

Date Printed: 12/31/2008

JTS Box Number: IFES_18
Tab Number: 31
Document Title: CONSTITUTION AND ELECTIONS
Document Date: 1952
Document Country: SCN
Document Language: ENG
IFES ID: EL00127



law/SCN/1452/002/1

CHAPTER 162.

CONSTITUTION AND ELECTIONS.

(10th May, 1952.)

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the Constitution and Elections Ordinance.

Short title.

2. (1) In this Ordinance—

Interpretation.

"Administrator" means the person for the time being holding the office of Administrator of the Colony and includes every person for the time being acting as such in his stead;

"Council" means the Legislative Council of the Colony;

"dollars" means dollars in the currency of the Colony;

"election" means an election of a member or members to the Council;

"election officer" includes a returning officer, every presiding officer, poll clerk or other person having any duty to perform pursuant to this Ordinance, to the faithful performance of which duty he may be sworn;

"electoral district" means an electoral district as constituted under section 36;

"Executive Council" means the Executive Council of the Colony;

"the Judicial and Legal Service Commission" means the Judicial and Legal Service Commission established by the Windward Islands and Leeward Islands (Courts) Order in Council, 1959;

"list of voters" means the first list of voters or the Register of Voters or the official list of voters, as herein defined, as the context requires;

"meeting" means any sitting or sittings of the Council

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commencing when the Council first meets after being summoned at any time and terminating when the Council is adjourned *sine die* or at the conclusion of a session;

"minister of religion" means any person in holy orders and any other person the functions of whose principal occupation include teaching or preaching in any congregation for religious worship;

"the Police Service Commission" means the Police Service Commission established by the Leeward Islands and Windward Islands (Police Service Commission) Order in Council, 1959;

Form No. 10.

"poll book" means the book in the form set out as Form No. 10 in the Second Schedule in which the name and other particulars of every person applying to vote are consecutively entered by the poll clerk as soon as the applicant's right to vote at the polling station has been ascertained and before any such applicant is allowed to vote;

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

"polling division" means any polling division constituted in accordance with the provisions of section 37;

"polling station" means any room secured by the returning officer for the taking of the votes on polling day;

"proclamation" means a written or printed notice under the hand of the Administrator, published by his order in the *Gazette*;

"public office" means, subject to the provisions of subsection (3) any office of emolument in the public service or any office of emolument under a municipal corporation within the Colony;

"public officer" means the holder of any public office and includes any person appointed to act in any such office;

"public service" means the service of the Crown in a civil capacity in respect of the government of the Colony and includes service as a member of the Judicial and Legal Service Commission or the Police Service Commission but does not include service as a Judge of the Supreme Court;

"rejected ballot paper" means a ballot paper which has been handed by the presiding officer to a voter to cast his vote but which at the close of the poll has been found in the ballot box unmarked or so improperly marked that in the opinion of the returning officer it cannot be counted;

"returning officer" means, in relation to an electoral district, the officer appointed by the Administrator in that behalf under section 46;

"revising officer" means the person appointed by the Administrator for the purpose of revising and settling the list of voters for one or more electoral districts under this Ordinance;

"Schedule" means Schedule to this Ordinance;

"session" means the meetings of the Council commencing when the Council first meets after being constituted under this Ordinance, or after its prorogation or dissolution at any time, and terminating when the Council is next prorogued or is dissolved without having been prorogued;

"sitting" means a period during which the Council is sitting continuously without adjournment, and includes any period during which the Council is in Committee;

"spoiled ballot paper" means a ballot paper which, on polling day, has not been deposited in the ballot box but has been found by the presiding officer to be soiled or improperly printed, or which has been handed by the presiding officer to a voter to cast his vote, and—

(a) has been spoiled in marking by the voter; and

(b) has been handed back to the presiding officer and exchanged for another;

"voter" means any person who votes or is entitled to vote at an election;

"writ" means the writ for an election.

(2) References in this Ordinance to Her Majesty's dominions shall have effect as if they included references to all British protectorates and British protected states and to all territories administered by the Government of any part of Her Majesty's dominions under the trusteeship system of the United Nations.

(3) For the purposes of this Ordinance a person shall not be considered to hold a public office by reason only that he is in receipt of a pension or other like allowance in respect of public service; and if it is provided by any law for the time being in force in the Colony that an office (not being an office constituted by this Ordinance or the office of member of the Judicial and Legal Service Commission or the Police Service Commission) shall not be a public office for the purposes of this Ordinance, this Ordinance shall have effect accordingly as if that provision of that law were enacted herein.

(4) For the purposes of this Ordinance a person shall not be considered to hold a public office by reason only that he is in receipt of any remuneration or allowances in respect of his tenure of the office of Minister or member of the Executive Council or Speaker, Deputy Speaker or member of the Council.

(5) This Ordinance shall be construed—

12, 13 and 14
Geo. 6 c. 92.

(a) as if subsection (1) of section 1 of the India (Consequential Provision) Act, 1949, applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection; and

11 and 12 Geo.
6 c. 56.

12 and 13 Geo.
6 c. 41.

(b) as if subsection (2) of section 3 of the British Nationality Act, 1948, (as interpreted by subsection (1) of section 3 of the Ireland Act, 1949) and subsection (2) of section 3 of the Ireland Act, 1949, applied to it as those subsections apply to laws in force at the date of the commencement of those Acts respectively.

(6) In this Ordinance, unless it is otherwise provided or required by the context, any reference to the holder of an office by a term designating or describing his office shall be construed as including a reference to any person who, under and to the extent of any authority in that behalf, is for the time being performing the functions of that office.

(7) Where by this Ordinance any person is directed or power conferred on any person or authority to appoint a person to perform the functions of an office if the holder thereof is unable to perform those functions, the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(8) For the purposes of this Ordinance, the resignation of

the holder of an office that is required to be addressed to any person shall have effect from the time that it is received by that person.

(9) Where any power is conferred by this Ordinance to make any proclamation, order, rules or regulations or to give any directions, the power shall be construed as including a power exercisable in like manner to amend or revoke any such proclamation, order, rules, regulations or directions.

(10) For the avoidance of doubts it is hereby declared that any person who has vacated his seat in any body, or has vacated any office, established by this Ordinance may, if qualified, again be appointed or elected as a member of that body, or to that office as the case may be, from time to time.

PART II.

CONSTITUTION AND POWERS OF COUNCIL &C.

3. There shall be a Legislature in and for the Colony, which shall consist of Her Majesty and a Legislative Council.

Constitution
of Legislature.

4. (1) Subject to subsection (2) of this section and to section 14, the Council shall consist of one *ex officio* member, namely the Attorney-General, two nominated members and ten elected members.

Legislative
Council.

(2) If any person who is not a member of the Council is elected to be Speaker of the Council he shall, by virtue of holding the office of Speaker, be a member of the Council in addition to the members aforesaid.

5. (1) Subject to section 9, the nominated members of the Council shall be British subjects of the age of twenty-one years or upwards and shall be appointed by the Administrator after consultation with the Chief Minister, by instrument under the Public Seal of the Colony.

Nominated
Members.

(2) The Administrator shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section.

6. The elected members of the Council shall be persons qualified for election in accordance with the provisions of, and elected in the manner provided by, this Ordinance.

Elected mem-
bers.

Power to summon public officer to attend meetings of Council.

7. (1) The Administrator may summon to the Council any public officer, notwithstanding that such officer may not be a member of the Council, when in the opinion of the Administrator the business before the Council renders the presence of such officer desirable.

(2) Any public officer so summoned shall be entitled to take part in the proceedings of the Council relating to the matter in respect of which he was summoned but shall not thereby become a member of the Council and shall not have the right to vote in the Council.

Qualifications for elected membership.

8. Subject to the provisions of section 9, any person who—

(a) is a British subject of the age of twenty-one years or upwards; and

(b) has resided in the Colony for a period of twelve months immediately preceding the date of his nomination for election, or is domiciled in the Colony and is resident therein at the date aforesaid,

shall be qualified to be elected as an elected member of the Council, and no other person shall be qualified to be so elected or, having been so elected, shall sit or vote in the Council.

Disqualifications for nominated and elected membership.

9. (1) No person shall be qualified to be appointed or elected as a member of the Council who—

(a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state;

(b) holds or is acting in any public office or in the office of Judge of the Supreme Court;

(c) is a minister of religion;

(d) has been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions and has not been discharged;

(e) is a party to, or a partner in, a firm, or a director or manager of a company, which is a party to, any contract with the Government of the Colony for or on account of the public service and—

(i) in the case of a nominated member, has not disclosed to the Administrator the nature of such

contract and his interest, or the interest of such firm or company, therein, or

- (ii) in the case of an elected member, has not within one month before the date of election published in the *Gazette* and in a newspaper circulating in the electoral district for which he seeks election a notice setting out the nature of such contract and his interest, or the interest of such firm or company, therein;

(f) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Colony;

(g) subject to the provisions of the next following subsection, is under sentence of death imposed on him by a court in any part of Her Majesty's dominions, 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;

(h) is disqualified for membership of the Council by virtue of any law enacted by the Legislature of the Colony relating to offences connected with elections; or

(i) in the case of an elected member, is disqualified for election by any law enacted by the Legislature of the Colony 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 for the purpose of any election.

(2) For the purposes of paragraph (g) of the last foregoing subsection—

(a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

Tenure of
office of
nominated and
elected
members.

10. (1) Subject to the provisions of this Ordinance, every nominated member of the Council shall hold his seat therein during Her Majesty's pleasure.

(2) Every nominated or elected member of the Council shall vacate his seat therein at the next dissolution of the Council after his appointment or election.

