the revised list of electors, shall require such person to make a declaration in the form set out as Form No. 50 in the Fifth Schedule; and if the particulars given in the declaration agree with the corresponding particulars relating to an elector in the register of electors who has not so far voted, the poll clerk shall record upon the poll card which relates to such person the particulars referred to in paragraph (3).

Fifth Schedule
Form No. 50

(6) After the poll clerk has recorded upon a poll card the particulars referred to in paragraph (3) or (5) he shall deliver the same to the elector who shall, subject to paragraphs (7) and (8), affix to the poll card his signature in the place provided for the same.

(7) Where the elector is unable to sign his name because of illiteracy or physical disability he shall make an impression in ink on the original of the poll card in the place directed by the poll clerk as follows—

- (a) with his right thumb, where he has one;
- (b) where he has no right thumb, with the finger, as ascertained by the poll clerk from the presiding officer, with which the elector is recorded as having made his impression on the registration record card.

(8) Where the elector has no finger on either hand, the poll card shall be signed for and on his behalf by a person who professes to know him and who is an elector whose name appears on the revised list of electors for the polling station, or a candidate or polling agent or an election agent; and the poll clerk shall make a note to that effect upon the original of the poll card.

(9) After the elector has signed his name or made his impression on the poll card the poll clerk shall deliver to such person his identification card, if any, and direct him to give the poll card and identification card, if any, to the presiding officer.

(10) Subject to paragraph (11) of rule 44, the poll clerk shall then mark the consecutive number of the poll card on the revised list of electors opposite to the name of the elector.

(11) A prospective voter referred to in paragraph (5) may be required by the presiding officer to stand in a separate line from and to be attended to after electors with identification cards.

Duties of
presiding
officer.

44. (1) When a person hands his poll card and identification card, if any, to the presiding officer, the presiding officer shall forthwith examine the register of electors to ascertain whether a registration record card for such person is included in the said register.

(2) If a registration record card for such person is included in the said register, the presiding officer shall compare—

- (a) any signature on the poll card with that of the elector on the registration record card and with that on the identification card;
- (b) any photograph on the identification card with that on the registration record card; and
- (c) any such photograph with the face of the person.

(3) After having completed the action referred to in paragraphs (1) and (2), if the presiding officer is satisfied that the person in question is the correct person and is entitled to vote at the election and at the polling station, he shall, where the elector has a hand with any fingers thereon, in the presence of the poll clerk and of any polling agent, candidate or election agent who may be present, inspect all the fingers of the elector.

(4) If no mark of electoral ink appears upon any of the fingers of such elector or, where the presiding officer is satisfied that such elector is suffering from an injury of any finger, upon any of the fingers other than that finger, the presiding officer shall require the elector to immerse one of his fingers in the electoral ink; but the presiding officer shall not require the elector to immerse a finger in the electoral ink if the presiding officer is satisfied—

- (a) that the elector is suffering from some injury to such finger which is of such a nature as to render it undesirable for him to immerse the said finger in the electoral ink; or
- (b) that there is on such finger any substance which in the opinion of the presiding officer is likely to prevent the adhesion of the electoral ink.

(5) Where the requirements of paragraph (4) are fulfilled in respect of the elector the presiding officer shall forthwith signify his permission for such person to vote by writing the initial letters of his name on the poll card of such person.

(6) Where any of the requirements of paragraph (4) are not fulfilled in respect of the elector the presiding officer shall not permit him to vote as in paragraph (5), and shall make an entry on the poll card to that effect.

(7) After having completed the action referred to in paragraphs (1) and (2), if the presiding officer is not satisfied as in paragraph (3) he shall indicate the same to the person and make a note to that effect on the poll card and shall retain the identification card of such person.

(8) If a person referred to in paragraph (7) insists on voting, the presiding officer shall follow the procedure set out in paragraphs (3) to (6), and if such person is permitted to vote under the said provisions, he shall not be entitled to do so unless he takes the oath in the form set out as Form No. 51 in the Fifth Schedule.

(9) The presiding officer shall note on the poll card the numbers of any oaths or declarations sworn to by an elector.

(10) No elector who has refused to take an oath or affirmation or to make any declaration or to answer any question as required by these Rules shall be permitted to vote; and no such person shall be again admitted to the polling station on polling day.

(11) Where the presiding officer has not permitted an elector to vote he shall pass the poll card issued to such elector to the poll clerk, who shall thereupon delete the number of the poll card inserted opposite to the name of the elector on the revised list of electors; and he shall reassign the said number to another elector.

(12) After the presiding officer has permitted an elector to vote at an election he shall forthwith hand to the elector his poll card, and his identification card where the elector has handed the same to the presiding officer.

45. (1) After receiving his poll card from the presiding officer the elector shall forthwith hand it to the machine attendant.

Duties of
machine
attendant.

(2) Forthwith upon receiving a poll card as in paragraph (1), the machine attendant shall peruse it and, if he is satisfied that it bears the initial letters of the names of the presiding officer, he shall permit the elector to whom it relates to enter the voting machine enclosure; and he shall then press the lever on the outside of the machine which controls the closing of the curtain and releases the voting levers on the machine.

(3) As soon as a machine attendant is satisfied that an elector has voted he shall indicate the same on the poll card of that elector and place such poll card in the poll card box.

46. (1) For the instruction of electors there shall be, where practicable, in each polling station a mechanically operated model of such portion of the face of a voting machine as the Supervisor may consider necessary for that purpose, but no ballot label being used at the election then in progress or any specimen thereof shall appear on any part of such model nor shall the name or symbol of any candidate or any party symbol appear thereon.

Instructions
in voting
to electors.

(2) The model referred to in paragraph (1) shall be placed during an election on the presiding officer's table or in some other part of the polling station where electors must pass to reach the voting machine.

(3) Each elector, before entering the voting machine enclosure to register his vote, shall, should he request the presiding officer to do so, be instructed by the presiding officer regarding the operation of the voting machine and such instructions shall be illustrated on the model referred to in paragraph (1); the elector being given an opportunity by the presiding officer personally to operate the model.

(4) If any elector, after entering the voting machine enclosure and before he has recorded his vote, asks for further instructions concerning the manner of voting, the presiding officer shall give such instructions to him in the presence of any polling agent, candidate or election agent who may be present; but no person shall in any manner suggest or seek to persuade or induce any such elector to vote for or against any particular political party or any particular candidate.

(5) After having given the instructions referred to in paragraph (4), the presiding officer and all other persons shall retire from the voting machine enclosure and the elector shall vote as in the case of an unassisted elector.

Secrecy of ballot.

47. Except as is otherwise provided in these Rules, the operation of a voting machine by an elector while he is voting shall be secret and obscured from all persons except the elector.

Manner of voting by machine.

48. (1) Where a voting machine is electrically operated the curtain of the voting machine enclosure is automatically closed on the machine attendant's pressing the lever as in paragraph (2) of rule 45.

(2) Where the voting machine is manually operated the elector shall, after the machine attendant has pressed the lever as in paragraph (2) of rule 45, move the manual handle at the front of the machine to the extreme right whereupon the curtain of the voting machine enclosure is closed.

(3) The elector casts his vote—

(a) by moving to the left the black lever on the face of the voting machine opposite the name and symbol of the candidate of his choice on the ballot label whereupon a cross appears within the square opening opposite the name and symbol of the said candidate;

(b) thereafter by moving to the right the red voters' switch at the bottom right hand corner on the face of the voting machine, whereupon if the voting machine is electrically operated the vote is recorded and the curtain of the voting machine enclosure is opened ; and

(c) where the machine is manually operated, by completing the movement of the manual handle at the front of the machine to the extreme left, whereupon the vote is recorded and the curtain of the voting machine enclosure is opened.

(4) If an elector wishes to change his vote he may do so, after he has moved the black lever as in sub-paragraph (a) of paragraph (3) but before he has moved the red voters' switch as in sub-paragraph (b) of paragraph (3), by—

(a) moving the said black lever to the right whereupon the cross in the opening opposite the said lever disappears ; and

(b) proceeding as in paragraph (3) to vote afresh for the candidate of his choice.

Elector to vote with despatch.

49. (1) Every elector shall vote without undue delay and shall leave the polling station as soon as he has registered his vote or votes, as the case may be.

(2) An elector shall not remain in the voting machine enclosure for longer than one minute without the consent of the presiding officer.

Votes recorded by presiding officer.

50. Subject to rules 43 to 48, the presiding officer, on the application of an elector who is incapacitated by blindness or other physical cause from voting in the manner directed by these Rules shall require the said elector to make oath in the form set out as Form No. 52 or Form No. 52A in the Fifth Schedule, as the case may be, and on the elector making such oath the presiding officer shall, in the presence of the elector, the poll clerk and any polling agent who may be present, record the vote of the elector in the manner directed by him.

Fifth Schedule Forms Nos. 52 and 52A

Voting by blind and incapacitated persons.

51. (1) If an elector makes an application to the presiding officer to be allowed on the ground of blindness or other physical cause to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as "the companion"), the presiding officer shall require the elector to make oath in the form set out as Form No. 52 or Form No. 52A in the Fifth Schedule, as the case may be.

Fifth Schedule Forms Nos. 52 and 52A

(2) On the elector making such oath the presiding officer shall require the companion to make a declaration, in the form set out as Form No. 53 in the Fifth Schedule, that the companion is a qualified person within the meaning of this rule and has not previously assisted more than one blind or incapacitated person to vote at the election.

Fifth Schedule,
Form No. 53

(3) Upon the applicant and the companion complying with paragraphs (1) and (2), and subject to rules 43 to 49, the presiding officer shall grant the application, and thereupon anything which is by these Rules required to be done to or by the said elector in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(4) For the purpose of this rule, a person shall be qualified to assist a blind or incapacitated elector to vote, if that person is either—

- (a) a person who is entitled to vote as an elector at the election, or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the blind or incapacitated elector and has attained the age of twenty-one years.

52. (1) Subject to the provisions of these Rules as to proof of qualification as an elector, if a person representing himself to be a particular elector presents himself to vote at an election after another person has voted as such person, he shall be entitled to vote after taking the oath of identity, in the form set out as Form No. 54 in the Fifth Schedule, and otherwise establishing his identity to the satisfaction of the presiding officer.

Mode of
voting in
special cases.

Fifth Schedule
Form No. 54

(2) In such case the presiding officer shall place the initial letters of his names on the poll card of such elector and shall enter thereon—

- (a) a note of the elector having voted after another person had voted as such elector ;
- (b) the fact of the oath of identity having been required and taken by such elector ; and
- (c) any objections made on behalf of any and of which of the candidates.

(3) Where there is contained in the register of electors a name, address and occupation which corresponds so closely with the name, address and occupation of a person who presents himself to vote at a polling station as to suggest that the entry in such register was intended to refer to him, such person shall, upon taking the oath in the form set out as Form No. 51 in the Fifth Schedule and complying in all other respects with the provisions of these Rules, be permitted to vote.

Fifth Schedule
Form No. 51

(4) An elector, if required by the presiding officer, the poll clerk, a candidate, a polling agent, an election agent, or by an elector present, shall before voting take an oath in the form set out as Form No. 55 in the Fifth Schedule, and if the elector refuses to take the same, the presiding officer shall not permit him to vote and shall make a note to that effect on his poll card.

Fifth Schedule
Form No. 55

53. (1) A presiding officer may, and if required by a candidate or a polling agent, shall put to any elector after he has entered the polling station the following questions, or either of them, that is to say—

Questions to
be put to
electors.

- (a) are you the same person whose name appears as A.B. in the register of electors for this polling station ?
- (b) have you already voted here or elsewhere at this election ?

(2) A person required to answer the above questions or any of them shall not be permitted by the presiding officer to vote unless he has answered the first question in the affirmative, and the second question in the negative.

(3) Where a prospective voter affixes his impression to the poll card, and his registration record card and his identification card, if any, have imprinted thereon an impression in lieu of a signature, the presiding officer may, and shall, if required by a candidate or a polling agent, put to such person the questions the answers to which, if any, are recorded in respect of such person in the file of answers to questions of illiterate and disabled electors.

Fifth Schedule
Form No. 56

(4) The presiding officer shall record the answers of a person obtained under paragraph (3) in the form set out as Form No. 56 in the Fifth Schedule in the presence of the poll clerk and of any polling agent, candidate or election agent who may be present, and the said answers shall be signed by the presiding officer and the poll clerk and, if they so desire, by any such polling agent, candidate or election agent.

(5) If the answers to the questions referred to in paragraph (3) are the same or substantially the same as the answers recorded in the file of answers to questions of such elector, the presiding officer shall, subject to these Rules, permit such person to vote.

Fifth Schedule
Form No. 51

(6) If the questions referred to in paragraph (3) are not answered in the manner referred to in paragraph (5), such person shall not be permitted to vote unless he takes the oath in the form set out as Form No. 51 in the Fifth Schedule.

(7) The presiding officer shall note on the poll card of the elector whether questions have been asked of the elector under any of the preceding paragraphs of this rule.

Challenge of
elector.

54. (1) If between the time a person enters a polling station for the purpose of voting and before he has left the polling station—

(a) a candidate or his polling agent or election agent declares to the presiding officer that he has reasonable cause to believe that such person has committed an offence of personation and undertakes to substantiate the charge in a court, or

(b) the presiding officer has reasonable cause to believe that such person has committed the offence of personation,

the presiding officer may order a police officer to arrest the said person and the order of the presiding officer shall be sufficient authority for the police officer to do so.

(2) A person who is arrested under this rule shall not by reason thereof be prevented from voting.

(3) A person arrested under this rule shall be dealt with as a person taken into custody by a police officer for an offence without a warrant.

Interpreter.

55. (1) Whenever the presiding officer does not understand the language spoken by any elector, he shall appoint an interpreter who shall be the means of communication between the elector and any election officer at the polling station with reference to all matters required to enable such elector to vote but in case no interpreter is found, such elector shall be allowed to vote.

Fifth Schedule
Form No. 57

(2) Every interpreter appointed under this rule shall take oath in the form set out as Form No. 57 in the Fifth Schedule, and the presiding officer shall make a note on the poll card of such elector of the appointment of such interpreter.

Machine out
of order.

56. (1) If any voting machine while in use at a polling station becomes out of order, the presiding officer shall forthwith notify a custodian and the returning officer to that effect; and the custodian shall obtain the custodian

key for that voting machine from the returning officer and shall, if practicable, repair that machine under the supervision of the presiding officer; and thereafter he shall replace any seal on the machine which he may have broken to enable him to turn the custodian's key thereon.

(2) If the machine cannot conveniently be promptly repaired, another voting machine shall as soon as possible be substituted therefor.

(3) If a certificate has been prepared under rule 25 in respect of the substituted voting machine, rule 40 shall apply in respect of the said voting machine.

(4) If no such certificate has been prepared, paragraphs (4) and (5) of rule 24 and of rule 25, and thereafter paragraph (3) of this rule, shall apply *mutatis mutandis* in respect of the said voting machine.

57. (1) Where the proceedings at a polling station are interrupted or obstructed by riot or open violence, or where a voting machine at a polling station becomes out of order and cannot in the opinion of the presiding officer be repaired or replaced within a reasonable time, the presiding officer shall adjourn the proceedings until the following day and shall forthwith give notice thereof to the returning officer.

Adjournment
of poll in
case of riot.

(2) Where the poll is adjourned at a polling station under this rule—

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day, and

(b) references in this Ordinance to the close of the poll shall be construed accordingly.

58. (1) Immediately upon the close of the poll, the presiding officer shall lock the voting machine against further voting by locking the presiding officer's lock and moving the candidate's counter control knob to the polls closed position.

Closing of
poll.

(2) Forthwith upon locking a voting machine as in paragraph (1), the presiding officer shall give full view of all the counter numbers on the voting machine to the poll clerk, and to any polling agent, candidate or election agent who may be present; and if there are present less than two of such persons other than the poll clerk, then one or more electors, as the case may be, shall be present to ensure that there are present two persons besides the presiding officer and the poll clerk.

(3) The presiding officer, in the presence and hearing of the persons referred to in paragraph (2), shall—

(a) read and announce in distinct tones in descending order in relation to the arrangement of the names of candidates on the ballot label, the name of each candidate, and the number of votes registered on the counter of such candidate;

(b) remove the poll cards of voters from the poll card box, count the same and separate the originals thereof from the duplicates.

(4) After having completed proceedings as in paragraph (3), the presiding officer shall complete in triplicate a statement of the machine poll, in the form set out as Form No. 58 in the Fifth Schedule, stating—

Fifth Schedule
Form No. 58

(a) the number of the voting machine;

(b) that the voting machine has been locked against further voting;

(c) the numbers shown on the protective counter and on the public counter of the machine;

(d) the name of each candidate and the number shown on the candidate's counter of such candidate;

(e) the number of poll cards recovered from the poll card box.

(5) The presiding officer shall thereupon permit the poll clerk and the persons referred to in paragraph (2) to compare the numbers on the counters of the voting machine with the numbers recorded by him for each candidate in the statement of the machine poll; and the poll clerk if he is satisfied as to the accuracy of the said statement shall sign the same; and any other person present shall, if he wishes so to do, be permitted to sign the said statement.

(6) On the conclusion of the proceedings under paragraphs (1) to (5), the presiding officer shall, in the presence of the persons referred to in paragraph (2), lock the front door of the voting machine and cause it to be kept in safe keeping in such place and manner as the Supervisor may direct.

Procedure by
presiding
officer after
closing of poll.

