ST. CHRISTOPHER AND NEVIS

CHAPTER 2.01

NATIONAL ASSEMBLY ELECTIONS ACT
and Subsidiary Legislation

Revised Edition
showing the law as at 31 December 2017

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This edition contains a consolidation of the following laws—

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CHAPTER 2.01

NATIONAL ASSEMBLY ELECTIONS ACT

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CHAPTER 2.01

NATIONAL ASSEMBLY ELECTIONS ACT

AN ACT TO MAKE PROVISION FOR THE CONSTITUTION AND POWERS OF THE NATIONAL ASSEMBLY; ARRANGEMENTS FOR ELECTIONS; FOR ELECTION PETITIONS; FOR ELECTION OFFENCES; AND FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the National Assembly Elections Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

"appropriate digit" means, in the case of a voter—

(a) who has a right hand upon which there are any digits, that finger on the right hand which is nearest to the thumb or, if the voter has no right thumb, to the right thumb socket; or, if the voter has a right thumb but no fingers on his right hand, the right thumb;

(b) who has no right hand or has a right hand but no digits upon such hand, the finger on the left hand which is nearest to the left thumb or, if the voter has no left thumb, to the left thumb socket; or if he has a left thumb but no fingers upon his left hand, the left thumb;

(Inserted by Act 11 of 1971)

"Commonwealth" means any country specified in the First Schedule and any dependency of such country;

(Inserted by Act 22 of 2007)

"Commonwealth citizen" means a citizen of any country specified in the First Schedule and any dependency of any such person including a citizen of Saint Christopher and Nevis, except where a contrary intention appears;

(Inserted by Act 7 of 1976 and amended by Act 22 of 2007)

"constituency" means a constituency as constituted under section 31;

"Constitution" means the Constitution of Saint Christopher and Nevis which is attached to the Constitution Order, which Order is annexed as the First Schedule to the West Indies Act, Cap. 1.01;

"date of registration" means the twelfth day of March;

(Inserted by Act 11 of 1971)

"digit" includes both fingers and thumb;

(Inserted by Act 11 of 1971)

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

"electoral ink" means the ink, whether composite or consisting of two or more separate solutions, supplied by the Supervisor of Elections for use in accordance with the provisions of section 86 of this Act;
(Inserted by Act 11 of 1971)

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

"list of voters" means the register of voters or the register of voters and the revised monthly lists of voters, as the context may require;
(Inserted by Act 16 of 1983)

"meeting" means any sitting or sittings of the National Assembly commencing when the National Assembly first meets after being summoned at any time and terminating when the National Assembly is adjourned *sine die* or at the conclusion of a session;

"national identification card" means an identification card issued pursuant to section 40 of the Act;
(Inserted by Act 22 of 2007)

"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 32;

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

"qualifying address" means a person's address in a constituency which is his or her ordinary residence or domicile in accordance with section 38 or 39 of the Act;
(Inserted by Act 20 of 2008)

"registration date", in relation to the registration of any person who qualifies to be registered as a voter, means the date on which that person applies to be registered as a voter unless in respect of any particular year of election the Chief Registration Officer by order appoints some other date;
(Inserted by Act 22 of 2007)

"rejected ballot paper" means a ballot paper which has been handed by the presiding officer to a voter to cast his or her 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 a constituency, the officer appointed by the Governor-General in that behalf under section 57(1);

"revising officer" means the person appointed by the Governor-General for the purpose of revising and settling the list of voters for one or more constituencies under this Act;

"Schedule" means Schedule to this Act;

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

"sitting" means a period during which the National Assembly is sitting continuously without adjournment, and includes any period during which the National Assembly 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 or her 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.

(Subsections (2) to (10) deleted by Act 7 of 1976)

PART II

CONSTITUTION AND POWERS OF THE NATIONAL ASSEMBLY

Establishment of Parliament.

[*]**3.** There shall be for Saint Christopher and Nevis a Parliament which shall consist of Her Majesty and a National Assembly.

National Assembly.

[†]**4.** (1) The National Assembly shall consist of—

(a) such number of Representatives as corresponds with the number of constituencies for the time being established in accordance with section 50 of the Constitution; and

(b) such number of Senators as is specified in subsection (2), who shall be appointed in accordance with section 8.

(2) The number of Senators shall be three or such greater number (not exceeding two-thirds of the number of Representatives) as may be prescribed by Parliament:

[*] Previously section 3 and modified by section 25 of the Constitution

[†] Previously section 4 and modified by section 26 of the Constitution. Note: Previous section 28 is comprised in subsections (5) and (6) of this section

Provided that at any time when a person who is a Senator holds the office of Attorney-General the number of Senators shall be increased by one.

(3) If a person who is not a member of the National Assembly is elected to be Speaker he or she shall, by virtue of holding the office of Speaker, be a member of the Assembly.

(4) At any time when the office of Attorney-General is a public office the Attorney-General shall, by virtue of holding or acting in that office, be a member of the National Assembly.

(5) Any person who sits or votes in the National Assembly knowing or having reasonable grounds for knowing that he or she is not entitled to do so shall be guilty of a criminal offence and liable to a fine not exceeding one hundred dollars, or such other sum as may be prescribed by Parliament, for each day on which he or she so sits or votes in the Assembly.

(6) Any prosecution for an offence under subsection (5) shall be instituted in the High Court and shall not be so instituted except by the Director of Public Prosecutions.

Qualifications for Representatives and Senators.

[*]**5.** Subject to section 6, a person shall be qualified to be elected or appointed as a member of the National Assembly if, and shall not be so qualified unless, he or she is a citizen of the age of twenty-one years or upwards and he or she or one of his or her parents was born in Saint Christopher and Nevis and he or she is domiciled there at the date of his or her nomination for election or his or her appointment, as the case may be.

Disqualifications for Representatives and Senators.

[†]**6.** (1) A person shall not be qualified to be elected or appointed as a member if he or she—

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

(b) is a minister of religion;

(c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law;

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

(e) is under sentence of death imposed on him or her by a court of law in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him or her by such a court or substituted by competent authority for some other sentence imposed on him or her by such a court, or is under such a sentence of imprisonment the execution of which has been suspended.

[*] Previously sections 5, 6 and 8 and modified by section 26 of the Constitution)(Note: Section 7 has been made redundant by the provisions of the 1983 Constitution

[†] Previously section 9, and modified by section 28 of the Constitution

(2) If it is so provided by Parliament, a person shall not be qualified to be elected or appointed as a member if he or she holds or is acting in any office that is specified by Parliament and the functions of which involve responsibility for, or in connection with, the conduct of any election of Representatives or members of the Nevis Island Assembly or the compilation of any register of voters for the purpose of electing Representatives or members of that Assembly.

(3) If it is so provided by Parliament, a person who is convicted by any court of law of any criminal offence that is prescribed by Parliament and that is connected with the election of Representatives or members of the Nevis Island Assembly or is reported guilty of such an offence by the court trying an election petition shall not be qualified, for such a period (not exceeding five years) following his or her conviction or, as the case may be, following the report of the court as may be so prescribed, to be elected or appointed as a member.

(4) A person shall not be qualified to be elected as Representative who is a Senator; and a person shall not be qualified to be appointed as a Senator who is, or is nominated for election as, a Representative or who has at any time since Parliament was last dissolved stood as a candidate for election as a Representative without being so elected.

(5) If it is so provided by Parliament, and subject to such exceptions and limitations (if any) as Parliament may prescribe, a person shall not be qualified to be elected or appointed as a member if—

(a) he or she holds or is acting in any office or appointment (whether specified individually or by reference to a class of office or appointment) other than the office of elected member or nominated member of the Nevis Island Assembly or member of the Nevis Island Administration;

(b) he or she belongs to any defence force or to any class of person that is comprised in any such force;

(c) he or she belongs to any police force or to any class of person that is comprised in any such force; or

(d) subject to any exceptions or limitations prescribed by Parliament, he or she has any such interest in any such government contract as may be so prescribed.

(6) In this section—

"government contract" means any contract made with the Government or with a department of the Government or with an officer of the Government contracting as such;

"member" means member of the National Assembly;

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

(7) For the purposes of paragraph (e) of subsection (1)—

(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.

Election of Representatives.

7. (1) Each of the constituencies established in accordance with the provisions of section 50 of the Constitution shall return one Representative to the National Assembly who shall be directly elected in such manner as may, subject to the provisions of the Constitution, be prescribed by or under any law enacted by Parliament.

(2) Every Commonwealth citizen of the age of eighteen years or upwards who possesses such qualifications relating to residence or domicile in Saint Christopher and Nevis as Parliament may prescribe shall, unless he or she is disqualified by Parliament from registration as such, be entitled to be registered as a voter for the purpose of electing Representatives in one (but not more than one) constituency in accordance with the provisions of any law in that behalf and no other person may be registered as such.

(3) Every person who is registered under subsection (2) in any constituency shall, unless he or she is disqualified by Parliament from voting in any election of Representatives or of members of the Nevis Island Assembly, be entitled so to vote in that constituency in accordance with the provisions of any law in that behalf and no other person may so vote.

(4) In any election of Representatives the votes shall be given by ballot in such manner as not to disclose how any particular person votes.

(See section 29 of the Constitution)

Appointment of Senators.

[*]**8.** (1) Of the Senators—

(a) one-third of their number (excluding any Senator who holds the office of Attorney-General) shall be appointed by the Governor-General, acting in accordance with the advice of the Leader of the Opposition; and

(b) the others shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) In this section, "one-third" means, in relation to a number of Senators that is not a multiple of three, one-third of the next higher number that is such a multiple.

Tenure of office of Representatives and Senators.

[†]**9.** (1) An elected or appointed member shall vacate his or her seat in the National Assembly at the next dissolution of Parliament after his or her election or appointment.

(2) A Senator appointed under subsection (1)(a) of section 8 shall vacate his or her seat in the National Assembly if his or her appointment is revoked by the Governor-General, acting in accordance with the advice of the Leader of the Opposition, and a Senator appointed under subsection (1)(b) of that section shall vacate his or her seat in the Assembly if his or her appointment is revoked by the Governor-General, acting in accordance with the advice of the Prime Minister.

[*] Previously section 5 and modified by section 30 of the Constitution
[†] Previously section 10, and modified by section 31 of the Constitution

(3) An elected or appointed member shall also vacate his or her seat in the Assembly—

(a) if he or she is absent from the sittings of the Assembly for such period and in such circumstances as may be prescribed in the rules of procedure of the Assembly;

(b) if he or she ceases to be a citizen;

(c) subject to subsection (4), if any other circumstances arise that, if he or she were not a member, would cause him or her to be disqualified to be elected or appointed as such by virtue of subsection (1) of section 6 or of any law enacted in pursuance of subsection (2), (3) or (5) of that section; or

(d) in the case of a Senator who holds the office of Attorney-General, if he or she ceases to hold that office.

(4) If any such circumstances as are referred to in paragraph (c) of subsection (3) arise because an elected or appointed member is under sentence of death or imprisonment, adjudged to be of unsound mind, declared bankrupt or convicted or reported guilty of an offence relating to elections and if it is open to the member to appeal against the decision (either with the leave of a court of law or other authority or without such leave) he or she shall forthwith cease to perform his or her functions as a member but, subject to the provisions of this section, he or she shall not vacate his or her seat until the expiration of a period of thirty days thereafter:

Provided that the Speaker 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 an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the National Assembly.

(5) If, on the determination of any appeal, the circumstances continue to exist and no further appeal is open to the member or if, by reason of the expiration of any period for entering an appeal or notice thereof on the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he or she shall forthwith vacate his or her seat.

(6) If at any time before the member vacates his or her seat the circumstances referred to in subsection (4) cease to exist, his or seat shall not become vacant on the expiration of the period referred to in paragraph (a) and he or she may resume the performance of his or her functions as a member.

Speaker and Deputy Speaker.

[*]**10.** (1) When the National Assembly 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 Assembly; and if the office of Speaker falls vacant at any time before the next dissolution of Parliament the Assembly shall, as soon as practicable, elect another person to that office.

(2) The Speaker may be elected from among the members of the National Assembly who are not members of the Cabinet or Parliamentary Secretaries or from among persons who are not members of the Assembly but who are qualified for election as a Representative or appointment as a Senator.

[*] Previously section 17 and modified by section 32 of the Constitution

(3) When the National Assembly first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker the Assembly shall elect a member of the Assembly who is not a member of the Cabinet or a Parliamentary Secretary to be Deputy Speaker of the Assembly, and if the office of Deputy Speaker falls vacant at any time before the next dissolution of Parliament, the Assembly shall, as soon as convenient, elect another such member to that office.

(4) No business shall be transacted in the National Assembly (other than the election of a Speaker) at any time when the office of Speaker is vacant.

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

(a) in the case of a Speaker elected from among the members of the National Assembly or in the case of the Deputy Speaker—

(i) if he or she ceases to be a member of the Assembly:

Provided that the Speaker shall not vacate his or her office by reason only that he or she has ceased to be a member of the Assembly on a dissolution of Parliament, until the Assembly first meets after the dissolution; or

(ii) if he or she becomes a member of the Cabinet or a Parliamentary Secretary;

(b) in the case of a Speaker elected from among persons who are not members of the Assembly—

(i) when the Assembly first meets after any dissolution of Parliament;

(ii) if he or she ceases to be a citizen; or

(iii) if any circumstances arise that would cause him or her to be disqualified for election as a Representative or appointment as a Senator; or

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

(6) If, by virtue of section 9(4) and (5) the Speaker or the Deputy Speaker is required to cease to perform his or her functions as a member of the National Assembly he or she shall also cease to perform his or her functions as Speaker or Deputy Speaker, as the case may be, and those functions shall, until he or she vacates his or her seat in the Assembly or resumes the performance of the functions of his or her office, be performed—

(a) in the case of the Speaker, by the Deputy Speaker or, if the office of Deputy Speaker is vacant or the Deputy Speaker is required to cease to perform his or her functions as a member of the Assembly, by such member of the Assembly (not being a member of the Cabinet or a Parliamentary Secretary) as the Assembly may elect for the purpose;

(b) in the case of the Deputy Speaker, by such member of the Assembly (not being a member of the Cabinet or a Parliamentary Secretary) as the Assembly may elect for the purpose.

(7) If the Speaker or Deputy Speaker resumes the performance of his or her functions as a member of the Assembly, he or she shall also resume the performance of his or her functions as Speaker or Deputy Speaker, as the case may be.

Clerk of National Assembly and his or her staff.

11. (1) There shall be a Clerk of the National Assembly.

(2) The office of the Clerk of the National Assembly and the offices of the members of his or her staff shall be public offices.

(See section 35 of the Constitution)

Determination of questions of membership.

[*]**12.** (1) The High Court shall have jurisdiction to hear and determine any question whether—

(a) any person has been validly elected as a Representative;

(b) any person has been validly appointed as a Senator;

(c) any person has been elected as Speaker from among persons who were not members of the National Assembly was qualified to be so elected or has vacated the office of Speaker; or

(d) any member of the Assembly has vacated his or her seat or is required, by virtue of section 9(4) and (5), to cease to perform his or her functions as a member of the Assembly.

(2) An application to the High Court for the determination of any question under subsection (1)(a) may be made by any person entitled to vote in the election to which the application relates or by any person who was, or who alleges that he or she was, a candidate at that election or by the Attorney-General and, if it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

(3) An application to the High Court for the determination of any question under subsection (1)(b) or (1)(c) may be made by any Representative or by the Attorney-General and, if it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

(4) An application to the High Court for the determination of any question under subsection (1)(d) may be made—

(a) by any Representative or by the Attorney-General; or

(b) in the case of the seat of a Representative, by any person registered in some constituency as a voter in elections of Representatives,

and, if it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear and be represented in the proceedings.

(5) There shall be such provision as may be made by Parliament with respect to—

(a) the circumstances and manner in which and the imposition of conditions upon which any application may be made to the High Court for the determination of any question under this section; and

(b) the powers, practice and procedure of the High Court in relation to any such application.

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[*] Previously section 12 and modified by section 36 of the Constitution

(6) An appeal shall lie as of right to the Court of Appeal from any final decision of the High Court determining any such question as is referred to in subsection (1).

(7) No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (6) and no appeal shall lie from any decision of the High Court in proceedings under this section other than a final decision determining any such question as is referred to in subsection (1) of this section.

(8) In the exercise of his or her functions under this section, the Attorney-General shall not be subject to the direction or control of any other person or authority.

Power to make laws.

13. (1) Subject to the provisions of the Constitution, Parliament may make laws for the peace, order and good government of Saint Christopher and Nevis.

(2) Save as otherwise provided in subsections (3) and (4), the power of Parliament to make laws having effect in the island of Nevis shall not extend to any of the specified matters (that is to say, matters with respect to which the Nevis Island Legislature has exclusive power to make laws so having effect).

(3) If it is expressly declared in any law enacted by Parliament that the Nevis Island Administration has requested and consented to the enactment in respect to the island of Nevis of any of the provisions of that law relating to any of the specified matters those provisions shall accordingly have effect in the island of Nevis as if they had been enacted by the Nevis Island Legislature and may be amended or revoked accordingly.

(4) At any time when there is in force a declaration made by the Governor-General by proclamation that any provisions of any law enacted by Parliament specified in that declaration (being provisions that relate to a specified matter) are required to have effect in the island of Nevis—

(a) in the interests of external affairs; or

(b) in the interests of defence,

those provisions shall accordingly have effect in the island of Nevis; and if there is any inconsistency between those provisions and the provisions of any law enacted by the Nevis Island Legislature, the provisions of the law enacted by Parliament shall prevail.

(5) A law enacted by Parliament shall not be regarded as extending to a specified matter by reason only that it contains incidental or supplementary provisions relating to that matter and having effect in the island of Nevis; and if there is any inconsistency between any such provisions and the provisions of any law enacted by the Nevis Island Legislature, the provisions of the law enacted by Parliament shall prevail.

(6) Parliament may make additions to the specified matters but a bill for that purpose shall not be regarded as being passed in the National Assembly unless on its final reading it is supported by the votes of not less than two-thirds of all the Representatives.

(7) In the exercise of his or her powers to make or revoke any such declaration as is referred to in subsection (4) the Governor-General shall act in accordance with

the advice of the Prime Minister but no such advice shall be given without the concurrence of the Premier.

(Note: Previously section 26 and modified by section 37 of the Constitution)

Oath.

14. (1) Every member of the National Assembly shall, before taking his or her seat in the Assembly, take and subscribe before the Assembly the oath of allegiance but a member may before taking that oath take part in the election of the Speaker.

(2) Any person elected to the office of Speaker shall, if he or she has not already taken and subscribed the oath of allegiance under subsection (1), take and subscribe that oath before the National Assembly before entering upon the duties of his or her office.

(Note: Previously section 20 and modified by section 39 of the Constitution)

Presiding.

15. There shall preside at any sitting of the National Assembly—

(a) the Speaker;

(b) in the absence of the Speaker, the Deputy Speaker; or

(c) in the absence of the Speaker and the Deputy Speaker, such member of the Assembly (not being a member of the Cabinet or a Parliamentary Secretary) as the Assembly may elect for that purpose.

(Note: Previously section 18 and modified by section 40 of the Constitution)

Governor-General's right to address National Assembly.

16. The Governor-General shall have the right of addressing the National Assembly at any time when he or she shall think fit.

(Previously section 19)

Quorum.

17. (1) If at any sitting of the National Assembly 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 National Assembly, the person presiding at the sitting ascertains that a quorum of the National Assembly is still not present the National Assembly shall be adjourned.

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

(Note: Previously section 21)

Voting.

18. (1) Save as otherwise provided in sections 19(8), 37(6) or 38(2) of the Constitution, any question proposed for decision in the National Assembly shall be determined by a majority of the votes of the members present and voting:

Provided that questions of no confidence in the Government shall be determined by a majority of the votes of the Representatives.

(2) Except in the case of a question of no confidence in the Government, a question shall not be regarded as having been validly determined by a vote in the National Assembly on occasions when the numbers of members voting are recorded unless not less than three-fifths of all the members or such greater number of members as Parliament may prescribe, take part in the voting.

(3) Subject to subsection (4), a person presiding in the Assembly shall not vote unless on any question the votes of the members are equally divided, in which case he or she shall have and exercise a casting vote:

Provided that in the case of the question of the final reading of any such bill as is referred to in section 38(2) of the Constitution he or she shall, if he or she is a Representative, have an original vote but no casting vote.

(4) A Speaker who was elected from among persons who were not members of the National Assembly shall have neither an original nor a casting vote and if, upon any question before the Assembly when such a Speaker is presiding, the votes of the members are equally divided, the motion shall be lost.

(Previously section 22 and modified by section 41 of the Constitution)

Mode of exercise of legislative power.

19. (1) The power of Parliament to make laws shall be exercised by bills passed by the National Assembly and assented to by the Governor-General.

(2) When a bill is submitted to the Governor-General for assent in accordance with the provisions of this Constitution he or she shall signify that he or she assents or that he or she withholds assent.

(3) When the Governor-General assents to a bill that has been submitted to him or her in accordance with the provisions of the Constitution the bill shall become law and the Governor-General shall thereupon cause it to be published in the *Gazette* as law.

(4) No law made by Parliament shall come into operation until it has been published in the *Gazette* but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.

(Previously sections 29 and 30 and modified by section 42 of the Constitution)

Introduction of Bills, etc.

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

(2) Except on the recommendation of the Governor-General signified by a Minister, the National Assembly shall not—

(a) proceed upon any Bill (including any amendment to a Bill) that, in the opinion of the person presiding, makes provision for any of the following purposes—

(i) for the imposition of taxation or the alteration of taxation otherwise than reduction;

(ii) for the imposition of any charge upon the Consolidated Fund or any other public fund of the Government or the alteration of any such charge otherwise than by reduction;

(iii) for the payment, issue or withdrawal from the Consolidated Fund or any other public fund of the Government of any moneys not charged thereon or any increase in the amount of such payment, issue or withdrawal; or

(iv) for the composition or remission of any debt due to the Crown in right of the Government; or

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes.

(Previously section 25 and modified by section 43 of the Constitution)

Procedure in, and Standing Orders of, National Assembly.

21. (1) Subject to the provisions of the Constitution, the National Assembly may regulate its own procedure and may, in particular, make rules for the orderly conduct of its own proceedings.

(2) Subject to the provisions of this Act, the National Assembly 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 Governor-General for assent.

(3) Until other provision is made, the Standing Orders set out in the Third Schedule to this Act shall be the Standing Orders of the National Assembly and may be amended or revoked by Standing Orders made under subsection (2).

(Previously section 27 and modified by section 44 of the Constitution)

Validity of proceedings of National Assembly.

22. The National Assembly may act notwithstanding any vacancy in its membership (including any vacancy not filled when the Assembly first meets after any general election) and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the Assembly shall not invalidate those proceedings.

(Previously section 11 and modified by section 44(2) of the Constitution)

Sessions.

23. (1) Each session of Parliament shall be held at such place within Saint Christopher and Nevis and shall begin at such time, not being later than one hundred and eighty days from the end of the preceding session if Parliament has been prorogued or ninety days from the holding of a general election of Representatives if Parliament has been dissolved, as the Governor-General shall appoint by proclamation.

(2) Subject to subsection (1), the sittings of the National Assembly shall be held at such time and place as the Assembly may, by its rules of procedure or otherwise, determine.

(Previously section 16 and modified by section 46 of the Constitution)

Prorogation and dissolution.

24. (1) The Governor-General may at any time prorogue or dissolve Parliament.

(2) Subject to subsection (3), Parliament, unless sooner dissolved, shall continue for five years from the date of the first sitting of the National Assembly after any dissolution and shall then stand dissolved.