(3) A nominated or elected member of the Council shall also vacate his seat therein—

(a) if he resigns it by writing under his hand addressed to the Speaker;

(b) if he is absent from the sittings of the Council for such period and in such circumstances as may be prescribed in the Standing Orders of the Council;

(c) if he ceases to be a British subject;

(d) if any circumstances arise that, if he were not a member of the Council, would cause him to be disqualified for appointment or election as such by virtue of paragraphs (a), (b), (c), (d), (f), (h) or (in the case of an elected member) (i) of subsection (1) of the last foregoing section;

(e) if he becomes a party to any contract with the Government of the Colony for or on account of the public service, or if any firm in which he is a partner, or any company of which he is a director or manager, becomes a party to any such contract, or if he becomes a partner in a firm, or a director or manager of a company, which is a party to any such contract :

Provided that, if in the circumstances it appears to the Administrator (in the case of a nominated member) or to the Council (in the case of an elected member) to be just so to do, the Administrator acting in his discretion, or the Council (as the case may be) may exempt any member from vacating his seat under the provisions of this paragraph, if that member, before becoming a party to such contract as aforesaid, or before or as soon as practicable thereafter becoming otherwise interested in such contract (whether as a partner in a firm or as a director or manager of a company) discloses to the Administrator or to the Council (as the case may be) the nature of such contract and his interest, or the interest of such firm or company, therein.

(4) (a) Subject to the provisions of the next following paragraph, if any nominated or elected member of the Council is

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 twelve months, he shall forthwith cease to perform any of his functions as a member of the Council and his seat in the Council shall become vacant at the expiration of a period of thirty days thereafter :

Provided that the Administrator, acting in his discretion (in the case of a nominated member) or the Speaker of the Council (in the case of an elected member) may, at the request of the member, from time to time extend that period for further periods of thirty days to enable the member to pursue any appeal in respect of his conviction or sentence, so, however, that extensions of time exceeding in the aggregate three hundred and thirty days shall not be given without the approval, signified by resolution, of the Council.

(b) If at any time before the member vacates his seat he is granted a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of twelve months or less or a punishment other than imprisonment is substituted, his seat shall not become vacant under the last foregoing paragraph and he may resume the performance of his functions as a member.

(c) For the purposes of this subsection—

- (i) where a person is sentenced to two or more terms of imprisonment that are required to be served consecutively each of those terms shall be regarded as a separate term of imprisonment; and
- (ii) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of payment of a fine.

11. The Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the Council is first constituted or is reconstituted at any time), and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the Council or otherwise took part in the proceedings.

Validity of proceedings.

12. (1) Any question whether—

(a) any person has been validly elected as a member of the Council;

Determination of questions as to membership.

(b) any elected member of the Council has vacated his seat therein or is required by virtue of subsection (4) of section 10 to cease to exercise any of his functions as a member; or

(c) any person has been validly elected as Speaker of the Council from among persons who are not members of the Council, or having been so elected, has vacated the office of Speaker,

shall be referred to and determined by the Supreme Court in accordance with the provisions of any law enacted by the Legislature of the Colony in that behalf and, subject to any such law, in accordance with any direction given in that behalf by the Chief Justice of the Supreme Court.

(2) Any question whether—

(a) any person has been validly appointed as a nominated member of the Council; or

(b) any nominated member of the Council has vacated his seat therein or is required by virtue of subsection (4) of section 10 to cease to exercise any of his functions as a member,

shall be referred to the Administrator in accordance with any directions given in that behalf by the Administrator, acting in his discretion, and shall be determined by him acting as aforesaid.

Filling of
vacancies.

13. (1) Whenever the seat of an elected member of the Council becomes vacant the vacancy shall be filled by election in accordance with the provisions of this Ordinance.

(2) Whenever the seat of a nominated member of the Council becomes vacant the vacancy shall be filled by appointment by the Administrator in accordance with the provisions of this Ordinance.

Temporary
members.

14. (1) Whenever—

(a) the *ex officio* member is absent from the Colony or is performing the functions of the office of Administrator; or

(b) a nominated member is absent from the Colony or is incapable of performing his functions as a member by virtue of the provisions of subsection (4) of section 10 or by reason of a declaration made under section 15,

a person may be appointed by the Administrator, by instrument under the Public Seal of the Colony to be a temporary member of the Council.

(2) Where an appointment is made under this section in circumstances mentioned in paragraph (a) of subsection (1)—

(a) the person appointed shall be a person holding a public office;

(b) subject to the provisions of this section, he shall hold his appointment during Her Majesty's pleasure; and

(c) so long as his appointment shall subsist the provisions of this Ordinance shall, subject as aforesaid, apply to him as if he were an *ex officio* member of the Council.

(3) Where an appointment is made under this section in circumstances mentioned in paragraph (b) of subsection (1)—

(a) the person shall be a person qualified for appointment as a nominated member; and

(b) so long as his appointment shall subsist the provisions of this Ordinance (including the provisions of section (10) shall, subject to the provisions of this section, apply to him as if he were a nominated member of the Council.

(4) The Administrator shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section.

(5) An appointment made under this section may be revoked by the Administrator by instrument under the Public Seal of the Colony and shall in any case cease to have effect if the person appointed is notified by the Administrator that the circumstances giving rise to the appointment have ceased to exist.

(6) In the exercise of the powers conferred upon him by this section the Administrator shall act in his discretion :

Provided that the Administrator shall consult the Chief Minister with respect to the making of any appointment in circumstances mentioned in paragraph (b) of subsection (1) and the revocation of any appointment so made.

15. The Administrator acting in his discretion may, by instrument under the Public Seal of the Colony, declare a nominated member of the Council to be, by reason of illness, temporarily incapable of performing his functions as a member of the Council and thereupon such member shall not perform his said functions until he is declared, in manner aforesaid, again to be capable of performing them.

Incapacity of
nominated
members.

Sessions of
Council.

16. (1) Subject to the provisions of this section, the sessions of the Council shall be held at such times and places as the Administrator may appoint by proclamation published in the *Gazette*.

(2) The first session of the Council shall commence within a period of six months after the coming into operation of this section, and thereafter there shall be a session of the Council from time to time so that a period of twelve months does not intervene between the last sitting in one session and the first sitting in the next session.

Speaker and
Deputy
Speaker.

17. (1) When the Council first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be the Speaker of the Council; and, if the office of Speaker falls vacant, for any reason other than a dissolution of the Council, the Council shall, as soon as practicable, elect another person to that office.

(2) The Speaker may be elected either from among the members of the Council who are not members of the Executive Council or from among persons who are not members of the Council:

Provided that a person who is not a member of the Council shall not be elected as Speaker if—

(a) he is not a British subject; or

(b) he is a person disqualified for election as an elected member of the Council by virtue of paragraph (a), (b), (c), (d), (f), (g), (h) or (i) of subsection (1) of section 9.

(3) When the Council first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, it shall elect a member of the Council who is not a member of the Executive Council to be Deputy Speaker of the Council; and if the office of Deputy Speaker falls vacant for any reason other than a dissolution of the Council, the Council shall, as soon as convenient, elect another such member to that office.

(4) A person shall vacate the office of Speaker or Deputy Speaker—

(a) on a dissolution of the Council;

(b) in the case of a Speaker elected from among the members of the Council or in the case of the Deputy Speaker, if he ceases to be a member of the Council for any reason other than a dissolution of the Council or if,

by virtue of subsection (4) of section 10, he is required to cease, to perform any of his functions as a member or if he is appointed to be a member of the Executive Council;

(c) in the case of a Speaker elected from among persons who are not members of the Council, if he ceases to be a British subject or if any circumstances arise that would cause him to be disqualified for election as an elected member of the Council by virtue of paragraph (a), (b), (c), (d), (f), (h) or (i) of subsection (1) of section 9 or that, if he were an elected member, would, by virtue of subsection (4) of section 10, require him to cease to perform any of his functions as a member;

(d) if he announces the resignation of his office to the Council or if, by writing under his hand addressed, in the case of the Speaker to the Clerk of the Council and in the case of the Deputy Speaker to the Speaker (or if the office of Speaker is vacant or the Speaker is absent from the Colony, to the Clerk) he resigns that office;

(e) in the case of the Deputy Speaker, if he is elected to be Speaker.

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18. (1) The Speaker or, in his absence, the Deputy Speaker or, if they are both absent, a member of the Council (not being a member of the Executive Council) elected by the Council for that sitting shall preside at each sitting of the Council.

Presiding in
the Council.

(2) References in this section to circumstances in which the Speaker or Deputy Speaker is absent include references to circumstances in which the office of Speaker or Deputy Speaker is vacant.

19. The Administrator shall have the right of addressing the Council at any time when he shall think fit.

Administrator's
right to address
Council.

20. No member of the Council shall be permitted to take part in the proceedings of the Council (other than proceedings necessary for the purposes of this section) until he has made and subscribed before the Council the following Oath of Allegiance—

Oath or
affirmation of
Allegiance.

"I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law. So help me God!" :

Provided that any person authorized by law to make an affirmation instead of taking an oath may make such affirmation in like terms instead of taking the said oath :

Provided also that the election of a Speaker and Deputy Speaker of the Council may take place before the members thereof have made such oath or affirmation.

Quorum.

21. (1) If at any sitting of the Council any member who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the Standing Orders of the Council, the person presiding at the sitting ascertains that a quorum of the Council is still not present the Council shall be adjourned.

(2) A quorum of the Council shall consist of seven members besides the person presiding at the sitting.

Voting.

22. All questions proposed for decision in the Council shall be determined by a majority of the votes of the members present and voting :

Provided that the person presiding shall not vote unless on any question the votes are equally divided, in which case he shall have and exercise a casting vote.

Prorogation
and dissolution.

23. (1) The Administrator acting in accordance with the advice of the Chief Minister may at any time, by proclamation published in the *Gazette*, prorogue the Council.

(2) The Administrator, acting after consultation with the Chief Minister, may at any time, by proclamation published in the *Gazette*, dissolve the Council.

(3) The Administrator shall dissolve the Council at the expiration of five years from the date when the Council first meets after any general election unless it has been sooner dissolved.

General
elections.

24. A general election of elected members of the Council shall be held at such time within two months after the coming into operation of this section and after every dissolution of the Council as the Administrator shall appoint by proclamation published in the *Gazette*.

25. (1) Subject to the provisions of this Ordinance and of the Standing Orders of the Council, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, and the same shall be debated and disposed of according to the Standing Orders of the Council.

Introduction
of Bills, etc.