59. (1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the persons referred to in paragraph (2) of rule 58, place in the poll card box, which he shall lock and seal with his own seal and the seals of such other persons who are present and desire to affix their seals thereto—

- (a) the statement of the machine poll;
- (b) the key to the front door of the voting machine enclosed in a sealed envelope having endorsed thereon by the presiding officer a certificate stating the number of the voting machine, the number of the electoral district and the number of the polling station where the machine has been used, and the number on the protective counter thereof;
- (c) the oaths and declarations made by electors and other persons at the polling station on polling day;
- (d) the poll cards of all persons who voted in his polling station, the originals being sealed in one packet and the duplicates in another;
- (e) the poll cards, enclosed in a sealed packet, of all persons on the revised list of electors for such polling station who did not vote;
- (f) the revised list of electors;
- (g) the written appointments of the polling agents;
- (h) subject to paragraph (3), the other articles and documents supplied to him under rule 29.

(2) The presiding officer shall, in such manner as the Supervisor may direct, transmit or deliver to the returning officer the poll card box together with the key thereof in the envelope provided for that purpose.

(3) The presiding officer shall also transmit to the returning officer the register of electors and the file of answers to questions locked in the carrying case, and the key thereof enclosed in the envelope provided for that purpose.

(4) The returning officer may specially appoint one or more persons for the purpose of collecting the poll card boxes and the carrying cases from a given number of polling stations; and such person or persons shall, before delivering the poll card boxes and carrying cases to the returning officer, take the oath in the form set out as Form No. 59 in the Fifth Schedule.

Fifth Schedule
Form No. 59.

(5) The presiding officer shall forthwith upon the close of the poll place the duplicate of the statement of the machine poll in the special envelope supplied for the purpose, which envelope he shall seal and deliver personally or transmit to the returning officer; and he shall retain in his possession the triplicate of the statement of the machine poll.

PART IV

POSTAL VOTING

60. An elector is eligible to be treated as a postal elector if he is—
- Postal electors.
- (a) a member of the police force, of the Special Reserve Police Force established under the Special Reserve Police Ordinance or of the Estate Police established under the Supplemental Police Ordinance; or Ch. 11 No. 3.
Ch. 11 No. 2.
 - (b) a member of the Forces stationed in the Territory; or
 - (c) the Supervisor, the Assistant Supervisor of Elections and a custodian;
 - (d) the returning officer of an electoral district other than that in which he is registered for the purposes of the election; or
 - (e) a presiding officer, poll clerk or machine attendant for a polling station that is situate in an electoral district other than that in which he is registered for the purposes of the election; or
 - (f) a polling agent; or
 - (g) a candidate or the husband or wife of a candidate for an electoral district other than that in which he is registered for the purposes of the election; or
 - (h) an election agent or sub-agent who is registered for the purposes of the election in an electoral district other than that of his candidate; or
 - (i) unable or likely to be unable to go in person to the polling station at which he is entitled to vote unless he travels between Trinidad and Tobago; or
 - (j) unable or likely to be unable to go in person to the polling station at which he is entitled to vote by reason of being—
 - (i) a patient in a public hospital, or in a private hospital approved by the Supervisor, or an inmate in a public institution; or
 - (ii) a prisoner within the meaning of that expression in section 2 of the Prisons Ordinance. Ch. 11 No. 7.
61. An elector referred to in rule 60 may vote by post—
- Voting by postal electors.
- (a) if he applies, between the date of the publication of an election notice for an election in the electoral district in which he is registered as an elector and the third day after nomination day for such election, to be treated as a postal elector and furnishes an address in the Territory to which a ballot paper is to be sent for the purpose; and
 - (b) if his application is allowed under paragraph (1) of rule 63.
62. At an election for which a person's application to be treated as a postal elector is allowed, he is not entitled to vote in person and may vote only in accordance with the provisions of this Part. Method of voting by postal electors.
63. (1) An application to be treated as a postal elector at an election shall be made to the returning officer of the electoral district in which the applicant is registered as an elector and shall be allowed by such returning officer if he is satisfied that the applicant is eligible to be treated as a postal elector. Determination of right to be treated as postal elector.
- (2) Subject to paragraph (3), an application under paragraph (1) shall be for a particular election only.

(3) An application under paragraph (1) that is made by a person serving in the Police Force or as a member of the Special Reserve Police or of the Estate Police or of the Forces is for an indefinite period but, where such an application is allowed, the applicant shall cease to be entitled to be treated as a postal elector pursuant thereof if he ceases to serve in the Police Force or as a member of the Special Reserve Police or of the Estate Police or of the Forces.

Record and list of postal electors.

64. (1) The returning officer shall keep a record and a list of postal electors and of the addresses furnished by them as the addresses to which their ballot papers are to be sent.

(2) The persons to be entered in the record and list of postal electors are those electors whose applications are allowed under paragraph (1) of rule 63.

(3) The record of postal electors shall be in such form as appears to the Supervisor to be convenient.

Fifth Schedule Form No. 60

(4) The names of postal electors shall be arranged in the list of postal electors in an alphabetical series according to surnames, shall be numbered consecutively, and shall be in the form set out as Form No. 60 in the Fifth Schedule.

(5) The returning officer shall complete the preparation of the list of postal electors not later than ten days after nomination day.

(6) Not later than two days after the list of postal electors has been prepared the returning officer shall publish it by making a copy thereof available for inspection at his office and shall cause a copy thereof to be delivered to the Supervisor and to the registration officers of the registration units in which the said postal electors are registered for the purposes of such election.

(7) The returning officer shall make a copy of the record of postal electors available for inspection at his office.

(8) As soon as practicable after the preparation of the list of postal electors, the returning officer shall, on request and without fee, supply to each candidate or his election agent a copy of the said list.

(9) A registration officer on receiving a list of postal electors under paragraph (6) shall delete the names of any such electors from the relevant revised lists of electors.

Register of postal electors.

65. The returning officer, on receipt of the unit registers of electors under rule 26, shall remove from the said registers the registration record cards of all electors whose names appear on the list of postal electors and shall place them in alphabetical order according to surnames in a binder; and the said cards shall be the register of postal electors for such electoral district.

Supplies of election material to returning officer.

66. Forthwith on the receipt by him of the list of postal electors under paragraph (6) of rule 64, the Supervisor shall furnish to the returning officer—

(a) a sufficient number of postal ballot papers and of declarations of identity for at least the number of electors in the said list of postal electors;

(b) a statement showing the numbers of the postal ballot papers so supplied, with their serial numbers;

(c) the necessary envelopes and forms.

Postal ballot papers and declarations of identity.

67. (1) As soon as practicable after completion of the preparation of the list of postal electors, the returning officer shall fix the time and place for the issue of postal ballot papers and shall give at least two days' notice in writing thereof to each candidate for the electoral district.

(2) At the time and place fixed under paragraph (1) the returning officer shall issue to each postal elector at the address furnished by him for the purpose a postal ballot paper and a declaration of identity together with an envelope for their return, hereinafter referred to as a "covering envelope."

(3) A postal ballot paper shall be in the form set out as Form No. 61 in the Fifth Schedule and a declaration of identity shall be in the form set out as Form No. 62 or Form No. 62A in the Fifth Schedule.

68. No person other than—

(a) the Supervisor and the Assistant Supervisor of Elections ;

(b) the returning officer and his election clerks ;

(c) the candidates for the electoral district and their election agents and counting agents ; and

(d) two electors for the electoral district selected by the returning officer,

may be present at the proceedings on the issue or opening of postal ballot papers.

Persons entitled to be present at issue and receipt of postal ballot papers.

69. (1) Every person attending the proceedings on the issue or the opening of postal ballot papers shall, before the commencement of any such proceedings, make a declaration of secrecy in the form set out as Form No. 63 in the Fifth Schedule.

Declaration of secrecy.
Fifth Schedule Form No. 63.

(2) The Supervisor, the Assistant Supervisor of Elections, a returning officer or an election clerk shall make the declaration in the presence of a Justice, and any other person shall make the declaration in the presence either of a Justice or of the returning officer or election clerk; and sub-sections (4) and (6) of section 63 of this Ordinance shall be read to the declarant by the person taking the declaration.

70. As each postal ballot paper is issued, the name and number of the postal elector on the list of postal electors shall be called out and the returning officer shall mark such number on the counterfoil of the postal ballot paper, and shall place the initial letters of his names on the ballot paper in the place reserved therefor; and a mark shall be placed on the said list against the number of the elector to denote that a ballot paper has been issued to the elector but without showing the particular ballot paper issued.

Marking of postal ballot paper.

71. Where a returning officer is satisfied that two or more entries in the list of postal electors relate to the same elector, he shall not issue more than one ballot paper in respect of the same elector.

Refusal to issue postal ballot paper.

72. The returning officer shall, in addition to the postal ballot paper, declaration of identity and covering envelope which he is required by rule 67 to send to a postal elector, send a smaller envelope marked "postal ballot paper envelope".

Postal ballot paper envelope.

73. All envelopes addressed to postal electors shall be counted and forthwith delivered by the returning officer to the nearest post office, or such other office as may be arranged with the Postmaster General; and the Postmaster General shall cause to be stamped with the post office date stamp a form of receipt to be presented by the returning officer stating the number of envelopes so delivered, and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

Delivery of postal ballot papers to post office.

Provision of
postal ballot
box.

74. (1) The returning officer shall, at the proceedings on the issue of postal ballot papers, provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the postal electors.

(2) Every such ballot box shall be made of some durable material, with one lock and key and a slit or narrow opening in the top and so constructed that the postal ballot papers may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

(3) Every such ballot box shall be shown open and empty to any candidate, counting agent, election agent or elector who may be present and shall then be locked by the returning officer and sealed with the seal of the returning officer and the seals of such of the aforesaid persons as desire to affix their seals in such manner as to prevent its being opened without breaking the seal.

(4) Every such ballot box shall be marked "postal ballot box" and with the name of the electoral district for which the election is held.

(5) The returning officer shall make provision for the safe custody of every such ballot box.

Sealing up of
special lists.

75. The returning officer, as soon as practicable after the completion of the issue of the postal ballot papers, and in the presence of the persons referred to in paragraph (3) of rule 74, shall make up in a packet the copy of the list of postal electors marked under rule 70; and such packet shall be sealed with the seal of the returning officer and of any of the other persons present who desire to affix their seals thereto.

Receipt of
covering
envelope.

76. (1) The returning officer shall, immediately on receipt of a covering envelope before the close of the poll, place it unopened in a postal ballot box locked and sealed in accordance with rule 74.

(2) No covering envelope received after the close of the poll on polling day shall be placed in the said ballot box.

Ascertainment
of results of
postal ballot.

77. At the time and place specified therefor in the election notice the returning officer or, where the same person is returning officer for more than one electoral district, he or an election clerk for the electoral district concerned, in the presence of such of the persons referred to in rule 78 as may be present, shall proceed to determine the number of postal votes given to each of the several candidates in accordance with rules 78 to 86, and references in the said rules to the returning officer shall be construed as including a reference to any such election clerk.

Persons
entitled to be
present at
counting of
postal votes.

78. (1) No person other than—

- (a) the Supervisor and the Assistant Supervisor of Elections;
- (b) the returning officer and his election clerks;
- (c) the candidates for the electoral district and their wives or husbands;
- (d) the counting agents and election agents of the said candidates;
- (e) two electors for the electoral district to be selected by the returning officer;

may be present at the proceedings referred to in rule 77, unless permitted by the returning officer to attend.

(2) The returning officer shall give the persons other than himself referred to in paragraph (1) all such reasonable facilities for overseeing the proceedings and all such information with reference thereto as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection therewith.

79. (1) After allowing the persons present to inspect the seals on the postal ballot box, the returning officer shall break the said seals, unlock the ballot box, empty it of its contents, show it open and empty to the persons present, and then relock the box. Opening of postal ballot box.

(2) He shall then proceed to count and note the number of the covering envelopes.

80. (1) The returning officer shall then separately open each covering envelope and the postal ballot paper envelope, if any, contained therein. Opening of covering envelopes.

(2) Where such envelopes do not contain both a declaration of identity and a postal ballot paper the returning officer shall mark the covering envelope "No ballot paper" or "No declaration", as the case may be, and also "rejected"; attach thereto the contents (if any) of the said envelopes, and place the same in a separate receptacle (hereinafter referred to as "the receptacle for votes rejected").

(3) Where such envelopes do contain both a declaration of identity and a postal ballot paper the returning officer shall satisfy himself that—

- (a) the declaration of identity has been duly signed and authenticated;
- (b) the signature on the declaration of identity corresponds with the signature on the registration record card of such elector in the register of postal electors;
- (c) the postal ballot has its counterfoil attached thereto;
- (d) the consecutive number of the elector recorded on the counterfoil of the postal ballot paper is the same as the consecutive number of such elector on the list of postal electors, and that the initials appearing on the postal ballot paper are the initials of the returning officer.

(4) If the returning officer is not satisfied as in paragraph (3) he shall—

- (a) mark the declaration of identity "rejected", if his dissatisfaction is in respect of subparagraph (a) or (b) of paragraph (3);
- (b) mark the postal ballot paper "rejected", if his dissatisfaction is in respect of subparagraph (c) or (d) of paragraph (3);
- (c) show the declaration, the registration record card and the counterfoil of the postal ballot paper to the persons referred to in paragraph (1) of rule 78;
- (d) attach the declaration to the postal ballot paper and postal ballot paper envelope, if any, and place the same in the receptacle for votes rejected;
- (e) add the words "rejection objected to" to the declaration or postal ballot paper, as the case may be, if an objection is made by a candidate, an election agent or a counting agent to his decision;
- (f) mark the letter "R" opposite to the name of the elector on two copies of the list of postal electors.

(5) If the returning officer is satisfied as in paragraph (3), he shall—

- (a) place the declaration of identity in a separate receptacle (hereinafter referred to as "the receptacle for declarations of identity");
- (b) remove the counterfoil of the postal ballot paper and place the postal ballot paper in the postal ballot box;
- (c) place the postal ballot paper envelope, if any, inside the corresponding covering envelope and place the latter in a separate receptacle, (hereinafter referred to as "the receptacle for postal ballot envelopes");

(d) place the counterfoils of the postal ballot papers in a separate receptacle, (hereinafter referred to as "the receptacle for ballot counterfoils");

(e) mark the letter "V" opposite to the name of the elector on two copies of the list of postal electors.

(6) On opening a covering envelope or a postal ballot paper envelope, if a postal ballot paper therein is unfolded, the returning officer shall immediately fold the same, taking all proper precautions for preventing any person from seeing the face of the postal ballot paper.

Sealing up list of postal electors and rejected postal ballot papers and declarations of identity.

81. (1) On the conclusion of the proceedings under rule 80, the returning officer shall place in separate packets one copy of the list of postal electors marked under paragraphs (4) and (5) of rule 80, and the contents of the receptacles respectively for votes rejected, for declarations of identity, for postal ballot envelopes and for ballot counterfoils; and every such packet shall be sealed with the seals of the returning officer and of any of the other persons lawfully present who desire to affix their seals thereto.

(2) The other copy of the list of postal electors marked under paragraphs (4) and (5) of rule 80 shall be placed in an envelope.

The count of votes of postal voters.

82. (1) Before the returning officer proceeds to count the votes of postal voters, he shall open the postal ballot box and, taking out the postal ballots papers therein, count them and record the number counted.

(2) The returning officer shall then record and count the number of votes given to each candidate on tally sheets, giving full opportunity to those present to examine each postal ballot paper.

(3) The election clerk, if present, and not less than two of the other persons lawfully present shall be supplied with tally sheets upon which they may keep their own score as each vote is called out by the returning officer.

(4) The returning officer shall place in separate packets the postal ballot papers counted for each candidate under this rule; and every such packet shall be sealed with the seals of the returning officer and of any other persons lawfully present who desire to affix their seals thereto.

Rejected postal ballot papers.

83. (1) In counting the votes the returning officer shall reject all ballot papers—

(a) which have not been supplied by him ; or

(b) which have not been marked for any candidate ; or

(c) on which votes are given for more candidates than the elector is entitled to vote for ; or

(d) on which there is any writing or mark by which the voter could be identified ; but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by the returning officer.

(2) Where the postal elector is entitled to vote for two candidates, a postal ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises, and that vote shall be counted.

(3) The returning officer shall endorse—

(a) the word "rejected" on any postal ballot paper which under this rule is not to be counted; and

(b) in the case of a postal ballot paper on which any vote is counted under paragraph (2), the words "rejected in part", and the name of the candidate whose vote was counted;

and shall add to the endorsement the words "rejection objected to" if an objection is made by a candidate, an election agent or a counting agent to his decision.

(4) The returning officer shall put into a separate packet the postal ballot papers rejected under this rule and the said packet shall be sealed with the seals of the returning officer and of any other persons lawfully present who desire to affix their seals thereto.

84. (1) A candidate or his counting agent or election agent may, if present when the counting or any re-count of the votes of postal voters is completed, require the returning officer to have the votes re-counted; but the returning officer may refuse to do so if in his opinion the request is unreasonable.

Re-count of votes of postal voters.

(2) No step shall be taken on the completion of the counting or any re-count of votes of postal voters until the persons referred to in paragraph (1) have been given a reasonable opportunity to exercise the right conferred by this rule.

85. On the conclusion of the count of the votes of postal voters the returning officer shall prepare in duplicate a statement of the postal poll, in the form set out as Form No. 64 in the Fifth Schedule, which shall be signed by the returning officer and the election clerk, if present; and any other persons present shall, if they wish to do so, be permitted to sign the statement.

Statement of the postal poll.
Fifth Schedule Form No. 64

86. The decision of the returning officer on any question arising in respect of a postal ballot paper shall be final, but shall be subject to review on a representation petition.

Decisions on ballot papers.