(3) At any time when Her Majesty is at war, Parliament may extend the period of five years specified in subsection (2) for not more than twelve months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

(4) In the exercise of his or her powers to dissolve Parliament the Governor-General shall act in accordance with the advice of the Prime Minister:

Provided that if the office of the Prime Minister is vacant and the Governor-General, acting in his or her own deliberate judgment, considers that there is no prospect of his or her being able within a reasonable time to appoint to that office a person who can command the support of the majority of the Representatives, the Governor-General shall dissolve Parliament.

(5) If, after a dissolution of Parliament and before the holding of the general election of Representatives, the Prime Minister advises the Governor-General that, because of some matter of urgent national importance, it is necessary to recall Parliament, the Governor-General shall summon the Parliament that has been dissolved to meet, but the general election of Representatives shall proceed and the Parliament that has been recalled shall, if not sooner dissolved, again stand dissolved on the date appointed for the nomination of candidates in that general election.

(Previously section 23 and modified by section 47 of the Constitution)

Holding of elections and filling of vacancies.

25. (1) A general election of members of the National Assembly shall be held at such time within ninety days after any dissolution of Parliament as the Governor-General may appoint.

(2) Where the seat of a member of the National Assembly falls vacant, otherwise than by reason of a dissolution of Parliament—

(a) if the vacant seat is that of a Representative, a by-election shall be held; or

(b) if the vacant seat is that of a Senator, an appointment shall be made,

to fill the vacancy within ninety days of the occurrence of the vacancy unless Parliament is sooner dissolved.

(Previously sections 13 and 24 and modified by section 48 of the Constitution)

Temporary members and incapacity of Senators.

26. (1) Whenever—

(a) the *ex officio* member is absent from the State or is performing the functions of the office of Governor-General;

(b) a Senator is absent from the State or is incapable of performing his or her functions as a member by virtue of the provisions of section 9,

a person may be appointed by the Governor-General, by instrument under the Public Seal of the State to be a temporary member of the National Assembly.

(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 or she shall hold his or her appointment during Her Majesty's pleasure; and

(c) so long as his or her appointment shall subsist the provisions of this Act shall, subject as aforesaid, apply to him or her as if he or she were an *ex officio* member of the National Assembly.

(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 Senator; and

(b) so long as his or her appointment shall subsist the provisions of this Act (including the provisions of section 10) shall, subject to the provisions of this section, apply to him or her as if he or she were a Senator.

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

(5) In the exercise of the powers conferred upon him or her by this section the Governor-General shall act in his or her discretion:

Provided that the Governor-General shall consult the Prime 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.

(6) The Governor-General, acting in his or her discretion may, by instrument under the Public Seal of the State, declare a Senator to be, by reason of illness, temporarily incapable of performing his or her functions as a member of the National Assembly and thereupon such member shall not perform his or her said functions until he or she is declared, in manner aforesaid, again to be capable of performing them.

(Previously sections 14 and 15)

Words of enactment.

27. In every Bill presented to the Governor-General for assent the words of enactment shall be as follows—

"Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:".

(Previously section 31)

Exercise of functions conferred on Governor-General.

28. (1) In the exercise of the functions conferred by sections 16, 57, 61, and subsections (3) and (4) of section 94, the Governor-General shall act in his or her discretion.

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

(3) Where the Governor-General is directed by this Act to exercise any function in accordance with the advice of, or after consultation with, any person or authority, the question whether he or she has so exercised that function shall not be inquired into in any court.

(4) The Governor-General shall not be obliged to obtain the advice of the Cabinet in relation to the exercise of any function conferred upon him or her by this Act which is expressed to be exercisable by him or her in his or her discretion.

(Previously section 33)

Privileges, etc., of National Assembly.

29. Parliament may, by law, determine and regulate the privileges, immunities and powers of the National Assembly 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.

(Previously section 34)

PART III

CONSTITUENCIES AND REGISTRATION OF VOTERS

Appointment, powers and duties of Supervisor of Elections.

30. The person who, for the time being, exercises the functions of the office of Supervisor of Elections shall execute and perform all the other powers and duties which by this Act are conferred and imposed on him or her.

(Previously section 35. Substituted by Act 7 of 1976)

Constituencies.

31. (1) For the purposes of the election of members of the National Assembly, the State shall be divided into the ten constituencies defined in the First Schedule to this Act or into such other constituencies as may be ordered by the Governor-General in accordance with the provisions of section 51 of the Constitution.

(2) Each constituency shall be represented in the National Assembly by one elected member.

(Previously section 36. Substituted by Act 7 of 1976)

Polling divisions.

32. (1) Each constituency shall be a polling division.

(2) Notwithstanding the provisions of subsection (1), the Supervisor of Elections may divide any constituency into so many polling divisions and with such boundaries and descriptions as he or she 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.

(Previously section 3. Amended by Act 6 of 1976)

Appointment of registration officers, etc.

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

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

(3) 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 Act, except the consideration of claims and objections.

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

(5) Every registration officer shall, before entering on his or her 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.

(Previously section 38. Subsection (1) thereof was deleted by Act 16 of 1983)

Registration officers' duties.

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

(Previously section 39)

Scrutineers.

35. 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 by the Registration Officer for the constituency in which the polling division is situated.

(Previously section 40. Amended by Act 7 of 1976)

Voters.

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

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

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

(4) No person may—

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

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

(Previously section 41 renumbered as section 41A and substituted by Act 16/1983.

See also Acts 14 of 1970 and 2 of 1971)

Qualifications of Voters.

37. (1) Subject to this Act and any other enactment imposing any disqualifications for registration as a voter, a person is qualified to be registered as a voter for a constituency, if on the registration date he or she is—

(a) a citizen of Saint Christopher and Nevis of eighteen years or upwards who is ordinarily resident in Saint Christopher and Nevis;

(b) a citizen of Saint Christopher and Nevis of eighteen years or upwards whose name appears in the register of voters for a constituency and who is ordinarily resident overseas and has a domicile in Saint Christopher and Nevis in accordance with section 39(1);

(c) a citizen of Saint Christopher and Nevis of eighteen years or upwards who is ordinarily resident overseas and has a domicile in Saint Christopher and Nevis in accordance with section 39(2);

(d) a Commonwealth citizen (not being a citizen of Saint Christopher and Nevis) of eighteen years or upwards who has been ordinarily resident in Saint Christopher and Nevis for a continuous period of at least twelve months immediately before the registration date.

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

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

(Previously section 42. Substituted by Act 16 of 1983 & amended by Act 22 of 2007)

Ordinary residence.

38. (1) For the purposes of registration under this Act, a person shall be deemed to reside in the constituency where he or she was ordinarily resident on the registration date.

(2) A person shall not, for the purposes of this Act, be deemed to be ordinarily resident in any constituency to which he or she has come for the purpose of engaging temporarily in any employment of a seasonal character and, for the purposes of this subsection, "seasonal" means temporary employment of not more than six months at any one time.

(3) Subject to subsections (1), (2), (4) and (5), the question whether a person is or was ordinarily resident in a constituency for any material period shall be determined by reference to all the facts of the case.

(4) The place of ordinary residence of a person is, generally the place which he or she has always been or which he or she has adopted as, the place of his or her habitation or home, whereto when away from there he or she intends to return.

(5) Where it appears by reference to all facts of the case that a person has more than one place of residence, such person shall elect in respect of which place he or she desires to be registered.

(6) Notwithstanding subsections (1),(2),(3),(4) and (5), the Chief Registration Officer or the Registration Officer for a constituency may carry out an investigation and may, in such circumstances as he or she deems necessary, visit any house within the constituency for the purpose of ascertaining whether persons whose names appear in any list reside in a particular constituency or are still alive or for such other prescribed purposes as the Chief Registration Officer or Registration Officer may require.

(Inserted in as section 42A by Act 22 of 2007. Subsection (6) amended by Act 2 of 2008)

Domicile.

39. (1) A person to whom section 37 (1)(b) applies whose name appears in the register of voters for a constituency is only eligible to vote in the constituency in which that person had been registered immediately prior to leaving Saint Christopher and Nevis to reside overseas.

(2) For the purpose of registration under the Act, a person to whom section 37(1)(b) applies may apply to be registered as a voter in the constituency—

(a) where that person had been ordinarily resident immediately prior to leaving Saint Christopher and Nevis to reside overseas; or

(b) where that person's mother is or was, but for migration or death, ordinarily resident, provided that where that person's mother has never been ordinarily resident in Saint Christopher and Nevis, that person may apply to be registered in the constituency in Saint Christopher and Nevis where that person's father is or was, but for migration or death, ordinarily resident.

(Inserted in as section 42B by Act 22 of 2007)

Issuance of national identification card.

40. The Chief Registration Officer shall, in accordance with the regulations, cause a national identification card containing the prescribed matters to be issued to a person who is registered as a voter for a constituency pursuant to this Act.

(Inserted in as section 42C by Act 22 of 2007)

Disqualifications for registration.

41. A person is disqualified from being registered as a voter and shall not be so registered if he or she—

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

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

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

(Previously section 43. Substituted by Act 16 of 1983)

Right to remain registered and de-registration.

42. (1) Subject to subsections (2) and (3), a person registered pursuant to this Act shall remain registered unless and until his or her name is deleted from the Register because—

(a) he or she has died;

(b) an objection to his or her registration has been allowed;

(c) he or she has become disqualified for registration as a voter under this Act or any other enactment imposing disqualifications for registration as a voter; or

(d) he or she has failed or neglected to confirm his or her registration in accordance with Part VIII of this Act.

(2) Notwithstanding subsection (1), a person who is registered as a voter for a constituency pursuant to this Act and who has not voted at two consecutive elections, shall have his or her name deleted from the register of voters for that constituency, without prejudice to that person's right to make a new application for registration under this Act.

(3) Notwithstanding subsection (1), a Commonwealth citizen (not being a citizen of Saint Christopher and Nevis) who is registered as a voter for a constituency pursuant to this Act shall have his or her name deleted from the register of voters for that constituency where the Chief Registration Officer is satisfied that that person is no longer resident in Saint Christopher and Nevis without prejudice to that person's right to make a new application for registration under this Act.

(Previously section 43A. Inserted by Act 16 of 1983 and amended by Acts 22 of 2007 and 2 of 2008)

Continuous registration.

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

(2) Every person who is qualified to be registered as a voter for a constituency shall apply in person to the registration officer for that constituency to have his or her name entered on the monthly list of voters prepared for that constituency under section 47.

(Previously section 43B. Inserted by Act 16 of 1983)

Incomplete registration.

44. Notwithstanding section 37, a person shall not be qualified to be registered as a voter until he or she has complied with the provisions of this Act and the regulations relating to the registration of voters.

(Previously section 43C. Inserted by Act 16 of 1983)

Chief Registration Officer.

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

(Previously section 43D. Inserted by Act 16 of 1983)

Registers of Voters.

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

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

(a) all persons who were registered in the register of voters last published for that constituency; and

(b) all persons whose names appear in the revised monthly list of voters prepared and published under section 49 for the constituency since the date of publication of the registers mentioned in paragraph (a), and qualified under this Act as voters, but shall not include any person who, in the opinion of the Chief Registration Officer, appears since the publication of the registers mentioned in paragraphs (a) and (b)—

(i) to have died; or

(ii) to have become ordinarily resident in another constituency.

(Previously section 43E. Inserted by Act 16 of 1983)

Monthly lists.

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

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

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

(b) whose names appeared in the register for the constituency who have effected a change of address within the constituency and have notified the Chief Registration Officer in accordance with the regulations;

(c) who have reached the age of eighteen years and who appear to the Chief Registration Officer to be otherwise qualified; and

(d) who have otherwise become qualified to be registered as a voter and entitled to vote as such.

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

(a) in the case of those persons mentioned in paragraphs (a) and (b), in the monthly lists prepared for the month in which the notification was made; and

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

(Previously section 43F. Inserted by Act 16 of 1983)

Claims and objections.

48. (1) All claims for registration made by a person whose name does not appear in the register or the appropriate monthly list and all objections to the registration of persons whose names appear in the registers of voters and in the monthly lists, as the case may be, shall be determined in accordance with the regulations by the appropriate registration officer acting with respect to the constituency to which the register or list in question relates.

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

(Previously section 43G. Inserted by Act 16 of 1983)

Revised monthly lists.

49. The Chief Registration Officer shall make all additions to the appropriate monthly lists and shall make removals therefrom in consequence of any action taken under section 42 or 48 and shall publish as soon after the fifteenth day of the next succeeding month (and in any case not later than the last day of each such month) the corrected monthly lists as the revised monthly lists of voters.

(Previously section 43H. Inserted by Act 16 of 1983)

Special provisions where no preparation of list, etc.

50. (1) If in an enumeration year or in any other year the Governor-General is satisfied that due to war, public calamity, public disturbance, civil disorder or to any other cause which may be reasonably justifiable in a democratic society the preparation of the list of voters for any constituency or constituencies has not taken place or has not properly taken place, the Governor-General may, by Proclamation which shall be published in the *Gazette*, make a declaration to that effect.

(2) Where a declaration is made in respect of the preparation of a list of voters which has not taken place, the electoral list already in force for such constituency shall remain in force until a new list of voters is proclaimed by the Governor-General to come into force in its place.

(3) Where a declaration is made in respect of the preparation of a list of voters which has not properly taken place such preparation shall be rendered null and void and the electoral list in force for such constituency before such preparation took place

shall remain in force until a new list of voters is proclaimed by the Governor-General to come into force in its place.

(4) Notwithstanding provisions to the contrary, no person shall be deemed to have been required at any time to serve any notice or do any act in relation to the preparation of a list of voters concerning which a declaration is made.

(5) A Proclamation made by the Governor-General under this section shall apply only to the constituency or constituencies specified in the Proclamation.

(6) A Proclamation made under this section may at any time be varied, altered, amended or revoked by the Governor-General.

(Previously section 41C. Inserted by Act 2 of 1971)

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

51. (1) The register of voters and the revised monthly lists of voters published for each constituency under sections 46 and 48 respectively in any year shall constitute the register of voters for that constituency and shall be used for any election held in that constituency after the publication thereof until it is superseded by the register of voters published and constituted for that constituency in the next succeeding year in accordance with this Act.

(2) Whenever a writ is issued between the publication of the last revised monthly list and any other revised monthly list, the last revised monthly list shall be used for the purposes of the conduct of the Poll.

(Previously section 43J. Inserted by Act 16 of 1983)

Effect of registers.

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

(a) whether or not any person registered therein was on the date of publication of the register resident at the address shown;

(b) whether or not that address is in any constituency or any particular part of that constituency.

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

(Previously section 43K. Inserted by Act 16 of 1983)

Offences.

53. (1) A person who—

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

(b) has not attained the age of eighteen years; or

(c) does not have the requisite residential or other qualifications for inclusion in the register of voters,

and who wilfully makes any claim to be included in the register of voters commits an offence and is liable, on summary conviction, to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding five years or both.

(2) A person who objects under this Act or the regulations to the inclusion of any other person in any list or register relating to voters prepared under this Act or the regulations upon any ground which he or she knows or has reasonable cause to believe to be false commits an offence and is liable, on summary conviction, to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding five years or both.

(3) A person who knowingly makes a false statement for the purpose of being registered as a voter commits an offence and liable, on summary conviction, to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding five years or both.

(4) A person who knowingly makes a false statement for the purpose of voting in any constituency commits an offence and liable, on summary conviction, to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding five years or both.

(Previously section 43L. Inserted by Act 16 of 1983 and amended by Act 2 of 2008)

Offence of omitting qualified person from register.

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

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

(Previously section 43M. Inserted by Act 16 of 1983)

Appeal.

55. (1) An appeal shall lie to a Judge of the High Court sitting in Chambers from any decision of a registration officer on any claim or objection which has been considered by him or her under this Act:

Provided however that no appeal shall lie where a claimant or objector has not availed himself or herself of his or her opportunity as provided by this Act, 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 High Court together with a statement of the material facts which, in his or her opinion, have been established in the case, and of his or her 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 or she is able to furnish.

(4) When it appears to the registration officer that any notices of appeal given to him or her are based on similar grounds, he or she shall inform the Registrar of the High 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.

(Previously section 44. Amended by Act 16/1983)

Rules of Court.

56. 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.

(Previously section 45)

Appointment of returning officer.

57. (1) The Governor-General may, on the recommendation of the Supervisor of Elections, appoint a fit and proper person to be the returning officer for each constituency.

(2) Forthwith upon his or her 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.

(Previously section 46)

Taking of Oaths.

58. 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 Act and every such Magistrate, Justice of the Peace, returning officer, presiding officer, poll clerk and the Supervisor of Elections is hereby authorised 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.

(Previously section 47)

Affirmation.

59. 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.

(Previously section 48)

Remuneration of officers.

60. 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 Act such remuneration for their services and such allowances in respect of travelling and other expenses incurred by them as the National Assembly may prescribe.

(Previously section 49. Amended by Act 7/1976)

PART IV

ARRANGEMENTS FOR ELECTIONS

Issue of writs for holding elections.

61. (1) For the purpose of every general election of members of the National Assembly, and for the purpose of the election of members to supply vacancies caused by death, resignation or otherwise, the Governor-General shall issue writs under the Public Seal of the State, addressed to the returning officers of the respective constituencies for which members are to be returned and such writs shall be forwarded to the Supervisor of Elections for transmission to the several returning officers.

(2) Every such writ shall be in the form set out as Form No. 1 in the Third 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 Governor-General.

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

(Previously section 50)

Notice of place and time of nomination, etc.

62. (1) On receiving such writ, every returning officer shall publish in the *Gazette* and in one or more newspapers published in the State a notice in the form set out as Form No. 2 in the Third 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

constituency as he or she may deem necessary or by oral public announcements through the public broadcasting station.

(Amended by Act 2 of 1971)

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

(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 constituency for which such candidate seeks election and his or her 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 or her nomination paper was signed is struck off the first list of voters or the Register of Voters for the relevant constituency.

(6) A candidate for nomination for election shall, on nomination day, make a declaration on oath or by affirmation in terms set out in Part I of Form No. 3 of the Third Schedule.

(7) A person who nominates a candidate for election shall make a declaration in terms set out in Part II of Form No. 3 of the Third Schedule that the person nominated by him or her as a candidate is duly qualified to be elected.

(8) The returning Officer shall be responsible for administering the oath or affirmation referred to in subsections (6) and (7).

(9) 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 Third Schedule and shall return the writ so endorsed to the Supervisor of Elections for transmission to the Governor-General within the time for that purpose specified therein.

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

(Previously section 51. Subsections (6), (7) and (8) were inserted in as subsections (5A), (5B) and (5C) by Act 16 of 2009 & amended by Act 17 of 2009. Subsections (6) & (7) have been renumbered accordingly.)

Deposit.

63. (1) A candidate for election, or someone on his or her behalf, shall deposit with the returning officer, on or before the day of his or her nomination, the sum of one hundred and fifty dollars, and, if he or she 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 (10) of section 62, 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 or her, shall be returned to his or her legal personal representative, or, if not made by him or her, shall be returned to the person by whom it was made.

(Previously section 52)

When deposit forfeited, or returned.

64. (1) If a candidate who has made such deposit is not elected, and the number of votes polled by him or her 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 or her 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.

(Previously section 53)

Contested elections, publication of date and place, etc.

65. (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 hereinafter provided.

(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 Third Schedule, by publication in one or more newspapers published in the State, of the day and time on which and the addresses of the polling stations in the constituency 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 constituency 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.

(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 Act to the close of the poll shall be construed accordingly.

(Previously section 54)

Polling stations.

66. (1) On the day named in the notice published under the provisions of subsection (2) of section 65 for the taking of the poll the returning officer shall cause to be opened in each polling division in the constituency to which he or she is appointed such number of polling stations as the Supervisor of Elections shall determine.

(2) The returning officer shall provide each polling station with such number of compartments as he or she 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.

(Previously section 55)

Division of list.

67. Where mocre 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.

(Previously section 56)

Presiding officers.

68. (1) The Supervisor of Elections shall appoint a presiding officer to attend at each polling station to receive the votes, but he or she shall not so appoint any person who has been employed by or on behalf of a candidate in or about the election, and the Supervisor of Elections may himself or herself, if he or she thinks fit, preside at any polling station.

(Amended by Act 6 of 1976)

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

(Previously section 57)

Poll clerks.

69. (1) The Supervisor of Elections shall appoint two poll clerks for every polling station in a constituency for the purpose of assisting a presiding officer at a polling station.

(Substituted by Act 17 of 2014)

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

(3) If any presiding officer becomes incapable of performing his or her duties during the taking of the poll, the Supervisor of Elections shall appoint one of the poll clerks to be a presiding officer, and the appointed presiding officer shall appoint some other person to act as poll clerk in his or her stead.

(Substituted by Act 17 of 2014)

(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.

(Previously section 58)

Ballot boxes.

70. (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 or her constituency.

(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.

(Previously section 59)

Supplies of election material.

71. (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) the necessary supplies of electoral ink;

(Inserted by Act 11 of 1971)

(e) at least two copies, which he or she shall certify, of the list of voters relating to the constituency to which he or she 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");

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

(g) a blank poll book;

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

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

(Previously section 60)

Polling and counting agent.

72. (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.

(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.

(Previously section 61)

Taking of poll and the ballot.

73. (1) The poll shall be taken in each polling division by secret ballot in accordance with the provisions of sections 81, 82 and 83.

(2) The ballot of each voter shall be a printed paper in the form set out as Form No. 11 in the Third Schedule (in this Act 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 nomination 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.

(Previously section 62)

Inspection of polling station.

74. 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.

(Previously section 63)

Where voter shall vote.

75. Subject to the provisions of sections 78 and 79, 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.

(Previously section 64)

Restriction on voting.

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

(Previously section 65)

Transfer of voters in special cases.

77. (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 a constituency, 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 or her constituency 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 78.

(Previously section 66)

Where transferred voter may vote.

78. (1) Every person whose name is transferred in accordance with the provisions of section 77 from any official list of voters to another official list of voters shall vote, if he or she votes at all, in the polling station of which he or she 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.

(Previously section 67)

Proceedings at poll.

79. (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.

(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 or her name, residence and occupation, and the poll clerk shall then ascertain if the name of the voter appears on the official list of voters used at the polling station, and when it has been ascertained that the applicant voter is qualified to vote at the polling station, his or her 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 Third 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, subject to the provisions of subsections (2) and (3), of sections 84, 85, 86 and 87, the voter shall be immediately allowed to vote.

(Amended by Act 11 of 1971)

(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 Act 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 or she has been legally required so to do, or has refused to answer questions which he or she has been legally required to answer.

(Previously section 68)

Who are to be admitted within polling stations, etc.

80. (1) The presiding officer shall keep order at his or her 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 constituency, the polling clerk, the candidates, one agent for each candidate appointed by such candidate in accordance with the provisions of section 72 of this Act and the police officers on duty.

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

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

(Previously section 69. Subsection (3) inserted by Act 11 of 1971)

General mode of taking ballot.

81. (1) Each voter shall, subject to the provisions of section 85, receive from the presiding officer a ballot paper on which such officer has previously put his or her initials so placed as indicated in the form set out as Form No. 11 in the Third Schedule that when the ballot paper is folded the said initials can be seen without opening it, and on the counterfoil of which he or she 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.

(Amended by Act 11 of 1971)

(2) The presiding officer shall instruct the voter how to make his or her mark, and shall properly fold the voter's ballot paper, directing him or her 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 Act 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 or she intends to vote, and he or she 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 of the initials and the number appearing thereon that it is the same paper as that delivered to the voter

and, if the same, he or she shall, subject to section 86, in full view of the voter and of all others present remove the counterfoil and deposit the ballot in the ballot box.

(Amended by Act 11 of 1971)

(4) A voter who has inadvertently so dealt with the ballot paper delivered to him or her 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, and 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 or her 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.

