

Date Printed: 12/31/2008

JTS Box Number: IFES_18

Tab Number: 30

Document Title: THE HOUSE OF ASSEMBLY ELECTIONS ORDINANCE
(AMENDMENT) ACT, 1983

Document Date: 1983

Document Country: SCN

Document Language: ENG

IFES ID: EL00126



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Law/SLN/1983/003/cag

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I assent,

CLEMENT A. ARRINDELL

Governor-General.

8th November, 1983.

SAINT CHRISTOPHER AND NEVIS

No. 16 of 1983

AN ACT to amend the House of Assembly Elections Ordinance, Chapter 162.

(On such day as the Governor-General may, by Notice published in the *Gazette*, appoint.)

Commencement.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:—

1. This Act may be cited as the House of Assembly Elections Ordinance (Amendment) Act, 1983 and shall come into force on such day as the Governor-General may, by Notice published in the *Gazette*, appoint.

Short title and commencement.

2. The House of Assembly Elections Ordinance (hereinafter called "the principal Enactment") is amended as follows:—

General Amendment of Cap. 162.

(a) by the deletion of the words "House of Assembly wheresoever such words occur and the substitution therefor in each place of the words "National Assembly";

(b) by the deletion of the word "Ordinance" wheresoever such word occurs and the substitution therefor in each place of the word "Act".

3. Section 2 of the principal Enactment is amended by the deletion of the definition of "list of voters" and the substitution therefor of the following new definition —

Amendment of section 2 of principal Enactment.

"list of voters" means the Register of Voters or the Register of Electors and the revised monthly

lists of voters as the context may require.”.

Repeal of sub-section (1) of section 38 of the principal Enactment.

4. Section 38 of the principal Enactment is amended by the repeal of subsection (1) thereof and by the renumbering of the remaining subsections as follows - (1), (2), (3), (4), (5) and (6).

Repeal and replacement of sections 41 to 43 of the principal Enactment.

5. Sections 41A, 41B, 42 and 43 of the principal Enactment are repealed and replaced by the following new sections:-

“Voters

41. (1) Subject to this Act, a person is entitled to vote at an election in a constituency if on polling day, he is qualified to be a voter for that constituency and is on that day registered in the Register of Voters to be used at the election in that constituency.

(2) A person is not entitled to vote as a voter at an election in a constituency unless he is registered in the Register of Voters to be used at that election in that constituency.

(3) A person who is subject under any enactment to any incapacity to vote is not entitled to vote as a voter at an election in a constituency.

(4) No person may -

(a) at a general election, vote as a voter in more than one constituency; or

(b) at any election, vote as a voter more than once in the same constituency.

Qualifications of Voters.

42. (1) Subject to this Act and any enactment imposing any disqualifications for registration as a voter, a person is qualified to be registered as a voter for a constituency, if he is -

- (a) a citizen of Saint Christopher and Nevis of the age of eighteen years or upwards who is domiciled in Saint Christopher and Nevis or is ordinarily resident therein at the date of registration;
- (b) a Commonwealth citizen of the age of eighteen years or upwards and has resided in Saint Christopher and Nevis for a period of at least twelve months immediately before the date of registration as a voter or is domiciled in Saint Christopher and Nevis and is resident therein at that date.

(2) A person is not qualified to be registered as a voter for more than one constituency.

(3) Where a person who is registered as a voter for a constituency has ceased to reside in that constituency, he shall not on that account cease to be qualified to be registered as a voter for that constituency until he has become qualified to be registered as a voter for another constituency.

Disqualifications for registration.

43. A person is disqualified from being registered as a voter and shall not be so registered if he -

- (a) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law;

(b) is under sentence of death imposed on him by a court in any part of the Commonwealth or under sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court under some sentence substituted therefor by competent authority and has not suffered the punishment to which he was sentenced or received a free pardon therefor; or

(c) is, under any enactment, disqualified for registration as a voter.

Right
to remain
registered.

43A. A person registered pursuant to this Act shall remain registered unless and until his name is deleted from the Register because -

- (a) he has died;
- (b) an objection to his registration has been allowed; or
- (c) he has become disqualified for registration as a voter under this Act or any other enactment imposing disqualifications for registration as a voter.

Continuous
registration.

43B.(1) Every person who is qualified to be registered as a voter for a constituency may register at any time after becoming qualified to be registered as a voter, up to the time of the issue of a Writ by the Governor-General under this Act.

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(2) Every person who is qualified to be registered as a voter for a constituency shall apply in person to the registration officer for that constituency to have his name entered on the monthly list of voters prepared for that constituency under section 43F.

Incomplete registration.

43C. Notwithstanding section 42, a person shall not be qualified to be registered as a voter until he has complied with the provisions of this Act and the regulations relating to the registration of voters.

Chief Registration Officer.

43D. The Supervisor of Elections shall be the Chief Registration Officer for the purposes of this Act.

Registers of Voters.

43E. (1) The Chief Registration Officer shall cause to be prepared and shall publish not later than the thirty-first day of January in every year a register of voters for each constituency.