(2) Except on the recommendation of the Administrator signified by a Minister, the Council shall not—

(a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the Council, would dispose of or charge any public revenue or funds of the Colony or alter any disposition thereof or charge thereon or impose, alter or repeal any rate, tax or duty;

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the Council, is that provision should be made for any of the purposes aforesaid; or

(c) receive any petition which in the opinion of the person presiding in the Council, requests that provision be made for any of the purposes aforesaid.

26. Subject to the provisions of this Ordinance, the Legislature shall have power to make laws for the peace, order and good government of the Colony.

Power to
make laws.
S.I. 1962
No. 1084.

27. (1) Subject to the provisions of this Ordinance, the Council may make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and the passing, intituling and numbering of Bills and the presentation of the same to the Administrator for assent.

Standing
Orders.

(2) Until other provision is made the Standing Rules and Orders of the Legislative Council in force immediately before the coming into operation of this Ordinance shall, with necessary adaptations and modifications, be the Standing Orders of the Council; and the said Standing Rules and Orders may be amended or revoked by Standing Orders made under subsection (1).

28. (1) Any person who sits or votes in the Council knowing or having reasonable grounds for knowing that he is not entitled so to do shall be liable to a penalty not exceeding

Penalty for
unauthorised
person sitting
or voting.

one hundred dollars for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court at the suit of the Attorney-General.

Assent to
Bills.

29. (1) A Bill shall not become a law until either—

(a) the Administrator has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent; or

(b) Her Majesty has given Her assent thereto through a Secretary of State and the Administrator has signified such assent by proclamation published in the *Gazette*.

(2) When a Bill is presented to the Administrator for assent he shall declare that he assents thereto or that he reserves the Bill for signification of Her Majesty's pleasure :

Provided that, unless he has been authorized by a Secretary of State to assent thereto, the Administrator shall reserve for the signification of Her Majesty's pleasure any Bill—

(a) which appears to him, acting in his discretion—

(i) to be inconsistent with any obligation of Her Majesty or of Her Majesty's Government in the United Kingdom towards any other state or power or any international organisation;

(ii) to be likely to prejudice the Royal prerogative, or the maintenance of law and order in the Colony, or the efficiency of the Judiciary or the Public Service or any part thereof;

(iii) to be likely to prejudice the defence of the Colony or of any part of Her Majesty's dominions; or

(b) which is in any way repugnant to or inconsistent with the provisions of this Ordinance.

S.I. 1962
No. 1084.

(3) A law assented to by the Administrator shall come into operation on the date on which such assent shall be given, unless it shall be enacted, either in such law or in some other enactment (including any enactment in operation on the date of the coming into operation of this Ordinance) that it shall come into operation on some other date, in which case it shall come into operation on that date.

Reserved Bills.

30. A Bill reserved for the signification of Her Majesty's pleasure shall become a law so soon as Her Majesty has given

Her assent thereto, through a Secretary of State, and such assent has been signified by proclamation. Every such law shall come into operation on the date of such proclamation, unless it shall be enacted either in such law or in some other enactment (including any enactment in operation at the date of the coming into operation of this Ordinance) that it shall come into operation on some other date, in which case it shall come into operation on that date.

31. In every Bill presented to the Administrator for assent the words of enactment shall be as follows—

Words of
enactment.

“Be it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council of Saint Christopher Nevis and Anguilla, and by the authority of the same as follows :—”.

32. (1) Any law assented to by the Administrator may be disallowed by Her Majesty through a Secretary of State.

Disallowance
of laws.

(2) Whenever any law has been disallowed by Her Majesty the Administrator shall cause notice of such disallowance to be published in the *Gazette* and the law shall be annulled with effect from the date of publication of that notice.

(3) On the annulment of any law under this section, any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made; but save as provided by the foregoing provisions of this subsection the provisions of subsection (2) of section 18 of the Interpretation and General Clauses Act, shall apply to that annulment as they apply to the repeal of an Ordinance.

Cap. 166.

33. (1) In the exercise of the functions conferred by sections 7, 19, 35, 37, 46, 50, 57, 58 and subsection (3) of section 79, the Administrator shall act in his discretion.

Exercise of
functions con-
ferred on
Administrator.

(2) Where the Administrator is directed by this Ordinance to exercise any function after consultation with any person or authority he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(3) Where the Administrator is directed by this Ordinance to exercise any function in accordance with the advice of, or after consultation with, any person or authority, the question

whether he has so exercised that function shall not be enquired into in any court.

(4) The Administrator shall not be obliged to obtain the advice of the Executive Council in relation to the exercise of any function conferred upon him by this Ordinance which is expressed to be exercisable by him in his discretion.

Privileges, etc.
of Council.

34. The Legislature may by law determine and regulate the privileges, immunities and powers of the Council and the members thereof, but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom or of the members thereof.

PART III.

ELECTORAL DISTRICTS AND REGISTRATION OF VOTERS.

Appointment,
powers and
duties of
Supervisor of
Elections.

35. The Administrator shall appoint a Supervisor of Elections who shall—

(a) 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 and any regulations made thereunder;

(b) issue to election officers such instructions as from time to time he may deem necessary to ensure effective execution of the provisions of this Ordinance;

(c) execute and perform all other powers and duties which by this Ordinance are conferred and imposed upon him.

Electoral
districts

36. (1) For the purposes of the election of members of the Council, the Colony shall be divided into ten electoral districts as defined in the First Schedule.

Representation
on Council.

(2) Each electoral district shall be represented on the Council by one elected member.

Polling
divisions.

37. (1) Each electoral district shall be a polling division.

(2) Notwithstanding the provisions of subsection (1) the Supervisor of Elections with the approval of the Administrator may divide any electoral district into so many polling divisions and with such boundaries and descriptions as he may by notice published in the *Gazette* appoint.

(3) The Supervisor of Elections may in like manner from time to time vary the number, descriptions and boundaries of any polling division so appointed.

38. (1) Unless the Administrator otherwise directs—

Appointment of
Registration
Officers, etc.

(a) In the Island of Saint Christopher:

~~(i) the principal Magistrate of District "A" shall be the Registration Officer for each of the electoral districts numbered (1), (2), (3) and (4) in the First Schedule;~~

~~(ii) the principal Magistrate of District "B" shall be the Registration Officer for each of the electoral districts numbered (4), (3) and (6) in the First Schedule.~~

(b) In the Island of Nevis: the Warden of that Island shall be the Registration Officer for each electoral district therein.

(c) In the Island of Anguilla: the Warden of that island shall be the Registration Officer for each electoral district therein.

It shall be the duty of the Supervisor of Elections to comply with any direction of the Administrator made under this subsection.

~~(1) (2) Subject to the provisions of subsection (1) The Supervisor of Elections may appoint such persons as may be necessary to be registration officers.~~

~~(2) (3) The Supervisor of Elections may appoint persons as assistant registration officers to assist registration officers in the performance of their duties under this Ordinance.~~

~~(3) (4) Subject to the authority, directions and control of the registration officer, an assistant registration officer shall have all the powers and may perform any of the duties of the registration officers under this Ordinance, except the consideration of claims and objections.~~

~~(4) (5) A registration officer shall have such powers and be charged with such duties as hereinafter appear.~~

~~(5) (6) Every registration officer shall, before entering on his duties as such, take and prescribe an oath in the form set out in Form No. 6 in the Second Schedule and shall transmit such oath to the Supervisor of Elections.~~

Form No. 6.

**Registration
officers' duties.**

39. It shall be the duty of each registration officer to compile the lists of voters for his district or districts in accordance with the provisions of this Ordinance and any Regulations made thereunder.

Scrutineers.

40. Each political party shall be entitled to nominate in accordance with the prescribed form one person who is qualified as a voter for appointment as scrutineer in respect of each polling division and the persons so nominated shall be appointed accordingly.

**Preparation of
list in enumera-
tion year.**

41. (1) As soon as possible after the coming into operation of this Ordinance, and between the first day of February and the thirty-first day of March in every enumeration year thereafter, every registration officer shall cause to be prepared in and for his electoral district in accordance with the provisions of the Registration Regulations preliminary lists of all persons who are qualified as voters therein.

In this subsection the expression "enumeration year" means the year 1961 and the last year in each successive quinquennial period thereafter.

**Annual
preparation of
lists.**

(2) (a) Subject to the provisions of subsection (1), in each year after the year 1962, every registration officer shall prepare in relation to each polling division comprised in the electoral district for which he is the registration officer, a preliminary list of voters.

(b) Every such preliminary list of voters shall be prepared between the first day of February and the thirty-first day of March.

(c) Every preliminary list of voters shall contain the name, address and occupation of each person whom the registration officer believes to be qualified as a voter for the polling division to which such list relates and shall not contain the name, address or occupation of any person whom the registration officer does not believe to be so qualified.

**Manner of
preparation of
electoral list
in general.**

(3) (a) Subject to the provisions of subsection (1) every preliminary list of voters shall be prepared—

(i) by the deletion from the existing electoral list of the names, addresses and occupations of all per-

sons whom the registration officer has reasonable cause to believe to have died or to have ceased to be qualified as voters for such polling division; and

- (ii) by the amendment of the existing electoral list for such polling division by the substitution thereon for the name, address or occupation of any person whom the registration officer believes to have changed his name, address or occupation but still to be qualified for inclusion in such list, of the name, address or occupation which the registration officer believes to be the true name, address or occupation of such person at the time of the preparation of such preliminary list; and
- (iii) by the addition to the existing electoral list for such polling division of the names, addresses and occupations of all persons whom the registration officer has reasonable cause to believe to have become qualified for inclusion in the list of voters for such polling division since the existing electoral list therefor was revised.

(b) The regulations relating to the revision of lists in any enumeration year shall apply *mutatis mutandis* to the revision of lists in any succeeding year.

In this subsection the expression "existing electoral list" means the electoral list in force immediately before the commencement of the preparation in any year of the preliminary electoral list.

(4) Every list of voters shall come into force on such date as the Administrator may by proclamation appoint and shall remain in force until the list of voters next compiled comes into force.

Coming into
force of
electoral list.