(Previously section 70)

National identification cards and questions to be put to a voter.

82. (1) The presiding officer at the time any person applies for a ballot paper, but not afterwards—

(a) shall request that person to produce his or her national identification card; and

(b) may, and if requested by a candidate or his or her agent, put to the voter the following questions—

(i) are you the same person whose name appears as "A.B." in the register of voters now in force for this polling division?;

(ii) have you already voted at this election either here or elsewhere

(2) Subject to subsection (3), a ballot paper shall not be issued to any person who—

(a) does not produce his or her national identification card when required to do so under subsection (1)(a); and

(b) does not satisfactorily answer the questions asked of him or her under subsection (1)(b).

(3) A ballot paper shall be issued to any person whose name appears in the register of voters and who is unable to produce his or her national identification card, if he or she satisfies the presiding officer that—

(a) a national identification card has not been delivered to him or her;

(b) the national identification card delivered to him or her is lost or destroyed; or

(c) he or she has been duly registered to vote and his or her particulars appear on Form 3A in the Fifth Schedule,

and that he or she is the same person whose name appears in the register of voters by producing a valid passport or other Government issued photo identification card.

(Previously section 71.Substituted by Act 22 of 2007 and amended by Act 2 of 2008)

Mode of taking ballot in special cases.

83. (1) Subject to all other provisions of this Act as to proof of qualification as a voter, and as to the administration of oaths, if a person representing himself or herself to be a particular voter applies for a ballot paper after another person has voted as such person, he or she 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 Third Schedule, and otherwise establishing his or her identity to the satisfaction of the presiding officer.

(2) In such case, the presiding officer shall put on the ballot paper his or her 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 or her 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.

(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 Act, shall require the voter making such application to make oath in the form set out as Form No. 13 in the Third Schedule of his or her incapacity to vote without assistance, and shall thereafter assist such voter by marking his or her 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.

(4) The presiding officer shall either deal with a blind voter and a voter who is unable to mark his or her 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 or her ballot paper by reason of illiteracy and who has taken the oath in the form set out as Form No. 14 in the Third 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 or her, and no person shall, at any election, be allowed to act as such friend to more than one voter.

(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 or her 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 Third Schedule that he or she will keep secret the name of the candidate for whom the ballot of such voter is marked by him or her, and that he or she has not already acted as the friend of any other voter for the purpose of marking his or her ballot paper at the pending election.

(6) Whenever any voter has had his or her 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.

(Previously section 72)

Who may vote.

84. (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 or her, such person shall, upon taking the oath in the form set out as Form No. 16 in the Third Schedule and complying in all other respects with the provisions of this Act, be entitled to receive a ballot paper and to vote, and 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.

(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 or her ballot paper take an oath in the form set out as Form No. 17 in the Third Schedule and, if he or she refuses to take such oath, erasing lines shall be drawn through his or her 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.

(3) Where the appropriate digit of any voter who attends at a polling station and applies for a ballot paper is concealed or covered over with any bandage or other material the presiding officer shall, before delivering a ballot paper to such voter, require him or her to remove such bandage or other material and wholly uncover his or her appropriate digit and shall refuse to deliver a ballot paper to him or her unless and until he or she has removed the bandage or other material and wholly uncovered his or her appropriate digit:

Provided that a voter shall not be obliged to remove any bandage or other material or uncover his or her appropriate digit if he or she satisfies the presiding officer that he or she is suffering from injury to his or her appropriate digit and if he or she takes an oath in the form set out as Form No. 18 in the Third Schedule.

(4) If any such voter as aforesaid whose appropriate digit is concealed or covered over as aforesaid refuses to remove the bandage or other covering material and refuses to take such oath, erasing lines shall be drawn through his or her 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.

(Previously section 73. Subsections (3) and (4) inserted by Act 11 of 1971)

Ballot papers not to be delivered to voters unless no marks of electoral ink appear on voters.

85. (1) Subject to the provisions of section 88 of this Act, every presiding officer shall refuse to deliver any ballot paper to any voter unless he or she is satisfied that there does not appear—

(a) upon the appropriate digit of such voter; or

(b) in the case of a voter who the presiding officer is satisfied is suffering from an injury to the appropriate digit, upon any of the other digits of such voter,

any mark of electoral ink.

(2) For the purpose of satisfying himself or herself in the manner required by subsection 1 of this section the presiding officer shall, in the presence of the poll clerk

and of the agents of the candidates, inspect the appropriate digit of each voter or all of the digits of each voter, as the case may require and shall comply with the provisions of subsection (3) of section 84 of this Act.

(3) Every presiding officer who refuses to deliver any ballot paper to any voter under the provisions of this section shall make an entry in the poll book setting out the facts in relation to such refusal.

(4) Every person who applies for any ballot paper at a time when there is upon any of his or her digits any mark of electoral ink commits the offence of personation within the meaning of this Act.

(5) If a presiding officer reasonably suspects any person of being guilty of personation within the meaning of this Act it shall be lawful for him or her to detain such person, without warrant, and take such person, as soon as reasonably may be, before a Magistrate, to be dealt with according to law.

(Inserted by Act 11 of 1971 as section 73A)

Voters to immerse appropriate digit in electoral ink.

86. (1) Upon receiving a ballot paper from any voter in accordance with the provisions of subsection (3) of section 81 of this Act the presiding officer shall, before removing the counterfoil from such ballot paper, if the voter has an appropriate digit, satisfy himself or herself that there does not appear upon such digit any substance which in his or her opinion is likely to prevent the adhesion of electoral ink and shall require the voter to immerse such digit in the electoral ink:

Provided that where the presiding officer is satisfied that the voter is suffering from some injury to his or her appropriate digit which is of such a nature as to render it undesirable for him or her to immerse such digit in the electoral ink the presiding officer shall require him or her to immerse in such ink any other digit upon which the presiding officer is satisfied that there is no substance which is likely to prevent the adhesion of electoral ink.

(2) If any voter on being required so to do fails or refuses to immerse his or her appropriate digit or any other digit as required under subsection (1) of this section in electoral ink the presiding officer shall destroy the ballot paper handed to him or her by such voter and shall make an entry in the poll book setting out the particulars in relation to the destruction of such ballot paper.

(Inserted by Act 11 of 1971 as section 73B)

Penalty for failure of presiding officer to carry out provisions of sections 84(3), 85 and 86.

87. Subject to the provisions of section 88 of this Act, every presiding officer who fails or neglects to perform any duty imposed upon him or her by subsection (3) of section 84 or section 85 or section 86 of this Act shall be liable, on summary conviction before a District Magistrate, to a fine of five hundred dollars or to imprisonment with hard labour for six months.

(Inserted by Act 11 of 1971 as section 73C. Amended by Acts 7 of 1976 and 9 of 1986)

Non-application of sections 84(3), 85, 86 and 87 to voters with no hands.

88. The provisions of subsection (3) of section 84, sections 85, 86 and 87 of this Act shall not apply in relation to any voter who has no hands.

(Inserted by Act 11 of 1971 as section 73D)

Who may be present.

89. (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:

Provided that no candidate and his or her 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. 19 in the Third Schedule to keep secret the name of the candidate for whom any of the voters has marked his or her ballot paper in his or her presence.

(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.

(Previously section 74)

Proceedings after Poll.

90. (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 or her 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, and 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. 20 in the Third Schedule.

(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.

(Previously section 75)

The count.

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

(Amended by Act 9 of 2013)

(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 or designated 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), and 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 or designated 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 or designated officer shall (carefully concealing the numbers thereon from all persons present and without examining them himself or herself) remove such counterfoil, and 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 or designated officer discovers that the presiding officer has omitted to affix his or her initials to any ballot paper as provided by subsection (1) of section 81, he or she shall, in the presence of a poll clerk and such of the candidates or their counting agents, affix his or her 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 or she 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 90.

(5) The returning officer or designated officer shall keep a record on the special form printed in the poll book of every objection, made by any candidate or his or her 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.

(6) The decision of the returning officer or designated 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 or designated officer.

(7) All the ballot papers not rejected by the returning officer or designated 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.

(8) 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 or designated officer and by such agents or witnesses present as may desire to seal them or to sign their names thereon in addition or instead.

(9) 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 or designated officer to be elected as the member for the constituency.

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

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

(Previously section 76; amended by Act 9 of 2013)

(11) For the purposes of this section, candidates may appoint additional agents to represent them during the counting process in areas where a designated officer is empowered to carry out the counting of votes.

(Inserted by Act 9 of 2013)

Maintenance of order at polling stations.

92. (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.

(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 Act 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 five hundred dollars or to imprisonment for six months or to both such fine and such imprisonment.

(Previously section 77. Amended by Act 7 of 1976)

Influencing of voters to vote for any candidate.

93. (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.

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

(Previously section 78. Amended by Act 7 of 1976)

Election return.

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

(a) the writ with his or her return in the form set out as Form No. 21 in the Third Schedule endorsed thereon that the candidate having the majority of votes has been elected;

(b) a report of his or her 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 National Assembly, cause it to be entered, in the order in which such return is received by him or her, in a book to be kept by him or her 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 National Assembly, transmit the writ with the return endorsed thereon to the Governor-General within the time specified in such writ.

(4) The Governor-General 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 95.

(5) 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 or she 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.

(6) If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the National Assembly for any constituency, and if it has been determined on the hearing of an election petition respecting the election for such constituency 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 or her election shall forfeit to the person aggrieved the sum of five hundred dollars and costs in addition to all damages sustained.

(Previously section 79)

Custody of election documents.

95. (1) The Supervisor of Elections shall keep the election documents referred to in subsection (1) of section 94 in safe custody and shall allow no person to have access to them:

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 High 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 High Court; and an order under this subsection may be made by any such Judge upon his or her 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.

(Previously section 80)

Custody of ballot boxes.

96. (1) Forthwith upon making the return to the writ in accordance with the provisions of section 94, 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 constituency.

(2) Upon delivery to him or her of such ballot boxes, locks, keys, screens and other appliances the custodian shall issue his or her 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.

(Previously section 81)

PART V

ELECTION PETITIONS

Petitions against elections.

97. A petition complaining of an undue return or undue election of a member of the National Assembly (in this Act called an election petition) may be presented to the High 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 or herself to have been a candidate at such election.

(Previously section 82)

Presentation of election petition and security for costs.

98. (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 or her account, or with his or her 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 or her 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 High Court, or by deposit of money in the High Court, or partly in one way and partly in the other.

(2) Rules, not inconsistent with the provisions of this Act, 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.

(Previously section 83)

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

99. 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 or her agents of any corrupt or illegal practice his or her election shall be void.

(Previously section 84)

Avoidance or election for general corruption, etc.

100. 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 or her election, if he or she has been elected, shall be void and he or she shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.

(Previously section 85)

Trial of election petitions.

101. (1) Every election petition shall be tried in the same manner as an action in the High Court by a Judge sitting alone.

(2) At the conclusion of the trial the Judge shall determine whether the member of the National Assembly 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 Governor-General, and, upon his or her 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.

(Previously section 86, and later renumbered section 86A)

Non-compliance with rules, etc., when not to invalidate election.

102. Notwithstanding anything in the provisions of this Act no election shall be declared invalid by reason of non-compliance with the provisions of this Act or of the rules thereto or of the regulations made thereunder, or any mistake in the use of the forms prescribed under this Act, if it appears to the tribunal having cognizance of the

question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

(Inserted by Act 2 of 1971 as section 86B)

Powers of Judge.

103. At the trial of an election petition the Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, and witnesses shall be sub-pœnaed and sworn in the same manner, as nearly as circumstances admit, as in the trial of a civil action in the High Court, and such witnesses shall be subject to the same penalties for perjury.

(Previously section 87)

PART VI

ELECTION OFFENCES

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

104. (1) No intoxicating liquor shall be sold, offered for sale, or given away at any premises situate in any constituency in which an election is being held to which a licence issued under the Liquor Licence Act, Cap. 18.21 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 thousand dollars or to imprisonment for six months.

(Previously section 88. Amended by Act 7 of 1976)

Employers to allow employees time.

105. (1) Every employer shall, on polling day, allow to every voter in his or her 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 or her any penalty by reason of his or her 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 or her employ of such period for voting, as in this section provided, shall, on summary conviction, be liable to a fine of five thousand dollars or to imprisonment for six months.

(Previously section 89. Amended by Act 9 of 1986)

Offences by election officers.

106. Every election officer who—

(a) makes, in any record, return or other document which he or she is required to keep or make under this Act, any entry which he or she

knows or has reasonable cause to believe to be false, or does not believe to be true;

(b) permits any person whom he or she 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;

(c) refuses to permit any person whom he or she 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;

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

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

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

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

(Previously section 90)

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

107. (1) No person shall furnish or supply any loudspeaker, 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 loudspeaker, bunting, ensign, banner, standard or set of colours, or any other flag, 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 constituency 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 constituency on polling day.

(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 ten thousand dollars or to imprisonment for six months.

(Previously section 91. Amended by Act 9 of 1986)

Definition of bribery.

108. (1) The following persons shall be deemed guilty of bribery within the meaning of this Act—

(a) every person who, directly or indirectly, by himself or herself or by any other person on his or her 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;

(b) every person who directly or indirectly, by himself or herself or by any other person on his or her 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;

(c) every person who, directly or indirectly, by himself or herself or by any other person on his or her 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 National Assembly, or the vote of any voter at any election;

(d) 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 National Assembly or the vote of any voter at any election;

(e) 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;

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

(g) every person who, after any election, directly or indirectly, by himself or herself or by any other person on his or her 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.

(2) 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.

(3) 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.

(Previously section 92)

Definition of treating.

109. The following persons shall be deemed guilty of treating within the meaning of this Act—

(a) every person who corruptly, by himself or herself 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;

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

(Previously section 93)

Definition of undue influence.

110. Every person who, directly or indirectly, by himself or herself or by any other person on his or her behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or herself 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 or her vote at any election, commits the offence of undue influence within the meaning of this Act.

(Previously section 94)

Definition of personation.

111. 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 applies for a ballot paper at a time when there is upon any of his or her digits any mark of electoral ink, or who, having voted once at any election, applies at the same election for a ballot paper in his or her own name, shall be guilty of personation within the meaning of this Act.

(Previously section 95. Amended by Act 11 of 1971)

Penalty for bribery, treating or undue influence.

112. Every person who is found guilty of bribery, treating or undue influence, under the provisions of this Act shall, on summary conviction thereof, be liable to imprisonment for twelve months or a fine of one thousand dollars.

(Previously section 96. Amended by Act 7 of 1976)

Penalty for personation.

113. Every person who is found guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation, shall be liable—

(a) on summary conviction, to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding five years;

(b) on conviction on indictment, to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding five years or both.

(Previously section 97. Substituted by Act 11 of 1971 & amended by Acts 7 of 1976 and 2 of 2008)

Disqualification for bribery, etc.

114. 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 National Assembly or, if elected before his or her conviction, of retaining his or her seat as such member.

(Previously section 98)

Penalty for certain illegal practices at elections etc.

115. (1) Every person who—

(a) votes, or induces or procures any person to vote, at any election, knowing that he or she or such other person is prohibited by this Act, or by any law in force in the State, 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 62 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 National Assembly,

commits the offence of an illegal practice, and shall, on summary conviction, 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 62, 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 National Assembly, commits the offence of an illegal practice and shall, on conviction on indictment, 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.

(Previously section 99)

Offences in respect of ballot papers.

116. (1) Every person who—

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

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

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

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

(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 or she is an election officer, to imprisonment for twelve months or to a fine of one thousand five hundred dollars, and, if he or she is any other person, to imprisonment for three months or to a fine of five hundred dollars.

(2) 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.

(Previously section 100. Amended by Acts 7 of 1976 and 9 of 1986)

Offences of election perjury.

117. (1) A candidate for nomination who gives false information relating to his or her citizenship contrary to the provisions of section 62(6) commits an offence.

(2) A voter who nominates a candidate for election and gives false information relating to the citizenship of that candidate commits an offence.

(3) A candidate who commits an offence under this section—

(a) shall be liable, on summary conviction, to a fine not exceeding thirty thousand dollars or to a term of imprisonment not exceeding five years or to both such fine and imprisonment; and

(b) shall not be qualified for a period not exceeding five years following his or her conviction or, as the case may be, following a report of the court hearing an election petition as may be so prescribed, to be elected or appointed as a member of Parliament.

(4) A person who nominates a candidate for election who commits an offence under this section shall be liable, on summary conviction, to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.

(Inserted by Act 16 as section 100A. Amended by Act 17 of 2009)

Infringement of secrecy.

118. (1) Every election officer and every agent appointed under the provisions of section 72 in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the 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 or her 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 or her ballot paper after he or she has marked it so as to make known to any person the name of the candidate for whom or against whose name he or she has so marked his or her 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 seven hundred and fifty dollars.

(Previously section 101. Amended by Acts 7 of 1976 and 9 of 1986)

PART VII

MISCELLANEOUS PROVISIONS

No obligation on voter to disclose vote.

119. 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 or she voted.

(Previously section 102)

Conclusiveness of Register of Voters.

120. At any election a person shall not be entitled to vote unless his or her name is on the Register of Voters for the constituency in which he or she resides, and every person whose name is on such Register shall, subject to the provisions of this Act, be entitled to demand and receive a ballot paper and to vote:

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

(Previously section 103)

Power to make Regulations.

121. (1) The Minister may make regulations generally for giving effect to the provisions of this Act and, without prejudice to such general power, may 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 Act;

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

(i) prescribing forms to be used in addition to those contained in the Third Schedule;

(Substituted by Act 7 of 1976)

(j) prescribing penalties not exceeding thirty thousand dollars or imprisonment for a term not exceeding five years or both, and the regulations made under this subsection shall be subject to negative resolution of the National Assembly;

(Amended by Acts 7 of 1976, 9 of 1986 and 2 of 2008)

(k) adding to, or deleting any country from the countries specified in the First Schedule or making such other variations to the First Schedule as may be considered appropriate;

(l) prescribing the procedure to be followed in the issuing of national identification cards to persons registered to vote at an election pursuant to this Act;

(m) the issuance of national identification cards in place of those which are lost, defaced or destroyed and the fees to be paid therefor;

(n) any matters incidental to the provisions of this Act relating to the registration of voters.

(Paragraphs (k),(l), (m), and (n) inserted by Act 22 of 2007)

(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 97, 98, 102 and 103 shall, subject to such regulations, apply to petitions presented in respect of illegal practices.

(Previously section 104)

Expenses of elections.

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

(Previously section 105)

Computation of time.

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

(2) Where anything required by this Act 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.

(Previously section 106)

PART VIII

SPECIAL PROVISIONS FOR RECONSTRUCTION OF VOTERS LIST

Registration period.

124. (1) The Minister may, by Order published in the *Gazette*, declare a registration period (in this Part called the "registration period") during which all persons registered as voters for a constituency pursuant to this Act at the commencement of the registration period and whose names appear in the register of voters, the monthly lists and the revised monthly lists of voters published for each constituency shall be required to confirm their registration and be issued with a national identification card in the manner prescribed.

(2) Upon the publication of an Order under subsection (1), the provisions of section 46 shall be suspended until the publication of a reconstructed register of voters in accordance with section 125.

(3) Notwithstanding subsection (2), the register of voters, monthly lists and revised monthly lists published for each constituency under sections 46, 47, and 49 immediately prior to the commencement of the registration period, shall be used as the official record for the purpose of confirming the registration of voters and issuing national identification cards to voters pursuant to this Act.

(4) The Minister may, by Order, extend the period referred to in subsection (1).

Publication of reconstructed voters list.

125. (1) The Chief Registration Officer shall cause to be prepared and shall publish within fourteen days of the end of the registration period, a new register of voters reconstructed in accordance with this Part.

(2) The reconstructed Register of Voters shall consist of the names of all persons—

(a) who have confirmed their registration and have been issued with a national identification card under this Act;

(b) whose names appear in the revised monthly list, for a constituency, prepared and published under sections 47 and 49 and have been issued with a national identification card under this Act;

(c) who have transferred to another constituency and have been issued with a national identification card under this Act;

(d) who have requested any other changes which have been confirmed by the Chief Registration Officer and have been issued with a national identification card under this Act.

(3) The published reconstructed register of voters shall be the register of voters for purposes of this Act.

(Part VIII inserted by Act 22 of 2007 and amended by Act 2 of 2008)

FIRST SCHEDULE

(Section 2)

COMMONWEALTH COUNTRIES

Antigua and Barbuda, Australia, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Cameroon, Canada, Cyprus, Dominica, Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Mozambique, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Papua New Guinea, St. Lucia, Saint Christopher and Nevis, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Singapore, Salomon Islands, South Africa, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom, Vanuatu, Zambia.

(This Schedule was inserted in as Third Schedule by Act 22 of 2007)

SECOND SCHEDULE

(Section 31)

CONSTITUENCIES

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.

(Previously First Schedule)

_____

THIRD SCHEDULE

(Section 61(2))

FORM NO. 1

WRIT OF ELECTION.

Elizabeth the Second, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our other Realm and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To ……..the returning officer of the Constituency of

WHEREAS by subsection (1) of section 61 of the National Assembly Elections Act, Cap. 2.01 it is provided that for the purpose of every general election of members of the National Assembly, and for the purpose of the election of members to supply vacancies caused by death, resignation or otherwise, the Governor-General shall issue writs of election under the Public Seal of the State addressed to the returning officers of the respective constituencies for which members are to be returned:

* AND WHEREAS I think it expedient that writs should be issued for the election of members to serve in the National Assembly:

---

† AND WHEREAS the seat of the elected member for the Constituency of……. has become vacant in consequence of

NOW, THEREFORE, I, ……

Governor-General of St. Christopher and Nevis do hereby require that you proceed to the nomination of candidates on the …… day of …… 20 …., at ……

and thereafter, if necessary, you do on the …… day of …….

20……. between the hours of ……... o'clock in the forenoon and

…… o'clock in the afternoon, cause election to be made according to law of a member to serve in the National Assembly of the State for the said Constituency and that you do cause the name of such member when so elected to be certified to me not later than the ……. day of……..... 20 ……

Given under my hand and the Public Seal of Saint Christopher and Nevis ……

this ……day of …… 20……. and in the year of Her Majesty's reign.

Governor-General

---

* To be included in a writ for a general election.

† To be included in a writ for a by-election.

FORM NO. 2

(Section 62(1))

NOTICE OF NOMINATION.

The Governor-General having issued his or her Writ of Election for the election of a member of the National Assembly for the Constituency of ……. the returning officer for the said Constituency will on the …… day of ……. 20……

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 Constituency of ……

Dated this …… day of …… 20……

Returning Officer

for the Constituency of …….

_____

FORM NO. 3

(Section 62(6) and (7))

NOMINATION PAPER

PART I

STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF THE NATIONAL ASSEMBLY

Qualification of ..... nominated as a candidate for election as a member of the National Assembly for the Electoral District

.....

I ..... of ..... in the ..... of ..... do solemnly and sincerely swear or affirm as follows:

That I am duly qualified, in accordance with sections 27 and 28 of the Constitution of Saint Christopher and Nevis, to be elected as a member of the National Assembly for the Electoral District and that—

1. I am a citizen of Saint Christopher and Nevis of the age of twenty-one years and upwards.

2. I am domiciled in Saint Christopher and Nevis.

3. I am not, by virtue of my own act, under acknowledgement of allegiance, obedience or adherence to a foreign power or state.

4. I am not a minister of religion.

5. I am not an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law.

6. I am not a person certified to be insane or otherwise adjudged to be of unsound mind under any law.

7. I am not under a sentence of death imposed on me by a court of law in any part of the Commonwealth nor am I serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on me by such a court or substituted by a competent authority for some other sentence of imprisonment the execution of which has been suspended.