PART V

PROCEEDINGS AFTER POLL

87. After the returning officer has completed the counting of the postal votes for his electoral district and has received the duplicates of the statements of the machine poll from the presiding officers of all the polling stations in his electoral district he shall, in the presence of such of the persons referred to in rule 78 as may be present, announce the total votes recorded for each candidate, which he shall ascertain by adding up the total votes recorded for each candidate in the said statements and in the statement of the postal poll.

Preliminary count.

88. (1) After the returning officer has received the poll card boxes from all the presiding officers in his electoral district and after he has completed the counting of all postal votes, he shall at the time and place specified therefor in the election notice and in the presence of such of the persons referred to in paragraph (1) of rule 78 as may be present—

Ascertainment of number of votes given for each candidate.

(a) open the said poll card boxes;

(b) add up the total votes for each candidate as recorded by each presiding officer in the statements of the machine poll and add thereto the total number of postal votes for such candidate as recorded in the statement of the postal poll.

(2) The candidate (if there is only one seat to be filled) or the two candidates (if there are two seats to be filled) who is or are, on the conclusion of the proceedings under paragraph (1), found to have the most votes, shall be declared by the returning officer in writing to be elected and a copy of

such declaration shall be forthwith delivered by the returning officer to each candidate or his agent, if present, or, if any candidate is neither present nor represented thereat, shall be forthwith transmitted by the returning officer to such candidate by registered post.

Equality
of votes.

89. Whenever, on the conclusion of the proceedings under paragraph (1) of rule 88, an equality of votes is found to exist between any two or more candidates and any one or more of such candidates would be entitled if he or they were to receive an additional vote to be declared elected, a fresh election in that electoral district shall be held.

Declaration
of the poll.

90. The returning officer shall, as soon as he shall have ascertained the result of the poll, forthwith publicly declare the same and announce the candidate (if there is only one seat to be filled) or the candidates (if there are two seats to be filled) for whom most votes have been given to be elected as the member or the members for the electoral district.

Return of
unit register
of electors.

91. Within seven days after polling day the returning officer shall replace in their proper registers the registration record cards removed by him under rules 27 and 66, and shall return the unit registers of electors together with the keys of the binders thereof and the relevant files of answers to questions to the registration officers from whom he received the same; and the registration officers shall give to the returning officer a receipt for the same.

Check of
results of
poll.

92. (1) If within four days after the declaration of the poll under rule 90 a candidate or any elector for the electoral district concerned—

- (a) applies in writing to the Supervisor for a check of the results of the poll for such electoral district, and
- (b) deposits with the Supervisor a sum of fifty dollars as security for the costs of each candidate declared elected for the said electoral district,

the Supervisor shall, within four days after the receipt of the application, check the results of the poll in the manner set out in this rule.

(2) The Supervisor shall give to the returning officer of the electoral district concerned and to each of the candidates voted for at the election at least three days' notice specifying the place and time appointed for the check and inviting him to be present in person or by his lawfully authorised representative at the said place and time.

(3) At the place and time appointed under paragraph (2) the Supervisor shall proceed to check the particulars recorded in the statements of the machine poll against the said particulars as shown on the voting machines to which they relate.

(4) The Supervisor shall record the results of the check in a certificate in duplicate which shall be signed by him and by any of the candidates or their representatives present who desire to do so; and the Supervisor shall forthwith cause the duplicate of the certificate to be delivered to the returning officer and shall retain the original thereof and place it with the election documents for the electoral district concerned when received by him.

(5) If the result of the check does not so alter the result of the poll as to affect the return the Supervisor shall—

- (a) order the reasonable out of pocket expenses incurred in relation to the check by the candidate appearing to be elected to be paid by the applicant for the check;
- (b) fix the amount of the said costs if they are not agreed upon by the said candidate and applicant.

(6) The moneys deposited as security for costs shall, so far as necessary, be paid out to any candidate in whose favour costs are awarded and if the said deposit is insufficient the said candidate shall have his action for the balance.

(7) If the result of the check does alter the result of the poll as to affect the return, his deposit shall be returned to the applicant for the check.

93. (1) Subject to paragraph (2), the returning officer, upon the seventh day next following that upon which he has declared the result of the poll under rule 90, shall deliver personally or transmit by registered post to the Supervisor—

- (a) the writ with his return, in the form set out as Form No. 65 in the Fifth Schedule, endorsed thereon that the candidate or candidates for whom most votes have been given has or have been elected; Election
return.
Fifth
Schedule :
Form No. 65
- (b) a report of his proceedings in the form prescribed by the Supervisor;
- (c) the recapitulation sheets in the form prescribed by the Supervisor, showing the number of votes cast for each candidate at each polling station, and by postal ballot, and making such observations as the returning officer may think proper as to the state of the election papers as received from his presiding officers;
- (d) all the documents (enclosed in sealed envelopes), and articles received by him from the polling stations in his electoral district other than the duplicates of the used poll cards, which were delivered to him under rule 59 ;
- (e) a packet containing the duplicate of the used poll cards ;
- (f) the statement of the postal poll ;
- (g) the reserve supply of undistributed blank postal ballot papers ;
- (h) a packet containing the stubs and unused postal ballot papers ;
- (i) the sealed packets referred to in rules 75 and 81, in paragraph (4) of rule 82 and in paragraph (4) of rule 83;
- (j) the envelope referred to in paragraph (2) of rule 81.

(2) Where the returning officer receives a notice of the taking of a check under paragraph (2) of rule 92 the returning officer shall delay transmission of such return and report until he shall have received from the Supervisor the certificate referred to in paragraph (4) of rule 92.

(3) Where the said certificate shows that a candidate or candidates other than that or those declared under rule 90 should have been declared to have been elected the returning officer—

- (a) shall make a fresh declaration in writing declaring the candidate or candidates to be elected who was or were found to have the most votes according to the said certificate, and the said declaration shall replace the previous declaration ;
- (b) return the said candidate or candidates under sub-paragraph (a) of paragraph (1).

(4) The Supervisor shall, if circumstances so require, send back returns made to him under this rule and any or all election documents connected therewith to the returning officer for completion or correction.

- (5) On receiving a return under this rule, the Supervisor shall forthwith—
- (a) enter the date of the receipt thereof and the names of the successful candidates in a book to be kept by him for such purpose;
 - (b) notify in writing the names of the candidate or candidates so elected, in the case of—
 - (i) a Parliamentary election, to the Speaker;
 - (ii) a Municipal Council election, to the Minister and to the Town Clerk of the Municipal Council concerned;
 - (iii) a County Council election, to the Minister and to the Chief Executive Officer of the County Council concerned; and
 - (c) give notice in the *Royal Gazette* of the names of the candidate or candidates so elected in the order in which they were received by him.
- (6) The Supervisor shall, immediately after each election, cause to be printed a report giving—
- (a) the number of votes polled for each candidate, by polling divisions and by postal ballot;
 - (b) the number of rejected postal ballots;
 - (c) the number of names on the revised lists of electors and on the list of postal electors; and
 - (d) any other information that he may deem fit to include;
- and shall forthwith forward a copy of the said report to the persons respectively set out in sub-paragraph (b) of paragraph (5).

(7) In this rule "Minister" means the Minister charged with responsibility for local government.

Custody of
election
documents by
Supervisor.

94. (1) The Supervisor shall keep the election documents referred to in paragraph (1) of rule 93 in safe custody and shall allow no person to have access to them; but if a petition has been presented questioning the validity of any election or return, the Supervisor shall, on the order of a Judge, deliver to the Registrar the documents relating to the election that is in dispute; and after the expiration of twelve months from polling day it shall be lawful for the Supervisor to cause the said documents used at such election to be burnt.

(2) No such election documents in the custody of the Supervisor shall be inspected or produced except under the order of a Judge and an order under this paragraph may be made by the Judge on his being satisfied by evidence on oath that the inspection or production of such election documents is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election, or for the purpose of a petition which has been filed questioning an election or return.

(3) Any such order for the inspection or production of election documents may be made subject to such conditions as to persons, time, place and mode of inspection or production as the Judge deems expedient.

(4) All other reports or statements received from election officers, all instructions issued by the Supervisor pursuant to the provisions of this Ordinance, all decisions or rulings by him upon points arising thereunder, and all correspondence with election officers or others in relation to any election shall be public records, and may be inspected by any person upon request during office hours.

(5) Any person may take extracts therefrom and shall be entitled to certified copies of the papers relating to any subject upon payment for the preparation of such certified copies at the rate prescribed in rule 106.

(6) Any such copies purporting to be certified by the Supervisor under his hand shall be receivable in evidence without proof thereof.

95. (1) Subject to this rule, after a voting machine that has been used at an election has been locked under rule 58, the Supervisor shall cause it to remain so locked for a period of six weeks or for such longer period as, before the expiration of such period, shall be ordered by a Judge. Period of locking voting machines.

(2) No voting machine shall, while it is locked and sealed as in paragraph (1), be inspected, tampered with or produced by any person except under the order of a Judge; and any order under this paragraph may be made by the Judge on his being satisfied by evidence on oath that the inspection or production of such voting machine is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election, or for the purpose of a petition which has been filed questioning an election or return.

(3) Any such order for the inspection or production of a voting machine may be made subject to such conditions as to persons, time, place and mode of inspection or production as the Judge deems expedient.

(4) Should the Supervisor decide that a voting machine referred to in paragraph (1) is required for use at an election prior to the expiration of the six weeks or longer period referred to in that paragraph he may, on the order of a Judge, release the machine for that purpose.

96. (1) Where an order for the release of a voting machine is made under rule 95 the Supervisor shall cause the ballot label of that voting machine to be photographed in the manner set out in this rule. Photographing of voting machines.

(2) The Supervisor shall give each of the candidates whose name appears on the ballot label of the voting machine at least two days notice in writing specifying the time and place at which the photograph will be taken, and inviting him to be present in person or by his lawfully authorised representative at the said place and time.

(3) At the place and time mentioned in paragraph (2) and in the presence of any candidates or their representatives who may be present, or if no such candidate or representative is present, then in the presence of two electors for the electoral district concerned selected by the Supervisor, the Supervisor shall cause the plastic covering of the ballot label on the voting machine to be removed and the number recorded on the public counter of the voting machine to be inserted on the ballot label.

(4) The Supervisor and the official photographer who is to take the photograph of the face of the voting machine shall then affix their signatures to the ballot label; and any of the candidates or their representatives present who desire to do so shall also be permitted to affix their signatures thereto.

(5) Thereupon the official photographer shall take a photograph of the ballot label on the voting machine with a film which can there and then be developed and printed.

(6) If a candidate or his representative who is present so requests he shall, on payment of a fee of one dollar, be supplied there and then by the Supervisor with a print of the said photograph.

(7) The Supervisor shall place the photograph in an envelope which shall be sealed with his seal and the seals of any of the other persons lawfully present who desire to affix their seals thereto, and on the outside of the said envelope shall be endorsed a certificate, signed by the said persons and the official photographer who took the photograph, recording the number of the voting machine and the date when the photograph was taken; and the Supervisor shall retain the said envelope with the election documents for the electoral district concerned.

(8) A photograph taken in accordance with this rule shall be admissible in evidence in any court.

PART VI

GENERAL

Remuneration
of returning
officer.

97. (1) A returning officer shall be paid for all his services in relation to an election, in respect of each polling station established or proposed to be established in the electoral district for which he is appointed, a sum at the following rates:—

- (a) if the election is contested, two dollars and fifty cents;
- (b) if the election is not contested, one dollar and fifty cents.

(2) In addition to the sum provided for by sub-paragraph (a) or (b) of paragraph (1), a returning officer shall be paid in respect of each elector of his electoral district:—

- (a) if the election is contested, one cent;
- (b) if the election is not contested, one-third of a cent.

(3) Notwithstanding the provisions of paragraphs (1) and (2), if an election is contested, the remuneration of a returning officer for the period of the election shall not be less than two hundred dollars in the case of a Parliamentary election, or fifty dollars in the case of a County Council or Municipal Council election.

Remuneration
of election
clerk.

98. An election clerk shall be paid a sum equivalent to eighty per centum of the total remuneration payable to the returning officer for the area to which such election clerk is assigned.

Employment
and
remuneration
of typist.

99. A returning officer may employ a typist who shall be paid at the rate of ninety dollars per month for a period not exceeding three months.

Remuneration
of presiding
officer,
poll clerk and
machine
attendant.

100. (1) For all his services at the polling station on polling day there shall be paid to the following persons the undermentioned sums—

- (a) to a presiding officer, eighteen dollars;
- (b) to a poll clerk, nine dollars; and
- (c) to a machine attendant, seven dollars and fifty cents.

(2) In addition to the sum provided for by paragraph (1), a person referred to in the said paragraph shall be paid—

- (a) the following travelling and subsistence allowances for the purpose of receiving his instructions—
 - (i) if the place from which he has travelled for that purpose is less than five miles from the place where he receives his instructions, a travelling and subsistence allowance of one dollar and fifty cents;

- (ii) if the place from which he has travelled for that purpose is five miles or more from the place where he receives his instructions, a travelling and subsistence allowance of two dollars and fifty cents, except that no poll clerk or machine attendant shall be paid travelling and subsistence allowances in respect of more than one journey for the purpose of receiving his instructions;
- (b) in respect of his travelling to his polling station and his return journey to his home the following travelling allowances:—
- (i) if he has travelled by his own private motor car of over twelve horse power, twenty cents per mile;
 - (ii) if he has travelled by his own private motor car of twelve horse power or lower, sixteen cents per mile;
 - (iii) if he has travelled by his own motor cycle, seven cents per mile;
 - (iv) if he has travelled by hired transport, a sum considered by the returning officer of the electoral district to be fair and reasonable.

101. A custodian shall be paid for all his services in relation to an election the sum of one hundred dollars. Remuneration of custodian.

102. (1) The Supervisor and Assistant Supervisor of Elections shall be paid for travelling and subsistence in connection with an election at the rate prescribed for public officers by any Travelling Allowances Regulations in force. Travelling and subsistence allowance of Supervisor and Assistant Supervisor of Elections and other election officers.

(2) For travelling in or outside his electoral district in connection with an election a returning officer or election clerk shall be paid a travelling allowance at the rates set out in paragraph (2) (b) of rule 100 ; but the Supervisor may sanction the payment of a commuted travelling allowance of thirty dollars per month in the case of a returning officer or election clerk in respect of his travelling by his own private motor car in an urban electoral district.

(3) In addition to the travelling allowance payable under paragraph (2), a returning officer or election clerk shall be paid subsistence allowances at the rate prescribed for public officers by any Travelling Allowances Regulations in force.

103. A messenger attached to the office of a returning officer, where such officer is a public officer, shall be paid, if he is required to perform duties during the election period in connection with an election after his normal working hours, a fee at the rate of ten dollars a month. Remuneration of messengers attached to public offices.

104. A messenger employed by a returning officer to collect poll card boxes and carrying cases from presiding officers on polling day shall be paid five dollars and travelling allowances at the rates set out in paragraph (2) (b) of rule 100. Remuneration, etc. of messengers delivering poll card boxes and carrying cases.

105. For each polling station rented for polling day there shall be paid a sum not exceeding fifteen dollars per day. Rental of polling station.

106. Office or certified copies of any election documents supplied by an election officer shall be paid for at the rate of twenty-four cents for every folio of one hundred words. Cost of supplying election documents

Remuneration,
etc. of
witnesses.

107. Any person whose presence is secured by the Supervisor or a returning officer for the purpose of witnessing any proceedings under these Rules shall be paid a fee of five dollars for each day or part thereof during which he attends for such purpose, and such travelling and subsistence expenses as he may have, in the opinion of the returning officer, reasonably incurred.

Offences.

108. Every presiding officer who issues a poll card to any person, whose registration record card has been transferred in accordance with rule 27, at any polling station other than the polling station of the polling division to which such person's registration record card has been transferred, is liable on summary conviction to a fine of twenty-five dollars or to imprisonment for one month.

APPENDIX

(Election rule 23)

SYMBOLS



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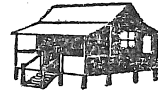
11



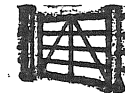
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FOURTH SCHEDULE

(Section 31)

DISQUALIFYING OFFICES AND APPOINTMENTS

Any office the appointment to which is made or deemed to have been made under Part V or Part VI of the Constitution.

Chairman of the Cocoa (Rehabilitation) Board.

Chairman of the Cocoa Industry Board.

Chairman of the Board of Film Censors.

Chairman of the Central Water Distribution Authority.

Chairman of the Trinidad and Tobago Electricity Commission.

Chairman of the Trinidad and Tobago Tourist Board.

Member of the Industrial Development Corporation.

Chairman of the Sugar Industry Labour Welfare Fund Committee.

Member of the Agricultural Rent Board.

Member of the Rent Assessment Board.

Member of a Liquor Licensing Committee appointed by the Governor in Council.

Chairman of the Public Housing Loans Board.