42. Subject to the provisions of section 43, any person shall be entitled to be registered as a voter and, when registered, to vote at an election, if he—

Qualifications
of voters.

(a) is a British subject of the age of twenty-one years or upwards; and

(b) has resided in the Colony for a period of at least twelve months immediately before the date of registration as a voter or is domiciled in the Colony and is resident therein at that date.

Disqualifica-
tions of voters.

43. No person shall be registered as a voter or be entitled to vote at an election who—

(a) has been sentenced by a Court in any of Her Majesty's Dominions to death or to imprisonment (by whatever name called) for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon;

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

(c) is disqualified for registration as a voter by any law in force in the Colony relating to offences connected with elections.

Appeal.

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

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

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

(4) When it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the Registrar of the Supreme Court of the fact

for the purpose of enabling the Court, if it thinks fit, to consolidate the appeals or to select a case as a test case.

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

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

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

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

45. Rules of Court for regulating the practice in respect of appeals under this Part may be made by the Chief Justice or such Puisne Judge as the Chief Justice may appoint for that purpose.

Rules of Court.

46. (1) The Administrator may on the recommendation of the Supervisor of Elections appoint a fit and proper person to be the returning officer for each electoral district.

Appointment
of returning
officer.

(2) Forthwith upon his appointment each returning officer shall take and subscribe an oath in the form set out as Form No. 6A in the Second Schedule and shall transmit such oath to the Supervisor of Elections.

Form No. 6A.

47. Every election officer and every person who is required by Part III and Part IV to take any oath may take such oath either before a Magistrate, a Justice of the Peace, the Supervisor of Elections or before any returning officer or presiding officer or poll clerk appointed in accordance with the provisions of this Ordinance and every such Magistrate, Justice of the Peace, returning officer, presiding officer, poll clerk and

Taking of
Oaths.

the Supervisor of Elections is hereby authorized and empowered to administer any oath required by the said Part III or Part IV to be made or taken by any election officer or other person.

Affirmation.

48. Every person who is required to take an oath in pursuance of any of the provisions of Part III or Part IV may elect to make a solemn affirmation instead of taking such oath.

**Remuneration
of officers.**

49. There shall be paid to the Supervisor of Elections, the returning officer, each registration officer, assistant registration officer, revising officer and to any other officers appointed under this Ordinance such remuneration for their services and such allowances in respect of travelling and other expenses incurred by them as the Administrator in Council may prescribe.

PART IV.

ARRANGEMENTS FOR ELECTIONS.

**Issue of writs
for holding
elections.**

50. (1) For the purpose of every general election of members of the Council, and for the purpose of the election of members to supply vacancies caused by death, resignation or otherwise, the Administrator shall issue writs under the Public Seal of the Colony, addressed to the returning officers of the respective electoral districts for which members are to be returned. Such writs shall be forwarded to the Supervisor of Elections for transmission to the several returning officers.

Form No. 1

(2) Every such writ shall be in the form set out as Form No. 1 in the Second Schedule, and shall specify the day and place of nomination of candidates, the day on which, if necessary, the poll shall be taken, being not less than seven days after the day of such nomination, and the day on which such writ shall be returnable to the Administrator.

(3) Upon receipt of such writ every returning officer shall proceed to hold the election in the manner hereinafter provided.

**Notice of place
and time of
nomination.**

Form No. 2.

51. (1) On receiving such writ, every returning officer shall publish in the *Gazette* and in one or more newspapers published in the Colony a notice in the form set out as Form No. 2 in the Second Schedule of the day and place fixed for the nomination of candidates.

(2) Such notice shall be published at least seven clear days

before the day fixed for such nomination and the returning officer shall give further notice of the issue of such writ and of the time and place fixed for the nomination of candidates by causing notices in the said Form No. 2 to be posted on the outer doors of any Court House, police station, church, chapel, school-house or other building in the electoral district as he may deem necessary.

(3) Nomination papers shall be provided by the returning officer and shall be in the form set out as Form No. 3 in the Second Schedule. Form No. 3.

(4) On the day and at the place so fixed for the nomination of candidates every returning officer shall attend between the hours of ten o'clock in the forenoon and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon and receive the nomination of any duly qualified candidate for the seat to be filled.

(5) Every candidate for election shall be nominated on one nomination paper by at least two registered voters of the electoral district for which such candidate seeks election and his consent to nomination shall be given in writing on such nomination paper and attested by one witness :

Provided that no candidate shall be deemed not to have been validly nominated by reason only of the fact that subsequent to nomination day any person by whom his nomination paper was signed is struck off the first list of voters or the Register of Voters for the relevant electoral district.

(6) If at four o'clock in the afternoon only one candidate has been nominated for the seat to be filled, the returning officer shall declare that candidate to be duly elected and shall immediately thereafter certify by endorsement on the writ the return of such candidate in the form set out as Form No. 4 in the Second Schedule and shall return the writ so endorsed to the Supervisor of Elections for transmission to the Administrator within the time for that purpose specified therein. Uncontested Elections. Form No. 4.

(7) Any candidate duly nominated may, not less than three clear days before the day fixed for taking the poll, withdraw from his candidature by giving notice to the effect, signed by him, to the returning officer, provided that on such withdrawal there remain not less than two duly nominated candidates. Withdrawal of candidature.

Deposit.

52. (1) A candidate for election, or someone on his behalf, shall deposit with the returning officer, on or before the day of his nomination, the sum of one hundred and fifty dollars, and, if he fails to do so, the nomination of such candidate shall be deemed to be withdrawn.

(2) The deposit may be made in any legal tender, or, with the consent of the returning officer, in any other manner.

(3) The full amount of every deposit made under subsection (1) shall forthwith after its receipt be transmitted by the returning officer to the Accountant-General.

(4) If after the deposit is made the candidature is withdrawn in accordance with the provisions of subsection (7) of section 51, the deposit shall be returned by the Accountant-General to the person by whom it was made; and if the candidate dies after the deposit is made and before the taking of the poll, the deposit, if made by him, shall be returned to his legal personal representative, or, if not made by him, shall be returned to the person by whom it was made.

When deposit
forfeited, or
returned.

53. (1) If a candidate who has made such deposit is not elected, and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the amount deposited shall be forfeited to the Crown; in any other case the deposit shall be returned by the Accountant-General as soon as practicable after the result of the election is declared, to the candidate, his legal personal representative, or the person by whom the deposit was made, as the case may be.

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

Contested
elections, pub-
lication of date
and place, &c.

54. (1) If there shall be more than one candidate duly nominated a poll shall be taken, and in such case the returning officer shall adjourn the election to the day specified in the writ, and the poll shall be taken on such day in the manner herein-after provided.

Form No. 5.

(2) The returning officer shall, as soon as practicable after adjourning the election, give notice, in the form set out as Form No. 5 in the Second Schedule, by publication in one or more newspapers published in the Colony, of the day and time on which and the addresses of the polling stations in the elec-

total district at which the poll will be taken and of the names of the candidates nominated for election and of the place where and the day and time when the number of votes given to the several candidates for such electoral district will be counted.

(3) Where the proceedings at any polling station are interrupted or obstructed by riot, or open violence, or by 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, the presiding officer may adjourn the proceedings till the following day and thereafter from day to day as may be necessary and shall forthwith give notice to the returning officer.

Power to
adjourn poll.

(4) Where the poll is adjourned at any polling station,

(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.

55. (1) On the day named in the notice published under the provisions of subsection (2) of section 54 for the taking of the poll the returning officer shall cause to be opened in each polling division in the electoral district to which he is appointed such number of polling stations as the Supervisor of Elections shall determine.

Polling stations.

(2) The returning officer shall provide each polling station with such number of compartments as he may consider necessary to enable voters to record their votes screened from observation.

(3) Unless the writ otherwise directs polling stations shall be opened at seven o'clock in the forenoon and shall be closed at six o'clock in the afternoon.

56. Where more than one polling station is established for any polling division, the returning officer shall divide the list of voters for the polling division into as many separate lists as there are polling stations in the polling division.

Division of
list.

57. (1) The Supervisor of Elections shall, subject to the approval of the Administrator, appoint a presiding officer to attend at each polling station to receive the votes, but he shall not so appoint any person who has been employed by or on behalf of a candidate in or about the election. The Supervisor

Presiding
officers.

of Elections may himself, if he thinks fit, preside at any polling station.

Form No. 7.

(2) Forthwith upon his appointment each presiding officer shall take and subscribe an oath in the form set out as Form No. 7 in the Second Schedule and shall transmit such oath to the Supervisor of Elections.

Poll clerks.

58. (1) The Supervisor of Elections shall, subject to the approval of the Administrator, appoint a poll clerk for every polling station in an electoral district.

Form No. 8.

(2) Forthwith upon his appointment every poll clerk shall take and subscribe an oath in the form set out as Form No. 8 in the Second Schedule and shall transmit such oath to the Supervisor of Elections.

(3) If any presiding officer dies or becomes incapable of performing his duties during the taking of the poll, the poll clerk shall forthwith assume the office of presiding officer and shall appoint some other person to act as poll clerk.

(4) If any poll clerk dies or becomes incapable of performing his duties during the taking of the poll, the presiding officer shall forthwith appoint some other person to act as poll clerk.

(5) Every appointment made under subsection (3) or subsection (4) shall be immediately reported to the Supervisor of Elections by the person making the appointment.

Ballot boxes.

59. (1) The Supervisor of Elections shall supply to each returning officer a number of ballot boxes equal to the number of polling stations in his electoral district.

(2) Every 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 ballot papers may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

Supplies of
election
material.

60. (1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary.

(2) The returning officer shall provide each polling station with—

(a) a statement showing the number of ballot papers so provided, with their serial numbers;

(b) the necessary materials to enable voters to mark the ballot papers;

(c) the necessary materials for putting the official mark on the ballot papers;

(d) at least two copies, which he shall certify, of the list of voters relating to the electoral district to which he is appointed or such part thereof as contains the names of the voters allocated to such polling station (hereinafter called "the official list of voters");

(e) at least three copies of the directions for the guidance of voters in the form set out as Form No. 9 in the Second Schedule; Form No. 9.