8. I am not disqualified for membership of the National Assembly by any law of the National Assembly by reason of my holding or acting in any office the functions of which involve—

(a) any responsibility for or in connection with the conduct of any election of Representatives or members of the Nevis Island Assembly; or

(b) any responsibility for the compilation of any register of voters for the purpose of electing Representatives or members of the Nevis Island Assembly.

9. I am not disqualified for membership of the National Assembly by virtue of any law of Parliament by reason of—

(a) my having been convicted of criminal offence that is connected with the conduct of any election of Representatives or members of the Nevis Island assembly; or

(b) having been reported guilty of such an offence by a court trying an Election Petition.

10. I am not disqualified for membership of the National Assembly by any law of Parliament by reason of—

(a) my holding or acting in any office or appointment specified by such law;

(b) my belonging to any defence force or to any class of persons so specified that is comprised in any such force;

(c) my belonging to any police force specified by such law or to any class of persons so specified.

11. I am not disqualified for membership in the National Assembly by virtue of my having any contract or interest in any contract with the Government or with a Department of Government or any officer of the Government acting as such.

I make this declaration conscientiously believing the same to be true and I am aware that if there is any statement in this declaration which is false or do not believe to be true, I am liable to a fine and imprisonment as prescribed by law.

..... Signature of candidate

Declared before .....

This ..... Day of .....20.....

.....

Signature of witness

PART II

STATUTORY DECLARATION OF A PERSON NOMINATING A CANDIDATE FOR ELECTION AS A MEMBER OF THE NATIONAL ASSEMBLY

We, the undersigned voters for the Constituency of ..... do hereby nominate the following person as a proper person to serve as a member of the National Assembly of Saint Christopher and Nevis for the said Constituency of ..... And we certify that to the best of our belief he or she is qualified for election as a member of the National Assembly.

Signatures

.....

…….....

_____

FORM No. 4

(Section 62(9))

RETURN OF UNCONTESTED ELECTION.

I hereby certify that the member elected for the Constituency 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 ……. 20 ……

.....

Returning Officer.

_____

FORM NO. 5

(Section 65(2))

NOTIFICATION OF ELECTION

TAKE NOTICE that a poll will be taken for the election of a member for the Constituency of ..... to serve in the National Assembly.
The poll will be opened on the ..... day of .....20 ....., at the hour of..... in the forenoon and kept open until the hour of in the afternoon in the following polling stations established in the said Constituency, that is to say,

Address of Polling Stations: Voters allotted thereto:

.....

.....

.....

The candidates in the above Constituency are as follows:

Candidates .....

.....

.....

The number of votes given to the several candidates will be counted on the.....

day of .....20 ....., at ..... o'clock in the ..... noon at .....of which all persons are hereby required to take notice and govern themselves accordingly.

Dated this ..... day of ..... 20 .....

Returning Officer

for the Constituency of.....

_____

FORM No. 6

(Section 33(5))

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 Constituency of ……. in accordance with the provisions of the National Assembly Elections Act, Cap. 2.01 to the best of my ability.

.....

Registration Officer.

Sworn before me

.....

Date .....

_____

FORM NO. 6A

(Section 57(2))

OATH OF RETURNING OFFICER.

I, …….. ……

having been appointed returning officer for the Constituency of ……

do swear that I will faithfully perform all the duties of such returning officer in accordance with the provisions of the National Assembly Elections Act,Cap. 2.01 to the best of my ability.

.....

Registration Officer.

Sworn before me

.....

Date ....

_____

FORM No. 7.

(Section 68(2))

OATH OF PRESIDING OFFICER.

I,…….....
the undersigned, appointed Presiding Officer for the Polling Station at …… in the Constituency……. 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 or her ballot paper in my presence at this election.

SO HELP ME GOD.

……...…….

Presiding Officer.

Sworn before me at ……. this …….day
of ……...20……

_____

FORM No. 8

(Section 69(2))

OATH OF POLL CLERK.

I,……...
the undersigned, appointed as Poll Clerk for the Polling Station at …….. in the Constituency 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, 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 or her ballot paper in my presence at this election.

SO HELP ME GOD.

……

Poll Clerk.

Sworn before me at …….. this …….. day
of …….20……

_____

FORM No. 9

(Section 71(2)(f))

DIRECTIONS FOR THE GUIDANCE OF VOTERS.

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

2. Before delivering a ballot paper to a voter who has one or both hands the presiding officer will in the presence of the poll clerk and of the agents of the candidates inspect the hands of the voter so as to satisfy himself or herself that there does not appear upon the appropriate digit or other digit of his or her hands any mark of electoral ink, and if there is any such mark he or she will not deliver a ballot paper to the voter.

(Inserted by Act 11 of 1971)

3. 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 or she 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 or she must place a cross opposite Jones' name as follows:

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

4. (1) 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 or she shall then return the ballot paper so folded to the presiding officer.

(2) The presiding officer will satisfy himself or herself that there does not appear upon the appropriate or other digit of the hands of the voter any substance which in his or her opinion is likely to prevent the adhesion of electoral ink.

(3) If the voter fails or refuses to immerse the said digit in electoral ink the presiding officer will destroy the ballot paper.

(4) If the voter immerses the said digit in electoral ink the presiding officer will then in full view of those present, including the voter, remove the counterfoil and place the ballot paper in the ballot box.

(5) The voter shall then forthwith quit the polling station.

(Amended by Act 11 of 1971)

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

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

7. 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 or her by the presiding officer, he or she shall be liable, on summary conviction, to imprisonment for three months or to a fine of two hundred and forty dollars.

_____

Landscape

(Section 79(4))

FORM No. 10.

POLL BOOK.

Consecutive number given each voter as he or she 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

(Section 73(2) and (81))

BALLOT PAPER.

No. 6700

GENERAL ELECTION

…….Constituency

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

(Section 83(1))

OATH OF IDENTITY OF A VOTER RECEIVING A BALLOT PAPER AFTER ANOTHER HAS VOTED IN HIS OR HER 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

(Section 83(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

(Section 83(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

(Section 83(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 or her ballot paper at this election.

SO HELP YOU GOD.

_____

FORM NO. 16

(Section 84(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 National Assembly 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

(Section 84(2))

OATH OF QUALIFICATION.

You swear

1. That you are a citizen of St. Christopher and Nevis of the full age of eighteen years.
2. That you have resided in the Federation 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 Federation and were resident in the Federation 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 National Assembly Election Act, Cap. 2.01.
6. That you are not the returning officer for this Constituency.

SO HELP YOU GOD.

Note—Paragraph 3 is alternative to paragraph 2.

———

FORM No. 18

(Section 84(3))

OATH THAT THE APPROPRIATE

DIGIT OF THE VOTER IS CONCEALED

FOR REASONS OF INJURY

AND THAT THE VOTER HAS NOT VOTED

You swear that you have suffered injury to your appropriate digit which is for that reason covered, concealed or bandaged and that you have not already voted at this election.

SO HELP YOU GOD.

_____

FORM No. 19

(Section 89(2))

OATH OF AGENT OF A CANDIDATE.

I,……. the undersigned, agent for ……. one of the candidates at the election of a member of the National Assembly held on this day in the Constituency of …… do swear that I will keep secret the names of the candidates for whom any voter voting at this Polling Station marks his or her ballot paper in my presence at this election.

SO HELP YOU GOD.

……

Signature.

Sworn before me at ……..... this

day of …… 20 ……

……..

_____

FORM NO. 20

(Section 90(2))

OATH OF MESSENGER SENT TO COLLECT BALLOT BOXES.

I,……, Messenger appointed by ……, Returning Officer for the Constituency of …… do swear that the several boxes to the number of …… which were used at the Polling Station at …… of this Constituency 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 …… 20 ……

_____

FORM NO. 21

(Section 94(1))

RETURN AFTER POLL HAS BEEN TAKEN.

I hereby certify that the member elected for the Constituency 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.

_____

FOURTH SCHEDULE

(Section 21)

STANDING ORDERS OF THE NATIONAL ASSEMBLY

Citation.

1. These Orders of the National Assembly of Saint Christopher and Nevis may be cited as the Standing Orders of the National Assembly.

Interpretation.

2. In these Standing Orders—

"Government" means the Government of the State of Saint Christopher and Nevis;

"Officer of the National Assembly" means the Clerk or other officer or person acting within the precincts of the National Assembly under the order of the Speaker and includes any constable on duty within the precincts of the National Assembly;

"Supplementary Appropriation Bill" includes an Appropriation Bill as mentioned in the Finance Administration Act, Cap. 20.13;

"this Territory" means the State of Saint Christopher and Nevis.

Meetings.

3. (1) The first meeting of a new session of the National Assembly shall be held on such day as the Governor-General shall appoint and thereafter the meetings of the National Assembly during any session shall be held on such days as the National Assembly may, from time to time, determine or in the absence of such decision, as the Speaker may direct.

(2) The hour of meeting shall be 10 o'clock of the forenoon unless some other hour shall have been fixed by the Speaker.

(3) Not less than seven days before the date of a meeting the Clerk of the National Assembly shall post or otherwise despatch a notice of the meeting addressed to each member at his or her usual place of abode or such address as a member may have registered with the Clerk of the National Assembly as that to which he or she wishes such notice to be sent:

Provided that in the case of any emergency of which the Speaker shall be the sole judge, a meeting of the National Assembly may be summoned on such shorter notice as he or she may determine, and such notice may be given to members by such means as the urgency of the case permits.

(4) When the National Assembly has adjourned to a specified date no further notice shall be necessary, unless such date shall be more than seven days after the adjourned sitting.

Adjournment.

4. (1) A meeting of the National Assembly may be adjourned at any time by the Speaker, or by a vote of the majority of the members present.

(2) The Speaker may at any time suspend a meeting.

(3) All matters under discussion and business not disposed of at the time of any adjournment shall stand as an Order of the Day for the next meeting of the National Assembly.

MEMBERS AND OFFICERS OF THE NATIONAL ASSEMBLY.

Absence of Members.

5. (1) Any member who is unable to attend a meeting of the National Assembly to which he or she has been summoned shall acquaint the Clerk as early as possible of his or her inability to attend.

(2) If, without leave of the Speaker previously obtained, any member is absent from three consecutive meetings of the National Assembly during the same session, such member shall vacate his or her seat in accordance with the provisions of section 9 (3) (a) of the National Assembly Elections Act, Cap. 2.01.

Oath of Allegiance.

6. (1) Except for the purpose of electing a Speaker and Deputy Speaker after a general election, no member of the National Assembly shall take part in the proceedings thereof until he or she has made and subscribed the oath or affirmation of allegiance in the form set out in the Appendix to these Standing Orders.

(2) Immediately following the election of a Speaker and Deputy Speaker after a general election, the Clerk shall administer the oath first to the Speaker and Deputy Speaker and then to the other members.

(3) At any other time, the oath shall be administered by the Clerk immediately after Prayers.

Election of Speaker.

7. (1) Whenever it is necessary in accordance with the provisions of section 10 (1) of the National Assembly Elections Act, Cap. 2.01 for the National Assembly to elect a person to be Speaker, whether after a general election or when a vacancy in the office of Speaker has occurred in any other way, the procedure for the election shall be as provided in this Standing Order.

(2) Any member, having first ascertained that the member or other person to be proposed is willing to serve if elected, may addressing himself or herself to the Clerk, propose any other member, or any other suitable person, to the National Assembly as Speaker.

(3) The proposal shall require to be seconded, but no debate shall be allowed.

(4) If only one person is so proposed, he or she shall be declared by the Clerk to have been elected.

(5) If more than one person is so proposed, the National Assembly shall proceed to elect a Speaker by ballot.

(6) The procedure for the holding of a ballot shall be as follows—

(a) every member present shall, if he or she desires, write upon a ballot paper to be supplied to him or her by the Clerk the name of the person so proposed whom he or she desires to be Speaker;

(b) the Clerk shall then call the names of all the members and each member who so desires shall, as his or her name is called, come to the table and drop his or her ballot paper into a glass thereon in such a manner as not to disclose how he or she is voting;

(c) when all members who wish to do so have dropped their ballot paper in the glass, the Clerk shall examine the ballot papers and report the result of the ballot;

(d) if no person receives a majority of votes, but two or more persons receive the same number of votes, and that number of votes exceeds the number of votes received by any other person, a second ballot shall be taken in the manner prescribed in the three preceding sub-paragraphs except that votes may then be cast only for the persons who received an equal number of votes;

(e) if upon the holding of the second ballot, referred to in sub-paragraph (d), two or more persons receive an equal number of votes, subsequent ballots shall be held until one person has been duly elected;

(f) a member shall not drop any ballot paper into the glass save his or her own;

(g) a member who arrives after the names of the members have been called and before the Clerk has begun his or her examination of the ballot papers, shall be entitled to record his or her vote in the manner prescribed in this Standing Order.

Election of Deputy Speaker.

8. (1) Whenever there is a vacancy in the office of Deputy Speaker, the National Assembly shall, in accordance with section 10 (3) of the National Assembly Elections Act, proceed to elect a member to be Deputy Speaker.

(2) The election of the Deputy Speaker shall be conducted in a similar manner to the election of the Speaker, save that the Speaker shall preside.

Presiding in the National Assembly and in Committee.

9. (1) The Speaker, or in his or her absence the Deputy Speaker, or in their absence a member of the National Assembly (not being a member of the Cabinet elected by the National Assembly for the sitting), shall preside at the sittings of the National Assembly act as Chairperson of Committees of the whole National Assembly and exercise the powers vested in the "Speaker" under the provisions of the National Assembly Powers and Privileges Act, Cap. 2.04.

(2) Save as otherwise provided in these Standing Orders, the Deputy Speaker, or other member presiding, shall have all the authority and power of the Speaker when presiding or otherwise performing the function of the Speaker.

(3) The Speaker may, without any formal communication to the National Assembly or to the Committee, request the Deputy Speaker to take the Chair.

(4) Whenever the unavoidable absence of the Speaker from any day's sitting is announced by the Clerk at the Table, the Deputy Speaker shall take the Chair and

shall be invested with all the powers of the Speaker until the next sitting of the National Assembly, or for twenty-four hours, whichever period is the shorter.

(5) The Speaker in the National Assembly and the Chairperson in Committee shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.

Language.

10. (1) The proceedings and debates of the National Assembly shall be in the English language.

(2) Every petition shall be in the English language.

Duties of the Clerk.

11. (1) The Clerk shall be responsible for keeping the minutes of proceedings of the National Assembly and of Committees of the whole National Assembly, which shall record the names of members attending, all decisions taken and details of every division held.

(2) The Clerk shall submit the minutes of proceedings of each sitting to the Speaker for his or her signature and shall then circulate copies thereof to members before the commencement of the next sitting.

(3) At the end of each session, the Clerk shall cause to be prepared and placed in the records of the National Assembly a bound volume containing the minutes of proceedings of that session, marked with all such corrections as the Speaker may have directed to be made therein.

(4) The Clerk shall be responsible for preparing from day to day an Order Book showing all business appointed for any future day and any notices of questions or motions which have been set down for a future day whether for a day named or not given.

(5) The Order Book shall be open to the inspection of members at all reasonable hours.

(6) Subject to these Standing Orders, the Clerk shall be responsible for preparing for each sitting—

(a) an Order Paper containing the business for that sitting; and

(b) a Notice Paper containing all notices entered in the Order Book on the previous day if the National Assembly then sat, or, in the case of the first sitting after an adjournment over one or more days, all notices entered in the Order Book since the National Assembly last sat.

(7) The Clerk shall send to each member and to the Minister two clear days at least before each meeting, a copy of the Order Paper for such meeting, unless the National Assembly shall have adjourned for a period of less than three days.

(8) During an adjournment of the National Assembly for more than seven days, a Notice Paper shall be published—

(a) six clear days before the day on which the National Assembly is to meet, containing all notices entered in the Order Book since the last sitting of the National Assembly; and

(b) thereafter on any day (not being a Sunday) following that on which any new notice shall have been entered in the Order Book.

(9) The Clerk shall be responsible for the custody of the votes, records, bills and other documents laid before the National Assembly, which shall be open to inspection by members of the National Assembly and other persons under such arrangements as may be sanctioned by the Speaker.

(10) The Clerk shall attend upon any select committee of the National Assembly if required to do so.

Quorum.

12. (1) The quorum of the National Assembly or of a committee of the whole National Assembly shall be as provided under section 17 of the National Assembly Elections Act, Cap. 2.01.

(2) When the attention of the Speaker or the Chairperson of a committee of the whole National Assembly has been drawn to the absence of a quorum an interval of ten minutes shall be allowed before the National Assembly or committee stands adjourned.

ARRANGEMENT OF BUSINESS.

Order of Business.

13. Unless the National Assembly otherwise directs, the business of each sitting day shall be transacted in the following order—

(a) Formal entry of Speaker;

(b) Prayers;

(c) Oath of Allegiance to new members;

(d) Confirmation of minutes;

(e) Messages from the Governor-General;

(f) Announcements by the Speaker;

(g) Presentation of Papers and of Reports from Committees;

(h) Petitions;

(i) Government Notices;

(j) Unofficial Notices;

(k) Questions;

(l) Requests for leave to move the adjournment of the National Assembly on matters of urgent public importance;

(m) Statements by Ministers;

(n) Personal explanations;

(o) Motions relating to the business of the National Assembly and moved by a Minister;

(p) Introduction of Bills;

(q) Public Business.

Contents of Public Business.

14. (1) Public business shall consist of motions and public bills.

(2) Unless the Council shall otherwise direct the order of public business shall be as follows—

(a) Government business;

(b) Private members business.

(3) Government business shall consist of motions proposed to be made and bills sponsored by Ministers and shall be set down in such order as the Government think fit.

(4) Private members business shall be set down on the Order Paper in the order in which it was entered in the Order Book.

Messages from the Governor-General.

15. Notwithstanding the provisions of Standing Order 13, a message or minute from the Governor-General may be brought up at any time during a meeting, and shall be considered forthwith or ordered to be considered upon a future day as the Speaker may appoint.

PAPERS

Presentation of Papers.

16. (1) Every paper shall be presented by a Minister or the Attorney-General and its presentation shall be recorded in the minutes of proceedings.

(2) Such member presenting a paper may make a short explanatory statement of its contents.

(3) All statutory instruments which do not require the approval of the National Assembly shall be laid on the table as soon as may be after being made.

(4) All papers presented to the National Assembly shall be ordered to lie upon the table without question put and any motion for the printing thereof shall be determined without amendment or debate.

PETITIONS

Presentation of Petitions.

17. (1) Every petition intended to be presented to the National Assembly shall conclude with a prayer setting forth the general object of the petition.

(2) A petition shall not be presented to the National Assembly unless it shall have been endorsed by the Clerk as being in accordance with the rules in regard to petitions.

(3) The member presenting a petition may state concisely the purport of the petition.

(4) All petitions shall be ordered to lie upon the table without question put unless a member when presenting a petition move for it to be read, printed or referred to a Select Committee.

(5) The National Assembly will not receive any petition—

(a) which is not addressed to the National Assembly and which is not properly and respectfully worded;

(b) which has not at least one signature on the sheet on which the prayer of the petition appears and which has not at least the prayer at the head of each subsequent sheet of signatures; or

(c) except on the recommendation of the Governor-General, certified by a Minister, which, in the opinion of the Speaker, requests that provision be made for imposing or increasing any charge on the revenues or other funds of the Government or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Government.

QUESTIONS

Nature of Questions.

18. Subject to the provisions of these Standing Orders, questions may be put to Ministers relating to public affairs for which they are officially responsible.

Notice of Questions.

19. (1) A member who desires to ask a question must give notice thereof in writing either at a previous meeting of the National Assembly or to the Clerk in writing not less than three days before the hour of the sitting of the National Assembly at which such question is to be asked:

Provided that a question may be asked without notice if it is of an urgent character, or relates to the business of the day and the member has obtained the leave of the Speaker to ask it.

(2) Notice of a question may be handed by a member to the Clerk when the National Assembly is sitting, or may be sent to or left at the office of the Clerk.

(3) Every such notice must be signed by the member giving it.

(4) A member who desires an oral answer to a question shall mark his or her notice with an asterisk and such a question shall be put down for a day to be named by the Speaker.

(5) A question not so marked may be put down for the next sitting day of the National Assembly and the answer when received shall be circulated with the minutes of proceedings.

Contents of Questions.

20. (1) The right to ask a question shall be subject to the following general rules, as to the interpretation of which the Speaker shall be the sole judge—

(a) the proper object of a question is to obtain information on a question of fact within the official cognisance of the Minister to whom it is addressed, or to ask for official action;

(b) a question shall not include the names of persons, or any statements of fact, unless they be necessary to render the question intelligible;

(c) if a question contains a statement of fact, the member asking it shall make himself or herself responsible for the accuracy of the statement, and no question shall be based upon a newspaper report or upon an unofficial publication;

(d) no member shall address the National Assembly upon any question, and a question shall not be made the pretext for a debate;

(e) not more than one subject shall be referred to in any one question, and a question shall not be of excessive length;

(f) a question shall not contain arguments, inferences, opinions, imputations, epithets, ironical expressions or hypothetical cases;

(g) a question shall not be asked—

(i) which raises an issue already decided in the National Assembly, or which has been answered fully during the current session, or to which an answer has been refused under Standing Order 21(7);

(ii) seeking information about matters which are in their nature secret;

(iii) regarding proceedings in a Committee which have not been placed before the National Assembly by a report from the Committee;

(iv) which deals with matters referred to a Commission of Inquiry or within the jurisdiction of the Chairperson of a Select Committee;

(v) as to the character or conduct of any person except in his or her official or public capacity;

(vi) about any matter then pending before any Court of Justice or which reflects on the decision of a Court of Justice;

(vii) reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion under Standing Order 43(8) or may not be raised as provided under Standing Order 43(9);

(viii) referring discourteously to, or seeking information about, the internal affairs of any territory within the Commonwealth or of a friendly foreign country;

(h) a question shall not solicit the expression of an opinion, or the solution of an abstract legal question, or of a hypothetical proposition.

(2) If the Speaker is of the opinion that any question of which a member has given notice to the Clerk infringes the provisions of any Standing Order or is in any way an abuse of the right of questioning, he or she may direct—

(a) that the member concerned be informed that the question is out of order; or

(b) that the question be entered in the Order Book with such alterations as he or she may direct.

Manner of Asking and Answering Questions.

21. (1) At the time appointed for the asking and answering of questions under Standing Order No. 13 (Order of Business), the Speaker shall call in turn upon each member in whose name a question stands upon the Order Paper, in the order in which the questions are printed.

(2) Each member so called shall rise in his or her place and ask the question by reference to its number on the Order Paper, and the Minister questioned shall give his or her reply.

(3) Subject to the provisions of paragraph (6) of this Standing Order the answer to a question shall state only the relevant facts necessary to a reply and shall not contain accusations, discourteous statements or epithets, imputations, sarcastic or insulting references, ironical expressions or hypothetical cases.

(4) Not more than three questions requiring an oral answer shall appear on the Order Paper in the name of the same member for the same day and any question in excess of this number shall not be called by the Speaker but shall be answered as provided in paragraph (5) of this Standing Order, save that no postponement shall be allowed.

(5) Other questions shall be answered in writing by the Minister to whom the question was addressed and copies of the answer shall be sent to the Clerk, who shall send a copy to the member in whose name the question stood upon the Order Paper and cause the answer to be circulated with the minutes of proceedings.

(6) After the answer to a question has been given supplementary questions may, at the discretion of the Speaker, be put for the purpose of elucidating the answer given but the Speaker may refuse any such question which in his or her opinion introduces matters not relative to the original question, or which infringes any of the provisions of Standing Order 20 (Contents of Questions), and may in that case direct that such question be not reported in the Official Report.