FIFTH SCHEDULE

FORMS

Arrangement of Forms

<i>Form No.</i>	<i>Heading</i>	<i>Section of Ordinance</i>
1	Oath of Supervisor of Elections	3 (2)
2	Writ of Election	32 (2)
3	Return of Election Expenses authorised by an Election Agent and declaration to accompany the same	46 (5)
4	Election Expenses Return	51
5	Declaration by Candidate or Election Agent	52
6	Oaths or affirmation of election officer other than the Super- visor of Elections	155
<i>Registration Rule</i>		
10	Registration Record Inventory Form	7
11	Notice of Disallowance of Registration	9
12	Registration Record Card	10 (1)
13	Minor's Registration Card	10 (4)
14	Identification Card	13 (2)
15	List of Twenty Questions	15 (1)
16	Certificate as to Registration	17 (1)
17	Application for exemption from taking photograph	23 (2)
18	Notice of objection to registration of an elector	31
19	Application to registration officer for registration as an elector	32 (1)
20	Notice of enquiry by registration officer into objection to or disallowance of registration as an elector	34 (2)
21	Notice of disallowance by registration officer of application for registration as an elector	34 (9)
22	Check Card	36
23	Notice of Enquiry consequent upon report by Area Inspector	38 (1)
24	Notice of intention to cancel registration	41 (2)
25	Notice of change of residence or address	43 (1)
26	Notice of change of name	45 (1)
27	Application for replacement of identification card	47 (2)

Arrangement of Forms—Continued

<i>Form No.</i>	<i>Heading</i>	<i>Registration Rule</i>
28	Preliminary List of Electors (House of Representatives and County Council Elections)	53 (2)
28A	Preliminary List of Electors (Municipal Council Election) ...	53 (2)
29	Notice of preliminary list of electors	55
30	Application by electors omitted from preliminary list for inclusion in supplementary list	57
31	Supplementary List of Electors (Parliamentary and County Council Election)	59 (2)
31A	Supplementary List of Electors (Municipal Council Election)	59 (2)
32	Revised List of Electors (Parliamentary and County Council Elections)	60 (3)
32A	Revised List of Electors (Municipal Council Election) ...	60 (3)
33	Option where person has more than one place of residence ...	64 (5)
34	Oath of Interpreter	69
35	Enquiry as to address	70 (1)
		<i>Election Rule</i>
40	Notice of Election	4 (1) (a)
40A	Notice of Appeal (invalid nomination paper)	6 (4)
41	Nomination Paper (in person)	7 (2), (3)
41A	Nomination Paper (by proposers)	7 (2), (3)
42	Statutory Declaration (candidate)—Parliamentary election ...	8
42A	Statutory Declaration (proposers)—Parliamentary election ...	8
42B	Statutory Declaration (candidate) Municipal Council election	8
42C	Statutory Declaration (proposers)—Municipal Council election	8
42D	Statutory Declaration (candidate)—County Council election	8
42E	Statutory Declaration (proposers)—County Council election	8
43	Return of Uncontested Election	15 (2)
44	Notice of Taking a Poll	16 (2)
45	Ballot Label	23 (2)
46	Directions for the guidance of electors (Machine Poll) (one candidate)	29
46A	Directions for the guidance of electors (Machine Poll) (two candidates)	29
47	Appointment of polling agent	35 (2)

Arrangement of Forms—Continued

<i>Form No.</i>	<i>Heading</i>	<i>Election Rule</i>
47A	Appointment of Counting agent	35 (2)
48	Declaration of Secrecy (Machine Poll)	36 (2)
49	Poll Card	43 (4)
50	Declaration by elector without identification card	43 (5)
51	Oath of identity	44 (8), 52 (3)
52	Oath of blind elector	50, 51
52A	Oath of physically incapacitated elector	50, 51
53	Declaration by companion of elector	51 (2)
54	Oath of a personated elector	52 (1)
55	Oath of qualification of elector (Parliamentary and County Council Elections)	52 (2)
55A	Oath of residence qualification of elector (Municipal Council Election)	52 (2)
55B	Oath of property qualification of elector (Municipal Council Election)	52 (2)
56	List of Questions	53 (4)
57	Oath of interpreter	55 (2)
58	Statement of Machine Poll	58 (4)
59	Oath of messenger	59 (4)
60	List of postal electors	64
61	Postal ballot paper	67 (3)
62	Declaration of identity and Directions for guidance of postal electors (one candidate)	67 (3)
62A	Declaration of identity and directions for guidance of postal elector (two candidates)	67 (3)
63	Declaration of secrecy (postal poll)	69 (1)
64	Statement of postal poll	85

FORM No. 1

(Section 3(2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of Supervisor of Elections

I, having been appointed Supervisor of Elections for the Territory of Trinidad and Tobago, do swear that I will to the best of my ability faithfully perform all the duties of Supervisor of Elections in accordance with the provisions of the Representation of the People Ordinance, 1961, and of any rules made thereunder.

Supervisor of Elections

Sworn before me at....., this..... day of....., 19.....

Judge of the Supreme Court

FORM No. 2

(Section 32(2))

TRINIDAD AND TOBAGO.

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Writ of Election

By His Excellency.....

Governor and Commander-in-Chief in and over the Territory of Trinidad and Tobago.

Governor.

TO THE RETURNING OFFICER OF THE ELECTORAL DISTRICT OF.....

† WHEREAS I think it expedient that writs should issue for the election of members to serve in the House of Representatives/the Council of the..... Corporation/the.....County Council* :

‡ WHEREAS the seat/seats* of.....the member/one of the members/members* of the electoral district of.....has/have* become vacant in consequence of.....

I COMMAND YOU that notice of the time and place of election being first duly given you do, on the.....day of.....which said day shall be nomination day in the said electoral district of....., cause election to be made according to law of a member/members* to serve in the House of Representatives/the Council of the.....Corporation/the.....County Council* for the said electoral district of.....and that, if necessary, you do cause a poll to be taken on the.....day of.....and that you do cause the name of such member/members* when so elected to be certified to the Supervisor of Elections on the.....day of.....

Given under my Hand and the Seal of the Territory this.....day of..... 19.....

(Reverse side of Form)

Endorsement

Received the within Writ on the.....day of....., 19.....

Returning Officer for the electoral district of.....

* Delete if inapplicable.
† To be included in a writ for a general election.
‡ To be included in a writ for a bye-election.

FORM NO. 3

(Section 46 (5))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Return of Election Expenses authorised by an Election Agent

Election in the Electoral District of.....

Date of publication of result of election.....

The expenses incurred at the above election in support of.....

.....a candidate thereat

by.....
(insert name of person or association or body of persons incurring the expenses)

being expenses required by section 46 of the Representation of the People Ordinance, 1961,
to be authorised by the election agent, amounted to \$.....

The written authority of the election agent is annexed hereto.

Date.....

Signature.....

Declaration to accompany return of election expenses authorised by an election agent

Election in the Electoral District of.....

Date of publication of result of election.....

I hereby declare that—

1. I am the person* or a director*/general manager*/secretary* of the association or
body of persons named*/as incurring expenses required by section 46 of the Representa-
tion of the People Ordinance, 1961, to be authorised by an election agent.

2. To the best of my knowledge and belief the said return is complete and correct.

3. The matters for which the expenses referred to in the said return were incurred were
as follows.....

.....
.....

Signature of declarant.....

Office held by declarant.....

(In the case of an association or body of persons)

Date.....

*Delete if inapplicable.

FORM NO. 4

(Section 51(1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Election Expenses Return

Election in the Electoral District of.....

Date of publication of result of election.....

Name of Candidate.....

1. I am the election agent of the person named above as a candidate at this election/I am the person named above as a candidate at this election and was my own election agent*

(Where there has been a change of election agent suitable variations may be introduced here and elsewhere in the return)

2. I hereby make the following return of the candidate's/my election* expenses at this election.

Receipts

(Include all money, securities or equivalent of money received in respect of expenses incurred, whether before, during or after the election, on account of or in respect of the conduct or management of the election)

Received of the above-named candidate/Paid by me* \$.....
Received of.....
(here set out separately the name, address and occupation of each person and the amount received from him)
\$.....

Expenditure

NOTE : The return shall deal under a separate heading or sub-heading with any expenses included therein incurred on account of any purposes referred to in section 51 of the above Ordinance.

Candidate's personal expenses—
Paid by him/by me as candidate* \$.....
Paid by me/by me acting as my election agent* \$.....
Received by me for my services as election agent.....
(omit if candidate is his own election agent) \$.....
Paid to†.....as sub-agent of polling division No..... \$.....
Paid to†.....as polling agent \$.....
Paid to†.....as counting agent \$.....
Paid to†.....as clerk for.....days service \$.....
Paid to†.....as messenger for.....days service \$.....

Paid to the following persons in respect of goods supplied or work and labour done—

To†.....
(here set out the nature of the goods supplied or work and labour done thus—(printing),

(advertising), (publishing), (issuing and distributing address and notices))

.....
\$.....

Paid for the hire of rooms —
for holding public meetings :—

Paid to†.....for hire of

(identify the rooms by naming or describing them)

.....
\$.....

for committee rooms :—

Paid to†.....for hire of

(identify the rooms by naming or describing them)

.....
\$.....

Paid for postage

\$.....

Paid for telegrams

\$.....

No. of electoral vehicles employed.....at

§§.....

Paid to†.....for transporting electors
to the polls

§§.....

In addition to the above I am aware (unless the candidate is his own election agent add
as election agent for the above named candidate) of the following disputed and unpaid
claims :—

Disputed claims :—

By†.....for

(here set out the goods, work and labour, or other matter on the ground of which the claim is

based)

.....
\$.....

Unpaid claims allowed by the Supreme Court to be paid after the proper time or in
respect of which application has been or is about to be made to the Supreme Court by

.....for

(here set out the goods, work and labour or other matter on the ground of which the claim is due)

.....
Signature of person making return.....

* Delete if inapplicable.

† Set out separately the name, address and occupation of each person with the amount
paid to him.

‡ Set out separately the name, address and occupation of each person with the amount
paid to or claimed by him.

§ Insert whichever is the higher sum.

FORM No. 5

(Section 52)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Declaration by Candidate or Election Agent

Election in the Electoral District of.....
Date of publication of result of election.....
Name of Candidate.....

I solemnly and sincerely declare as follows :—

- 1. I am the person named above as a candidate at this election and was my own election agent/was at this election the election agent of the person named above as a candidate*
2. I have examined the return of election expenses about to be transmitted by my election agent/by me* to the returning officer (of which a copy is now shown to me and marked.....*) and to the best of my knowledge and belief it is a complete and correct return as required by law.
3. To the best of my knowledge and belief, all expenses shown in the return as paid/were paid by my election agent/by me* except as otherwise stated in relation to my/the candidate's* personal expenses.
4. I understand that the law does not allow any election expenses not mentioned in the said return to be defrayed except in pursuance of a court order.

Signature of Declarant

Signed and declared by the above-named declarant on the.....
day of..... before me,
(Signed)

Justice of the Peace

(NOTE—Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses).

* Delete if inapplicable.

FORM No. 6

(Section 155)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath or affirmation of election officer other than the Supervisor of Elections

I.....
having been appointed.....(as the case may be)
for the registration area of...../electoral
district of...../polling division No.....
in the electoral district of/registration area of...../polling
station No.....in the electoral district of/registration
area of.....*(as the case may be/ swear/solemnly
and sincerely declare and affirm* that I will faithfully perform the duties pertaining to
the said office of.....according to law, without
partiality, fear, favour or affection.

So HELP ME GOD*

Signature.....

Sworn before me at....., this.....
day of.....19.....

Justice of the Peace/Supervisor of Elections/
Registration Officer/Returning Officer/
Election Clerk/Presiding Officer/Poll
Clerk (as the case may be)

* Delete if inapplicable.

FORM No. 12
 THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961
 Registration Record Card—Front

(Registration rule 10 (1))

Full Name (Surname First)						Serial Number					
Residential Address				Postal Address				RA		/PD	
Usual Occupation			Industry			Disability if any			Marital Status		
Sex	Colour	Height	Colour of Eyes		Distinguishing marks			Educational Attainment			
Date of Birth		Place of Birth		Nationality		Date took up residence in:					
						Territory		Electoral District			
Whether registered previously		If so, under what Name (Surname first):				If so, at what address :					
Number											
Information about Minors						Photograph					
Particulars of Naturalization						Signature of Registered Person					
Papers		No. and Year		Date							
Own											
Parents'											
Husband's						Signature of Officer registering					
Name of person through whom naturalization acquired											
Municipal Property Qualification						Registration Date					
Date		Address				Day		Month		Year	

NOTE :—It is an offence wilfully to give incorrect information to the Registration Officer or Assistant Registration Officer.

Registration Record Card—Back

Whether Registration List checked	Whether included in List of Cancellations	Whether Check Card executed
-----------------------------------	---	-----------------------------

CHANGES OF ADDRESS

Residential	Postal

VOTING RECORD

61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83

Federal : Parliamentary : Municipal : County Council : Bye-Election in red

Reason for Cancellation	1	2	3	4	5	6	7	8	9	Date of Cancellation		
										Day	Month	Year
Date eligible for :												
Federal Election										Signature of Registration Officer Remarks _____		
Parliamentary Election												
Municipal Election												
County Council Election												

FORM No. 13

(Registration rule 10(4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Minor's Registration Card

(Front)

Date of Birth.....
Year Month Day

Full Name.....

Place of Birth.....

Name of Parent/Guardian.....

Name of Parent if with Guardian.....

Address of Parent/Guardian.....

Registration No. of Parent/Guardian..... Polling Division No.....

(See Back)

Changes of Address.....
.....
.....

FORM No. 14

(Registration rule 13 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

(Front)

Trinidad and Tobago

SPACE FOR PHOTOGRAPH



Signature or impression of registered person

[Signature box]

Registration No.....

Name.....

Identification Card

(Back)

Registration dateRegistration No.

Date of birthPlace of birth.....

Nationality.....Height.....Ft.....Ins.....

Sex.....Colour of eyes.....Colour of skin

Distinguishing Marks.....

Signature of Registering Officer

FORM No. 15

(Registration rule 15 (1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

List of Twenty Questions

[Consecutive No. box]

RA /PD

Consecutive No.

1. What is your father's name ?.....
2. What is your mother's name ?
3. What is the name of your father's father ?
4. What is the name of your father's mother ?
5. What is the name of your mother's father ?
6. What is the name of your mother's mother ?
7. Name the place visited on your first trip abroad, if any ?.....
8. What is the nature of the first serious accidental injury you have suffered, if any ?.....

- 9. What is the date of your first marriage, if any ?.....
- 10. What is the name of your first wife/husband, if any ?.....
- 11. What is the name of the first school you attended, if any ?.....
- 12. What was your age when you entered school ?.....
- 13. What was your age when you left school ?.....
- 14. Name any society, association, club or other body of which you are a member.....
- 15. Are you right or left handed ?.....
- 16. What is the name of your first employer ?.....
- 17. What was the nature of the job in which you were first employed ?.....
- 18. What is the name of the brother nearest to you in age ?.....
- 19. What is the name of the sister nearest to you in age ?.....
- 20. Is there any further information about yourself relative to your identification which you would like to give ?.....

.....
Signature of Witness

.....
Signature of Assistant Registration Officer

FORM No. 16

(Registration rule 17 (1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Certificate as to Registration

(to be completed in triplicate)

Registration area of.....Polling Division No.....

Registration No.....

This is to certify that the registration of.....
(Name)
of.....as an elector* has been allowed by me
(Address)
and that all entries required to be made by me upon the identification card of the said
.....of
have been made.

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

.....
Assistant Registration Officer

To the above registrant

You are required to have your photograph taken by the official photographer stationed at.....or by any other official photographer

Take notice that your photograph must be taken in order that your registration may be completed.

Date photograph taken

.....
Signature of Official Photographer

.....
Signature or impression of Registered Person

*Delete if inapplicable.

FORM No. 17

(Registration rule 23 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Application for exemption from taking photograph

Registration area of.....
Polling division No.....
To : The Registration officer.....
Registration area of.....
From :
(here insert name, address and registration number of applicant)

I do hereby inform you that I object to the taking of my photograph in accordance with the Registration Rules on the following grounds :—

.....
(here state grounds of objection)

I accordingly apply to you to be exempted from compliance with and from the operation of rule 22 of the said Rules.

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

.....
Signature of applicant

To the registration officer of the above registration area.

*I recommend the grant of this application.

*I do not recommend the grant of this application for the following reason.....

.....
Assistant Registration Officer

*Delete if inapplicable.

FORM No. 18

(Registration rule 31)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Notice of objection to registration of an elector

(to be completed in duplicate)

FROM: (name of elector/scrutineer objecting*).....
of (address).....
To : (name of elector whose registration is being objected to).....
of (address).....

AND TO: the registration officer for the registration area of.....

Take notice that I (name)....., an elector for polling division No.....in the registration area of.....

a scrutineer assigned to the assistant registration officer for polling division No.....in the above registration area* do hereby object to your registration as an elector for the said polling division on the following grounds :—

(here state grounds for objection).....

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

.....
(Signature of elector/scrutineer *objecting or mark of elector and signature of witness to such mark)

*Delete if inapplicable.

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Application to registration officer for registration as an elector

FROM
(name of applicant*/scrutineer*)

of
(address)

To : The registration officer for the registration area of.....

I.....of.....
(name) (address)

the above applicant/a scrutineer assigned to the undermentioned assistant registration officer* do hereby apply for a reversal of the decision of the assistant registration officer for

polling division No.....of the registration area of.....

whereby he disallowed my registration/the registration of.....

.....
(name of person whose application was disallowed)

of.....*
as an elector. address

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

.....
(Signature of applicant/scrutineer* or
mark of applicant and signature of
witness to such mark)

*Delete if inapplicable.

FORM No. 20

(Registration rule 34(2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Notice of enquiry by registration officer into objection to or disallowance of registration as an elector

FROM : The registration officer for the registration area of.....

To : The assistant registration officer for polling division No..... of the above registration area, and to* (name)

of..... (address)

Take notice that—

†The objection dated the.....day of.....19..... to the registration of.....of..... (name) (address)

†The application dated the.....day of.....19..... for the reversal of the decision of the abovementioned assistant registration officer whereby he disallowed the registration of..... (name)

of..... (address)

as an elector for polling division No.....in the registration area of.....

will be heard by me at..... on.....commencing at the hour of.....o'clock in the.....noon.