(f) a blank poll book;

(g) the several forms of oaths to be administered to voters or other persons;

(h) such other things as may be necessary for conducting the election in the manner provided by this Ordinance.

61. (1) Each candidate may, before the commencement of the poll, appoint one polling agent to attend at a polling station and one counting agent to attend at the counting of the votes. Polling and counting agent.

(2) An agent may be appointed on behalf of more than one candidate.

(3) Every appointment of an agent shall be in writing and shall state the name and address of the person appointed and shall be given, duly signed by the candidate, to the presiding officer or the returning officer as the case may be.

62. (1) The poll shall be taken in each polling division by secret ballot in accordance with the provisions of sections 70, 71 and 72. Taking of poll and the ballot.

(2) The ballot of each voter shall be a printed paper in the form set out as Form No. 11 in the Second Schedule (in this Ordinance called a ballot paper) in which the names, descriptions, symbols and residences of the candidates alphabetically arranged in the order of their surnames and numbered accordingly shall be printed exactly as they are set out in the nomina- Form No. 11.

tion paper. Each ballot paper shall have a number printed on the back and shall have attached to it a counterfoil with the same number printed on the face and there shall be a line of perforations between the ballot paper and the counterfoil.

Inspection of
polling station.

63. Each presiding officer shall, on or before the day fixed for taking the poll, visit his polling station and see that it is provided with proper conveniences as aforesaid for taking the poll.

Where voter
shall vote.

64. (1) Subject to the provisions of sections 68 and 69 no person shall be entitled to vote in any polling division unless his name appears on the list of voters in respect of that polling division.

Restriction on
voting.

65. No person shall vote for the election of more than one candidate.

Transfer of
voters in
special cases.

66. (1) Where any person whose name appears upon the official list of voters for any polling station is appointed as presiding officer or poll clerk for some other polling station in an electoral district, the returning officer shall transfer the name of the presiding officer or poll clerk, as the case may be to the official list of voters for the polling station of which such person is appointed the presiding officer or poll clerk.

(2) The returning officer shall give notice in writing to every candidate in his electoral district of any transfer made under subsection (1) and to the presiding officer of the polling station at which the person whose name is so transferred would have been entitled to vote but for the provisions of section 67.

Where trans-
ferred voter
may vote.

67. (1) Every person whose name is transferred in accordance with the provisions of section 66 from any official list of voters to another official list of voters shall vote, if he votes at all, in the polling station of which he is appointed presiding officer or poll clerk, as the case may be.

(2) Every presiding officer who issues to any person whose name has been transferred from any official list of voters to any other official list of voters any ballot paper at any polling station other than the polling station of the polling division to which such person's name has been transferred shall be liable, on summary conviction, to a fine of twenty-five dollars or to imprisonment for one month.

68. (1) At the hour fixed for opening the poll the presiding officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the voters as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the presiding officer shall keep the key thereof; the box shall be placed on a table in full view of all present and shall be maintained there until the close of the poll.

Proceedings
at poll.

(2) Immediately after the ballot box is so locked, the presiding officer shall call on the voters to vote.

(3) The presiding officer shall secure the admittance of every voter in the polling station and shall see that they are not impeded or molested at or about the polling station.

(4) Every voter, upon entering the polling station, shall declare his name, residence and occupation. The poll clerk shall then ascertain if the name of the voter appears on the official list of voters used at the polling station. When it has been ascertained that the applicant voter is qualified to vote at the polling station, his name, address and occupation shall be entered in the poll book to be kept by the poll clerk in the form set out as Form No. 10 in the Second Schedule, a number corresponding to the consecutive number allotted to the voter on the official list of voters being prefixed to the voter's name in the appropriate column of the poll book and the voter shall be immediately allowed to vote, unless an election officer or any agent of a candidate present at the polling station desires that he be first sworn.

Form No. 10.

(5) The poll clerk shall—

(a) make such entries in the poll book opposite the name of each voter as the presiding officer pursuant to the provisions of this Ordinance directs; and

(b) enter in the poll book opposite the name of each voter as soon as the voter's ballot paper has been deposited in the ballot box, the word "voted"; and

(c) enter in the poll book the word "Sworn" or "Affirmed" opposite the name of each voter, to whom any oath or affirmation has been administered indicating the nature of the oath or affirmation; and

(d) enter in the poll book the words "Refused to be sworn" or "Refused to affirm" or "Refused to answer" opposite the name of each voter who has refused to take

an oath or affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer.

Who are to be admitted within polling stations.

69. (1) The presiding officer shall keep order at his polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the Supervisor of Elections, the returning officer of the electoral district, the polling clerk, the candidates, one agent for each candidate appointed by such candidate in accordance with the provisions of section 61 of this Ordinance and the police officers on duty.

Agents how to be placed.

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

General mode of taking ballot.

Form No. 11.

70. (1) Each voter shall receive from the presiding officer a ballot paper on which such officer has previously put his initials so placed as indicated in the form set out as Form No. 11 in the Second Schedule that when the ballot paper is folded the said initials can be seen without opening it, and on the counterfoil of which he has placed a number corresponding to the consecutive number on the official list of voters and entered in the poll book opposite the name of such voter.

(2) The presiding officer shall instruct the voter how to make his mark, and shall properly fold the voter's ballot paper, directing him to return it, when marked, folded as shown, but without inquiring or seeing for whom the voter intends to vote, except when the voter is unable to vote in the manner prescribed by this Ordinance on account of illiteracy, blindness or other physical incapacity.

(3) The voter on receiving the ballot paper shall forthwith enter one of the polling compartments in the polling station and there mark his ballot paper by marking with a black lead pencil and not otherwise a cross within the space opposite the name and symbol of the candidate for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials and the numbers on the counterfoil can be seen without opening it, and hand the paper to the presiding officer who shall, without unfolding it, ascertain by examination o

the initials and numbers appearing thereon that it is the same paper as that delivered to the voter and, if the same, he shall in full view of the voter and of all others present remove the counter-foil and deposit the ballot in the ballot box.

(4) A voter who has inadvertently so dealt with the ballot paper delivered to him that it cannot conveniently be used shall restore it to the presiding officer who shall cancel it by writing the word "Spoiled" across the face of the same. The presiding officer shall then deliver another ballot paper to the voter.

(5) Every voter shall vote without undue delay and shall leave the polling station as soon as his ballot paper has been put into the ballot box.

(6) If at the closing of the poll there are any voters inside the polling station who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, but no one not actually present within the polling station at the hour of closing shall be allowed to vote.

71. (1) The presiding officer may, and shall if requested by a candidate or his agent, put to the voter the following questions—

Questions
which may be
put to a voter.

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

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

(2) If any person refuses to answer any question put to him as in this section provided, the presiding officer shall refuse to give him a ballot paper.

(3) If any person makes a false answer to any such question he shall be liable, on summary conviction, to imprisonment for six months.

72. (1) Subject to all other provisions of this Ordinance as to proof of qualification as a voter, and as to the administration of oaths, if a person representing himself to be a particular voter applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity, in the form set out as Form No. 12 in the Second Schedule, and otherwise establishing his identity to the satisfaction of the presiding officer.

Mode of taking
ballot in special
cases.

Form No. 12.

(2) In such case, the presiding officer shall put on the ballot paper his initials together with a number corresponding to the number allotted to the voter on the list of voters and entered in the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book—

(a) the name of such voter;

(b) a note of his having voted on a second ballot paper issued under the same name;

(c) the fact of the oath of identity having been required and taken, and the fact of any other oaths being so required and taken; and

(d) any objections made on behalf of any, and of which, of the candidates.

Form No. 13.

(3) The presiding officer, on the application of any voter who is incapacitated from any physical cause other than blindness or by reason of illiteracy from voting in the manner prescribed by this Ordinance, shall require the voter making such application to make oath in the form set out as Form No. 13 in the Second Schedule of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the poll clerk and of the sworn agents of the candidates and of no other person, and shall place such ballot in the ballot box.

Form No. 14.

(4) The presiding officer shall either deal with a blind voter and a voter who is unable to mark his ballot paper by reason of illiteracy in the same manner as with an otherwise incapacitated voter, or, at the request of any blind voter or a voter who is unable to mark his ballot paper by reason of illiteracy and who has taken the oath in the form set out as Form No. 14 in the Second Schedule, and is accompanied by a friend who is a voter in the polling division, shall permit such friend to accompany the blind or illiterate voter, as the case may be, into the voting compartment and mark the voter's ballot paper for him. No person shall at any election be allowed to act as such friend to more than one voter.

Form No. 15.

(5) Any friend who in accordance with the provisions of subsection (4) is permitted to mark the ballot paper of a blind voter or a voter who is unable to mark his ballot paper by reason of illiteracy shall first be required to take an oath in the form set out as Form No. 15 in the Second Schedule that he will keep secret the name of the candidate for whom the ballot

of such voter is marked by him, and that he has not already acted as the friend of any other voter for the purpose of marking his ballot paper at the pending election.

(6) Whenever any voter has had his ballot paper marked as provided in subsection (3) or subsection (4), the poll clerk shall enter in the poll book opposite the voter's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.

73. (1) Where there is contained in the list of voters a name, address and occupation which corresponds so closely with the name, address and occupation of a person by whom a ballot paper is demanded as to suggest that the entry in such list of voters was intended to refer to him, such person shall, upon taking the oath in the form set out as Form No. 16 in the Second Schedule and complying in all other respects with the provisions of this Ordinance, be entitled to receive a ballot paper and to vote. In any such case the name, address and occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

Who may vote.

Form No. 16.

(2) A voter, if required by the presiding officer, the poll clerk, one of the candidates or an agent of a candidate, or by a voter present, shall before receiving his ballot paper take an oath in the form set out as Form No. 17 in the Second Schedule and, if he refuse to take such oath, erasing lines shall be drawn through his name on the official list of voters and in the poll book, if such name has been entered in the said book, and the words "Refused to be sworn" shall be written thereafter.

Form No. 17.