(7) A Minister may decline to answer a question, if the publication of the answer would in his or her opinion be contrary to the public interest.

PERSONAL EXPLANATIONS

Personal Explanations.

22. With the leave of the Speaker, a member may make a personal explanation at the time appointed under Standing Order No. 13 (Order of Business) although there is no question before the National Assembly; but no controversial matter may be brought forward nor may debate arise upon the explanation.

ADJOURNMENT OF THE NATIONAL ASSEMBLY

Moving of Adjournment.

23. (1) Upon the conclusion of all business appointed at a sitting, the Speaker shall call upon a Minister to move "That this National Assembly do now adjourn" and upon that question being agreed to, the National Assembly shall adjourn.

(2) A Minister may move "That this National Assembly do now adjourn" at any time after the conclusion of questions at any sitting but any other member may only move such a motion under Standing Order 24 (Adjournment on Matter of Urgent Public Importance).

(3) Upon any motion "That this National Assembly do now adjourn" moved under paragraph (1) or paragraph (2) of this Standing Order, debate may take place in which any matter for which the Cabinet is responsible may be raised by any member who has obtained the right to raise a matter on the motion for the adjournment of the National Assembly that day.

(4) In any such debate any Minister may speak more than once in reply to members raising matters.

(5) Any member who wishes to raise a matter under the provisions of paragraph (2) of this Standing Order at a particular sitting shall give notice of the matter in writing to the Speaker not less than three days before the sitting concerned.

Adjournment on Matter of Urgent Public Importance.

24. (1) A motion for the adjournment of the National Assembly shall not be made until Public Business has been entered upon, except it be made on behalf of the Government, or unless a member rise in his or her place at the end of Questions, and ask leave to move the adjournment of the National Assembly for the purpose of discussing a definite matter of urgent public importance.

(2) A member who wishes so to ask leave to move the adjournment of the National Assembly shall, before the commencement of the sitting, hand to the Speaker a written notification of the matter which he or she wishes to discuss.

(3) Such motion shall not be made unless—

(a) the Speaker is satisfied—

(i) that the motion does not anticipate a matter which has been previously appointed for consideration by the National Assembly or with reference to which a notice of motion has previously been given;

(ii) that no opportunity for the discussion of the question raised by the motion will arise in the ordinary course of the meeting; and

(iii) that the motion is definite, and that the matter is urgent and of public importance; and

(b) the leave of the majority of the National Assembly be obtained for the motion.

(4) If the Speaker is satisfied that the motion may properly be made, and the leave of the National Assembly in that behalf is granted, the motion shall be considered forthwith.

(5) Not more than one such motion shall be made at the same sitting; and not more than one matter shall be discussed on the same motion.

MOTIONS

Scope of Motions.

25. (1) The procedure in respect of motions shall be in accordance with section 20 (2) (b) of the National Assembly Elections Act, that is to say, except on the recommendation of the Governor-General signified by a Minister the National Assembly shall not proceed upon any motion the effect of which, in the opinion of the Speaker, would dispose of or charge any public revenue or funds of the territory or alter any disposition thereof or charge thereon or impose, alter or repeal any rate, tax or duty.

(2) The signification made by a Minister shall be recorded in the minutes.

(3) A motion shall not contain mere personal opinions or controversial allegations unnecessary to the main issue upon which the National Assembly is being moved to declare its will.

Notice of Motion.

26. Except as hereinafter provided no member shall move a motion unless he or she shall have given notice in writing of such motion either at some previous sitting of the National Assembly or to the Clerk in writing not less than three days previous to the hour of sitting of the National Assembly at which such motion is to be made.

Form of Notice.

27. (1) Where under any Standing Order notice is required such notice shall be given in writing, signed by the member and addressed to the Clerk.

(2) Such notice shall be handed to the Clerk or sent to, or left at, the Clerk's Office.

(3) If the Speaker is of opinion that any notice of motion which has been received by the Clerk infringes the provisions of any Standing Order, or is in any other way out of order, he or she may direct—

(a) that the member concerned be informed that the notice of motion is out of order; or

(b) that the notice of motion be entered in the Order Book with such alterations as he or she may direct.

(4) Not more than three notices of motion in the name of the same member other than a Minister may be entered on the Order Paper of any sitting.

Motions without Notice.

28. Notwithstanding the provisions of Standing Order 26 (Notice of Motion), the following motions may be moved without notice—

(a) a motion for the confirmation or amendment of the minutes of the National Assembly, or for the adoption, modification or rejection of the report of any committee;

(b) a motion that a petition or other paper do lie on the table or be printed or be rejected;

(c) a motion for the reference of any matter to a committee;

(d) a motion made when the National Assembly is in committee;

(e) a motion by way of amendment to any motion being debated in the National Assembly;

(f) a motion for the adjournment of the National Assembly or of any debate;

(g) a motion for the withdrawal of a bill;

(h) a motion for the recommittal of a bill;

(i) a motion for the withdrawal of strangers;

(j) a motion relating to a matter of privilege;

(k) a motion for the suspension of a member;

(l) a motion for the suspension of any of the Standing Orders of the National Assembly;

(m) a motion that the question be now put;

(n) any motion under section 14 of the Customs Tariff Act, Cap. 20.06 or any provision substituted for the same.

Dispensing with Notice.

29. Where a motion or any other proceeding of the National Assembly is one that requires notice, such notice may not be dispensed with except with the consent of the Speaker and the assent of the majority of members present at the time.

Seconding of Motions.

30. The question upon a motion or an amendment shall not be proposed by the Speaker unless such motion or amendment has been seconded:

Provided that—

(a) government business shall not require seconding unless otherwise provided in these Standing Orders;

(b) in committee a seconder shall not be required.

Motions not Moved or Seconded.

31. (1) If a member does not move a motion or amendment which stands in his or her name when he or she is called on, it shall be removed from the Order Paper unless some other member, duly authorised by him or her in writing, moves it in his or her stead:

Provided that government business may be moved by any Minister.

(2) No question shall be proposed upon a motion or amendment, which under these Standing Orders is required to be seconded, if it is not so seconded, and no record of proceedings upon the motion or amendment shall be entered in the minutes of proceedings.

Privilege Motions.

32. (1) A motion directly concerning the privileges of the National Assembly shall take precedence of all other public business.

(2) If during a sitting of the National Assembly a matter suddenly arises which appears to involve the privileges of the National Assembly and which calls for the immediate intervention of the National Assembly, the proceedings may be interrupted, save during the progress of a division, by a motion based on such matter.

Proposal of Motion by Speaker.

33. (1) On a motion made and when necessary seconded, the Speaker shall propose the question to the National Assembly, and after debate, if any, shall put the question for the decision of the National Assembly.

(2) If a motion embodies two or more separate propositions, the propositions may be proposed by the Speaker as separate questions.

(3) If a member desires to vary the terms of a motion standing in his or her name, he or she may do so by giving an amended notice of motion, provided that such amendment does not, in the opinion of the Speaker, materially alter any principle embodied in the original motion or scope thereof.

(4) Such amended notice of motion shall run from the time at which the original notice of motion was given.

Amendment to Motions.

34. (1) The Speaker may require the mover of an amendment which has been seconded to put the amendment into writing and deliver it to the Clerk.

(2) An amendment must be relevant to the question to which it is proposed.

(3) An amendment shall not raise any question which can be raised only by a distinct motion after notice.

(4) After a decision has been given on an amendment to any part of a question an earlier part cannot be amended.

(5) Where an amendment of any part of a question has been proposed, an earlier part cannot be amended unless the amendment so proposed is withdrawn.

(6) An amendment to a question must not be inconsistent with a previous decision on the same question given at the same stage of any bill or matter.

(7) An amendment must not be substantially identical with an amendment moved by another member.

(8) An amendment must not be substantially a direct negative of the original proposition or of any amendment thereto.

(9) An amendment may be moved to any amendment.

Order of Putting Question on Amendment.

35. (1) When an amendment to a question shall have been submitted, and when more amendments than one shall have been submitted, the Speaker, at the close of the debate, shall put the question for the decision of the National Assembly in this wise: "That the words of the question stand as in the original motion" which, if it be decided in the affirmative will throw out all amendments; and he or she shall then put the original motion to be affirmed or negatived.

(2) If the first question which would preclude all amendments be negatived, then, in case only one amendment shall have been proposed and seconded, he or she shall put the question as it was proposed to be amended; but in case more amendments than one shall have been proposed and seconded he or she shall put the questions of amendment *seriatim* and in the inverse order of their having been proposed; and when any one amendment is affirmed all other amendments shall be thereby negatived, and the Speaker shall then put the motion, as so amended, to be affirmed or negatived.

Admissibility.

36. The Speaker shall be the sole judge of the admissibility of any amendment.

Withdrawal of Motions.

37. (1) A motion may be withdrawn at the request of the mover, after it has been moved, by leave of the National Assembly or Committee before the question is fully put thereon.

(2) A motion so withdrawn may be made again provided that notice as required by these Standing Orders is given.

(3) If an amendment has been proposed to the question the original motion cannot be withdrawn until the amendment has been disposed of.

Re-introduction of Motions.

38. No motion shall be proposed which is the same in substance as any motion which shall have been resolved by the National Assembly in the affirmative or negative during the previous six months.

RULES OF DEBATE

Time and Manner of Speaking.

39. (1) A member desiring to speak shall rise in his or her place and if called upon shall address the Chair.

(2) No member shall speak unless called upon by the Speaker or Chairperson.

(3) If two or more members rise at the same time, the Speaker or Chairperson shall call upon the member who first catches his or her eye.

(4) No member shall speak more than once on any question except—

(a) in Committee;

(b) in explanation as prescribed in paragraph (5) of this Standing Order; or

(c) in the case of the mover of a substantive motion or the member in charge of a Bill in reply:

Provided that any member may, without prejudice to his or her right to speak at a later period of the debate, rise in his or her place and second a motion or amendment in the formal words:

"Mr. Speaker, I second the motion".

(5) A member who has spoken on a question may, with the Speaker's permission, again be heard to offer explanation of some material part of his or her speech which he or she claims has been misrepresented, but he or she shall not introduce new matter.

(6) A member who has spoken may speak again when a new question has been proposed by the Speaker or Chairperson, such as a proposed amendment or a motion for the adjournment of the debate.

(7) A member shall not read his or her speech but he or she may read extracts from books or papers in support of his or her argument, and may refresh his or her memory by reference to notes.

(8) No member may speak on any question after it has been fully put to the vote by the Speaker or Chairperson, that is, after the voices of the ayes and the noes have been collected.

Time Limits of Speeches.

40. (1) A member moving a motion shall not speak for more than two hours on such motion unless he or she requests and obtains an extension of time after this period has elapsed.

(2) On such request being made, the Speaker shall, without debate, put the member's request to the National Assembly and if there is a majority of votes in favour thereof, the Speaker shall permit the member to speak for a further period not exceeding thirty minutes.

(3) A member other than a member moving a motion shall not speak for more than one hour on such motion unless he or she requests and obtains an extension of time, in the manner prescribed by paragraphs (1) and (2) after this period has elapsed and thereupon the Speaker shall permit him or her to speak for a further period not exceeding thirty minutes.

(4) In a debate on the annual financial statement and budgetary proposals subject to paragraph (5) hereof, a member shall not speak for more than ninety minutes unless he or she requests and obtains an extension of time in the manner prescribed by paragraphs (1) and (2) after this period has elapsed and thereupon the Speaker shall permit him or her to speak for a further period not exceeding thirty minutes.

(5) The time limit specified in paragraph 3 shall not apply to the Minister of Finance, and the member speaking first on behalf of the Opposition shall be entitled to speak for an equal period of time as the Minister of Finance provided however that this period shall not be less than two hours.

(Inserted by S.R.O. 18/1991 as Standing Order No. 39A)

Right of Reply.

41. (1) The mover of a motion may reply after all the other members present have had an opportunity of addressing the National Assembly and before the question is put, and after such reply no other member may speak, except as provided in paragraph (2) of this Standing Order.

(2) A Minister may conclude a debate on any motion which is critical of the Government, or reflects adversely on or is calculated to bring discredit upon the Government or a Government Officer.

Interruptions.

42. No member shall interrupt another member except by rising to a point of order, when the member speaking shall resume his or her seat and the member interrupting shall simply direct attention to the point which he or she desires to bring to notice and submit it to the Speaker or Chairperson for decision.

Contents of Speeches.

43. (1) Reference shall not be made to any matter which is *sub judice*, in such a way as might in the opinion of the Chair prejudice the interests of parties thereto.

(2) It shall be out of order to attempt to reconsider any specific question upon which the National Assembly has come to a conclusion during the current session except upon a substantive motion for rescission.

(3) It shall be out of order to use offensive and insulting language about members of the National Assembly.

(4) Members shall be referred to by the names of the constituency for which they have been elected.

(5) No member shall impute improper motives to any member of the National Assembly.

(6) The name of Her Majesty or the Governor-General shall not be used to influence the National Assembly.

(7) The conduct of Her Majesty and Members of the Royal Family shall not be called in question.

(8) The conduct of the Governor-General, members of the National Assembly, Judges of the Eastern Caribbean Supreme Court shall not be raised except upon a substantive motion moved for the purpose.

(9) The conduct of Officers administering the Government in other unit territories of the West Indies and of all Judges in those territories (except Judges of the Eastern Caribbean Supreme Court) shall not be raised in debate.

(Amended by Act 17 of 1975)

Scope of Debate.

44. (1) Debate upon any motion, bill or amendment shall be relevant to such motion, bill or amendment, except in the case of a motion for the adjournment of the National Assembly.

(2) When an amendment proposes to leave out words and to add or insert other words instead of them, debate upon the question "That the words proposed to be left out be left out of the question" may include both the words proposed to be left out and those proposed to be added or inserted.

(3) On an amendment proposing only to leave out words or to add or insert words, debate shall be confined to the omission, addition or insertion of such words, respectively.

(4) Debate upon any motion "That the debate be now adjourned," or "That this National Assembly do now adjourn" if moved during any debate, or in committee upon any motion "That the Chairperson do report progress and ask leave to sit again", shall be confined to the matter of such motion; and a member who has made or seconded such motion shall not be entitled to move or second any similar motion during the same debate.

Anticipation.

45. (1) It shall be out of order to anticipate a bill by discussion upon a motion dealing with the subject matter of that bill.

(2) It shall be out of order to anticipate a bill or a notice of motion by discussion upon an amendment or a motion for the adjournment of the National Assembly.

(3) In determining whether discussion is out of order on the grounds of anticipation, regard shall be had by the Chair to the probability of the matter anticipated being brought before the National Assembly within a reasonable time.

Closure of Debate.

46. (1) After a question has been proposed any member may at any time during the course of debate rise in his or her place and claim to move "That the question be now put" and unless it appears to the Chair that that motion is an abuse of the rules of the National Assembly or an infringement of the rights of the minority, the question "That the question be now put" shall be put forthwith.

(2) No debate on that motion shall be allowed, and if the motion is carried, the debate then before the National Assembly shall cease and the question before the National Assembly shall be put forthwith.

(3) When the motion "That the question be now put" has been carried, and the question consequent thereon has been decided, any member may claim that any other question already proposed from the Chair be now put and if the assent of the Chair is given such question shall be put forthwith and decided without amendment or debate.

Rules for Members not Speaking.

47. A member present in the National Assembly during a debate—

(a) shall enter or leave the National Assembly with decorum;

(b) shall not read books, newspapers, letters or other documents save such as relate to the business before the National Assembly;

(c) shall maintain silence while another member is speaking, and shall not interrupt, except in accordance with these Standing Orders; and

(d) shall otherwise conduct himself or herself in fit and proper manner.

RULES OF ORDER.

Responsibility for Order in the National Assembly and in Committee.

48. (1) The Speaker in the National Assembly and the Chairperson in Committee shall be responsible for the observance of the rules of order in the National Assembly and Committee, respectively, and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the National Assembly except upon a substantive motion made after notice.

(2) When the Speaker, or Chairperson, rises any member then speaking or wishing to speak shall immediately resume his or her seat and the National Assembly, or the Committee, shall be silent.

Order in the National Assembly and in the Committee.

49. (1) The Speaker or the Chairperson, after having called the attention of the National Assembly, or of the Committee, to the conduct of a member who persists in irrelevance, or tedious repetition either of his or her own arguments, or of the arguments used by other members in debate, may direct him or her to discontinue his or her speech and to resume his or her seat.

(2) The Speaker or the Chairperson shall order any member whose conduct is grossly disorderly to withdraw immediately from the National Assembly during the remainder of that day's sitting, and may direct such steps to be taken as are required to enforce this Standing Order.

(3) But if, on any occasion, the Speaker or the Chairperson considers that his or her powers under the previous provisions of this Standing Order are inadequate, the Speaker or Chairperson may name such member for disregarding the authority of the Chair under this Standing Order, in which event the procedure prescribed in the next succeeding paragraph should be followed.

(4) Whenever a member has been named by the Speaker or by the Chairperson, then—

(a) if the offence has been committed in the National Assembly, the Speaker shall call upon a Minister to move "That the Mr…… be suspended from service of the National Assembly"; the Speaker shall put the question on such motion forthwith, no seconder being required and no amendment, adjournment or debate being allowed;

(b) if the offence has been committed in the Committee, the Chairperson, shall forthwith suspend the proceedings of the Committee and, as soon as the National Assembly has resumed, shall report the circumstances, whereupon the procedure provided for in the preceding sub-paragraph shall be followed;

(c) if any such motion be carried, and a member be suspended, his or her suspension on the first occasion shall continue until the expiration of the fifth day, and on the second occasion until the expiration of the tenth day, on which the National Assembly sits after the day on which he or she was suspended, and on the third or any subsequent occasion until the National Assembly resolves that such suspension be terminated.

(5) Not more than one member shall be named at the same time, unless several members present together have jointly committed the offence.

(6) A member who is directed to withdraw or who is suspended under this Standing Order shall forthwith leave the National Assembly and its precincts.

(7) If any member who has been directed to withdraw or who has been suspended under this Standing Order, refuses at any time to obey the direction of the Speaker to withdraw from the National Assembly and its precincts, the Speaker shall call the attention of the National Assembly to the fact that recourse to force is necessary in order to compel obedience to his or her direction, and the member named by him or her as having so refused to obey his or her direction shall thereupon without further question put be suspended from the service of the National Assembly during the remainder of the session.

(8) The Speaker may request any officer of the National Assembly to remove forcibly any member thus named who still refuses or fails to leave the National

Assembly and may if he or she deems it necessary suspend the sitting during the removal of the member.

(9) A member who is directed to withdraw or is removed or suspended under this Standing Order shall not be entitled to attend the sitting from which he or she was thus debarred or in a case of suspension to attend any sitting or enter the precincts of the National Assembly until the termination of his or her suspension.

(10) Cases of contempt by members of the National Assembly as specified in section 14 of the National Assembly (Powers and Privileges) Act, Cap. 2.04 shall be dealt with in accordance with the provisions of sections 14 and 15 of that Act.

(11) In the case of grave disorder arising in the National Assembly, the Speaker may, if he or she thinks it necessary to do so, adjourn the National Assembly without question put, or suspend the sitting for a time to be named by him or her.

(12) Nothing in this Order shall be taken to deprive the National Assembly of the power of proceeding against any member according to any resolution of the National Assembly.

VOTING

Decision of Questions.

50. (1) Save as otherwise provided in the National Assembly Elections Act, Cap. 2.01 or in these Standing Orders all questions proposed for decision in the National Assembly or in Committee shall be determined by a majority of the votes of those present and voting.

(2) Neither the Speaker nor any other member presiding shall vote unless the votes of the other members are equally divided in which case he or she shall give a casting vote.

Pecuniary Interest.

51. (1) A member shall not vote on any subject in which he or she has a direct personal pecuniary interest, but a motion to disallow a member's vote on this ground shall be made only as soon as the result of the voting on the question shall have been declared.

(2) If the motion for the disallowance of a member's vote shall be agreed to, the Speaker, or in Committee the Chairperson, shall direct the Clerk to correct the numbers voting in the division accordingly.

(3) In deciding whether a motion for the disallowance of a member's vote shall be proposed from the Chair, the Speaker, or in any Committee of the National Assembly the Chairperson, shall have regard to the character of the question upon which the division was taken and to the consideration whether the interest therein of the member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the Crown's subjects and whether his or her vote was given on a matter of state policy.

Collection of Voices.

52. (1) At the conclusion of a debate upon any question the Speaker or Chairperson shall put that question for the decision of the National Assembly, and

shall collect the voices of the ayes and of the noes, after which no further debate may take place upon that question.

(2) The result shall be declared by the Speaker or Chairperson stating "I think the ayes have it" or "I think the noes have it" as the case may be, but any member may challenge the opinion of the Chair by claiming a division.

Divisions.

53. (1) A division shall be taken by the Clerk calling each member's name and asking each member separately how he or she desires to vote and recording the vote accordingly.

(2) The Clerk shall then announce the number of those who have voted for and of those who voted against the proposal and the Speaker or Chairperson shall declare the result of the division.

(3) Every member present shall record his or her vote either for the ayes or the noes.

(4) The Clerk shall enter in the minutes of proceedings the record of each member's vote.

(5) If a member states that he or she voted in error or that his or her vote has been counted wrongly, he or she may claim to have his or her vote altered provided that such claim is made as soon as the Clerk has announced the numbers and before the Chair has declared the result of the division.

(6) Upon such claim being made the Speaker, or Chairperson, at his or her sole discretion shall either direct the Clerk to alter that member's vote or direct that a fresh division be held.

(7) Any member voting in the minority who desires to have his or her reasons recorded for so voting shall state such desire forthwith, and his or her reasons shall be recorded either at that or the following meeting of the National Assembly.

BILLS.

Constitutional Requirements.

54. (1) The introduction of bills shall be in accordance with the provisions of section 20(2) of the National Assembly Elections Act, 2.01, that is to say,

Except on the recommendation of the Governor-General signified by a Minister, the National Assembly shall not proceed upon any bill (including an amendment to a bill) which, in the opinion of the Speaker would dispose of or charge any public revenue or funds of this territory or alter any disposition thereof or charge thereon or impose, alter, or repeal any rate, tax or duty.

(2) The signification made by a Minister shall be recorded in the minutes.

Introduction and First Reading.

55. (1) No bill shall be introduced until leave for its introduction shall have been applied for and granted.

(2) If the motion for leave is opposed the Speaker, after permitting (if he or she thinks fit) a brief explanatory statement from the member who moves and from a

member who opposes the motion, may without further debate, put the question thereon.

(3) If leave to introduce the bill be granted, the bill may be introduced, and shall be read a first time by the Clerk.

Publication of Bills.

56. After having been read a first time a bill shall, if it has not already been published in the *Gazette*, be so published whenever such publication is practicable.

Suspension of Standing Rules for Further Reading of Bill.

57. Every bill shall be read three times previous to its being passed, and no bill shall pass through more than two readings at any one sitting, unless this Standing Order shall have been formally suspended for the purpose.

Second Reading.

58. (1) The member moving the second reading of a bill shall state the object of the bill and the reasons for its introduction and when a motion for the second reading of a bill has been made and seconded there may be a debate upon the general merits and principles of the bill.

(2) To the question "That the bill be now read a second time" an amendment may be proposed to leave out the word "now" and add at the end of the question "upon this day six months", or an amendment may be moved to leave out all the words after the word "that" in order to add words stating the object and motive on which the opposition to the bill is based, but such words must be strictly relevant to the bill and not deal with its details.

(3) If the motion "That the bill be now read a second time" is carried the bill shall stand referred to a committee of the whole National Assembly to consider the bill clause by clause, and amend it in such manner as may be deemed necessary, unless at this stage of the proceedings the National Assembly on motion made decides that the bill shall be referred to a Select Committee.