And further take notice that unless you appear before me to be heard in the above matter, it may be determined in your absence.

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

..... Registration Officer

*Insert name and address of applicant or person whose registration has been objected to or disallowed.

†Delete if inapplicable.

FORM No. 21

(Registration rule 34(9))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Notice of disallowance by registration officer of application for registration as an elector

FROM : The registration officer for the registration area of.....

To : * (name) of (address)

Take notice that your application for the reversal of the decision of the assistant registration officer for polling division No.....of the registration area of..... where by he disallowed your registration†/the registration of.....(name) of.....(address) as an elector in the above polling division has this day been disallowed by me on the grounds that (here state grounds for disallowance).....

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

Registration Officer

*Insert name and address of applicant or person whose registration has been disallowed.

†Delete if inapplicable.

(Front)

FORM No. 22

(Registration rule 36)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Check Card

Registration Area.....	REGISTRATION	
.....	Date	Number
Polling Division No.....	

Registrant's Surname	Given Name	Initials
.....

Registrant's Residence

..... (Number if any) (Street or road)
..... (Town or village)	

Place and Year of Birth	Sex	Height	COLOUR		Marital Status	Nationality
			Skin	Eyes		

(To be filled out only if applicable) : Whether objected to

Applicant unable to sign Registration Record Yes No

because :

Illiterate Disabled

The nature of such disability is : Objector :

Name.....

Address.....

Initials of Officer who filled out this Card :

The following space shall be reserved for use by Registration Officer :

Determination as to Validity
Valid

Date..... Yes No

(Back of Check Card)

To be filled out and signed by the Area Inspector :

Date Received

Note to Area Inspector : If you know of your own knowledge that this registrant resides at his claimed residence and is qualified to be registered under the Registration Rules, you may, without further investigation write the words "Valid, Personal Knowledge" in this space and then sign your name and whenever applicable, and your title in the space below provided.

Date and hour of Interview	Registrant Interviewed	<input type="checkbox"/> No <input type="checkbox"/> Yes	(If Registrant not interviewed) Full name of person interviewed at Registrant's Residence or place of Employment Address at which interview took place :	Family relationship of person inter- viewed to Regis- trant (State "None" if applicable) :
----------------------------	---------------------------	---	--	--

Are you satisfied that registered person resides at the given address ?

Yes No

How long has registered person resided at given address ?

How long has registered person resided in the Territory ?

State any reason you have to believe that this Registration should not be approved. (If you have none, write "None")

As a result of my investigation I believe this registration to be

(Here write either "Valid" or "not Valid").....

.....
Area Inspector

FORM No. 23

(Registration rule 38(1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Notice of Enquiry consequent upon report of Area Inspector

FROM : The registration officer for the registration area of.....

.....

at.....
(address of registration office)

To :
(name)

of.....
(address)

Take Notice that on inquiries made into the validity of the information recorded on your registration record card certain discrepancies have been reported as a result of which it is necessary for me to conduct an enquiry into the correctness of the information recorded on the said registration record card. The enquiry will commence at.....
.....
on the.....day of....., 19.....
at.....o'clock in the.....noon.

And further take notice that unless you appear before me in this matter it may be determined in your absence.

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

.....
Registration Officer

To
.....
.....

FORM No. 24

(Registration rule 41(2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Notice of intention to cancel registration

FROM: The registration officer for the registration area of
at
(address of registration office)

To :
(name)
of
(address)

Take notice that I propose to cancel
your registration at my office at the above address on the day of
....., 19....., at the hour of o'clock in the
.....noon for the reason that—

.....
(here state reason for cancellation)

unless you satisfy me that such cancellation is not justified.

On or before the above time you are required to produce your identification card
to me at my office at the above address.

Dated this day of, 19.....

.....
Registration officer

(Front) FORM No. 25 (Registration rule 43(1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Notice of change of residence or address

To : The registration officer of the registration area of.....
at.....
(address of registration office)

Take notice that I have changed my place of residence as follows:—

From:

To :

on the day of, 19.....

My name is
(Print in block letters)

and my registration number is

Dated this day of, 19.....

Signature of registered person or
mark of registered person and
signature of witness

(Perforation)

FORM No. 25

ON HER MAJESTY'S SERVICE

N.B. :—Registered
person must fill
in his name and
address opposite

ELECTORAL DEPARTMENT
(Back)

ON HER MAJESTY'S SERVICE

The Registration Officer

Registration Area of

FROM:

.....
.....
.....

(Perforation)

I hereby acknowledge receipt of your notice of change of residence dated the
..... day of, 19.....
and wish to inform you that your registration record card has been amended accordingly*/
and has been transferred to the unit register for Polling Division No. */your registration
record card has not been amended*.

Registration Officer for the
Registration Area of

*Delete if inapplicable.

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Notice of change of name

FROM:
(name)

of
(address)

whose registration number is.....

To : The registration officer for the registration area of
at.....
(address of registration office)

Take notice that my name which now appears as:—

.....
(here insert name in unit register)

in the unit register for polling division No.

in the registration area of

in which I am registered, has been changed to

.....
(here insert name as changed)

Dated this day of, 19.....

.....
*Signature of registered person or mark
of registered person and signature of
witness to such mark*

FORM No. 27

(Registration rule 47(2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Application for replacement of identification card
(to be accompanied by the prescribed fee)

To : The registration officer of the registration area of.....

at.....
(address of registration office)

I,.....
(Name)

of
(Address)

in polling division No.....of the registration area of.....

.....hereby inform you that my identification card
has been lost/stolen/destroyed/mutilated/defaced * and I do hereby apply for a replacement
identification card.

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

.....
*Signature of applicant or mark of
applicant and signature of witness
to such mark.*

* Delete if inapplicable.

FORM No. 28

(Registration rule 53 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Election to House of Representatives/.....County Council*

Preliminary List of Electors

Electoral district of Polling division No.....

Comprising the area.....

Name of elector (Family name first ; names to be arranged in alphabetical order in groups under the several addresses in the polling division)

I,.....

registration officer for the registration area of.....

certify that the above is a true copy of the preliminary list of electors for polling division

No.....in the said registration area.

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

Registration officer for the registration area of

* Delete if inapplicable.

FORM NO. 28A

(Registration rule 53 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Election to the Council of the.....Corporation

Preliminary List of Electors

Electoral District of.....Polling Division No.....

Comprising the area.....

Name of elector (Family name first ; names to be arranged in alphabetical order in groups under the several addresses in the polling division)	Qualifying property
*	
†	

I.....

registration officer for the registration area of.....

certify that the above is a true copy of the preliminary list of electors for the polling

Division No.....in the said registration area.

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

.....
*Registration officer for the registration
area of*
.....

*Here set out persons having residence qualifications.

†Here set out persons having property qualifications.

FORM No. 29

(Registration rule 55)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Election to House of Representatives/Municipal Council/County Council*

Notice of preliminary list of electors

Electoral district of

Polling division No.....

Take notice that the list of electors posted next to this notice is a copy of the preliminary list of electors for the above-mentioned polling division.

- (a) If a person whose name is not on the said list claims that he is entitled to be registered as an elector for the said polling division he may make oral application therefor to the temporary assistant registration officer of the said polling division at his office mentioned in paragraph (i) below.
- (b) If a person whose name is not on the said list claims that he is registered as an elector for the said polling division, he should apply in the prescribed form to have his name inserted in the supplementary list.
- (c) If a person whose name is on the said list claims that he has changed his place of residence to another address in the above-mentioned polling division or to another polling division in the under-mentioned registration area he should give notice thereof in the prescribed form.
- (d) If a person whose name is on the said list claims that he has changed his place of residence from the under-mentioned registration area to a polling division in another registration area he should make oral application for registration as an elector to the temporary assistant registration officer for the polling division in which he is now resident.
- (e) If a person whose name is on the said list claims that he has changed his name as appears on the said list he should give notice thereof in the prescribed form.
- (f) Notice of an objection to the registration of any person whose name is on the said list may be made in the prescribed form by any elector or by a scrutineer assigned to the temporary assistant registration officer of the above-mentioned polling division.
- (g) Action as in the preceding paragraphs may be taken not later than the..... day of....., 19.....
- (h) If a person whose name is not on the said list has made oral application for registration as in paragraph (a) but his registration has been disallowed, application for his registration as an elector may be made to the under-mentioned registration officer in the prescribed form by such person, or by a scrutineer assigned to the temporary assistant registration officer for the above polling division. Such application may be made not later than the..... day of....., 19.....
- (i) An application referred to in paragraphs (b) and (h) and a notice referred to in paragraphs (c), (e) and (f) shall be addressed to the under-mentioned registration officer at his office and may be sent to him to his said office by registered post, or may be delivered by hand to him at the said office or to the temporary assistant registration officer for the above-mentioned polling division at his office at.....
- (j) Copies of the prescribed forms referred to above may be obtained free of charge at the office of a registration officer or of a temporary assistant registration officer or at any post office.

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

Registration Officer for the

registration area of

Whose office is at

*Delete if inapplicable.

FORM No. 30

(Registration rule 57)

Application by elector omitted from preliminary list for inclusion in supplementary list

Registration area of.....

Polling division No.....

From :of.....
(name) (address)

To : The registration officer for the registration area of
at
(Address of registration office)

I hereby inform you that I am registered as an elector for the above polling division but that my name does not appear on the preliminary list of electors for the said polling division.

2. My registration number is.....

3. I hereby apply to have my name included in the supplementary list of electors for the said polling division.

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

.....
Signature of applicant or mark of applicant and signature of witness to such mark

FORM No. 31

(Registration Rule 59 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Election to the House of Representatives/.....County Council*

Supplementary List of Electors

Electoral District of.....Polling Division No.....

Comprising the area.....

1. (i) The names and addresses of the persons appearing in paragraph (a) of the following list are those of persons who have been registered as electors for the above-mentioned polling division since the posting of the preliminary list for that polling division, or who were registered as electors for the said polling division prior to the publication of the said list but were omitted from the said list.
 - (ii) The names and addresses of persons appearing in paragraph (b) of the said list are those of persons whose registrations as electors have since the posting of the preliminary list been transferred to the above polling division from another polling division in the registration area of..... as a result of their change of residence to the above polling division.
 - (iii) The names and addresses of persons appearing in paragraph (c) of the said list are those of persons whose names are on the preliminary list of electors for the above polling division and those registrations as electors have been objected to and the objections have either been allowed by the registration officer or have not yet been determined.
 - (iv) The names and addresses of persons appearing in paragraph (d) of the said list are those of persons whose names as appearing in the preliminary list of electors for the above polling division have been changed and whose registrations as electors have been altered accordingly by the registration officer.
 - (v) The names and addresses of persons appearing in paragraph (e) of the said list are those of persons whose names are on the preliminary list of electors for the above polling division and who have changed their addresses in the said polling division and have had their registrations altered accordingly by the registration officer.
 - †(vi) The names and addresses of the persons appearing in paragraph (f) of the said list are those of persons whose registrations were allowed on or before the twentieth day of June, 1961, but whose photographs were taken subsequent to that date.
2. An objection to the registration of any person whose name is included in paragraphs (a), (b) and (f) of the said list shall be addressed to the undermentioned registration officer at his office and may be sent to him to his said office by registered post or may be delivered by hand to him at his said office not later than the.....day of....., 19.....

*Delete if inapplicable.

†Applicable only in relation to the first Parliamentary election after the commencement of this Ordinance.

FORM No. 31—Continued

Name of elector (family name first, names to be arranged in alphabetical order)	Address	Former Address (to be inserted only in relation to paragraph (b) and (e))
(a).....		
.....		
.....		
.....		
(b).....		
.....		
.....		
.....		
(c).....		
.....		
.....		
.....		
(d).....		
.....		
.....		
.....		
(e).....		
.....		
.....		
.....		
(f).....		
.....		
.....		
.....		

I.....
 registration officer for the registration area of.....
 certify that the above is a true copy of the supplementary list of electors for polling division
 No.....in the said registration area.

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

.....
*Registration officer for the registration
 area of*

.....
 whose office is at

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Election to the Council of the.....Corporation

Supplementary List of Electors

Electoral District of..... Polling Division No.....

Comprising the area.....

1. (i) The names and addresses of the persons appearing in paragraph (a) of the following list are those of persons who have been registered as electors for the above-mentioned polling division since the posting of the preliminary list for that polling division, or who were registered as electors for the said polling division prior to the publication of the said list but were omitted from the said list.

(ii) The names and addresses of persons appearing in paragraph (b) of the said list are those of persons whose registrations as electors have since the posting of the preliminary list been transferred to the above polling division from another polling division in the registration area of..... as a result of their change of residence to the above polling division.

(iii) The names and addresses of persons appearing in paragraph (c) of the said list are those of persons whose names are on the preliminary list of electors for the above polling division and whose registrations as electors have been objected to and the objections have either been allowed by the registration officer or have not yet been determined.

(iv) The names and addresses of persons appearing in paragraph (d) of the said list are those of persons whose names as appearing in the preliminary list of electors for the above polling division have been changed and whose registrations as electors have been altered accordingly by the registration officer.

(v) The names and addresses of persons appearing in paragraph (e) of the said list are those of persons whose names are on the preliminary list of electors for the above polling division and who have changed their addresses in the said polling division and have had their registrations altered accordingly by the registration officer.

2. An objection to the registration of any person whose name is included in paragraphs (a) and (b) of the said list shall be addressed to the undermentioned registration officer at his office and may be sent to him to his said office by registered post or may be delivered by hand to him at his said office not later than the.....day of.....19.....

FORM 31A—Continued

Name of elector (family name first ; names to be arranged in alphabetical order)	Address	Former address (to be inserted only in relation to paragraph (b) and (e))
*(a)
(b)
(c)
(d)
(e)

*Here set out persons having residence qualifications.

FORM 31A—Continued

Name of elector (family name first ; names to be arranged in alphabetical order)	Address	Former address (to be inserted only in relation to paragraph (e))	Qualifying property
†(a)
(b)
(c)
(d)
(e)

I,.....
 registration officer for the.....
 registration officer for the registration area of.....
 certify that the above is a true copy of the supplementary list of electors for polling division
 No.....in the said registration area.

Dated the.....day of....., 19.....

.....
*Registration officer for the
 registration area of*

.....
 whose office is at.....

†Here set out persons having property qualifications.

FORM No. 32A

(Registration rule 60 (3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Election to the Council of the..... Corporation.

Revised List of Electors

Electoral district of.....Polling Division No.....

Comprising the area.....

The following is a list of all persons in the above polling division who are registered as electors for the election to be held on the.....day of.....,19

An objection to the registration of any person whose name is included in the said list but did not appear on either the preliminary or the supplementary list of electors shall be addressed to the undermentioned registration office at his office and may be sent to him to his said office by registered post or may be delivered by hand to him at his said office not later than theday of....., 19.....

Name of elector (Family name first; names to be arranged in alphabetical order in groups under the several addresses in the polling division)	Qualifying property	Consecutive number
*		
.....		
.....		
†		
.....		
.....		
.....		

I..... registration officer for the registration area of..... certify that the above is a true copy of the revised list of electors for polling division No.....in the said registration area.

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

.....
Registration officer for the registration area of

.....
whose office is at.....

*Here set out persons having residence qualification.

†Here set out persons having property qualification.

FORM No. 33

(Registration rule 64 (5))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Option where person has more than one place of residence

FROM : (Name)

To : The registration officer for the registration area of..... at..... (address of registration office)

Take notice that I have the following places of residence : (here insert places of residence)

And further take notice that I do hereby elect to be registered at the following address : (here insert address)

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

Signature of person or mark of person and signature of witness to such mark

FORM No. 34

(Registration rule 69 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of Interpreter

I swear that I will well and faithfully interpret and true explanation make to..... (here insert name of officer)

and..... (here insert name of person)

of all such matters and things as shall be required of me according to the best of my skill and understanding.

SO HELP ME GOD

Signature

Sworn before me at.....this..... day of..... 19.....

Registration officer/assistant registration officer*

*Delete if inapplicable.

(Front)

FORM No. 35

(Registration rule 70 (1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Enquiry as to address

This enquiry is addressed to you by way of a routine check on the accuracy of the unit register for your polling division. You are required to notify me within fourteen days on the form attached whether you still continue to reside at the address given below which is now entered on your registration record card. The said form may be returned to me by hand or by post.

Dated this day of, 19.....

Supervisor of Elections/*
Registration Officer

(Perforation)

The Supervisor of Elections*

The Registration Officer,

Registration Area of
(address of registration office)

I confirm that I am now residing at the following address:—

.....
.....

Dated this day of, 19.....

Signature.....

* Delete if inapplicable.

(Back)

ON HER MAJESTY'S SERVICE

The Registration Officer,

Registration Area of
(address of registration office)

FROM:

.....
.....
.....

FORM No. 40

(Election rule 4 (1) (a))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Notice of Election of a Member/Members* for the Electoral District of.....

His Excellency the Governor having issued His Writ for the Election of a member/ members* of the House of Representatives/Council of the Corporation/the County Council* for the electoral district of the Returning officer of the said district will on the and days of now next ensuing between the hours of 9 a.m. to noon at examine and decide on the validity of the nomination papers of candidates, and the Returning Officer of the said district will on the day of 19....., now next ensuing between the hours of 9 a.m. to noon and 1 p.m. to 3 p.m. at proceed to the nomination, and if there is no opposition, to the election of a member/members* for the electoral district of.....

Nomination paper forms may be obtained at the office of..... at between the hours of and daily except on Saturday, when the office is closed at p.m. (Sunday also excepted).