74. (1) In addition to the presiding officer and the poll clerk, the candidates and one agent for each candidate in each polling station, the police officers on duty, and no others, shall be permitted to remain in the polling station during the time the poll remains open :

Who may be present.

Provided that no candidate and his agent shall be in the same polling station at the same time for more than five consecutive minutes.

(2) The agent of each candidate, on being admitted to the polling station, shall take an oath in the Form set out as Form No. 18 in the Second Schedule to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

Form No. 18.

(3) Agents of candidates may, with the permission of the presiding officer, absent themselves from and return to the polling station at any time before one hour prior to the close of the poll.

Proceedings
after Poll.

75. (1) Forthwith upon the close of the poll the presiding officer shall in the following order—

(a) seal the ballot boxes;

(b) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter, who voted last, thus: "The number of voters who voted at this election in this polling station is _____" (stating the number), and sign his name thereto;

(c) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon the number of such spoiled ballot papers and seal it up;

(d) count the unused ballot papers, place them with all the stubs of all used ballot papers in the special envelope supplied for that purpose and indicate thereon the number of such unused ballot papers; and

(e) check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of voters whose names appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for.

(2) The ballot boxes, poll book, envelopes containing the spoiled and unused ballot papers, official list of voters and other documents used at the poll shall be transmitted to the place notified for the counting of the votes or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes and papers aforesaid from a given number of polling stations, and such person or persons shall, on delivering the ballot boxes and papers to the returning officer, take the oath in the form set out as Form No. 19 in the Second Schedule.

Form No. 19.

(3) The presiding officer shall, with the ballot boxes and papers aforesaid, transmit or deliver to the returning officer, in the envelope provided for that purpose, the keys of such ballot boxes.

76. (1) Each returning officer, upon receipt by him of each of the ballot boxes, shall take every precaution for its safe keeping and for preventing any person other than himself from having access thereto, sealing it under his own seal so that it cannot be opened without the seal being broken but without effacing or covering any other seals thereto affixed. The count.

(2) After all the ballot boxes have been received they shall be opened for the count of votes and in the presence of such of the candidates or their agents, and if the candidates or any of them are absent, then in the presence of such as are present, and of at least two voters if none of the candidates is represented, by the returning officer, and the returning officer shall—

(a) record and count the number of votes given to each candidate (allowing the candidates and their agents full opportunity to see such votes but not the official number on the back of the ballot paper). A poll clerk and not less than two witnesses shall be supplied with tally sheets upon which they may keep their own score as each vote is called out by the returning officer;

(b) reject all ballot papers—

(i) which have not been marked for any candidate;

(ii) on which votes have been given for more candidates than there are seats to be filled;

(iii) upon 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 any presiding officer.

(3) If in the course of counting the votes any ballot paper is found with the counterfoil still attached thereto, the returning officer shall (carefully concealing the numbers thereon from all persons present and without examining them himself) remove such counterfoil. He shall not reject the ballot paper merely by reason of the failure of the presiding officer to remove the counterfoil.

(4) If in the course of counting the votes the returning officer discovers that the presiding officer has omitted to affix his initials to any ballot paper as provided by subsection (1) of section 70, he shall, in the presence of a poll clerk and such of the candidates or their counting agents, affix his initials to

such ballot paper and shall count such ballot paper as if it had been initialled by the presiding officer in the first place, provided that he is satisfied that the ballot paper is one that has been supplied by the presiding officer, and also that every ballot paper supplied to such presiding officer has been accounted for as provided by paragraph (e) of subsection (1) of section 75.

(5) The returning officer shall keep a record on the special form printed in the poll book of every objection, made by any candidate or his counting agent or any voter present, to any ballot paper found in a ballot box, and shall decide every question arising out of the objection. The decision of the returning officer shall be final, subject to reversal on petition questioning the election or return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the returning officer.

(6) All the ballot papers not rejected by the returning officer shall be counted and a list shall be kept of the number of votes given to each candidate and of the number of rejected ballot papers. The ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes; all rejected ballot papers shall be put into a special envelope and all such envelopes shall be sealed by the returning officer and by such agents or witnesses present as may desire to seal them or to sign their names thereon in addition or instead.

(7) The candidate who on the completion of the count is found to have the largest number of votes shall then be declared by the returning officer to be elected as the member for the electoral district.

Equality of
votes.

(8) Whenever there is an equality of votes between two or more candidates and the addition of a vote would entitle one of such candidates to be declared elected, then—

(a) the returning officer, if he is a registered voter of the electoral district for which the election is held, may give such additional vote, but the returning officer shall not in any other case be entitled to vote at an election for which he is the returning officer;

(b) if the returning officer is not a registered voter as aforesaid, or if being such registered voter he declines to vote, he shall make a special return of the result of the election and the Council shall have the right by resolution to choose one of such candidates to be the member for that electoral district.

77. (1) Subject to the provisions of subsection (2), during the hours when the poll is open upon polling day, no persons shall assemble or congregate within one hundred yards of any building in which is situate any polling station.

Maintenance of order at polling stations.

(2) This section shall not apply—

(a) to any voters who are waiting to poll their votes at such polling station and who obey any instructions which may be given by the presiding officer or poll clerk or any police officer for the purpose of forming a queue with other voters also so waiting; or

(b) to any person who may under the provisions of this Ordinance lawfully enter or remain in such polling station.

(3) Every person who contravenes or fails to comply with any of the provisions of this section shall be liable on summary conviction to a fine of two hundred and forty dollars or to imprisonment for six months or to both such fine and such imprisonment.

78. (1) During the hours that the poll is open upon polling day no person shall upon any public road or in any public place within one hundred yards of any building in which a polling station is situate seek to influence any voter to vote for any candidate or to ascertain for what candidate any voter intends to vote or has voted.

Influencing of voters to vote for any candidate.

(2) Every person who contravenes any of the provisions of subsection (1) shall be liable on summary conviction to a fine of two hundred and forty dollars or to imprisonment for six months or to both such fine and such imprisonment.

79. (1) The returning officer within the time specified for the return of any writ shall forward to the Supervisor of Elections—

Election return:

(a) the writ with his return in the form set out as Form No. 20 in the Second Schedule endorsed thereon that the candidate having the majority of votes has been elected;

Form No. 20.

(b) a report of his proceedings showing the number of votes cast for each candidate at each polling station, and making such observations as the returning officer may think proper as to the state of the election papers as received from the presiding officer;

(c) the number of persons to whom, it appears from the counterfoils, ballot papers have been supplied in each polling division;

(d) the reserve supply of undistributed blank ballot papers;

(e) the poll book used at each polling station, a packet containing the counterfoils and unused ballot papers, packets containing the ballot papers cast for the several candidates, a packet containing the spoiled ballot papers, a packet containing the rejected ballot papers and a packet containing the official lists of voters used at the polling stations, and the written appointments of candidates' agents; and

(f) all other documents used for the election.

(2) The Supervisor of Elections shall, on receiving the return of any member elected to serve in the Council, cause it to be entered, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately cause a notice to be published in the *Gazette* of the name of the candidate so elected and in the order in which it was received.

(3) The Supervisor of Elections shall, on receiving the return of any member elected to serve in the Council, transmit the writ with the return endorsed thereon to the Administrator within the time specified in such writ. The Administrator shall within seven days of the receipt of the said writ return the same to the Supervisor of Elections for safe custody in accordance with the provisions of section 80.

(4) The Supervisor of Elections shall, immediately after each general election, cause to be printed a report giving, by polling divisions, the number of votes polled for each candidate, the number of rejected ballot papers, the number of names on the lists of voters, together with any other information that he may deem fit to include; and shall also, at the end of each year, cause to be printed a similar report on the by-elections held during the year.

(5) If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the Council for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully

delayed, neglected or refused duly to make such return of his election shall forfeit to the person aggrieved the sum of five hundred dollars and costs in addition to all damages sustained.

80. (1) The Supervisor of Elections shall keep the election documents referred to in subsection (1) of section 79 in safe custody and shall allow no person to have access to them :

Custody of
election
documents.

Provided that, if an election petition has been presented questioning the validity of any election or return, the Supervisor of Elections shall, on the order of a Judge of the Supreme Court, deliver to the proper officer of that Court the documents relating to the election that is in dispute :

Provided also that after the expiration of twelve months from the day of any election it shall be lawful for the Supervisor of Elections to cause the said documents used at such election to be burnt.

(2) No such election documents in the custody of the Supervisor of Elections shall be inspected or produced except on the order of a Judge of the Supreme Court; and an order under this subsection may be made by any such Judge upon 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.

81. (1) Forthwith upon making the return to the writ in accordance with the provisions of section 79, the returning officer shall cause the ballot boxes used at such election, with their locks and keys and the screens and other appliances used in the polling station to be deposited in the custody of the police officer in charge of a police station in the electoral district.

Custody of
ballot boxes.

(2) Upon delivery to him of such ballot boxes, locks, keys, screens and other appliances the custodian shall issue his receipt and shall at the next ensuing election, upon request, deliver such ballot boxes, locks, keys, screens and other appliances to the returning officer to whom the writ is directed, taking such returning officer's receipt.

PART V.

ELECTION PETITIONS.

Petitions
against
elections..

82. A petition complaining of an undue return or undue election of a member of the Council (in this Ordinance called an election petition) may be presented to the Supreme Court by any one or more of the following persons, that is to say—

(a) some person who voted or had a right to vote at the election to which the petition relates;

(b) some person claiming to have had a right to be returned at such election;

(c) some person alleging himself to have been a candidate at such election.

Presentation of
election petition
and security
for costs.

83. (1) The following provisions shall apply with respect to the presentation of an election petition—

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

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

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

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

shall be given on behalf of the petitioner;

(c) the security shall be to an amount of twelve hundred dollars and shall be given by recognizance to be entered into by any number of sureties not exceeding four

approved by the Registrar of the Supreme Court, or by deposit of money in the Supreme Court, or partly in one way and partly in the other.

(2) Rules, not inconsistent with the provisions of this Ordinance, as to the deposit of security and the practice and procedure for the service and hearing of election petitions and matters incidental thereto may be made by the Chief Justice.