(2) The registers of voters required by subsection (1) shall consist of -

- (a) all persons who were registered in the register of voters last published for that constituency; and
- (b) all persons whose names appear in the revised monthly list of voters prepared and published under section 43H for the constituency since the date of publication of the registers mentioned in paragraph (a), and

qualified under this Act as voters, but shall not include any person who, in the opinion of the Chief Registration Officer, appears since the publication of the registers mentioned in paragraphs (a) and (b) -

- (i) to have died; or
- (ii) to have become ordinarily resident in another constituency.

Monthly lists.

43F. (1) The Governor-General shall, by Notice published in the *Gazette*, appoint a day in every month (hereinafter called "the appointed day") for the purposes of subsection (2).

(2) Not later than the appointed day in every month in each year, the Chief Registration Officer shall cause to be prepared and shall publish as soon as possible thereafter (and in any case not later than the fifteenth day of the next following month) a list of voters for each constituency which shall consist of all persons -

- (a) whose names appeared on the register for another constituency who have notified the Chief Registration Officer of a change of address in accordance with the regulations and who appear to be ordinarily resident in the constituency;

- (b) whose names appeared in the register for the constituency who have effected a change of address within the constituency and have notified the Chief Registration Officer in accordance with the regulations;
- (c) who have reached the age of eighteen years and who appear to the Chief Registration Officer to be otherwise qualified; and
- (d) who have otherwise become qualified to be registered as a voter and entitled to vote as such.

(3) The names of those persons referred to in subsection (2) shall, if possible, appear -

- (a) in the case of those persons mentioned in paragraphs (a) and (b), in the monthly lists prepared for the month in which the notification was made; and
- (b) in the case of those persons mentioned in paragraphs (c) and (d) in the monthly lists prepared for the month in which a claim to be registered has been made.

Claims and
objections.

43G.(1) All claims for registration made by a person whose name

does not appear in the register or the appropriate monthly list and all objections to the registration of persons whose names appear in the registers of voters and in the monthly lists, as the case may be, shall be determined in accordance with the regulations by the appropriate registration officer acting with respect to the constituency to which the register or list in question relates.

(2) When a claim thereunder has been disallowed or an objection thereunder has been allowed, the registration officer shall transmit a record of his determination to the Chief Registration Officer.

Revised
monthly
lists.

43H. The Chief Registration Officer shall make all additions to the appropriate monthly lists and shall make removals therefrom in consequence of any action taken under section 43A or 43G and shall publish as soon after the fifteenth day of the next succeeding month (and in any case not later than the last day of each such month) the corrected monthly lists as the revised monthly lists of voters.

Register and
supplementary
register to
constitute
the register
for any
election.

43J. (1) The register of voters and the revised monthly lists of voters published for each constituency under sections 43E and 43G respectively in any year shall constitute the register of voters for that constituency and shall be used for any election held in that constituency after the publication thereof until it is superseded by the register of voters published and constituted for that constituency in the next succeeding year in accordance with this Act.

(2) Whenever a writ is

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issued between the publication of the last revised monthly list and any other revised monthly list, the last revised monthly list shall be used for the purposes of the conduct of the Poll.

Effect of registers.

43K.(1) The registers of voters prepared under this Act and the regulations shall for the purposes of this Act be conclusive for the purposes of the taking of a poll on the following questions, that is to say -

- (a) whether or not any person registered therein was on the date of publication of the register resident at the address shown;
- (b) whether or not that address is in any constituency or any particular part of that constituency.

(2) No misnomer or inaccurate description of any person or place named in the register of voters or in any list, record, nomination paper, ballot paper, notice or other document required for the purposes of this Act shall affect the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

Offences.

43L.(1) A person who -

- (a) has ceased to be a citizen of Saint Christopher and Nevis or a Commonwealth citizen after attaining the age of eighteen years and has not subsequently thereto

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- become a citizen of Saint Christopher and Nevis or a Commonwealth citizen; or
- (b) has not attained the age of eighteen years; or
 - (c) does not have the requisite residential or other qualifications for inclusion in the register of voters,

and who wilfully makes any claim to be included in the register of voters shall be guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months or both.

(2) A person who objects under this Act or the regulations to the inclusion of any other person in any list or register relating to voters prepared under this Act or the regulations upon any ground which he knows or has reasonable cause to believe to be false shall be guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months or both.

(3) A person who knowingly makes a false statement for the purpose of being registered as a voter shall be guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months or both.

(4) A person who knowingly makes a false statement for the purpose of voting in any constituency shall be guilty of an offence and liable on summary conviction to a fine of five

hundred dollars or to imprisonment for six months or both.

Offence to omit qualified person from register.

43M. (1) A registration officer who wilfully or without reasonable excuse omits to register the name of any person qualified to be registered shall be guilty of an offence and liable on summary conviction to a fine of one hundred dollars or to imprisonment for three months or both.

(2) A registration officer convicted of an offence under subsection (1) shall, in addition to any penalty prescribed by that subsection, forfeit his right to payment for his services as a registration officer."

6. Section 44 of the principal Enactment is amended in subsection (1), by the deletion of the words "Judge of the Supreme Court of the Windward Islands and the Leeward Islands" and the substitution therefor the words "Judge of the Eastern Caribbean Supreme Court".

Amendment of section 44 of the principal Enactment.

HERMAN LIBURD
Speaker.

Passed the National Assembly this 1st day of November, 1983.

ALPHONSO LEWIS
Clerk of the National Assembly.