Every nomination paper must be signed by any six or more persons whose names appear on the lists of electors for the electoral district of..... and be handed to the Returning Officer between the said hours of 9 a.m. and noon.

No nomination paper shall be valid or acted upon by the Returning Officer unless it is accompanied by—

- (a) the consent in writing of the person therein nominated or, if he be absent from the Territory, of his duly authorised agent; and
(b) a deposit of two hundred and fifty dollars/sixty dollars* in legal tender, by banker's draft, or, with the consent of the Returning Officer, in any other manner.

In the event of the election being contested the poll will take place between the hours of 6 a.m. and 6 p.m. on the day of 19..... the count of the postal votes will take place thereafter at at the hour of p.m., and as soon as possible thereafter the preliminary results of the poll will be announced at the said place ; thereafter the number of votes given to the several candidates will be finally determined at on the day of 19....., commencing at the hour of a.m./p.m.

The office of the Returning Officer for the electoral district of..... is situate at

Returning Officer for the electoral district of

Date

* Delete if inapplicable.

FORM NO. 40A

(Election rule 6 (4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Notice of Appeal

(Invalid Nomination Paper)

TAKE NOTICE that I.....of....., a candidate/agent* for.....of.....a candidate for the electoral district of....., hereby appeal against the decision of the returning officer of the said electoral district that my nomination paper is invalid.

Dated the.....day of.....19.....

..... Signature of candidate or his agent

To the Registrar of the Supreme Court.

*Delete if inapplicable.

FORM No. 41

(Election rule 7 (2) and (3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Nomination Paper

We, the undersigned electors for the electoral district of..... do hereby nominate the following person as a proper person to serve as a member of the House of Representatives/the Council of the Corporation/the County Council* for the said electoral district of, and we certify that to the best of our belief he is qualified for election as a member of the House of Representatives/the Council of the Corporation/theCounty Council* under the provisions relating thereto of Her Majesty's Order in Council dated the..... day of/the Port-of-Spain Corporation Ordinance/the San Fernando Corporation Ordinance/the Arima Corporation Ordinance/the County Councils Ordinance*.

Particulars regarding candidate

Table with 4 columns: Surname, Other Names, Address, Occupation. Includes a row of dotted lines for entry.

Particulars regarding proposers

Table with 4 columns: Surname, Other Names, Address, Registration Number. Includes multiple rows of dotted lines for entry.

Signatures of proposers

Vertical bracketed area with multiple rows of dotted lines for signatures.

I,, nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as a member of the House of Representatives/the Council of the Corporation/the County Council* for the electoral district of, and name as my address for serving of process and papers under the Representation of the People Ordinance, 1961:—

Address Witness my hand this day of, 19..... Signed by the said nominee in the presence of

..... Signature of Witness

..... Signature of Candidate

*Delete if inapplicable.

FORM No. 41A

(Election rule 7 (2) and (3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Nomination Paper

We, the undersigned electors for the electoral district of... do hereby nominate the following person as a proper person to serve as a member of the House of Representatives/the Council of the... Corporation/the... County Council* for the said electoral district of... and we certify that to the best of our belief he is qualified for election as a member of the House of Representatives/the Council of the... Corporation/the... County Council* under the provisions relating thereto of Her Majesty's Order in Council dated the... day of.../the Port-of-Spain Corporation Ordinance/the San Fernando Corporation Ordinance/the Arima Corporation Ordinance/the County Councils Ordinance*.

Particulars regarding candidate

Table with 4 columns: Surname, Other Names, Address, Occupation. Includes dotted lines for text entry.

Particulars regarding proposers

Table with 4 columns: Surname, Other Names, Address, Registration Number. Includes dotted lines for text entry.

Signatures of proposers

Vertical box with dotted lines for signatures of proposers.

X. Y., nominated in the foregoing nomination paper, has consented to such nomination as candidate for election as a member of the House of Representatives/the Council of the... Corporation/the... County Council* for the electoral district of..., and has named as his address for serving of process and papers under the Representation of the People Ordinance, 1961:— Address

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

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

Signature of Witness

Signature of duly authorised Agent of Candidate

*Delete if inapplicable.

FORM No. 42

(Election rule 8)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Statutory Declaration of a Person Nominated as a Candidate for Election as a Member of the House of Representatives

Qualification of.....
nominated as a candidate for election as a member of the House of Representatives for the Electoral District of.....

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

That I am duly qualified to be elected as a member of the House of Representatives for this Electoral District, and that—

- 1. I am a British subject of the age of twenty-one years or upwards.
2. *I have resided in the Territory for a period of at least two years immediately before the date of my nomination for election.
*I am domiciled in the Territory and am resident therein at the date of my nomination for election.
3. *I am able to speak and read the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the House of Representatives.
*I am able to speak the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the House of Representatives, but am incapable on account of.....of reading it.
4. I am not, by virtue of my own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state.
5. I am not an undischarged bankrupt under any law in force in any part of the Commonwealth.
6. I am not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory.
7. I am not under sentence of death imposed on me by a court in any part of the Commonwealth.
8. I am not serving a sentence of imprisonment exceeding twelve months imposed on me by a court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on me by such a court, nor am I under such a sentence of imprisonment the execution of which has been suspended.
9. I am not disqualified for membership of the House of Representatives by any law of the Legislature by reason of my holding, or acting in, any office the functions of which involve—
(i) any responsibility for or in connection with the conduct of any election ; or
(ii) any responsibility for the compilation or revision of any electoral register.
10. I am not disqualified for membership of the House of Representatives by virtue of any law of the Legislature by reason of my having been convicted of any offence relating to elections.
11. I am not disqualified for membership of the House of Representatives by any law of the Legislature by reason of—
(i) my holding or acting in any office or appointment specified by such law ;
(ii) my belonging to any of the armed forces of the Crown specified by such law or to any class of person so specified that is comprised in any such force ; or
(iii) my belonging to any police force specified by such law or to any class of person so specified that is comprised in any such force.

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.

Signed.....

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

Signed.....

*Delete if inapplicable.

FORM No. 42A

(Election rule 8)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Statutory Declaration of Agent of a Person Nominated as a Candidate for Election as a Member of the House of Representatives

Qualification of....., of....., (name) (address)

in the.....of..... nominated as a candidate for election as a member of the House of Representatives for the Electoral District of.....

I,..... of..... in the..... of..... do solemnly and sincerely declare as follows:—

That..... is duly qualified to be elected as a member of the House of Representatives for this Electoral District, and that—

- 1. He is a British subject of the age of twenty-one years or upwards.
2.*He has resided in the Territory for a period of at least two years immediately before the date of his nomination for election.
*He is domiciled in the Territory and is resident therein at the date of his nomination for election.
3.*He is able to speak and read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the House of Representatives.
*He is able to speak the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the House of Representatives, but is incapable on account of..... of reading it.
4. He is not, by virtue of his own act, under any acknowledgment of allegiance, obedience, or adherence to a foreign power or state.
5. He is not an undischarged bankrupt under any law in force in any part of the Commonwealth.
6. He is not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory.
7. He is not under sentence of death imposed on him by a court in any part of the Commonwealth.
8. He is not serving a sentence of imprisonment exceeding twelve months imposed on him by a court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on him by such a court, nor is he under such a sentence of imprisonment the execution of which has been suspended.
9. He is not disqualified for membership of the House of Representatives by any law of the Legislature by reason of his holding, or acting in, any office the functions of which involve—
(i) any responsibility for or in connection with the conduct of any election ; or
(ii) any responsibility for the compilation or revision of any electoral register.
10. He is not disqualified for membership of the House of Representatives by virtue of any law of the Legislature by reason of his having been convicted of any offence relating to elections.
11. He is not disqualified for membership of the House of Representatives by any law of the Legislature by reason of—
(i) his holding or acting in any office or appointment specified by such law ;
(ii) his belonging to any of the armed forces of the Crown specified by such law or to any class of person so specified that is comprised in any such force ; or
(iii) his belonging to any police force specified by such law or to any class of person so specified that is comprised in any such force.

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.

(Signed).....

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

(Signed).....

*Delete if inapplicable.

FORM No. 42B

(Election rule 8)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Statutory Declaration of a person nominated as a candidate for election as a Councillor of a Municipal Council

Qualification of.....
nominated as a candidate for election as a Councillor of the Council of the.....
Corporation for the electoral district of.....

I,of.....
in the.....of.....

do solemnly and sincerely declare as follows :—

That I am duly qualified to be elected as a Councillor of the Council of the.....
.....Corporation and that—

- 1. I am a British subject.
2. I am qualified to be registered on the Burgess roll of the City of Port-of-Spain/ Borough of San Fernando/Borough of Arima*.
3. *I am able to speak and read the English language.
4. *I am able to speak the English language, but am incapacitated by..... from reading it.
5. I am not, by virtue of my own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state.
6. I am not an undischarged bankrupt under any law in force in any part of the Commonwealth.
7. I am not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory.
8. I am not under sentence of death imposed on me by a court in any part of the Commonwealth.
9. I am not serving a sentence of imprisonment exceeding twelve months imposed on me by a court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on me by such a court, nor am I under such a sentence of imprisonment the execution of which has been suspended.
10. I am not disqualified for election to the Council of the..... Corporation under the Representation of the People Ordinance, 1961.
11. I do not hold any office or place of profit other than that of Mayor or Deputy Mayor, in the gift or disposal of the Corporation.
12. I am not debarred from exercising the practice of my profession on account of any act involving dishonesty.
13. I have not within five years before polling day for the election to which this declaration relates been surcharged to an amount exceeding two thousand five hundred dollars under the Exchequer and Audit Ordinance, 1959.

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.

(Signed)

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

(Signed).....

*Delete if inapplicable.

FORM No. 42c

(Election rule 8)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Statutory Declaration of Agent of a person nominated as a candidate for election as a Councillor of a Municipal Council

Qualification of.....of.....
in the.....of.....
nominated as a candidate for election as a Councillor of the Council of the.....
Corporation for the electoral district of.....

I,.....of.....
in the.....of.....

do solemnly and sincerely declare as follows :—

That.....is duly qualified to be elected as a
Councillor of the Council of the.....Corporation and that—

- 1. He is a British subject.
2. He is qualified to be registered on the Burgess roll of the City of Port-of-Spain/ Borough of San Fernando/Borough of Arima*.
3. *He is able to speak and read the English language.
4. *He is able to speak the English language, but is incapacitated by..... from reading it.
5. He is not, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to any foreign power or state.
6. He is not an undischarged bankrupt under any law in force in any part of the Commonwealth.
7. He is not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory.
8. He is not under sentence of death imposed on him by a court in any part of the Commonwealth.
9. He is not serving a sentence of imprisonment exceeding twelve months imposed on him by a court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on him by such a court, nor is he under such a sentence of imprisonment the execution of which has been suspended.
10. He is not disqualified for election to the Council of the..... Corporation under the Representation of the People Ordinance, 1961.
11. He does not hold any office or place of profit, other than that of Mayor or Deputy Mayor, in the gift or disposal of the Corporation.
12. He is not debarred from exercising the practice of his profession on account of any act involving dishonesty.
13. He has not within five years before polling day for the election to which this declaration relates been surcharged to an amount exceeding two thousand five hundred dollars under the Exchequer and Audit Ordinance, 1959.

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.

(Signed)

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

(Signed).....

*Delete if inapplicable.

FORM No. 42D

(Election rule 8)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Statutory Declaration of a person nominated as a candidate for election as a member of a County Council

Qualification of.....
nominated as a candidate for election as a member of the County Council of.....
for the electoral district of.....

I,.....
of....., in the.....
of.....do solemnly and sincerely declare as follows :-

That I am duly qualified to be elected as a member of the County Council of.....
.....and that—

- 1. I am qualified to be registered as an elector for the above electoral district.
2. *I am able to speak and read the English language.
3. *I am able to speak the English language, but am incapacitated by.....
from reading it.
4. I reside in the county of.....
5. I am not, by virtue of my own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state.
6. I am not an undischarged bankrupt under any law in force in any part of the Commonwealth.
7. I am not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory.
8. I am not under sentence of death imposed on me by a court in any part of the Commonwealth.
9. I am not serving a sentence of imprisonment exceeding twelve months imposed on me by a court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on me by such a court, nor am I under such a sentence of imprisonment the execution of which has been suspended.
10. I am not disqualified for election to the County Council of.....
.....under the Representation of the People Ordinance, 1961.
11. I do not hold any office or appointment of profit in the County Council of.....
.....or of any Committee or sub-committee thereof, other than that of Chairman or Vice-Chairman of the said County Council.
12. I am not debarred from exercising the practice of my profession on account of any act involving dishonesty.

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.

(Signed).....

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

(Signed).....

*Delete if inapplicable.

FORM No. 42E

(Election rule 8)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Statutory Declaration of Agent of a person nominated as a candidate for election as a member of a County Council

Qualification of....., of..... in the..... of..... nominated as a candidate for election as a member of the County Council of..... for the Electoral District of.....

I,..... of..... in the..... of..... do solemnly and sincerely declare as follows :—

That..... is duly qualified to be elected a member of the County Council of..... and that—

- 1. He is qualified to be registered as an elector for this electoral district.
2. *He is able to speak and read the English language.
3. *He is able to speak the English language, but is incapacitated by..... from reading it.
4. He resides in the county of.....
5. He is not, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state.
6. He is not an undischarged bankrupt under any law in force in any part of the Commonwealth.
7. He is not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory.
8. He is not under sentence of death imposed on him by a court in any part of the Commonwealth.
9. He is not serving a sentence of imprisonment exceeding twelve months imposed on him by a court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on him by such a court, nor is he under such a sentence of imprisonment the execution of which has been suspended.
10. He is not disqualified for election to the County Council of..... under the Representation of the People Ordinance, 1961.
11. He does not hold any office or place of profit in the County Council of..... or of any Committee or sub-committee thereof, other than Chairman or Vice-Chairman of the said County Council.
12. He is not debarred from exercising the practice of his profession on account of any act involving dishonesty.

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.

(Signed).....

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

(Signed).....

*Delete if inapplicable.

FORM No. 43

(Election rule 15 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Return of Uncontested Election

I hereby certify that the member/members* elected for the electoral district of in pursuance of the within Writ is/are* [Insert name, address and occupation of member/members elected as stated on the nomination paper], no other candidate having been nominated/the other or all other candidates having withdrawn*.

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

Returning Officer

To: The Supervisor of Elections.

*Delete if inapplicable.

FORM No. 44

(Election rule 16 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Notice of Taking a Poll

The Electoral District of

Notice is hereby given to the electors of the electoral district aforesaid that a poll will be taken for the election now pending for the said electoral district and that such poll will be opened on the day of, 19....., at the hour of six in the forenoon and kept open till the hour of six in the afternoon in the following polling stations established in the various polling divisions comprised in the said electoral district:—

Polling Stations:

.....
.....
.....
.....

And that the candidates in the above electoral district are as follows:—

Name Address Occupation Symbol

.....
.....
.....
.....
.....

of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at this day of, 19.....

Returning Officer

FORM No. 45

(Election rule 22 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Ballot Label

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Election to the House of Representatives/the Council of the.....

Corporation/the.....County Council*

Ballot Label

Electoral District of.....Polling Station No.....

Polling Day.....

Voting Machine No.....

Vote for one only/not more than two*

1. BABULAH, CONRAD D.
72, Chancery Lane,
Engineer

Symbol

2. OCEAN, FRANCIS
891, Hayes Street,
Merchant

Symbol

3. RONSON, EMMANUEL
475, Marli Street,
Insurance Broker

Symbol

Total on public counter.....

.....
Official Photographer

.....
Supervisor/Assistant Supervisor
of Elections*

.....
Candidate/Candidate's representative*

.....
Candidate/Candidate's representative*

.....
Candidate/Candidate's representative*

*Delete if inapplicable

†

Opening for counter

‡

Opening for the cross

FORM NO. 46

(Election rule 29(1)(a))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Directions for the guidance of electors in voting where one candidate is to be elected

1. A person is entitled to vote only if:—
 - (a) he is registered as an elector in a unit register; and
 - (b) he is qualified to be registered as an elector on polling day.
2. An elector may not:—
 - (a) give more than one vote for any one candidate;
 - (b) vote for more than one candidate;
 - (c) vote in more than one electoral district.
3. An elector may vote only at the polling station where the register of electors in which his registration record card appears is located.
4. An elector must:—
 - (a) hand his identification card (if any) to the poll clerk;
 - (b) if he has not handed his identification card to the poll clerk, give his name and address to the poll clerk;
 - (c) sign his name or make his impression on the poll card handed to him by the poll clerk;
 - (d) hand his identification card (if any) and the poll card to the presiding officer;
 - (e) where the poll card is handed to him by the presiding officer, present the same to the machine attendant.
5. If the elector is allowed by the machine attendant to enter the voting machine enclosure he must:—
 - (a) where the machine is manually operated, move the manual handle at the front of the machine to the extreme right, whereupon the curtain of the voting machine enclosure is closed;
 - (b) move to the left the black lever on the face of the voting machine opposite the name and symbol on the ballot label of the candidate of his choice, whereupon a cross appears within the square opening opposite the name and symbol of the said candidate;
 - (c) thereafter move to the right the red voters' switch at the bottom right hand corner of the face of the voting machine, whereupon if the voting machine is electrically operated the vote is recorded and the curtain of the voting machine enclosure is opened; and
 - (d) where the machine is manually operated, complete the movement of the manual handle at the front of the machine to the extreme left, whereupon the vote is recorded and the curtain of the voting machine enclosure is opened.
6. If an elector wishes to change his vote he may do so after he has moved the black lever as above but before he has moved the red voter's switch by:—
 - (a) moving the said black lever to the right whereupon the cross in the opening opposite the said lever disappears; and
 - (b) proceeding as in paragraph 5 above to vote afresh for the candidate of his choice.
7. The elector may not remain in the voting machine enclosure for longer than one minute without the approval of the presiding officer and must leave the polling station immediately after he has voted.
8. Where an elector before entering the voting machine enclosure is not certain as to how to vote he may ask the presiding officer for a demonstration on the model of the voting machine available at the polling station.