84. If a candidate who has been elected is certified by the Judge who tried the election petition questioning the return or election of such candidate to have been personally guilty or guilty by his agents of any corrupt or illegal practice his election shall be void.

Avoidance of election of candidate certified guilty of corrupt or illegal practice.

85. Where on an election petition it is shown that corrupt or illegal practices or illegal payments or employments committed in reference to the 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, 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.

Avoidance of election for general corruption, etc.

86. Every election petition shall be tried in the same manner as an action in the Supreme Court by a Judge sitting alone. At the conclusion of the trial the Judge shall determine whether the member of the Council whose return or election is complained of or any, and what, other person was duly returned and elected, or whether the election was void, and shall certify such determination to the Administrator, and, upon his certificate being given, such determination shall be final; and the return shall be confirmed or altered, or a writ for a new election issued, as the case may require, in accordance with such determination.

Trial of election petitions.

87. At the trial of an election petition the Judge shall, subject to the provisions of this Ordinance, have the same powers, jurisdiction and authority, and witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in the trial of a civil action in the Supreme Court, and such witnesses shall be subject to the same penalties for perjury.

Powers of Judge.

PART VI.

ELECTION OFFENCES.

Intoxicating
liquor not to
be sold or
given on polling
day.

Cap. 252.

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

(2) Any person who contravenes the provisions of this section shall be liable on summary conviction to a fine of one hundred dollars or to imprisonment for six months.

Employers to
allow employees
time.

89. (1) Every employer shall, on polling day, allow to every voter in his employ a reasonable period for voting, and no employer shall make any deduction from the pay or other remuneration of any such voter or impose upon or exact from him any penalty by reason of his absence during such period.

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any voter in his employ of such period for voting, as in this section provided, shall on summary conviction be liable to a fine of five hundred dollars or to imprisonment for six months.

Offences by
election
officers.

90. Every election officer who—

(a) makes, in any record, return or other document which he is required to keep or make under this Ordinance, any entry which 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 to be a blind person, an illiterate person or an incapacitated person to vote in the manner provided for blind persons, illiterate 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, an illiterate person or an incapacitated person to vote in the manner provided for blind persons, illiterate persons or incapacitated persons, as the case may be; or

(d) wilfully prevents any person from voting at the polling station at which he knows or has reasonable cause to believe such person is entitled to vote; or

(e) wilfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with the provisions of this Ordinance; or

(f) wilfully counts any ballot paper as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidate,

shall be guilty of an offence against this section and, on conviction on indictment, shall be liable to be imprisoned for any term not exceeding two years.

91. (1) No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used on motor cars, trucks or other vehicles, as political propaganda, on polling day, and no person shall, with any such intent, carry, wear or use, on motor cars, trucks or other vehicles, any such loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, on polling day.

Loudspeakers, ensigns, banners, etc. prohibited on polling day.

(2) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any electoral district on polling day as a party 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 or other favour, as such badge, within any electoral district on polling day.

Flags, ribbons or favours not to be furnished or worn.

(3) Nothing contained in either subsection (1) or subsection 2) shall be deemed to extend to the furnishing or supplying of any banner bearing only the name of any candidate or only such name preceded by the words "Vote for" or of any rosette or to the use of any such banner on any vehicle or of any such rosette.

(4) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months.

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

Definition of bribery.

(1) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give

or lend, or offers, promises, or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election.

(2) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or to procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election.

(3) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of the Council, or the vote of any voter at any election.

(4) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as an elected member of the Council or the vote of any voter at any election.

(5) Every person who advances or pays or causes to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election.

(6) Every voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place, or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.

(7) Every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such election.

(8) The foregoing provisions of this section shall not extend or 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.

(9) For the purpose of this section "legal expenses" includes—

(a) the payment of the agents, clerks, canvassers and messengers of candidates;

(b) payments made for the purpose of hiring vehicles for the conveyance of voters to or from a polling station;

(c) payments made for the use of any premises for a public meeting in furtherance of the candidature of any person or for the use of any committee room or office for the purpose of promoting or procuring the election of a candidate;

(d) payments made in respect of postage, stationery, printing, advertising, the distribution of advertising material and the use of any public address system.

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

Definition of treating.

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

(2) Every voter who corruptly accepts or takes any such food, drink, entertainment or provision.

94. Every person who, 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

Definition of undue influence.

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

Definition of personation.

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

Penalty for bribery, treating or undue influence.

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

Penalty for personation.

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

Disqualification for bribery, &c.

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

(a) of being registered as a voter, or of voting at any election;

(b) of being elected a member of the Council or, if elected before his conviction, of retaining his seat as such member.

Penalty for certain illegal practices at elections.

99. (1) Every person who—

(a) votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Ordinance, or by any law in force in the Colony, from voting at such election;

(b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate;

(c) between the date of the publication in the *Gazette* by the returning officer of a notice in accordance with the provisions of subsection (1) of section 51 and the day after polling at the election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the Council,

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

(2) Every person who, between the date of the publication in the *Gazette* by the returning officer of a notice in accordance with the provisions of subsection (1) of section 51, and the day after polling at the election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the Council, shall be guilty of an illegal practice and shall, on conviction on indictment thereof, be liable to imprisonment for two years, and be incapable, during a period of five years from the date of conviction, of being registered as a voter or of voting at any election.

Offence to incite or conspire to disrupt public meetings of candidates.

100. Every person who—

(a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper; or

(b) without due authority supplies a ballot paper to any person; or

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

(d) fraudulently takes out of the polling station any ballot paper; or

Offences in respect of ballot papers.

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

(f) not being duly registered as a voter, votes at an election,

shall be liable on summary conviction, if he is an election officer, to imprisonment for six months or to a fine of four hundred and eighty dollars, and, if he is any other person, to imprisonment for three months or to a fine of two hundred and forty dollars.

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

Infringement
of secrecy.

101. (1) Every election officer and every agent appointed under the provisions of section 61 in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or number on the list of voters of any voter who has or has not applied for a ballot paper or voted at that polling station, and no person shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted.

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

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

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

PART VII.

MISCELLANEOUS PROVISIONS.

102. No voter who has voted at any election shall, in any legal proceedings to question the election or return, be required to state for whom he voted. No obligation on voter to disclose vote.

103. At any election a person shall not be entitled to vote unless his name is on the Register of Voters for the electoral district in which he resides, and every person whose name is on such Register shall, subject to the provisions of this Ordinance, be entitled to demand and receive a ballot paper and to vote: Conclusiveness of Register of Voters.

Provided that nothing in this section shall entitle any person to vote who is prohibited from voting by any law in force in the Colony, or relieve such person from any penalties for which he may be liable for voting.

104. (1) The Administrator in Council may make regulations generally for giving effect to the provisions of this Ordinance and without prejudice to such general power may make regulations— Power to make Regulations.

(a) with respect to the registration of voters;

(b) with respect to the incurring of expenses and the making of payments by or on behalf of a candidate, whether before, during or after an election, on account or in respect of the conduct of such election;

(c) requiring the appointment of an election agent through or by whom all such expenses or payments as aforesaid shall be incurred or made;

(d) fixing the maximum amount of expenses and payments that may be incurred or paid, whether before, during or after an election, on account or in respect of the conduct of such election;

(e) fixing the time within which all election expenses shall be paid;

(f) requiring a return of election expenses and payments and prescribing the form in which the same shall be made and verified;

(g) prescribing the remuneration and travelling allowances and other expenses which may be paid to officers appointed under this Ordinance;

(h) prescribing the duties of returning officers and the procedure to be followed in the performance of their duties;

(i) adding to, rescinding, varying or amending any of the forms contained in the Second Schedule; and

(j) prescribing penalties not exceeding two hundred dollars for the breach of any regulations made hereunder.

(2) Any regulations made under the provisions of subsection (1) may, in specifying any offence or offences, further specify that any such offence shall be deemed to be an illegal practice.

(3) An election petition may be presented in respect of any illegal practice declared by such regulations to be a ground for presenting such petition, and the provisions of sections 82, 83, 86 and 87 shall, subject to such regulations, apply to petitions presented in respect of illegal practices.

Expenses of elections.

105. All expenses properly incurred by, and all remuneration and travelling allowances payable to, officers under this Ordinance shall be defrayed out of the general revenue of the Colony.

Computation of time.

106. (1) In reckoning time for the purposes of this Ordinance, Sunday shall be included but Christmas Day, Good Friday and any bank holiday shall be excluded.

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

FIRST SCHEDULE.

ELECTORAL DISTRICTS

(Section 38)

SAINT CHRISTOPHER.

- (1) All that portion of the Parish of Saint George, Basseterre, including the town of Basseterre, to the east of a line running from the sea northwards through the centre of Fort Street, Victoria Road and its continuation to the Parish Boundary.

- (2) All that central portion of the Parish of Saint George, Basseterre, including the town of Basseterre, between a line running from the sea northwards through the centre of Fort Street, Victoria Road and its continuation to the Parish Boundary and a line running from the sea northwards through the centre of Wigley Avenue and its continuation to the Parish Boundary.
- (3) All that portion of the Parish of Saint George, Basseterre, including the town of Basseterre, to the West of a line running from the sea northwards through the centre of Wigley Avenue and its continuation to the Parish Boundary; and the Parish of Trinity, Palmetto Point.
- (4) The Parish of Saint Thomas, Middle Island; and all that portion of the Parish of Saint Anne, Sandy Point, including the town of Sandy Point, to the South-east of a line running from the sea through the centre of Downing Street, Millard Street and Farm Road and its continuation to the Parish Boundary.
- (5) All that portion of the Parish of Saint Anne, Sandy Point, including the town of Sandy Point, to the North-west of a line running from the sea through the centre of Downing Street, Millard Street and Farm Road to the Parish Boundary; the Parish of Saint Paul, Capisterre; and all that portion of the Parish of Saint John, Capisterre to the North-west of a line running from the sea through the centre of Parsons Ghaut to the Parish Boundary.
- (6) All that portion of the Parish of Saint John, Capisterre, to the South-east of a line running from the sea through the centre of Parsons Ghaut to the Parish Boundary; and the Parish of Christ Church, Nichola Town.
- (7) The Parishes of Saint Mary, Cayon; and Saint Peter, Basseterre.