(4) Such motion shall not require notice and must be made immediately after the bill has been read a second time and the question thereon shall be put without amendment or debate.

(5) When a bill has been committed to a Select Committee, no further proceedings shall be taken thereon until the Select Committee has presented its report to the National Assembly.

Procedure in Committee.

59. (1) When a Bill is under consideration in Committee unless the Committee decides to have the bill read in any other manner the Clerk shall call the several clauses in order, by reading the number of each clause and shall then refer to the schedules, if any, in order, next the preamble, if any, and lastly the title.

(2) If it is proposed to move any amendment on a clause or schedule when called, the Clerk shall put them in their proper order.

(3) If the clause (or the schedule or the preamble or the title, as the case may be) is not amended, the Speaker shall without motion put the question "That this

clause (or this schedule or the preamble or the title, as the case may be) do stand part of the bill".

(4) If the clause (or the schedule or the preamble or the title, as the case may be) is amended, he or she shall put the question "That this clause (or this schedule or the preamble or the title, as the case may be) as amended, do stand part of the bill".

(5) In settling a bill in Committee any member may move an amendment, or, without making a formal motion, may suggest an amendment, or may ask for information respecting any part of the bill or proposed amendment.

(6) An amendment must be relevant to the subject matter of the bill, and to the subject matter of the clause to which it relates.

(7) An amendment must not be inconsistent with any previous decision of the Committee.

(8) An amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.

(9) If an amendment refers to, or is not intelligible without, a subsequent amendment or a schedule, notice of the subsequent amendment or schedule must be given before, or when the first amendment is moved so as to make the series of amendments intelligible as a whole.

(10) An amendment which proposes to amend the whole substance of a clause for the purpose of inserting different provisions will as a general rule be irregular, and the proper course will be to negative the clause and propose a new one in its place.

(11) The Speaker may refuse to put an amendment which is, in his or her opinion, frivolous.

(12) A bill may be referred to a Select Committee at any time after it shall have passed its second reading.

(13) When a bill has been referred to, and reported on, by a Select Committee and it is certified by the Chairperson of such a Committee that such bill has been considered clause by clause in the presence of a quorum of the members of such Committee at least, and that in the opinion of the Committee such bill may be dealt with by the National Assembly in the same manner as a bill reported on by a Committee of the whole National Assembly, such bill may be dealt with accordingly if no member objects, but if any member objects the bill shall be dealt with in the usual manner.

(14) The consideration of a clause may, on motion made, be postponed, but the motion may not be made after the clause has been amended.

(15) New clauses shall be considered after the clauses in the bill as printed have been disposed of and before the consideration of the schedules, if any.

(16) Notice of a proposed new clause shall be given previous to the sitting unless the Chairperson considers that such notice may be dispensed with.

(17) The Chairperson shall call on the member in whose name the new clause stands, and if that member moves the Clerk shall read the marginal note of the clause and it shall then be taken to have been read a first time.

(18) The question shall then be put "That this clause be read a second time".

(19) If this be agreed to amendments may be moved and after these (if any) have been disposed of the question shall be "That this clause (or that this clause as

amended) be added to the bill as clause No..... and that the subsequent clauses be renumbered accordingly".

(20) When a bill shall have been settled in Committee the National Assembly shall resume without question put; and the member having charge of the bill shall thereupon report to the National Assembly that the bill has passed through the committee stage, with or without amendments, as the case may be, or that progress has been made therewith.

Third Reading of Bills.

60. (1) Subject to the provisions of Standing Order 57 (Suspension of Standing Rules for further reading) and Standing Order 73 (Third Reading of Appropriation Bill), on the resumption of the National Assembly after the conclusion of the committee stage a bill may, on motion made, be read the third time, either forthwith if or at some subsequent sitting.

(2) When the motion for the third reading of the bill is to be put the question shall be "That the bill be now read a third time and passed".

Recommittal of Bills.

61. (1) If on the third reading of a bill any member desires to amend or delete any provisions contained in the bill or to introduce any new provision, he or she may move that the bill be recommitted, and, if the motion be carried, the National Assembly shall resolve itself into committee and any alteration proposed may be discussed, and the National Assembly may then resume and the bill be read a third time.

(2) Verbal amendments may be made previous to the bill being read a third time without the bill being recommitted.

Governor-General's Amendments.

62. (1) The Governor-General may, before a bill passed by the National Assembly becomes law, by a message to the National Assembly require that amendments be made to the bill and such bill shall accordingly be recommitted for reconsideration only of the amendments proposed.

(2) Thereafter the bill shall be re-submitted to the Governor-General for assent with the amendments made therein or with such of them as the National Assembly shall approve.

Withdrawal of Bills.

63. The member in charge of a bill standing on the Order Book may move a motion without notice for its withdrawal either before the commencement of Public Business or on the Order of the Day for any stage of the Bill being read.

Bills on the same Subject Matter.

64. More than one bill dealing with the same subject matter may be introduced but, once the second reading of a bill has been agreed to or negatived, no question shall be proposed during the same session for the second reading of another bill containing substantially the same provisions.

SELECT COMMITTEES

Select Committees.

65. (1) The National Assembly may appoint any of its members to be a Select Committee for the purpose of examining and reporting on the clauses of any proposed bill or for any other purpose, and the National Assembly may also appoint the Chairperson of such Select Committee.

(2) In the absence of any appointment by the National Assembly a Select Committee shall elect its own Chairperson, and in the absence of the Chairperson the senior member on the Committee shall act as Chairperson.

(3) Every Select Committee shall be so constituted as to ensure so far as is possible, that the balance of parties in the National Assembly is reflected in the Committee.

(4) In the event of the death of a member nominated to a Committee, or if his or her seat becomes vacant for any other reason, the National Assembly shall nominate another member in his or her place, and in so doing shall observe the provisions of paragraph (3) of this Standing Order.

(5) Unless the National Assembly otherwise directs three members, or, if the number of the Select Committee does not exceed four, two members shall form a quorum.

Speaker's Vote in Select Committee.

66. If the Speaker be the Chairman of a Select Committee he shall have a casting vote if the votes be equally divided, but shall not have an original vote. In the absence of the Speaker from the Chair the member presiding shall have an original vote, and a casting vote if the votes are equally divided.

Reports from Select Committees.

67. (1) The Supervisor of Elections shall appoint two poll clerks for every polling station in a constituency for the purpose of assisting a presiding officer at a polling station.

(2) A select Committee shall have leave to make a special report relating to the powers, functions and proceedings of the Committee on any matter which they may think fit to bring to the notice of the National Assembly.

(3) If any presiding officer becomes incapable of performing his or her duties during the taking of the poll, the Supervisor of Elections shall appoint one of the poll clerks to be a presiding officer, and the appointed presiding officer shall appoint some other person to act as poll clerk in his or her stead.

(Replaced by Act 17 of 2014)

(4) The minutes of proceedings of a Committee shall record all proceedings upon the consideration of any report or bill in the Committee and upon every amendment proposed to such report or bill together with a note of any division taken in the Committee and of the names of members voting therein.

(5) The report of a Select Committee may be taken into consideration on a motion "That the report of the Select Committee on ……be adopted".

Member Dissenting.

68. Any member dissenting from the opinion of the majority of a Select Committee may put in a written statement of his or her reasons for such dissent, and such statement shall be appended to the report of the Committee.

STANDING COMMITTEES

Finance Committee.

69. (1) There shall be a Committee with the Minister of Finance as Chairperson to be known as the Finance Committee which shall consist of all the elected members of the National Assembly and one nominated member to be appointed by the Speaker.

(2) If the seat of the nominated member of the Finance Committee becomes vacant or in case of that member's unavoidable absence the Speaker may appoint another nominated member to take the place of such member.

(3) Subject to the provisions of any law applicable in this territory and to these Standing Orders, the Finance Committee shall examine all special warrants the authorisation of which is provided for under the Finance Administration Act, Cap. 20.13 and such other matters as pertain to the preparation of the estimates.

Public Accounts Committee.

70. (1) There shall be a Standing Committee of the National Assembly to be known as the Public Accounts Committee.

(2) The Public Accounts Committee shall consist of not less than three nor more than five members of the House, drawn from both sides of the National Assembly, whose appointment to the Committee shall be moved by a resolution of the Minister of Finance and subject to the approval of the National Assembly.

(3) The National Assembly shall from, time to time, appoint a Member of the Committee to be Chairperson of the Committee and may appoint another member of the National Assembly to fill any vacancy in the membership of the Committee occurring from time to time.

(4) The duties and powers of the Public Accounts Committee shall be in accordance with the provisions of the Public Accounts Committee Act, Cap. 22.17.

(Substituted by Act 14 of 2017)

(5) The Minister of Finance may provide office and secretarial facilities to the Committee.

(6) The Public Accounts Committee shall submit its reports to the National Assembly from time to time.

FINANCIAL PROCEDURE

Presentation of Appropriation Bill.

71. (1) Any bill containing the estimated financial requirements for expenditure on all the services of the Government for the current or succeeding year shall be

known as an Appropriation Bill, and estimates containing the details of the said financial requirements shall be laid on the table when the Appropriation Bill is presented.

(2) After the Appropriation Bill has been introduced and read a first time, the motion for the second reading of the bill shall be proposed forthwith, and the Minister of Finance shall make his or her annual financial statement, or budget speech.

(3) When the Minister of Finance has made his or her budget speech, the motion for the second reading of the bill shall be seconded, and the debate thereon shall be adjourned to a time to be named by the Minister of Finance.

(4) The debate on the second reading of the bill shall be confined to the financial and economic state of the State and the general principles of Government policy and administration as indicated in the bill and the estimates.

(5) On the conclusion of the debate the Appropriation Bill and the estimates shall stand referred to a Committee of the whole National Assembly to be known as the Committee of Supply.

(6) The deliberations of the Committee of Supply shall be in public.

Procedure in Committee of Supply.

72. (1) On the consideration of the Appropriation Bill in Committee of Supply the clauses of the bill shall stand postponed until after consideration of the schedule or schedules.

(2) On consideration of the schedules each head of expenditure shall be considered with the appropriate estimate, and any reference in these Standing Orders to a subhead or an item means a subhead or an item in the estimates for the head then under discussion.

(3) On the consideration of a schedule, the Chairperson shall call the title of each head of expenditure in turn, and shall propose the question "That the sum of ……..for head …….. stand part of the schedule", and unless an amendment is proposed under the provisions of the next succeeding Standing Order, a debate may take place on that question.

(4) Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any item or subhead but may refer to the details of revenues or funds for which that service is responsible.

(5) When all the heads in a schedule have been disposed of, the Chairperson shall put forthwith, without amendment or debate, the question "That the schedule (as amended) stand part of the bill".

(6) When every schedule has been disposed of the Chairperson shall call successively each clause of the bill and shall forthwith propose the question "That the clause stand part of the bill" and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate.

(7) No amendment may be moved to any clause except an amendment consequential on an alteration in the total sum appropriated by any schedule.

(8) Any such consequential amendment shall be moved by a Minister only, and may be moved without notice and the question thereon shall be put forthwith without amendment or debate.

(9) When the question on the last of any such amendments to a clause has been decided the Chairperson shall forthwith put the question "That the clause as

amended stand part of the bill" and that question shall then be decided without amendment or debate.

(10) When the question upon every clause of the bill has been decided, the Chairperson shall put the question to the National Assembly that the bill (as amended) be reported to the National Assembly, which question shall be decided without amendment or debate, and upon such question being agreed to, the National Assembly shall resume, and the member in charge of the bill shall report it to the National Assembly.

Amendments to Heads of Estimates in Committee of Supply.

73. (1) An amendment to any head of expenditure to increase the sum allotted thereto whether in respect of any item or subhead or of the head itself may only be moved by a Minister who shall signify to the Committee the recommendation of the Governor-General to the increase in accordance with paragraph (a) of subsection (2) of section 20 of the National Assembly Elections Act, Cap. 2.01.

(2) Every such amendment shall take the form of a motion "That head ……. be increased by ……. (in respect of subhead …….. item …… (subhead ……)".

(3) An amendment to increase a head whether in respect of any item or subhead or of the head itself shall take precedence over an amendment to reduce the head in the same respect, and if it is carried no amendment to reduce the head in that respect shall be called.

(4) An amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any member, and shall take the form of a motion "That head ……. be reduced by $…….. in respect of (or by leaving out) subhead ……., item …….. item ……".

(5) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall only be in order if the subhead is not itemized.

(6) An amendment to reduce a head without reference to a subhead therein shall only be in order if the head is not divided into subheads.

(7) An amendment to leave out a head shall not be in order and shall not be placed on the Order Paper.

(8) In the case of each head, amendments in respect of items or subheads in that head shall be placed upon the Order Paper and considered in the order in which the items or subheads to which they refer stand in the head of the estimates.

(9) When notice has been given of two or more amendments to reduce the same item, subhead, or head they shall be placed upon the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(10) Debate on every amendment shall be confined to the item, subhead or head to which the amendment refers, and after an amendment to an item or subhead has been disposed of, no amendment or debate on a previous item or subhead of that head shall be permitted.

(11) When all amendments standing on the Notice Paper in respect of any particular head of expenditure have been disposed of the Chairperson shall again propose the question "That the sum of $ ..... for head …… stand part of the Schedule", or shall propose the amended

question "That the (increased) (reduced) sum of $ …… for head …….. stand part of the Schedule", as the case may require.

(12) The debate on any such question shall be subject to the same limitations as apply to a debate arising under paragraph (4) of Standing Order 72 (Procedure in Committee of Supply).

Third Reading of Appropriation Bill.

74. (1) As soon as the Appropriation Bill has been reported to the National Assembly, a Minister shall move a motion that the Bill be read a third time and passed.

(2) Such motion shall not require to be seconded and shall be decided without amendment or debate.

Supplementary Appropriation Bills.

75. Where an Appropriation Bill is introduced in pursuance of the requirements of section 6 of the Finance Administration Act, Cap. 20.13 or otherwise the procedure set out in Standing Orders 71, 72, 73 and 74 shall be followed as far as it applies.

MISCELLANEOUS

Private Bills.

76. (1) Every bill intended to affect or benefit some particular person, association or corporate body, shall contain a section saving the rights of Her Majesty, Her Heirs and Successors, all bodies politic and corporate, and all others, except such as are mentioned in the bill, and those claiming by, from or under them.

(2) No such bill, not being a Government measure, shall be introduced into the National Assembly until due notice has been given, at the expense of the promoters, by not less than three successive publications of the bill in the *Gazette* and in some newspaper circulating in the State, and where any particular premises are affected until after a copy of the bill has been affixed to the police station nearest to such property for not less than three weeks.

(3) Proof that the requirements aforesaid have been complied with shall be made by solemn declaration to the satisfaction of and deposited with the Clerk.

Cost of Private Bill.

77. All bills, other than public bills, must be prepared and printed at the expense of the parties by whom they may be introduced.

Premature Publication of Evidence.

78. The evidence taken before any Select Committee and any documents presented to such Committee shall not be published by any member of such Committee or by any other person before the Committee have presented their report to the National Assembly.

Employment of Members in Professional Capacity.

79. No member of the National Assembly shall appear before the National Assembly or any Committee thereof as counsel or solicitor for any party or in any capacity for which he or she is to receive a fee or reward.

Report of Debates.

80. (1) An Official report of all speeches made in the National Assembly shall be prepared under the supervision of the Clerk, acting under such instructions as the Speaker may give.

(2) The report shall be published in such form as the Speaker may direct, and a copy thereof shall be sent to each member as soon as practicable.

Strangers.

81. (1) Strangers shall be admitted to debates in the National Assembly under such rules as the Speaker may make from time to time for that purpose.

(2) If, at any sitting of the National Assembly, any member shall move that strangers withdraw, the Speaker shall forthwith put the question "That strangers do withdraw" without permitting any debate or amendment.

(3) The Speaker may, whenever he or she thinks fit, order the withdrawal of strangers from any part of the Chamber and its precincts, and may order the doors of the Chamber to be closed.

(4) Strangers shall withdraw from the Chamber and its precincts when called upon to do so by the Speaker.

Press.

82. (1) The Speaker may grant a general permission to the representative of any Journal to attend the sittings of the National Assembly under such rules as he or she may make from time to time for that purpose.

(2) If such rules are contravened, such permission may be revoked.

Suspension of Standing Orders.

83. Any one or more of these Standing Orders may, after notice, or with the leave of the Speaker, be suspended on a motion made by a member at any sitting.

Amendment of Standing Orders.

84. (1) Unless the Speaker shall otherwise direct, not less than seven days' notice of a motion to amend the Standing Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendment.

(2) The motion shall be set down for the earliest sitting after the expiration of the notice.

(3) When the motion is reached, the mover shall move the motion, and after it has, if necessary, been seconded, the motion shall be referred forthwith, without any question being put thereon, to a Select Committee, and no further proceedings shall be taken on any such motion until the Committee has reported thereon.

Rules in Cases not Provided for by Standing Orders.

85. (1) In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to the National Assembly, and not inconsistent with these Standing Orders nor with the practice of the National Assembly.

(2) In cases of doubt, the Standing Orders of the National Assembly shall be interpreted in the light of the relevant usage and practice of the House of Commons, but no restrictions which the House of Commons has introduced by Standing Order shall be deemed to extend to the National Assembly or its members until the National Assembly has provided by Standing Order for such restriction.

APPENDIX.

OATH OF ALLEGIANCE.

I …… 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.

AFFIRMATION OF ALLEGIANCE.

I …….…….. do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

———

FIFTH SCHEDULE

(Section 121)

ELECTION REGISTRATION REGULATIONS

PART 1 – PRELIMINARY

Citation.

1. These Regulations may be cited as the Election Registration Regulations.

Interpretation.

2. In these Regulations—

"Act" means the National Assembly Elections Act;

"applicant" means a person who is applying to be registered in accordance with Regulation 3 and a person confirming his or her registration in accordance with Regulation 4;

"Registration Officer" includes the Chief Registration Officer;

"Schedule" means the Schedule to these Regulations.
(Definition of applicant inserted by S.R.O. 9/2008)

Registration of Voters.

3. (1) A person who is qualified in accordance with the Act to be registered as a voter for a constituency shall—

(a) apply in person, in writing, to the Registration Officer for that constituency to have his or her name entered in the register of voters for that constituency;

(b) provide the Registration Officer with a qualifying address submitted by him or her for that constituency.

(2) An application made under sub-regulation (1) shall be made on Form 1A, 1B, 1C set out in the Schedule which correctly corresponds to the specific section of the Act under which the applicant claims to be qualified to be registered as a voter.

(3) On receipt of the documents mentioned in sub-regulations (1) and (2), the Registration Officer shall consider the application and determine whether the application should be approved.

(4) Upon presentation of an application under sub-regulation (1) the applicant's details shall be entered into the electronic database provided by the Chief Registration Officer.

(5) Where the applicant claims to be qualified to be registered as a voter as a citizen of Saint Christopher and Nevis pursuant to section 37(1)(a), 37(1)(b) or 37(1)(c) of the Act, he or shall certify the correctness of the information so entered by placing his or her signature and date on the application and by producing—

(a) his or her birth or baptismal certificate;

(b) certificate of citizenship;

(c) deed poll;

(d) passport or driver's licence;

(e) any other form of identification containing his or her photograph,

and such other evidentiary document as may be required by the Chief Registration Officer to authenticate the identity of the applicant.

(6) Where the applicant claims to be qualified to be registered as a voter as a Commonwealth citizen pursuant to section 37(1)(d) of the Act, he or shall certify the correctness of the information so entered by placing his or her signature and date on the application and by producing his or her passport in order to establish his or her identity, nationality and immigration status.

(7) If an applicant is unable to place his or her signature on the application pursuant to the provisions of sub-regulation (5) or sub-regulation (6), the applicant shall place his or her thumb only.

(8) If the Registration Officer is not satisfied with the applicant's claim to register as a voter, the Registration Officer shall issue to the applicant a notice of disallowance in Form 1D set out in the Schedule.

(9) If the Registration Officer disallows an application for registration pursuant to sub-regulation (8), he or she shall record his or her reasons for the

disallowance, and a statement of his or her reasons shall be set out in the notice of disallowance.

(10) A person who is aggrieved by a decision of the Registration Officer may, within seven days from the date of the notice of disallowance, deliver to the Registration Officer a statement of appeal in Form 1E set out in the Schedule, to be heard by the Chief Registration Officer within a period not exceeding seven days.

(11) The Registration Officer shall maintain a record at the Electoral Office showing the names, addresses and other particulars of every applicant whose application for registration has been disallowed by him or her.

(12) Once an application has been approved by a Registration Officer, the Officer shall capture the photograph of applicant and shall cause the same to be stored in the electronic database together with the applicant's details.

(13) A Registration Officer shall affix an identification number to the relevant application form provided to the applicant pursuant to sub-regulation (2) and the National Registration Record in Form 2A set out in the Schedule, and such record maintained in an electronic form by the Chief Registration Officer is a valid record under these regulations.

(14) If the Registration Officer approves the application he or she shall sign the Certificate of Registration in Form 2 set out in the Schedule and shall deliver one copy to the applicant and keep the other copy for his or her records at the Electoral Office.

(15) Registration of any person is complete when the applicant shall have received the signed Certificate of Registration referred to in sub-regulation (14) and has been assigned a national identification card which has been generated for that person in accordance with the provisions of Part II of these Regulations.

(16) Agents of political parties or candidates shall be entitled to inspect the Certificate of Registration.

(Substituted by S.R.O. 9/2008)

Confirmation of registration.

4. (1) Notwithstanding Regulation 3(1), a person whose name appears in the register of voters shall confirm his or her registration during the registration period declared pursuant to the provisions of section 124 of the Act by certifying the information contained in the register.

(2) In order to facilitate the confirmation of persons resident overseas, the office of any mission or embassy of the State, may be designated as a registration office, and a Registration Officer shall be appointed under the direction of the Chief registration Officer for that purpose.

(3) A person who has confirmed his or her registration in accordance with the provisions of these Regulations shall be issued with a national identification card in the same manner as if the confirmation had taken place within the State itself.

(4) Upon confirmation under sub-regulation (1), the applicant's details shall be entered into the electronic database provided by the Chief Registration Officer.

(5) The provisions of sub-regulations (5) to (16) of Regulation 3 shall apply to the confirmation process.

(Inserted by S.R.O. 9/2008 as Regulation 3A. Note: As a result of renumbering Reg. 3A as Reg. 4, the other Regulations have been renumbered accordingly)

Form of List of Voters.

5. (1) The names in each list of voters shall be arranged in alphabetical order according to Form No. 3 in the Schedule or according to Form No. 4 in the Schedule or Form No. 5 in the Schedule or according to such other form as may be prescribed and shall be numbered consecutively beginning with the number one.

(2) The Voter Verification List in Form 3A shall contain all the information provided in Form 3 along with a copy of the photograph of the registered voter and shall be restricted to the use of Presiding Officers and political party agents within the polling station on election day.

(Subsection (2) inserted by S.R.O. 9/2008)

PART II

PROCEDURE FOR ISSUING NATIONAL IDENTIFICATION CARDS

National Registration Record & National Identification Card.

6. (1) The primary record of registration for persons registered or confirmed under these Regulations shall be a computer generated record to be known as the "National Registration Record".

(2) The National Registration Record shall be in Form 2A set out in the Schedule, and shall have an identification number which shall be different for each such record for each person registered.

(3) Upon signing the National Registration Record in Form 2A the Registration Officer shall—

(a) generate a national identification card in Form 2B set out in the Schedule together with a photograph of the applicant taken pursuant to Regulation 3(12) and information required to be stated therein in respect of the applicant, including his or her name and unique identification number generated in accordance with the provisions of Regulation 3(13), and any security features that the Chief Registration Officer considers appropriate;

(b) cause the national identification card to be assigned to the applicant in accordance with the provisions of Regulation 3(15);

(c) require the applicant to acknowledge receipt of the national identification card by signing or making his or her mark in a book or other record to be provided for the purpose.