An elector, after entering the voting machine enclosure who requires instructions as to how to vote, may request such instructions to be given by the presiding officer.

FORM No 46—Contd.

9. In the following ballot label given by way of illustration candidates are Conrad D. Babulah, Francis Ocean and Emmanuel Ronson and the elector has chosen Francis Ocean. It will be found that when the lever opposite a candidate's name is moved to the left a cross (X) will appear immediately under the lever in the opening for the cross as indicated below.

1. BABULAH, CONRAD D.
72, Chancery Lane,
Engineer

Symbol
*

2. OCEAN, FRANCIS
891, Hayes Street,
Merchant

Symbol
*

3. RONSON, EMMANUEL
475, Marli Street,
Insurance Broker

Symbol
*

*

Opening for counter

†

Opening for the cross

FORM No. 46A

(Election rule 29(1)(a))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Directions for the guidance of electors in voting where two candidates are to be elected

1. A person is entitled to vote only if :—
 - (a) he is registered as an elector in a unit register, and
 - (b) he is qualified to be registered as an elector on polling day.
2. An elector may not :—
 - (a) give more than one vote for any one candidate ;
 - (b) vote for more than two candidates ;
 - (c) vote in more than one electoral district.
3. An elector may vote only at the polling station where the register of electors in which his registration record card appears is located.
4. An elector must :—
 - (a) hand his identification card (if any) to the poll clerk ;
 - (b) if he has not handed his identification card to the poll clerk, give his name and address to the poll clerk ;
 - (c) sign his name or make his impression on the poll card handed to him by the poll clerk ;
 - (d) hand his identification card (if any) and the poll card to the presiding officer ;
 - (e) where the poll card is handed to him by the presiding officer present the same to the machine attendant.
5. If the elector is allowed by the machine attendant to enter the voting machine enclosure he must :—
 - (a) where the machine is manually operated, move the manual handle at the front of the machine to the extreme right, whereupon the curtain of the voting machine enclosure is closed ;
 - (b) move to the left the black lever or levers on the face of the voting machine opposite the name and symbol on the ballot label of the single candidate or of the two candidates of his choice, whereupon a cross appears within the square opening opposite the name and symbol of the said candidate or candidates ;
 - (c) thereafter move to the right the red voters' switch at the bottom right hand corner on the face of the voting machine, whereupon if the voting machine is electrically operated the vote is recorded and the curtain of the voting machine enclosure is opened ; and
 - (d) where the machine is manually operated, complete the movement of the manual handle at the front of the machine to the extreme left, whereupon the vote is recorded and the curtain of the voting machine enclosure is opened.
6. If an elector wishes to change his vote he may do so after he has moved the black lever as above but before he has moved the red voter's switch by :—
 - (a) moving the said black lever or levers to the right whereupon the cross or crosses in the opening opposite the said lever or levers disappears ; and
 - (b) proceeding as in paragraph 5 above to vote afresh for the candidate or candidates of his choice.
7. The elector may not remain in the voting machine enclosure for longer than one minute without the approval of the presiding officer and must leave the polling station immediately after he has voted.
8. Where an elector before entering the voting machine enclosure is not certain as to how to vote, he may ask the presiding officer for a demonstration on the model of the voting machine available at the polling station.

FORM No. 46A—Contd.

An elector, after entering the voting machine enclosure who requires instructions as to how to vote, may request such instructions to be given by the presiding officer.

9. In the following ballot label given by way of illustration the candidates are Conrad B. Babulah, Francis Ocean and Emmanuel Ronson, and the elector has chosen Francis Ocean and Emmanuel Ronson. It will be found that when the lever opposite a candidate's name is moved to the left a cross (x) will appear immediately under the lever in the opening for the cross as indicated below.

1. BABULAH, CONRAD D.
72, Chancery Lane,
Engineer.

Symbol

*

†

2. OCEAN, FRANCIS
891, Hayes Street,
Merchant.

Symbol

*

†

3. RONSON, EMMANUEL
475, Marli Street,
Insurance Broker

Symbol

*

†

*

Opening for counter

†

Opening for the cross

FORM No. 47

(Election rule 35 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Appointment of Polling Agent

I,.....
nominated to/the election agent of.....who has
been nominated to* serve as a member of the House of Representatives/the Council of
the.....Corporation/the.....
County Council* for the electoral district of.....
do hereby appoint.....
whose address is.....
as my/his* polling agent for the purposes of the proceedings at polling station No.....

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

Candidate/Election Agent*

I accept the above appointment.

N.B.—If polling agent is paid, this appointment must be made by the candidate's election agent.

This appointment should be produced to the presiding officer on arrival at the polling station.

*Delete if inapplicable.

FORM No. 47A

(Election rule 35 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Appointment of Counting Agent

I,.....
nominated to/the election agent of.....who has
been nominated to* serve as a member of the House of Representatives/the Council of
the.....Corporation/the.....
County Council* for the electoral district of.....
do hereby appoint.....
whose address is.....
as my/his* counting agent to be present at the issue and opening of postal ballot papers
by the returning officer for the above electoral district, to attend the counting of the votes
of postal voters and to attend the declaration by the said returning officer of the result
of the poll.

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

Candidate/Election Agent*

I accept the above appointment.

N.B.—If counting agent is paid, this appointment must be made by the candidate's election agent.

This appointment should be produced to the returning officer at the place of the issue and opening of postal ballot papers or of the counting of the said ballot papers.

*Delete if inapplicable.

FORM No. 48

(Election rule 36(2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Declaration of Secrecy

I, of do solemnly promise and declare that I will not do anything forbidden by sub-sections (1), (2), (3), (5) or (6) of section 63 of the Representation of the People Ordinance, 1961, set out in the Appendix hereto, which have been read to me.

Signature of declarant

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

Justice of the Peace, /returning officer /election clerk *

APPENDIX

Requirement of secrecy.

63. (1) The following persons, that is to say—

- (a) the Supervisor, the Assistant Supervisor of Elections, every returning officer, election clerk, presiding officer, poll clerk or machine attendant or custodian or police officer on duty attending at a polling station ;
(b) every candidate or election agent or polling agent so attending, shall maintain and aid in maintaining the secrecy of voting.

(2) Every person attending at the counting of votes shall maintain and aid in maintaining the secrecy of voting.

(3) No person shall—

- (a) interfere with or attempt to interfere with an elector when he is voting ;
(b) otherwise obtain or attempt to obtain at a polling station information as to the candidate or political party for whom an elector in that station is about to vote or has voted ;
(c) communicate at any time to any person any information obtained in a polling station as to the candidate or political party for whom an elector in that station is about to vote or has voted ;
(d) directly or indirectly induce an elector to disclose to any person the name of the candidate or political party for whom he has or has not voted.

(5) No person having undertaken to assist a blind or incapacitated elector to vote shall communicate at any time to any person any information as to the candidate or political party for whom that elector intends to vote or has voted.

(6) If any person fails to comply with or contravenes this section he is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for a term of six months.

* Delete if inapplicable.

FORM No. 50

(Election rule 43(5))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Declaration by elector without identification card

Electoral District of.....Polling Station No.....

I, do solemnly and sincerely declare as follows :-

- 1. That I reside at.....
- 2. That I was born at.....
on the.....day of.....19.....
- 3. That my occupation is.....
- 4. That my number on the revised list of electors for this polling station is
- 5. I am unable to produce my identification card for the following reason

(Signature of declarant or mark of declarant and signature of witness to such mark)

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

Poll Clerk

*Delete if inapplicable.

FORM No. 51

(Election rules 44(8) and 52(3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of identity

You swear that you are qualified to vote at this election of a member to serve in the House of Representatives/Council of the.....Corporation/.....County Council * and are not disqualified from voting thereat and that you verily believe that you are the person intended to be referred to by the entry in the register of electors used at this Polling Station, of the name..... and whose address is given as.....

So HELP YOU GOD

* Delete if inapplicable.

FORM No. 52

(Election rules, 50 and 51(1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of blind elector

You of swear that you are incapable of voting without assistance by reason of your inability to see.

So HELP YOU GOD

FORM No. 52A

(Election rules 50 and 51(1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of physically incapacitated elector

You of swear that you are incapable of voting without assistance by reason of physical incapacity other than blindness.

So HELP YOU GOD

FORM No. 53

(Election rule 51 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Declaration by companion of elector

I of having been requested to assist whose number on the revised list of electors for this polling station is to record his vote at the election now being held in this electoral district, because of his blindness*/incapacity by physical cause other than blindness namely.....

hereby declare as follows :-

- *1. I am entitled to vote as an elector at the said election.
*2. I am the †..... of the said elector and have attained the age of twenty-one years.
3. I have not previously assisted any blind or incapacitated person(*except..... of to vote at the said election.

(Signature of declarant or mark of declarant and signature of witness to such mark.)

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

Presiding Officer

*Delete if inapplicable.

†State the relationship of the companion to the elector.

FORM No. 54

(Election rule 52 (1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of a personated elector

You swear that you are..... (Name as on list of electors) of (Address as on list of electors)

whose name is entered on the list of electors now shown you.

So HELP YOU GOD

FORM No. 55

(Election rule 52(4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of Qualification of elector (Parliamentary and County Council Election)

Electoral District of.....Polling Division No.....

YOU SWEAR—

1. That you are a British subject of the age of twenty-one years or upwards.
2. That you were resident or were deemed to have been resident in Trinidad and Tobago on the tenth day after the.....day of.....19.....* and for a period of at least six months immediately preceding such tenth day.
3. That you were resident or were deemed to have been resident in the above electoral district on the tenth day after the.....day of....., 19.....* and for a period of at least two months immediately preceding such tenth day.
4. That you are not within any of the classes of persons who lack qualifications or are disqualified to be or to remain registered as electors under the Representation of the People Ordinance, 1961.

So HELP YOU GOD

* Here insert the date of the publication of the preliminary list of electors for the above polling division for present election.

FORM No. 55A

(Election rule 52(4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of residence qualification of elector (Municipal Council Election)

Electoral District of.....Polling Division No.....

YOU SWEAR—

1. That you are of the age of twenty-one years or upwards.
2. That you are a British subject and that you were resident or were deemed to have been resident in Trinidad and Tobago on the tenth day after theday of....., 19.....* and for a period of at least six months immediately preceding such tenth day.
3. That you are not a British subject but that you were resident or were deemed to have been resident in Trinidad and Tobago on the tenth day after theday of....., 19.....* and for a continuous period of at least five years immediately preceding such tenth day.
4. That you were resident or were deemed to have been resident in the above electoral district on the tenth day after the.....day of....., 19.....* and for a period of at least two months immediately preceding such tenth day.
5. That you are not within any of the classes of persons who lack qualifications or are disqualified to be or to remain registered as electors under the Representation of the People Ordinance, 1961.

So HELP YOU GOD

Note : Paragraphs 2 and 3 are alternative to each other.

* Here insert the date of the publication of the preliminary list of electors for the above polling division for present election,

FORM No. 55B

(Election rule 52(4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of property qualifications of elector (Municipal Council Election)

Electoral District of.....Polling Division No.....

YOU SWEAR—

- 1. That you are the age of twenty-one years or upwards.
2. That on the tenth day after the.....day of.....19.....*
and for a period of at least twelve months immediately preceding such tenth day you resided within ten miles of.....†
3. That on the date and during the period referred to in paragraph 2 you were in occupation of rateable hereditaments situate at.....† assessed in the current house rate book, or a portion of such rateable hereditaments, and for such hereditaments you have really and bona fide paid during the said period rent at a rate not less than sixty dollars a year.
4. That on the date and during the period referred to in paragraph 2 hereof you were in occupation as owner of rateable hereditaments situate at.....† assessed in the current house rate book, or a portion of such rateable hereditaments, situate at.....† assessed in the current house rate book, or a portion of such rateable hereditaments, of an annual rateable value of not less than sixty dollars.
5. That you are not within any of the classes of persons who lack qualifications or are disqualified to be or to remain registered as electors under the Representation of the People Ordinance, 1961.

So HELP YOU GOD

Note : Paragraphs 3 and 4 are alternative to each other.

* Here insert the date of the publication of the preliminary list of electors for the above polling division for present election.

† Here insert name of City or Borough for which present election is being held.

FORM No. 56

(Election rule 53(4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

List of Questions

- 1. What is your father's name ?.....
2. What is your mother's name ?
3. What is the name of your father's father ?
4. What is the name of your father's mother ?
5. What is the name of your mother's father ?
6. What is the name of your mother's mother ?
7. Name the place visited on your first trip abroad, if any ?.....
8. What is the nature of the first serious accidental injury you have suffered, if any ?.....
9. What is the date of your first marriage, if any ?.....
10. What is the name of your first wife/husband, if any ?.....
11. What is the name of the first school you attended, if any ?.....
12. What was your age when you entered school ?.....
13. What was your age when you left school ?.....
14. Name any society, association, club or other body of which you are a member.....
15. Are you right or left handed ?.....
16. What is the name of your first employer ?.....
17. What was the nature of the job in which you were first employed ?.....

FORM 56—Continued

- 18. What is the name of the brother nearest to you in age ?.....
- 19. What is the name of the sister nearest to you in age ?.....
- 20. Is there any further information about yourself relative to your identification which
you would like to give ?.....

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

.....
Presiding Officer

.....
Poll Clerk

.....
*Signatures of polling agents,
candidates, election agents*

FORM No. 57

(Election rule 55 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of Interpreter

I,.....
swear that I will well and faithfully interpret and true explanation make to the presiding
officer and.....
(here insert name of elector)

of all such matters and things as shall be required of me according to the best of my skill
and understanding.

So **HELP ME** GOD

.....
Signature

Sworn before me at....., this
day of.....19.....

.....
Presiding Officer

FORM No. 58

(Election rule 58 (4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Statement of Machine Poll

Election to the House of Representatives*/Council of the.....
Corporation*/.....County Council*

Electoral District of.....Polling Division No.....

- 1. Number of voting machine
2. Has the voting machine been locked against further voting?
3. Number shown on protective counter of voting machine
4. Number shown on public counter of voting machine
5. Name of each candidate and the number shown on the candidate's counter of such candidate

Table with 2 columns: Name, Number

6. Number of poll cards recovered from the poll card box

I hereby certify that the above statement is correct.

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

Presiding Officer

Signatures of poll clerk and other persons

Signature lines for poll clerk and other persons

FORM No. 59

(Election rule 59 (4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Oath of messenger sent to collect poll card boxes and carrying cases

I..... messenger appointed by..... returning officer for the electoral district of..... do swear that the several poll card boxes to the number of..... and carrying cases to the number of..... which were used at polling stations Nos..... of this electoral district on polling day now delivered by me to..... were handed to me by..... that they have not been opened by me or any other person and that they are in the same state as they were in when they came into my possession.

Signature

Sworn before me at..... this..... day of..... 19.....

Returning Officer (or as the case may be)

FORM No. 60

(Election rule 64)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Election to House of Representatives*/..... County Council*/Council of the..... Corporation* Electoral District of.....

List of Postal Electors

Table with 5 columns: Consecutive No., Name of elector (family name first), Address of elector in unit register, Address to which postal ballot is to be sent, Registration No.

I..... returning officer for the electoral district of..... certify that the above is a true copy of the list of postal electors for the said electoral district.

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

Returning officer for the electoral district of

* Delete if inapplicable.

FORM No. 61

(Election rule 67(3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Postal Ballot Paper

(Front)

No. 6700	No. 6700	THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961 Postal Ballot Paper	
	Voters Number on List.....	Space for initials of R.O.	Parliamentary election/election to the Council of the..... Corporation/election to the.....County Council*
			Electoral District of..... Polling day.....

(Back)

	(Space to be darkened)	(Do not fold beyond this line)	1. BABULAH, CONRAD D. 72, Chancery Lane, Engineer	Symbol
			2. OCEAN, FRANCIS 891, Hayes Street, Merchant	Symbol
			3. RONSON, EMMANUEL 475, Marli Street, Insurance Broker	Symbol

* Delete if inapplicable.

(Front of Form)

FORM No. 62

(Election rule, 67 (3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Declaration of Identity

I hereby declare that I am the person to whom the ballot paper numbered as above and the envelope in which it was enclosed (both of which I now produce) were sent.

.....
Elector's signature

The above named, who is personally known to me, has produced the ballot paper and the envelope above referred to, and has signed the above declaration in my presence.