NEVIS.

- (8) The Parishes of Saint John, Fig Tree; Saint Paul, Charlestown; and Saint Thomas, Lowland.
- (9) The Parishes of Saint George, Gingerland; and Saint James, Windward.

ANGUILLA.

- (10) The Island of Anguilla and all small islands which are adjacent thereto and form part of the Colony.

FORM No. 2.

S. 51 (1).

NOTICE OF NOMINATION.

The Administrator having issued his Writ of Election for the election of a member of the Legislative Council for the electoral district of _____ the returning officer for the said district will on the _____ day of _____ 19____ now next ensuing between the hours of ten o'clock in the forenoon and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon at _____ proceed to the nomination of a member for the electoral district of _____

Dated this _____ day of _____ 19____

*Returning Officer
for the electoral district of*

FORM No. 3.

S. 51 (3).

NOMINATION PAPER.

We, the undersigned voters for the electoral district of _____ do hereby nominate the following person as a proper person to serve as a member of the Legislative Council of St. Christopher, Nevis and Anguilla 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 Legislative Council.

Surname	Other Name	Address	Occupation

Signatures

.....
.....

I, _____ nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as a member of the Legislative Council for the electoral district of _____

Witness my hand this _____ day of _____ 19____

Signature of Candidate.

Signed by the said nominee in the presence of—

Signature of Witness.

FORM No. 4.

S. 51 (6).

RETURN OF UNCONTESTED ELECTION.

I hereby certify that the member elected for the Electoral
District of _____ in pursuance of the within Writ is

(Insert name, address and occupation of member elected as stated
on the nomination paper.)

no other candidate(s) having been nominated.

Dated at _____ this _____ day of _____ 19 _____.

Returning Officer.

FORM No. 5.

S. 54 (2).

NOTIFICATION OF ELECTION.

TAKE NOTICE that a poll will be taken for the election of
a member for the electoral district of _____
to serve in the Legislative Council.

The poll will be opened on the _____ day of
19 _____, at the hour of _____ in the forenoon and kept open till
the hour of _____ in the afternoon in the following polling
stations established in the said electoral district, that is to say—

Address of Polling Stations: _____ Voters allotted thereto: _____

The candidates in the above electoral district are as follows—

Candidates :— _____

The number of votes given to the several candidates will be
counted on the _____ day of _____ 19 _____, at
_____ o'clock in the _____ noon at _____ of which
all persons are hereby required to take notice and govern them-
selves accordingly.

Dated this _____ day of _____ 19 _____.

Returning Officer
for the electoral district of _____

OATH OF REGISTRATION OFFICER.

I, _____ do swear that I will
faithfully perform all the duties of registration officer of the polling
division of _____ in the electoral district of
_____ in accordance with the provisions of the
Constitution and Elections Ordinance, to the best of my ability.

.....
Registration Officer.

Sworn before me
.....

Date

OATH OF RETURNING OFFICER.

I, _____ having
been appointed returning officer for the electoral district of _____
do swear that I will faithfully perform all the duties of
such returning officer in accordance with the provisions of the
Constitution and Elections Ordinance, to the best of my ability.

.....
Returning Officer.

Sworn before me

Date

OATH OF PRESIDING OFFICER.

I, _____
the undersigned, appointed Presiding Officer for the Polling
Station at _____ in the Electoral District of _____
swear that I will act faithfully in my said capacity of Presiding

Officer, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above-mentioned Polling Station marks his ballot paper in my presence at this election.

SO HELP ME GOD.

Presiding Officer.

Sworn before me at _____ this day
of _____ 19__.

FORM No. 8.

Section 58 (2).

OATH OF POLL CLERK.

I,
the undersigned, appointed as Poll Clerk for the Polling Station
at _____ in the Electoral District of _____
swear that I will act faithfully in my capacity of Poll Clerk and
also in that of Presiding Officer if required to act as such, accord-
ing to law, without partiality, fear, favour or affection, and that I
will keep secret the names of the candidates for whom any of the
voters in the above-mentioned Polling Station marks his ballot
paper in my presence at this election.

SO HELP ME GOD.

Poll Clerk.

Sworn before me at _____ this _____ day
of _____ 19____.

FORM No. 9.

S. 60 (2).

DIRECTIONS FOR THE GUIDANCE OF VOTERS.

1. Each voter may vote only at one polling station and for only one candidate.

2. The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross on the right hand side, opposite the name of the candidate for whom he votes, thus X.

For example :— Supposing John Jones and George Smith are the candidates for election and the voter wishes to vote for Jones, he must place a cross opposite Jones' name as follows :—

Jones, John Cayon Street. Shopkeeper.	X
Smith, George Church Street. Carpenter.	

3. The voter shall then fold the ballot paper so that the initials of the presiding officer and the numbers on the counterfoil can be seen and the counterfoil detached without opening the ballot paper; he shall then return the ballot paper so folded to the presiding officer who shall in full view of those present including the voter, remove the counterfoil and place the ballot paper in the ballot box. The voter shall then forthwith quit the polling station.

4. If the voter inadvertently spoils a ballot paper, he can return it to the presiding officer, who will, if satisfied of such inadvertence, give him another paper.

5. If the voter votes for more than one candidate or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void and will not be counted.

6. If the voter takes a ballot paper out of the polling station or deposits in the ballot box any other paper than the one given him by the presiding officer, he shall be liable on summary conviction to imprisonment for three months or to a fine of two hundred and forty dollars.

FORM No. 10.
Poll Book.

S. 68 (4).

Consecutive number given each voter as he applies for Ballot.	Particulars of Voter.							Particulars of persons applying for Ballot Papers after another person has voted as such person			Objections if any made on behalf of any Candidates.	Remarks.
	Name of Voter.	Occupation.	Postal Address.	Consecutive No. of Voter on list of Voters.	Form numbers of Oaths if any voter is required to swear.	(a) Record that Oath sworn or refused.	(b) Record that voter has voted.	Name.	Consecutive No. of Voter on list of Voters.	Record that Oath sworn.		

(a) If sworn insert "sworn," and number of the Oath; if refused insert "refused to be sworn".

(b) When Ballot put into Ballot Box insert "voted."

FORM No. 11.

S. 62 (2) and (70).

BALLOT PAPER.

No. 6700

GENERAL ELECTION.....		
.....Electoral District.		
Voters Number on Register.....		
Polling Day.....	Space for Initial of P.O.	
-----Do not fold beyond this line-----		
1. JAMES, JOHN P. Cayon Street. Shopkeeper.	Symbol.	
2. ROBINSON, PETER F. Central Street. Carpenter.		
3. SMITH, GEORGE R. Church Street. Mechanic.		

FORM No. 12.

S. 72 (1).

OATH OF IDENTITY OF A VOTER RECEIVING A BALLOT PAPER
AFTER ANOTHER HAS VOTED IN HIS NAME.

You swear that you are

(Name as on list of Voters).

of

(Address as on list of Voters).

whose name is entered on the list of Voters now shown you.

SO HELP YOU GOD.

FORM No. 13.

S. 72 (3).

OATH OF INCAPACITATED VOTER.

You swear that you are incapable of voting without assistance
by reason of physical incapacity.

SO HELP YOU GOD.

FORM No. 14.

S. 72 (4).

OATH OF BLIND OR ILLITERATE VOTER.

You _____ of
swear that you are incapable of voting without assistance by reason
of your (inability to see) (illiteracy).

SO HELP YOU GOD.

FORM No. 15.

S. 72 (5).

OATH OF FRIEND OF BLIND OR ILLITERATE VOTER.

1. You swear that you will keep secret the name of the
candidate for whom you mark the ballot paper of the blind/illiterate
voter on whose behalf you act.

2. That you have not already acted as the friend of a blind
or illiterate voter for the purpose of marking his ballot paper at
this election.

SO HELP YOU GOD.

FORM No. 16.

S. 73 (1).

OATH THAT THE VOTER IS THE PERSON INTENDED TO BE

REFERRED TO IN THE LIST OF VOTERS.

You swear that you are qualified to vote at this election of
a member to serve in the Legislative 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 List of Voters
used at this Polling Station, of the name
whose occupation is given as _____ and
whose address is given as _____

SO HELP YOU GOD.

FORM No. 17.

S. 73 (2).

OATH OF QUALIFICATION.

You swear

1. That you are a British subject of the full age of twenty-one years.

2. That you have resided in the Colony for a period of at least twelve months immediately prior to the date of your registration as a voter.

3. That you are domiciled in the Colony and were resident in the Colony at the date of your registration as a voter.

4. That you are not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity.

5. That you are not disqualified under the provisions of the Constitution and Elections Ordinance.

6. That you are not the returning officer for this electoral district.

SO HELP YOU GOD.

Note— Paragraph 3 is alternative to paragraph 2.

FORM No. 18.

S. 74 (2).

OATH OF AGENT OF A CANDIDATE.

I, _____ the undersigned,
agent for _____ one of the candidates
at the election of a member of the Legislative Council held on this
day in the electoral district of _____
do swear that I will keep secret the names of the candidates for
whom any voter voting at this Polling Station marks his ballot
paper in my presence at this election.

SO HELP YOU GOD.

.....
Signature.

Sworn before me at _____ this _____ day
of _____ 19 _____
.....

FORM No. 19.

S. 75 (2).

OATH OF MESSENGER SENT TO COLLECT BALLOT BOXES.

I,
 Messenger appointed by _____, Returning
 Officer for the Electoral District of _____ do
 swear that the several boxes to the number of _____ which
 were used at the Polling Station at _____ 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 _____

FORM No. 20.

S. 79 (1).

RETURN AFTER POLL HAS BEEN TAKEN.

I hereby certify that the member elected for the Electoral
 District of _____ in pursuance of the within Writ
 as having received the majority of votes lawfully given is _____

.....
 (name, address and occupation as stated in Nomination Paper)

Returning Officer.