Supplies, corrections, false information, etc.

7. (1) The Chief Registration Officer shall supply each Registration Officer with such materials as may be necessary for the performance of his or her functions.

(2) The Chief Registration Officer or a Registration Officer may correct any clerical error in any National Registration Record.

(3) A correction made under this Regulation shall be initialled and dated by the Chief Registration Officer or a Registration Officer, as the case may be, and if practicable, by the person to whom the record relates.

(4) The Chief Registration Officer shall cause to be kept in safe custody, and shall not permit any unauthorised person to have access to—

(a) unused, completed or cancelled National Registration Records; and

(b) unused, completed or cancelled national identification cards.

(5) Where it is necessary for any of the documents mentioned in sub-regulation (4) to be kept overnight, the documents shall be kept in containers provided for the purpose by the Chief Registration Officer, and such containers may be kept at any convenient police station in a secure place or other secure place as determined by the Chief Registration Officer.

(6) The Chief Registration Officer may require any occupier of a building to give information required by him or her for the performance of his or her functions under these Regulations in accordance with the provisions of section 38 of the Act.

(7) A person who wilfully fails to give information requested under the provisions of sub-regulation (6) of this Regulation, or gives information which he or she knows to be false, commits an offence, and is liable, on summary conviction, to a fine not exceeding thirty dollars or to imprisonment for a term not exceeding five years or both.

(8) The Chief Registration Officer shall revise the Registers of Voters by deleting the names of any deceased persons based on—

(a) information obtained from the monthly record of deaths—

(i) transmitted to him or her by the Registrar responsible for the registration of deaths between the first and tenth day of each month; and

(ii) such information shall be in respect of persons whose deaths have occurred during the preceding month; or

(b) an application by a member of the public—

(i) alleging that a person on the Register of Voters is deceased; and

(ii) that information has been verified by the Chief Registration Officer.

(9) All damaged, void or cancelled National Registration Records and all damaged, void or cancelled national identification cards and other similar materials shall be sent to the Chief Registration Officer who shall keep them in safe custody for a period of not less than one year, and thereafter they shall be destroyed.

(10) The Chief Registration Officer shall keep a record of the number of all National Registration Records and national identification cards that have been issued, lost, destroyed or replaced.

(11) If the complete National Registration Record including the electronic record of any person is lost, mutilated, defaced or destroyed and deemed to be irretrievable, the Chief Registration Officer shall swear on affidavit as to how the record was lost, mutilated, defaced or destroyed, and such person shall be required to register afresh.

(12) The Chief Registration Officer may, within ten years from the date of the issue of a national identification card under these Regulations, require every holder of a national identification card to surrender the card for inspection and may, if he or she thinks fit, substitute a new national identification card with a fresh photograph for the national identification card so surrendered.

(13) A person who fails to surrender his or her national identification card for inspection when required to do so under sub-regulation (12) is liable to have his name removed from the Register of Voters.

(14) A person who, without lawful authority, destroys, mutilates, defaces, duplicates, attempts to duplicate, removes or makes any alteration in—

(a) an unused, completed, incomplete or cancelled National Registration Record or any duplicate of the same;

(b) a national identification card; or

(c) any other document issued under these Regulations,

commits an offence and is liable, on summary conviction, to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding five years or both.

(15) Where the Chief Registration Officer is satisfied that a national identification card has been lost, destroyed, mutilated or defaced he or she may, if he or she thinks fit, replace it with a new national identification card.

(Substituted by S.R.O. 9/2008. Note: Part II was replaced by S.R.O. 9/2008)

PART III

REGISTRATION

Registration.

8. The names, addresses and occupations of all voters who are included in the Register of Voters, Monthly List and Revised Monthly List shall be written up by the Registration Officer according to Form No. 3, Form No. 4 and Form No. 5, set out, respectively, in the Schedule.

Certified Register of Voters, Monthly List and Revised Monthly List.

9. On the completion of the Register of Voters, Monthly List and Revised Monthly List the Registration Officer shall certify the list in the form set out as Form No. 6 in the Schedule.

Distribution of Certified Copies of Register of Voters, Monthly List and Revised Monthly List.

10. The Registration Officer shall prepare five copies of the Register of Voters, Monthly List and Revised Monthly List and shall arrange numerically three complete sets of lists and send them to the Chief Registration Officer and retain the other two copies in his or her office for inspection by the public.

Posting of Register of Voters, Monthly List and Revised Monthly List.

11. (1) The Registration Officer shall, after entering the name of a person as a voter in the Register of Voters, Monthly List and Revised Monthly List, affix on two

conspicuous buildings in the respective polling division, a certified copy of the Register of Voters, the Monthly List or the Revised Monthly List for that polling division.

(2) The Register of Voters and Monthly List shall remain posted for a period of ten days including Sundays.

(3) The Chief Registration Officer shall cause the Register of Voters and the Monthly Lists to be transmitted to all overseas diplomatic and consular offices of Saint Christopher for inspection.

(Subsection (3) inserted by S.R.O. 9/2008)

Registration Officer to Distribute to Post Offices and Police Stations Copies of Forms.

12. Every Registration Officer shall distribute to every Police Station and Post Office in his or her constituency a sufficient number of copies of the respective forms set out in the Schedule.

PART IV

CLAIMS AND OBJECTIONS

Claims to be Delivered and Posted to the Registration Officer.

13. (1) Any person who claims to be entitled to be registered as a voter and who holds a Certificate of Registration according to Form No. 2 set out in the Schedule and who is not entered, or is entered in any incorrect manner or with incorrect particulars in the Register of Voters or Monthly List may claim to be registered or to be registered correctly by sending to the Registration Officer not later than ten days after the posting of the Register of Voters or Monthly List a claim in the form set out as Form No. 7 in the Schedule or such other form as may be prescribed which form the claimant may secure at the Registration Office, any Post Office or any Police Station.

(2) The claimant shall fill in the form and deliver it or transmit it to the Registration Officer:

Provided that any person who claims to be entitled to be registered as a voter and who is not entered on the Register of Voters shall apply for registration in writing only in the form set out as Form No.1 in the Schedule.

(Inserted by S.R.O. 7/1984)

Claims for Correction to Register of Voters.

14. (1) Any person who claims to be entitled to be registered as a voter and is entered in any incorrect manner or with incorrect particulars in the Register of Voters may claim to be registered correctly by sending to the Registration Officer not later than ten days after the posting of the Register of Voters a claim in the form set out as Form No. 7 in the Schedule or such other form as may be prescribed, which form the claimant may secure at the Registration Office, any Post Office or any Police Station.

(2) The claimant shall fill in the form and deliver it or transmit it to the Registration Officer.

(Inserted by S.R.O. 7/1984)

Notice of Objection to Registration.

15. Any person whose name appears on the Register of Voters or Monthly List for a constituency may object to the registration of any person whose name is included in those lists by sending to the Registration Officer notice of objection in the form set out as Form No. 8 in the Schedule or such other form as may be prescribed.

(Inserted by S.R.O. 7/1984)

Notice of Objection to Claims.

16. Any person whose name appears on the Register of Voters or Monthly List for a constituency may object to the registration of any person whose name is included in the list of claimants by notice of objection to the Registration Officer in the form set out as Form No. 9 in the Schedule or such other form as may be prescribed.

Date for Making Objections.

17. The objection to any name included in the Register of Voters or Monthly List shall be sent not later than ten days after the posting of such Register of Voters or Monthly List.

Notice of Revision.

18. It shall be the duty of the Chief Registration Officer to have affixed by the Registration Officer at the same time as he or she is posting the Register of Voters or Monthly List one revision notice in the form set out as Form No.10 in the Schedule for each such list.

Names on More than One List.

19. Any voter whose name appears on the Register of Voters or Monthly List for more than one polling division shall forthwith notify the Registration Officer, in the form set out as Form No. 11 in the Schedule, of the polling division in which he or she elects to have his or her name.

Notice to Persons Affected by Objection.

20. The Registration Officer shall, immediately after receiving any notice of objection, send by registered post or in writing of which there is evidence that it has been received by the addressee, a notice in the form set out as Form No. 12 in the Schedule to the person in respect of whose registration the notice of objection is given and a notice in the form set out as Form No. 13 in the Schedule to these Regulations to the person making the objection.

Publication of Claims.

21. It shall be the duty of the Registration Officer to cause to be posted not later than fifteen days after the posting up of the Register of Voters or Monthly List in the polling division in the form set out as Form No. 14 in the Schedule a list of persons for the polling division who claim their names should be inserted in the Register of

Voters or Monthly List or that correction should be made to the Register of Voters or Monthly List and such list shall remain posted up for a period of five days.

Publication of Objections to Registration.

22. It shall be the duty of the Registration Officer not later than fifteen days after the posting up of the Register of Voters or Monthly List to cause to be affixed on each of two conspicuous buildings in the polling division in the constituency in the form as set out as Form No. 15 in the Schedule, a list of names of persons for the polling division to whose registration notice of objection has been given and such list shall remain posted for a period of five days.

Publication of Objections to Claims.

23. It shall be the duty of the Registration Officer, not later than ten days after the posting up of the list of claimants in accordance with Regulation 20, to cause to be affixed on each of two conspicuous buildings in the polling division in the form set out as Form No. 16 in the Schedule, a list of names of persons for the polling division to whose claims notice of objection has been given and such list shall remain posted up for a period of five days.

Consideration of Claims and Objections.

24. (1) The Registration Officer shall consider all claims and objections of which notice has been given to him or her in accordance with these Regulations and for that purpose shall give at least five days notice in writing, of which there is evidence that it has been received by the addressee, or notice by registered post, to the claimants or objectors and the persons in respect of whose registration or claims notice of objection has been given of the time and place at which the claims or objections will be considered by him or her.

(2) Agents of political parties or candidates shall be entitled to be present at any consideration of claims or objections.

(3) Where the registration of any person has been objected to on the basis of his or her address, the Registration Officer may, before considering the objection, carry out an investigation and visit the address in question for the purpose of ascertaining whether the person resides there.

(Subsection (3) inserted by S.R.O. 9/2008)

Notice to Claimants.

25. The Registration Officer shall at the end of the period for the making of objections to claims send to each claimant in respect of whose claim no notice of objection has been given, notice in the form set out as Form No. 17 in the Schedule.

Completion of Revised Monthly List.

26. The Registration Officer shall make all necessary revisions of the monthly list as may be posted from time to time and do everything necessary to allow publication of the revised lists as required by these Regulations and the National Assembly Elections Act, Cap. 2.01.

Description of Polling Division and Maps and Lists of Voters to be Transmitted to the Returning Officer.

27. On a date to be determined by the Chief Registration Officer he or she shall transmit to the Returning Officer for each constituency a description of the boundaries of each polling division and a copy of the lists of voters retained by him or her and made pursuant to the provisions of these Regulations.

Insertion of Names in Lists of Voters.

28. (1) If, after the lists of voters have been published, the Chief Registration Officer has reasonable cause to believe that the name of a voter which has been included in the Register of Voters, Monthly List or Revised Monthly List for any polling division has through inadvertence been omitted from the list of voters for that division, the Chief Registration Officer shall ascertain by reference to the relevant monthly list whether omission of that name has in fact been made.

(2) If the omission is verified, the Chief Registration Officer shall insert in the copies of the Register of Voters the name, address and occupation of the voter concerned and initial the correction.

(3) The Chief Registration Officer shall notify the person whose name was omitted of the insertion and if a Writ of Election has been issued he or she shall also notify the persons whom he or she believes to be likely to be nominated as candidates for the relevant constituency or who have actually been nominated and the presiding officer for the polling division concerned.

(4) The Chief Registration Officer shall also notify the Registration Officer.

(5) The Chief Registration Officer shall publish a list of the names of persons inserted as aforesaid as the time of the publication of the next Monthly List for the polling division.

(6) The Chief Registration Officer shall not insert the name of any person expunged from the list of voters in pursuance of an objection made to that person's registration or claim or at any time after the third day not including Sunday next before polling day.

Deletion of Names from the List of Voters.

29. (1) Where the Chief Registration Officer has reasonable cause to believe that there appears in the list of voters the name of any person who is not qualified for inclusion in such list or that any insertion in respect of a person who is not entitled to be included in such list has been made, he or she shall hold a special revision to investigate such case.

(2) The Chief Registration Officer shall give at least five days' notice in writing to such person of the time and place at which such revision will take place and at such time and place consider the eligibility of such person to be included in the list of voters.

(3) If the Chief Registration Officer decides that the name of such person should not be included in the list of voters, he or she shall delete the name therefrom and initial the deletion.

(4) The Chief Registration Officer shall publish a list of the names of persons deleted as aforesaid at the time of the publication of the next Monthly List for the polling division.

(5) If a Writ of Election has been issued, the Chief Registration Officer shall also notify the Registration Officer and the persons whom he or she believes to be likely to be nominated or who have actually been nominated and the presiding officer for the polling division concerned.

(6) No special revision under this Regulation shall be held later than the nominated day for any poll.

Publication of Documents.

30. (1) Where the Chief Registration Officer is by these Regulations required to publish any document he or she shall publish the document by making the proper entries in the prescribed forms and a copy of the document shall be made available for inspection by the public in his or her office, and if he or she thinks fit in any manner which he or she considers desirable for the purpose of bringing the contents of the document to the attention of the public.

(2) Any failure to publish a document in accordance with these Regulations shall not invalidate the document.

Destroying or Defacing Documents.

31. If any person without lawful authority destroys, mutilates, defaces or removes or makes any alteration in any notice published by the Chief Registration Officer or the Registration Officer, as the case may be, in connection with registration duties or any copies of a document which have been made available for inspection in pursuance of these regulations he or she shall be liable, on summary conviction, to a fine not exceeding five hundred dollars or a period of imprisonment not exceeding two months or to both such fine and imprisonment.

Duty of Registration Officer to Supply Forms.

32. The Registration Officer shall, without fee, on the application of any person, supply forms of claims and notices of objections.

Inspection of Copies of Claims and Objections.

33. The Registration Officer shall on the application of any person allow that person to inspect and take extracts from the list of voters for any polling division, any constituency and any claim or notice of objection made under these Regulations.

Mode of Sending Notices, etc.

34. Any claim or notice of objection which is under these Regulations to be sent to the Registration Officer may be sent to him or her postage-free addressed to him or her at his or her office by registered post or delivered to him or her by hand.

Hearing of Claims and Objections.

35. (1) Any person who has made a claim in the prescribed form for inclusion in or correction to the Register of Voters, Monthly List or Revised Monthly List or whose claim has been objected to and any person who objects to the inclusion of any name or claim of any person shall appear in person before the Registration Officer to

show cause why the claimant's name or the name of the person whose inclusion has been objected to should be included therein or deleted therefrom.

(2) The Registration Officer shall disallow the claim of any person to be included in the Register of Voters or Monthly List or Revised Monthly List or the inclusion of any person in the list whose inclusion has been objected to, if the person so claiming or objected to has not personally appeared before the Registration Officer for the consideration of the claim or objection.

(3) Where the Registration Officer is satisfied from the evidence available to him or her that any person is entitled to remain registered, even if the person objected to or making the claim does not appear at the hearing, the Registration Officer may determine the matter accordingly.

(4) Agents of political parties or candidates or a representative of any person required to attend any hearing shall be entitled to attend any hearing and to make representation thereto.

(5) In any case where a claimant or a person the inclusion of whose name in the Register of Voters or Monthly List or Revised Monthly List has been objected to is unable by reason of physical incapacity to appear in person at any place fixed by the Registration Officer for the purpose of hearing such claims and objections, and such person notifies the Registration Officer of such incapacity before the date fixed for hearing the same, the Registration Officer may attend at the place within the constituency fixed by the Chief Registration Officer, for the purpose of hearing the claim or objection and notice shall be given in writing by the Registration Officer to any objector requesting his or her presence at the hearing.

Power to Require Evidence on Oath.

36. The Registration Officer may, on the consideration of any claim or other matter, and shall, on the consideration of any objection, require that the evidence tendered by any person be given on oath and shall administer an oath for the purpose.

False Declaration.

37. Any person who in the course of compiling any Register of Voters or Monthly List or Revised Monthly List makes before a Registration Officer any statement upon oath or any solemn affirmation which he or she knows to be false or does not believe to be true, commits an offence and upon summary conviction shall be liable to a fine not exceeding thirty thousand dollars or to imprisonment with hard labour for a term not exceeding years.

(Amended by S.R.O. 9/2008)

PART V

MISCELLANEOUS

Provisions as to Misnomer or Inaccurate Description.

38. No misnomer or inaccurate description of any person or place on any list or on any notice shall prejudice the operation of these Regulations as respects that person or place, provided that the person or place is so designated as to be commonly understood.

Declaration as to Age, Citizenship and Domicile.

39. (1) The Registration Officer, before registering any person as a voter or in determining any claim or objection, may, if he or she thinks it necessary—

(a) require the claimant or the person objected to either produce a certificate of birth, or if that is not practicable, to make a statutory declaration that such person has attained the required age;

(b) require that person to produce a certificate or to make a statutory declaration that he or she is a citizen of Saint Christopher and Nevis; and

(c) require that person to produce a passport, an identification card or other prescribed document establishing his or her identity or domicile or ordinary residence.

(2) Where a declaration is so required no fee shall be paid thereon.

(3) The Registration Officer shall during office hours allow any person to inspect and take a copy of any such declaration.

Special provisions for physically challenged persons etc.

40. The Chief Registration Officer shall make such special provisions as may be necessary in order to facilitate the registration of persons who are physically challenged or who are incapacitated in any other way.

———

SCHEDULE TO THE REGULATIONS

FORM 1A

(Section 37(1)(a))

(Regulation 3(2))

APPLICATION FOR REGISTRATION AS A VOTER BY A RESIDENT CITIZEN

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM 1A

To the Registration Officer for the Constituency of .....
I .....

(full name in BLOCK LETTERS)

of .....

(address)

whose occupation is ..... do hereby apply to be registered as a voter for the Constituency of ..... and do declare that the particulars entered on the reverse of this FORM are to the best of my knowledge and belief true and correct in all respects and that I am qualified to be registered as a voter in the above-mentioned Constituency.

…….....

(Signature or mark of applicant)

Witness to mark .....

Dated .....

(The particulars on the reverse of this form must be filled out by or on behalf of the applicant)

The following particulars to be filled out in BLOCK LETTERS:

1. First name: .....

2. Middle name: .....

3. Last name: .....

4. Alias: (if any) .....

5. Qualifying address (i.e. address in the Constituency where I am ordinarily resident in accordance with section 38 of the Act)

   (a) Street .....

   (b) Village/Town .....

   (c) P. O. Box .....

6. Date of Birth: .....

7. Place of Birth: .....

8. Occupation: .....

9. Citizenship details: .....

10. Mother's/Father's name: .....

11. Height: .....

12. Distinguishing marks: (if any) .....

13. I hereby state that—

(a) I am a citizen of Saint Christopher and Nevis of eighteen years or upwards;

(b) I am ordinarily resident at the qualifying address.

.....

(Signature or mark of the applicant)

*Please note that this form shall be used by persons who have been struck off the Register of Voters and who are applying to be reinstated to the Register.

_____

FORM 1B

(Section 37(1)(c))

(Regulation 3(2))

APPLICATION FOR REGISTRATION AS A VOTER BY A CITIZEN RESIDENT OVERSEAS WHOSE NAME IS NOT ON THE REGISTER OF VOTERS IN SAINT CHRISTOPHER AND NEVIS

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM 1B

To the Registration Officer for the Constituency of .....
I .....

(full name in BLOCK LETTERS)

of .....

(address)

whose occupation is .....do hereby apply to be registered as a voter for the Constituency of ..... and do declare that the particulars entered on the reverse of this FORM are to the best of my knowledge and belief true and correct in all respects and that I am qualified to be registered as a voter in the above-mentioned Constituency.

.....

(Signature or mark of applicant)

Witness to mark .....

Dated .....

(The particulars on the reverse of this form must be filled out by or on behalf of the applicant)

The following particulars to be filled out in BLOCK LETTERS:

1. First name: .....

2. Middle name: .....

3. Last name: .....

4. Alias: (if any) .....

5. Qualifying address (i.e. address in the Constituency where I am ordinarily resident in accordance with section 39 of the Act):

(a) Street .....

(b) Village/Town .....

(c) P. O. Box .....

(d) State .....

(e) Country .....

(f) Zip code .....

6. Date of Birth: .....

7. Place of Birth: .....

8. Occupation: .....

9. Citizenship details: .....

10. Mother's/Father's name: .....

11. Height: .....

12. Distinguishing marks: (if any) .....

13. I hereby state that—

(a) I am a citizen of Saint Christopher and Nevis of eighteen years or upwards;

(b) I am ordinarily resident overseas.

.....

(Signature or mark of the applicant)

*Please note that this form shall be used by persons who have been struck off the Register of Voters and who are applying to be reinstated to the Register.

FORM 1C

(Section 37(1)(d))

(Regulation 3(2))

APPLICATION FOR REGISTRATION AS A VOTER BY A COMMONWEALTH CITIZEN RESIDENT IN SAINT CHRISTOPHER AND NEVIS FOR A CONTINUOUS PERIOD OF AT LEAST TWELVE MONTHS

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM 1C

To the Registration Officer for the Constituency of .....
I .....
(full name in BLOCK LETTERS)

of .....
(address)

whose occupation is .....do hereby apply to be registered as a voter for the Constituency of ..... and do declare that the particulars entered on the reverse of this FORM are to the best of my knowledge and belief true and correct in all respects and that I am qualified to be registered as a voter in the above-mentioned Constituency.

…….....

(Signature or mark of applicant)

Witness to mark .....

Dated .....
(The particulars on the reverse of this form must be filled out by or on behalf of the applicant)

The following particulars to be filled out in BLOCK LETTERS:

1. First name: .....

2. Middle name: .....

3. Last name: .....

4. Alias: (if any)
.....

5. Qualifying address (i.e. address in the Constituency where I am ordinarily resident in accordance with section 38 of the Act)

(a) Street .....

(b) Village/Town ……

(c) P. O. Box .....

6. Date of Birth: ... .

7. Place of Birth: .....

8. Occupation: .....

9. Citizenship details: .....

10. Mother's/father's name: .....

11. Height: .....

12. Distinguishing marks: (if any) .....

13. I hereby state that—

(a) I am a Commonwealth citizen resident in Saint Christopher and Nevis for a period of at least one year;

(b) I am eighteen years old or upwards;

(c) I am ordinarily resident at the qualifying address.

.....

(Signature or mark of the applicant)

*Please note that this form shall be used by persons who have been struck off the Register of Voters and who are applying to be reinstated to the Register.

_____

FORM 1D

(Section 37(1)(a))

(Regulation 3(8))

NOTICE OF DISALLOWANCE

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM 1D

.....
Constituency

I, Registration Officer for the above-named Constituency, hereby give notice that I am not satisfied with the application of ……. of……..
(address of applicant) ……to register as a voter for the following reasons:

.....

(Give statement of reasons here)

.....
.....

You have a right to appeal this decision in accordance with these Regulations within seven days from the date of the issue of this Notice.

Signature .....

Registration Officer

Date ..... 20 .....

_____

FORM 1E

(Section 37))

(Regulation 3(10))

STATEMENT OF APPEAL

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM 1E

.....
Constituency

I, ... residing at ..... do hereby give notice of appeal against the decision of the Registration Officer dated ..... a copy of which is attached herewith wherein he or she disallowed my application for registration as a voter for the following reasons:

.....

(Give statement of reasons here)

.....
.....

.....