Witness' signature

Witness' address

(See instructions on the back of this Form)

FORM No. 62—Continued

(Back of Form)

Directions for the guidance of postal electors in voting when one candidate is to be elected

1. A person is entitled to vote only if :—
 - (a) he is registered as an elector in a unit register, and
 - (b) he is qualified to be registered as an elector on polling day.
2. An elector may not :—
 - (a) give more than one vote for any one candidate ;
 - (b) vote for more than one candidate ;
 - (c) vote in more than one electoral district.
3. A postal elector may vote only on the ballot paper sent to him through the post by the returning officer of the electoral district in which he is registered.
4. Before marking the ballot paper sent to him the elector must produce :—
 - (a) the ballot paper shewing the number thereon ;
 - (b) this declaration ; and
 - (c) the envelope in which the elector has received this declaration and the ballot paperto some person to whom the elector is known, who will witness the declaration of identity (see other side).
5. The elector must sign the declaration of identity in the presence of the witness.
6. The elector must vote by marking the ballot paper in ink or in pencil with a mark in the form of a cross in the space containing the name of the candidate for whom he votes thus X. The mark should preferably be made on the right hand side of the paper.
7. *The elector must not allow any person to see how he has voted.*
8. After voting the elector must fold the ballot paper from right to left so that the numbers on the counterfoil and the initials of the returning officer on the ballot paper can be seen. It is important that this should be done ; otherwise the way in which the elector voted may become known during the counting of the postal ballots. If ink is used in marking the ballot paper it is advisable to allow the ink to dry before folding.
9. Immediately after voting the voter must place the marked and folded ballot paper in the enclosed small envelope on which are printed the words " ballot paper envelope " and fasten it up. He must then place the ballot paper envelope, together with this paper, in the other larger enclosed envelope addressed to the returning officer and despatch the same by post without delay. *Unless the voter returns the ballot paper to the returning officer on or before 5.00 p.m. on polling day it will not be counted.*
10. If an elector votes for more than one candidate, makes a mark that is not recognisable as a cross or places any mark on the ballot paper by which he can afterwards be identified or omits to complete and forward his declaration of identity with his postal ballot paper his vote will be void and will not be counted.
11. If more than one ballot paper is received it must be remembered that it is illegal to vote more than once at the same election.

(Front of Form)

FORM NO. 62A

(Election rule 67(3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Declaration of Identity

I hereby declare that I am the person to whom the ballot paper numbered as above and the envelope in which it was enclosed (both of which I now produce) were sent.

.....
Elector's signature

The above named, who is personally known to me, has produced the ballot paper and the envelope above referred to, and has signed the above declaration in my presence.

Witness' signature

Witness' address

(See instructions on the back of this Form)

(Back of Form)

Directions for the guidance of postal electors in voting when two candidates are to be elected

- 1. A person is entitled to vote only if :—
(a) he is registered as an elector in a unit register, and
(b) he is qualified to be registered as an elector on polling day.
2. An elector may not :—
(a) give more than one vote for any one candidate.
(b) vote for more than two candidates.
(c) vote in more than one electoral district.
3. A postal elector may vote only on the ballot paper sent to him through the post by the returning officer of the electoral district in which he is registered.
4. Before marking the ballot paper sent to him the elector must produce :—
(a) the ballot paper shewing the number thereon ;
(b) this declaration ; and
(c) the envelope in which the elector has received this declaration and the ballot paper
to some person to whom the elector is known, who will witness the declaration of identity (see other side).
5. The elector must sign the declaration of identity in the presence of the witness.
6. The elector must vote by marking the ballot paper in ink or in pencil with a mark in the form of a cross in the space containing the name of the candidate or candidates for whom he votes, thus X. The mark should preferably be made on the right hand side of the paper.
7. The elector must not allow any person to see how he has voted.
8. After voting the elector must fold the ballot paper from right to left so that the numbers on the counterfoil and the initials of the returning officer on the ballot paper can be seen. It is important that this should be done ; otherwise the way in which the elector voted may become known during the counting of the postal ballots. If ink is used in marking the ballot paper it is advisable to allow the ink to dry before folding.
9. Immediately after voting the voter must place the marked and folded ballot paper in the enclosed small envelope on which are printed the words " ballot paper envelope " and fasten it up. He must then place the ballot paper envelope, together with this paper, in the other larger enclosed envelope addressed to the returning officer and despatch the same by post without delay. Unless the voter returns the ballot paper to the returning officer on or before 5.00 p.m. on polling day it will not be counted.
10. If an elector votes for more than two candidates, makes a mark that is not recognisable as a cross, places any mark on the ballot paper by which he can afterwards be identified, or omits to complete and forward his declaration of identity with his postal ballot paper his vote will be void and will not be counted.
11. If more than one ballot paper is received it must be remembered that it is illegal to vote more than once at the same election.

FORM No. 63

(Election rule 69(1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Declaration of Secrecy (Postal poll)

I, ... of ... do solemnly promise and declare that I will not do anything forbidden by subsection (4) or (6) of section 63 of the Representation of the People Ordinance, 1961, set out in the appendix hereto, which have been read to me.

(Signature of declarant)

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

Justice of the Peace*/returning officer/ election clerk

APPENDIX

Requirement of secrecy.

63. (4) Every person attending the proceedings in connection with the issue of the opening of postal ballot papers shall maintain and aid in maintaining the secrecy of the voting and shall not—

- (a) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number on the counterfoil of the postal ballot paper sent to any person ;
(b) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of postal ballot papers the number on the counterfoil of any such ballot paper ;
(c) attempt to ascertain at the proceedings in connection with the opening of postal ballot papers the candidate for whom any vote is given in any particular postal ballot paper or communicate any information with respect thereto obtained at those proceedings.

(6) If any person fails to comply with or contravenes this section he is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for a term of six months.

* Delete if inapplicable.

FORM No. 64

(Election rule 85)

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Statement of Postal Poll

Election to the House of Representatives*/...County Council*/Council of the...Corporation*

Electoral District of.....

Table with 4 columns and 7 rows for recording postal poll statistics: Number of covering envelopes received from postal voters, Number of covering envelopes rejected, Number of postal ballot papers placed in the postal ballot box, Number of votes cast for (repeated 3 times), Number of rejected votes.

FORM No. 64—Contd.

Number of names on list of postal electors.....

I hereby certify that the above statement is correct.

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

Returning Officer

Signatures of election clerk and other persons

* Delete if inapplicable.

FORM No. 65

(Election rule 93(1)(a))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1961

Return after poll has been taken

I hereby certify that the member/members* elected for the electoral district of..... in pursuance of the within writ as having received most votes lawfully given is/are*.....

name/s

address/es

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

Returning Officer

* Delete if inapplicable.

SIXTH SCHEDULE

(Section 37)

ELECTORAL VEHICLES

1. There shall be one electoral vehicle for every 400 electors in the following electoral districts :—

- (a) Arima ;
(b) Caroni East ;
(c) Fyzabad ;
(d) Naparina ;
(e) Nariva ;
(f) Ortoire-Mayaro ;
(g) Point Fortin ;
(h) Siparia ;
(i) Tobago East ;
(j) Tobago West ;
(k) Toco-Manzanilla.

2. There shall be one electoral vehicle for every 500 electors in the electoral districts not specified in paragraph 1.

SEVENTH SCHEDULE

(Section 160)

AMENDMENTS TO ENACTMENTS

*Short Title
and Number**Amendments*

The Port-of-
Spain Corpora-
tion Ordinance,
Ch. 39. No. 1.

(a) The following section is substituted for sections 8 to 10 :—

“Qualification
of burgess.”

8. Every person who is registered under the Representation of the People Ordinance, 1961 as an elector in any of the unit registers of electors of the registration area of the City of Port-of-Spain shall be deemed to be a burgess for the purposes of this Ordinance and the said unit registers of electors shall be deemed to be the burgess roll.”

(b) The following subsections are substituted for sections (3) to (6) of section 13 :—

“(3) Subject to subsection (4) of this section, a person shall be qualified to be elected as a Councillor if, and shall not be qualified to be elected as or to be or to continue to be a Councillor unless, he—

(a) is a British subject; and

(b) is qualified to be registered on the burgess roll; and

(c) is able to speak, and unless incapacitated by blindness or other physical cause, to read the English language.

(4) A person shall be disqualified for being elected and for being a Councillor if he—

(a) is by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign power or state; or

(b) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged; or

(c) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory; or

(d) is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of imprisonment the execution of which has been suspended; or

(e) is disqualified for such election under the Representation of the People Ordinance, 1961; or

AMENDMENTS TO ENACTMENTS—*Continued**Short Title
and Number**Amendments*

The Port-of-
Spain Corpora-
tion Ordinance,
Ch. 39. No. 1.

(f) holds any office or place of profit, other than Mayor or Deputy Mayor in the gift or disposal of the Corporation, but a person shall not be disqualified by reason of—

(i) receiving or being entitled to receive payment by way only of travelling and of subsistence allowances, or travelling or subsistence allowances, or a refund of out of pocket expenses; or

(ii) his receiving as a medical practitioner from the Corporation as the local authority of an urban sanitary district fees for the notification of cases of infectious diseases under the Public Health Ordinance; or

(g) is debarred from exercising the practice of his profession on account of any act involving dishonesty; or

(h) has within five years before the day of the election or since his election been surcharged to an amount exceeding two thousand five hundred dollars under the Exchequer and Audit Ordinance, 1959.”

(c) Subsection (2) of section 38 is amended by the substitution of a full stop for the semicolon and the word “and” occurring at the end of paragraph (b) and by the deletion of paragraph (c).

(d) Subsection (1) of section 43 is amended by the deletion of the proviso and the substitution of a full stop for the colon occurring immediately prior thereto.

(e) Section 46 is amended by the deletion of all the words occurring after paragraph (c) and the substitution therefor of the following:—

“(d) dies, or ceases to possess any of the qualifications required by subsection (3) of section 13, or is or becomes disqualified for being a Councillor for any of the reasons set out in subsection (4) of section 13; his office shall thereupon become vacant.”

(f) Section 49, sections 59 to 71 inclusive, sections 75 to 78 inclusive and the Fourth Schedule are repealed.

(g) The Third Schedule is amended by deleting paragraphs (c), (d) and (e).

The San Fer-
nando Corpora-
tion Ordinance,
Ch. 39. No. 7.

(h) The following section is substituted for sections 8 to 10 :—

“Qualification
of burgess.

8. Every person who is registered under the Representation of the People Ordinance, 1961 as an elector in any of the unit registers of electors

AMENDMENTS TO ENACTMENTS—Continued

*Short Title
and Number**Amendments*

The San Fernando Corporation Ordinance, Ch. 39. No. 7.

of the registration area of the Borough of San Fernando shall be deemed to be a burgess for the purposes of this Ordinance and the said unit registers of electors shall be deemed to be the burgess roll."

The Arima Corporation Ordinance, Ch. 39. No. 11.

(i) The following section is substituted for sections 8 to 10 :—

"Qualification of burgess.

8. Every person who is registered under the Representation of the People Ordinance, 1961 as an elector in any of the unit registers of electors for the Borough of Arima shall be deemed to be a burgess for the purposes of this Ordinance and the said unit registers of electors shall be deemed to be the burgess roll."

The San Fernando Corporation Ordinance, Ch. 39. No. 7.

(j) The following section is substituted for section 12 :—

"Qualification of Councillors.

12. (1) Subject to subsection (2) of this section, a person shall be qualified to be elected as a Councillor if, and shall not be qualified to be elected as or to be or to continue to be a Councillor unless, he—

The Arima Corporation Ordinance, Ch. 39. No. 11.

- (a) is a British subject; and
- (b) is qualified to be registered on the burgess roll; and
- (c) is able to speak, and unless incapacitated by blindness or other physical cause, to read the English language.

(2) A person shall be disqualified for being elected and for being a Councillor if he—

- (a) is by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign power or state; or
- (b) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged; or
- (c) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory; or
- (d) is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months

AMENDMENTS TO ENACTMENTS—*Continued*

<i>Short Title and Number</i>	<i>Amendments</i>
The San Fernando Corporation Ordinance, Ch. 39. No. 7.	imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of imprisonment the execution of which has been suspended; or
The Arima Corporation Ordinance, Ch. 39. No. 11.	<p>(e) is disqualified for such election under the Representation of the People Ordinance, 1961; or</p> <p>(f) holds any office or place of profit, other than Mayor or Deputy Mayor, in the gift or disposal of the Corporation, but a person shall not be disqualified by reason of—</p> <p style="padding-left: 2em;">(i) receiving or being entitled to receive payment by way only of travelling and of subsistence allowances, or travelling or subsistence allowances, or a refund of out of pocket expenses; or</p> <p style="padding-left: 2em;">(ii) his receiving as a medical practitioner from the Corporation as the local authority of an urban sanitary district fees for the notification of cases of infectious diseases under the Public Health Ordinance; or</p> <p>(g) is debarred from exercising the practice of his profession on account of any act involving dishonesty; or</p> <p>(h) if he has within five years before the day of the election or since his election been surcharged to an amount exceeding two thousand five hundred dollars under the Exchequer and Audit Ordinance, 1959.”</p>
	<p>(k) Subsection (2) of section 21 is amended by the substitution of a full stop for the semicolon and the word “and” occurring at the end of paragraph (b) and by the deletion of paragraph (c).</p> <p>(l) Subsection (1) of section 24 is amended by the deletion of the proviso and the substitution of a full stop for the colon occurring immediately prior thereto.</p>

AMENDMENTS TO ENACTMENTS—*Continued*

<i>Short Title and Number</i>	<i>Amendments</i>
The San Fernando Corporation Ordinance, Ch. 39. No. 7.	<p>(m) Section 26 is amended—</p> <p>(i) by the deletion of all the words occurring after paragraph (c) and by the substitution thereof of the following:—</p> <p style="padding-left: 40px;">“(d) dies, or ceases to possess any of the qualifications required by subsection (1) of section 12, or is or becomes disqualified for being a Councillor for any of the reasons set out in subsection (2) of section 12, his office shall thereupon become vacant.”;</p> <p>(ii) by the deletion of subsection (5).</p>
The Arima Corporation Ordinance, Ch. 39. No. 11.	<p>(n) Sections 56 to 85 inclusive and the Fourth Schedule are repealed.</p> <p>(o) The Second Schedule is amended by deleting paragraphs (c), (d) and (e).</p>
The County Councils Ordinance, Ch. 39. No. 15.	<p>(p) The following section is substituted for section 2:—</p> <p>Interpretation. 2. In this Ordinance—</p> <p style="padding-left: 40px;">“Chief Executive Officer” means the Chief Executive Officer of a County Council referred to in section 98 of this Ordinance ;</p> <p style="padding-left: 40px;">“councillor” means a person elected under the provisions of the Representation of the People Ordinance, 1961 to be a member of the County Council ;</p> <p style="padding-left: 40px;">“County Council functions” means functions vested in a County Council by this Ordinance ;</p> <p style="padding-left: 40px;">“electoral district” means a district constituted under section 3 of this Ordinance ;</p> <p style="padding-left: 40px;">“electoral division” means a division constituted under section 3 of this Ordinance ;</p> <p style="padding-left: 40px;">“Minister” means the Minister charged with responsibility for local government ;</p> <p style="padding-left: 40px;">“Schedule” means a Schedule to this Ordinance ;</p> <p style="padding-left: 40px;">“Territory” means Trinidad and Tobago.</p> <p>(q) The word “Territory” is substituted for the word “Colony” wherever the latter word occurs in the Ordinance.</p> <p>(r) Sections 4 to 81 are repealed.</p>

AMENDMENTS TO ENACTMENTS—Continued

Short Title and Number

Amendments

The County Councils Ordinance, (h. 39, No. 15.

(s) Section 82 is amended by substituting the following for subsection (1) :—

“(1) There shall be a County Council for each electoral district consisting of two Councillors elected under the provisions of the Representation of the People Ordinance, 1961, for each electoral division of the electoral district.”

(t) The following section is substituted for section 84 :—

Qualification as a Councillor.

84. (1) Subject to subsection (2) of this section, a person shall be qualified to be elected as a Councillor if, and shall not be qualified to be elected as or to be or to continue to be a Councillor for an electoral district unless, he—

(a) is qualified to be registered as an elector for the electoral division for which he seeks election ; and

(b) is able to speak, and unless incapacitated by blindness or other physical cause, to read the English language ; and

(c) resides in the electoral district.

(2) A person shall be disqualified for being elected and for being a Councillor if he—

(a) is by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign power or state ; or

(b) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged ; or

(c) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Territory ; or

(d) is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of imprisonment the execution of which has been suspended ; or

AMENDMENTS TO ENACTMENTS—*Continued**Short Title
and Number**Amendments*

The County
Councils
Ordinance,
Ch. 39. No. 15.

(e) is disqualified for such election under the Representation of the People Ordinance, 1961 ; or

(f) holds any office or place of profit other than Chairman or Vice-Chairman of the County Council in the gift or disposal of the County Council for the electoral district or of any Committee or sub-Committee thereof; but a person shall not be disqualified by reason of receiving or being entitled to receive payment by way only of travelling and of subsistence allowances, or travelling or subsistence allowances, or a refund of out of pocket expenses ; or

(g) is debarred from exercising the practice of his profession on account of any act involving dishonesty.

(u) Section 87 is amended—

(i) in subsection (1), by deleting paragraphs (d) and (e) and substituting therefor the following:—

“(d) ceases to possess any of the qualifications required by subsection (1) of section 84, or is or becomes disqualified for being a Councillor for any of the reasons set out in subsection (2) of section 84;” ;

(ii) in subsection (2), by substituting the words “the Minister” for the words “the Chief Secretary”.

(v) Section 88 is amended by deleting subsection (3).

(w) Subsection (4) of section 90 is amended by substituting the words “House of Representatives” for the words “Legislative Council”.

(x) Subsection (1) of section 120 is amended by substituting the word “Legislature” for the words “Legislative Council”.

(y) Section 125 is repealed.

AMENDMENTS TO ENACTMENTS—*Continued*

<i>Short Title and Number</i>	<i>Amendments</i>
The County Councils Ordinance, Ch. 39. No. 15.	(z) The First Schedule, the Second Schedule and the Fifth Schedule are repealed. (aa) The Fourth Schedule is amended by deleting paragraph 4.

Passed in Council this fifteenth day of September in the year of Our Lord one thousand nine hundred and sixty-one.

J. P. OTTLEY
Acting Clerk of the Council