Signature .....

Registration Officer

Date ..... 20 .....

(Forms 1A, 1B, 1C, 1D & 1E inserted by SRO 9/2008)

_____

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 2

(Regulation 3)

CERTIFICATE OF REGISTRATION

I HEREBY CERTIFY THAT Mr.*/Mrs.*/Miss* ……
of …….
has been registered for the Constituency of ……..... polling division …….. under and in accordance with the National Assembly Elections Act, Cap. 2.01.
Dated the …… day of ……. , 20 ……

……
Registration Officer

* Delete where not applicable.

FORM 2A

(Regulation 5)

NATIONAL REGISTRATION RECORD

NATIONAL ID NUMBER

FORM 2A
NATIONAL REGISTRATION RECORD

ISLAND ……	City/Town/Village ……		Electoral District ……
Last Name ……	Date of Birth ……		Polling division ……
Middle Name ……	Place of Birth ……		Parish ……
Father's Name ……	Height …….	Eye Color …….	NIA Electoral District (if applicable) ……
Mother's Name ……	Social Security …….	Twin …….	Disability ……
Marital Status ……	Home Phone ……		Support document (for Proof of identity) ……
Residential Status ……	Office Phone ……		
Nationality ……	Mobile Phone ……		Witness (if necessary) ……
Occupation ……	Post Office Box ……		
Any other particulars	Notes		

(date) …… Official Signature	(date) …… Signature or mark of applicant

(Forms 2A,2B, & 3A inserted by S.R.O. 9/2008)

FORM 2 B

(Regulation 5)

NATIONAL IDENTIFICATION CARD

(FRONT)

The Federation of St. Kitts and Nevis

Electoral Office

National Identification Card

(Photo)

(Signature)

National ID Number
……

Last Name
……

First Name
……

Middle Name
……

Address
……

(Coat of Arms)

(National flag)

Nationality
……

Birth date ……

Height ……

(BACK)

Occupation
……

Residential Status
……

Date of issuance
……

Expiration date
……

(Card serial number)

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 3

(Regulation 4)

REGISTER OF VOTERS

Constituency ……..… Polling Division No ……

Comprising the Area ……...

……..

……..

……..

……..

……..

……..

……..

The following names have been registered in accordance with the Saint Christopher and Nevis National Assembly Elections Act, Cap. 2.01 and the Election Registration Regulations.

Consecutive Number	Name (Family name first)	Occupation	Postal Address

FORM 3A

(Regulation 4)

VOTER VERIFICATION LIST

(Photo)	Consecutive number:_____ Name:_____	Address:_____ Occupation:_____
(Photo)	Consecutive number: _____ Name:_____	Address:_____ Occupation:_____
(Photo)	Consecutive number: _____ Name:_____	Address:_____ Occupation:_____

_____

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 4

(Regulation 4)

LIST OF VOTERS FOR THE MONTH OF ……

Constituency ……..…… Polling Division No. …….

Comprising the Area ……..

……

……

……

……

……

……

……

The following names have been registered in accordance with the Saint Christopher and Nevis National Assembly Elections Act, Cap. 2.01 and the Election Registration Regulations.

Any notice of correction, or addition, or objection to this list must be sent to the Registration Officer not later than the ……. day of ……..…….. 20……

Consecutive Number	Name (Family name first)	Occupation	Postal Address

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 5

(Regulation 4)

REVISED LIST OF VOTERS FOR THE MONTH OF ……..

Constituency …….……..…… Polling Division No……..

Comprising the Area ……

……..…

……..…

……..…

……..…

……..…

……..…

……..…

The following names have been registered in accordance with the Saint Christopher and Nevis National Assembly Elections Act, Cap. 2.01 and the Election Registration Regulations,

Any notice of correction, or addition, or objection to this list must be sent to the Registration Officer not later than the ……..…. day of …….. 20……..

Consecutive Number	Name (Family name first)	Occupation	Postal Address

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 6

(Regulation 8)

CERTIFICATE OF REGISTRATION OFFICER

I, ……, Registration Officer for the Constituency of ……... Polling Division No. ……..... certify that the above is a true copy of the Register of Voters*/Monthly List*/Revised Monthly List* for the Constituency of ……Polling Division No. …… for the month of ……., 20……

Dated the ……. day of ……, 20……

……..

Registration Officer

* Delete where not applicable.

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 7

(Regulation 12)

NOTICE OF CLAIM

To the Registration Officer for the Constituency of ……

……..

TAKE NOTICE that I, ……

(Name of Claimant)

of …….

(Place of residence)

……....

(Occupation)

am qualified for inclusion in the Register of Voters for polling division No. ……. of the above Constituency of …….. and that my name, address and occupation have been (omitted from) (wrongly stated in) such list and that I hereby claim that such list be amended (by the insertion of my name, address and occupation therein) (by the correction of the particulars therein relating to my name, address and occupation).

(Strike out bracketed words not applicable)

……..

Signature of Claimant

Date: ……

……..

Witness

Note: This form need not be witnessed unless the claimant instead of signing, makes his or her mark.

_____

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 7

To the Registration Officer for the Constituency of ……..

…….

(Address of Registration Officer)

———

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 8/9

(Regulations 14, 15, and 16)

NOTICE OF OBJECTION

To the Registration Officer for the Constituency of……..

TAKE NOTICE that I, ……..

(Name of objector)

……

(Occupation)

of ……

(Postal address of objector)

am qualified for inclusion in the Register of Voters/Monthly List for polling division No. ……

of the above Constituency, and am so included:

And that I object to the inclusion therein of ……

…….

…….

…….

…….

…….

(Enter name, occupation and address of person objected to)

on the ground that such person is disqualified for inclusion therein by reason of …….

…….

…….

…….

…….. ……...
Witness Signature

Date: …….

Note: This form need not be witnessed unless the objector instead of signing makes his or her mark.

_____

(FORM NO. 8/9)

REGISTERED

NOTICE OF OBJECTION

To the Registration Officer for the Constituency of ……

……..

(Address of Registration Officer)

(This card to be posted or left at the nearest Registration Officer's Office).

_____

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 10

(Regulation 17)

REVISION NOTICE

TAKE NOTICE that

(a) the boundaries of polling division No. ……..….. of the Constituency of …….. are as follows:

……

……

……

……

……

(b) the*Register of Voters/Monthly List of qualified persons for the above polling division will be revised on the …… day of ……..….. 20…… at ……..at ……... o'clock;

(c) any qualified person whose name, address or occupation has been omitted from or incorrectly stated in the *Register of Voters/Monthly List may give notice in writing in the form set out as Form No. 7 in the Schedule to the registration officer at ……. claiming that his or her name, address or occupation be inserted in the

*Register of Voters/Monthly List or that the entry relating thereto be corrected, as the case may be;

(d) any qualified person whose name appears in more than one *Register of Voters/Monthly List is hereby required to give notice in writing in the form set out as Form No. 11 in the Schedule to the registration officer at …….

…….

(i) electing for which polling division he or she desires to be registered;

(ii) specifying the other polling divisions in the *Register of Voters/Monthly List for which his or her name appears; and

(iii) requiring the registration officer to cause his or her name to be deleted from such other *Register of Voters/Monthly List;

(e) any qualified person whose name appears in the *Register of Voters/Monthly List may give notice in writing in the form set out as Forms No. 8/9 in the Schedule to the Registration Officer at …… objecting to the inclusion in the *Register of Voters/Monthly List of any other person on the ground that that other person is not a qualified person;

(f) the last day for giving the notices referred to in paragraphs (c), (d) or (e) will be the……..…….. day of ……..……20……;

(g) copies of the forms mentioned above may be obtained at any post office, police station and the Electoral Office.

…….

Registration Officer

Date: …….

* Delete where not applicable.

_____

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 11

(Regulation 18)

NOTICE OF RESIDENCE

TAKE NOTICE that I, ……

(Name)

of ……..

……..

(Address)

……..

(Occupation)

whose name appears on two *Register of Voters/Monthly Lists, namely:

For polling division No. ……. of the Constituency of …… and for polling division No. ……. of the Constituency of ……. do hereby elect to be registered for polling division No. …… of the Constituency of ……. Dated at ……. This……day…… of ……..... 20 ……

……

Signature of Voter.

* Delete where not applicable.

_____

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

NOTICE OF RESIDENCE

To the registration officer for the Constituency of

…….

at …….

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 12

(Regulation 19)

NOTICE TO PERSONS OBJECTED TO

TAKE NOTICE that I have received objections to the inclusion of your name, address and occupation in the proposed *Register of Voters/Monthly List for Polling Division No. ……..… of the Constituency of …….. and that the revision of the said

*Register/List will take place on the …… day of ……., 20 …….. between hours of …….. and ……. at ……..

AND FURTHER TAKE NOTICE that unless you appear before me and show cause why your name (should not be deleted from) (should be included in) the *Register of Voters/Monthly List, your name (shall be deleted therefrom) (shall not be included therein) except in accordance with the Regulations.

Date: ……

……..

Registration Officer.

* Delete where not applicable

_____

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 13

(Regulation 19)

NOTICE OF HEARING OF OBJECTION

TAKE NOTICE that the objection you have made to the inclusion of the name of …… whose address is …… and whose occupation is …… in the *Register of Voters/Monthly List for the Polling Division No. …….. for the Constituency of…….. will be heard at …… on ……. between the hours of ……. and …….

AND FURTHER TAKE NOTICE that unless you appear before me to substantiate the reasons for your objection the matter shall be determined in your absence.

Dated this …… day of …… 20…….

……..

Registration Officer.

* Delete where not applicable

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 14

(Regulation 20)

LIST OF CLAIMS

TAKE NOTICE that the persons (hereinafter referred to as claimants) whose names, addresses and occupations are set out in Part I of the Schedule to this notice have claimed in accordance with the provisions of the aforesaid Act that the Register of Voters/Monthly List of qualified persons resident in Polling Division No. ……. of the Constituency of …….. should be amended by the insertion therein of their names, addresses and occupations as set out in Part I of the Schedule to this notice, and that the persons whose names, addresses and occupations are set out in Part II of the Schedule to this notice have claimed in accordance with the provisions of the aforesaid Act that the entries in the Register of Voters/Monthly List of qualified persons resident in Polling Division No. ……. for the Constituency of ……. relating to their names, addresses, or occupations as the case may be, should be amended to conform with the names, addresses and occupations as set out in Part II of the Schedule to this notice.

AND FURTHER TAKE NOTICE that any qualified person who objects to the inclusion of the name of any claimant in the Register of Voters/Monthly List upon the ground that such claimant is not qualified for inclusion therein may send in an objection to such inclusion not later than the …… day of …….. and attend at …… on the …….. day of …… at …… a.m. and then and there show cause why the name of such claimant should not be included in the Register/List.

SCHEDULE

PART I

Name	Postal Address	Occupation

PART II

Name	Postal Address	Occupation

Date: ……..

……..

Registration Officer.

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 15

(Regulation 21)

LIST OF OBJECTIONS TO REGISTRATION IN REGISTER OF VOTERS/MONTHLY LIST

TAKE NOTICE that the persons whose names, addresses and occupations are specified in the first column of the Schedule to this notice have objected to the inclusion in the Register of Voters/Monthly List for Polling Division No. …… of the Constituency of …….. of the persons whose names, addresses and occupations are specified in the second column of the Schedule to this notice upon the grounds specified in the third column of the Schedule to this notice:

AND FURTHER TAKE NOTICE that unless any person specified in the second column of the Schedule to this notice attends at the place and time specified for the revision of the Register/List and shows cause why his or her name should not be deleted therefrom his or her name may be so deleted in accordance with the Regulations.

SCHEDULE

FIRST COLUMN			SECOND COLUMN			THIRD COLUMN
Name	Postal Address	Occupation	Name	Postal Address	Occupation	Grounds of Objection

Date: …… ……..

Registration Officer

_____

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 16

(Regulation 22)

LIST OF OBJECTIONS TO CLAIMS

TAKE NOTICE that the persons whose names, addresses and occupations are specified in the first column of the Schedule to this notice have objected to the inclusion in the Register of Voters/Monthly List for polling division No. ……. of the Constituency of……. of the persons whose names, addresses and occupations are specified in the secondcolumn of the Schedule to this notice pursuant to claims made by the said persons in Form No. 14 upon the grounds specified in the third column of the Schedule to this notice:

AND FURTHER TAKE NOTICE that unless any person specified in the second column of the Schedule to this notice attends at the place and time specified for the revision of the Register/List and shows cause why his or her name should not be deleted therefrom his or her name may be so deleted in accordance with the Regulations.

SCHEDULE

FIRST COLUMN			SECOND COLUMN			THIRD COLUMN
Name	Postal Address	Occupation	Name	Postal Address	Occupation	Grounds of Objection

Date: ……..

…….
Registration Officer.

SAINT CHRISTOPHER AND NEVIS NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

THE ELECTION REGISTRATION REGULATIONS

FORM NO. 17

(Regulation 24)

NOTICE OF INSERTION OR CORRECTION

TAKE NOTICE that, your claim for insertion (or relating to correction of particulars) in the Register of Voters/Monthly List for Polling Division No. ……. in the Constituency of ……. has been granted.

…….

Registration Officer.

Dated at ……. this …… day of …… 20……

_____

SIXTH SCHEDULE

(Section 121)

NATIONAL ASSEMBLY (ELECTIONS) REGULATIONS

Citation.

1. These Regulations may be cited as the National Assembly (Elections) Regulations.

(Regulations 2 and 3 deleted by S.R.O. 30/1975)

Statement of Candidature.

2. (1) The expression "political party" hereinafter appearing means any party, members of which contest an election.

(2) Where candidates from the same political party contest an election the secretary of the party shall file with the Supervisor of Elections a certified joint statement made by such candidates according to the form prescribed in Appendix I to these regulations.

Symbols for Ballot Paper.

3. There shall be printed upon every ballot paper opposite the names of each candidate one of the symbols shown in Appendix II to these regulations and, subject to the provisions of these regulations, such symbols shall be placed in the numerical order in which they appear in the said Appendix.

Party Symbol.

4. The same symbol shall be allotted to every candidate from the same political party.

Allotment of Symbols.

5. (1) The order in which symbols are allotted for purposes of the foregoing regulation shall correspond with the names of the political parties as if the names of such parties were arranged in alphabetical order excluding from such arrangement each of the words St. Kitts and Nevis:

Provided however that where a party contested the last general election or bye-election and had a specific symbol allotted to it for the purposes of that election or bye-election, if the party requests that the same symbol be allotted to it, the Supervisor of Elections shall allot the same symbol to the political party requesting it.

(Proviso inserted by S.R.O. 16/1984)

(2) The order in which the remaining symbols are allotted to names of other candidates shall correspond as closely as may be with the order in which the names of the candidates appear on the ballot paper.

(Regulations 4, 5, 6 and 7 have been renumbered as regulations 2, 3, 4 and 5)

_____

APPENDIX I

NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

NATIONAL ASSEMBLY (ELECTIONS) REGULATIONS

TO THE SUPERVISOR OF ELECTIONS:

We, the undersigned persons hereby give notice that we are members of the party called…….and we are contesting the elections immediately forthcoming in the relevant Constituency appearing opposite our names and numbered in accordance with the First Schedule to the Act.

	Name of Candidate	Address	Occupation	Number of Constituency	Signature
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

I certify that the above statement is true and correct.

Date: …… …..……

Secretary of Party.

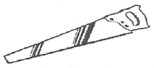
_____

APPENDIX II

NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01

NATIONAL ASSEMBLY (ELECTIONS) REGULATIONS

SYMBOLS TO BE USED ON BALLOT PAPER

APPENDIX II NATIONAL ASSEMBLY ELECTIONS ACT, CAP. 2.01 NATIONAL ASSEMBLY (ELECTIONS) REGULATIONS SYMBOLS TO BE USED ON BALLOT PAPER	
1	9
2	10
3	11
4	12
5	13
6 	14
7	15
8	16

(Inserted by S.R.O. 4/2015)

SEVENTH SCHEDULE

(Section 121)

NATIONAL ASSEMBLY ELECTIONS (REMUNERATION AND TRAVELLING ALLOWANCES) REGULATIONS

Citation.

1. These Regulations may be cited as the National Assembly Elections (Remuneration and Travelling Allowance) Regulations.

Remuneration and Travelling Allowances.

2. The remuneration and travelling allowances which may be paid to officers appointed under the Act shall be as set out in the Schedule to these Regulations.

SCHEDULE

		$
1.	Chairperson, Electoral Commission	600.00
2.	Members, Electoral Commission	350.00
3.	Supervisor of Elections, for all services	2,040.00
4.	Registration officer, for all services in connection with the registration of voters	900.00
5.	Assistant Registration officer	340.00
6.	Returning officer, for all services from the day of the issue of the writ of election until the work of the election is concluded:	
	(a) if the election is contested	600.00
	(b) if the election is not contested	450.00
7.	Presiding officer, for presiding at the Poll, including all services in connection therewith and making all returns for each polling day	300.00
8.	Poll Clerk, for attendance on each polling day	200.00
9.	Tally Clerk, for attendance on each polling day	100.00
10.	Messenger, for collecting ballot boxes and election documents for each day	75.00
11.	Travelling	
	(a) Electoral Officer, for travelling in connection with an election	215.00
	(b) Supervisor of elections and Registration Officers	275.00

(Schedule substituted by S.R.O. 1/2010)

EIGHTH SCHEDULE

NATIONAL ASSEMBLY (ELECTION PETITION) RULES

(Section 98(2))

Citation.

1. These Rules may be cited as the National Assembly (Election Petition) Rules.

Interpretation.

2. In these Rules—

"Act" means the National Assembly Elections Act, Cap. 2.01;

"corrupt practice" means bribery, treating, undue influence, personation or any other offence defined or recognised as a corrupt practice by the laws of Saint Christopher and Nevis;

"Court" means the High Court of the Eastern Caribbean Supreme Court established by the Supreme Court Order;

"Court of Appeal" means the Court of Appeal of the Eastern Caribbean Supreme Court established by the Supreme Court Order;

"court office" means the Registry of the High Court;

"Election Petition" or "petition" means an Election Petition or petition complaining of an undue return or undue election of a member of the National Assembly presented to the High Court under the provisions of the National Assembly Elections Act and of these Rules;

"judge" means a judge of the Court and includes the Chief Justice, any Puisne judge and any acting Chief Justice or acting puisne judge;

"petitioner" means a person who presents a petition to the High Court under these Rules;

"Registrar" means the Registrar of the High Court;

"respondent" means a person against whom a petition is presented to the High Court;

"returning officer" means the returning officer for the electoral constituency to which the petition relates;

"writ" means the writ for an election.

The petition.

3. A petition shall be set out as in Form 1 of the Schedule and shall—

(a) be signed by the petitioner or by all the petitioners if more than one;

(b) state the right of the petitioner to petition within section 97 of the Act;

(c) state the date and result of the election to which the petition relates;

(d) state the grounds on which relief is sought, setting out with sufficient particularity the facts relied on to sustain the prayer, but not the evidence by which they are to be proved;

(e) be divided into consecutively numbered paragraphs, each of which, as much as possible, shall be confined to a distinct portion of the subject; and

(f) conclude with a prayer, setting out particulars of the relief sought, for instance, that a specified person should be declared duly returned or elected, or that the election should be declared void, or that a return may be enforced.

Evidence not to be stated.

4. (1) Evidence shall not be stated in the petition, but the judge may, on application, order such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial, in the same way as in ordinary proceedings in the Court, and on terms as to costs and otherwise as may be ordered.

(2) Where an allegation is made against a person for the commission of an election offence under the Act, the particulars which may be requested shall include—

(a) the name of the person in the petition against whom the alleged election offence was committed;

(b) the name, address, telephone number and occupation on the register of the person who is alleged to have committed the election offence; and

(c) the time when and the place where each offence is alleged to have been committed and the amount and nature.

(3) In any case in which the judge orders that particulars of any allegation made in a petition be delivered to the respondent, he or she may fix the time within which the particulars shall be delivered and may also order that the petitioner, at the trial of the petition, may be precluded from going into any case in respect of which the particulars have not been duly delivered, unless it is otherwise ordered.

Petitioner to give address for service.

5. The petitioner shall in his or her petition give the name and address of a legal practitioner whom he or she authorises to act on his or her behalf, or state that he or she acts for himself, and in either case give an address for service within three miles of the office of the Registrar.

Presentation of petition.

6. (1) A petition shall be presented in accordance with the Act.

(2) The petitioner shall file the petition along with three copies of it at the court office and the Registrar or his or her deputy or clerk shall give a receipt for it, if required to do so.

Publication of Notice of the petition.

7. (1) On presentation of the petition, the Registrar shall immediately cause a Notice of the petition to be published in the *Gazette* and in a newspaper of general circulation in Saint Christopher and Nevis.

(2) The costs of publication of the Notice of the petition and of any other matter required to be published by the Registrar under these Rules shall be paid to the

Registrar before the publication by the petitioner or other person moving the matter in the first instance and shall form part of the general cost of the petition.

Service of petition.

8. (1) The petitioner shall serve a petition on the respondent by delivering a Notice of the presentation of the petition together with a copy of the petition to the respondent personally within ten days after the presentation of the petition.

(2) Notwithstanding sub-rule (1), a judge may, on the application of the petitioner, no later than fourteen days after the petition is presented and supported by affidavit showing what has been done, and on being satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, order that what has been done shall be considered sufficient service, subject to any conditions which he or she may think fit to impose.

(3) Where a respondent is evading service, the petitioner may apply to the judge for an order deeming the posting of—

(a) a Notice in the office of the Registrar; or

(b) a Notice published in a newspaper of general circulation in Saint Christopher and Nevis,

stating that the petition has been presented, the name of the petitioner, the prayer and the nature of the proposed security as personal service on the respondent.

(4) The application made under sub-rule (3) shall be supported by evidence on affidavit.

(5) A respondent shall, within ten days after service on him or her of the Notice of the petition, lodge with the Registrar and serve on the petitioner a statement of particulars of an address for service similar to those required by rule 5 to be stated by a petitioner in the petition, and he or she shall state the said particulars in any application made by him or her for the purpose of objecting to the security given by the petitioner or otherwise.

Security for costs.

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

(a) to any person summoned as a witness on his or her behalf;

(b) to the member whose election or return is complained of; or

(c) to any other person named as a respondent in the petition,

shall be given by the petitioner.

(2) The security shall be $1,200 and shall be given by one or more recognizance to be entered into by any number of sureties approved by the Registrar, not exceeding four or by deposit of money in the Court, or partly in one way and partly in the other to the satisfaction of the Registrar.

(3) The recognizance shall contain the name and usual place of abode of each surety with sufficient description as shall enable him or her to be found or ascertained.

(4) Within three days after the giving of security as required by this Rule, notice of the nature of the security given shall be served by the petitioner on the respondent.

(5) When the security is given wholly or partly by recognizance, it is lawful for the respondent within ten days from the date of service on him or her of the Notice to object to the recognizance on the ground that—

(a) one or more of the sureties is insufficient;

(b) a surety is dead;

(c) a surety cannot be found or ascertained for want of sufficient description in the recognizance; or

(d) a person named in the recognizance has not duly acknowledged the same.

(6) An objection to the security shall be made by application before a judge supported by affidavit of the facts relied on, but the judge may require the person giving evidence on affidavit to attend for personal examination.

(7) The application shall be made on not less than four days notice to the petitioner and the costs of the application shall be in the discretion of the judge who may decide which party shall pay them.

(8) The costs of hearing and deciding an objection on the ground of insufficiency of a surety shall be paid by the petitioner, unless at the time of leaving the recognizance with the Registrar the petitioner also left with the Registrar an affidavit sworn by each surety before a justice of the peace, or other person duly authorised to administer oaths, that he or she is possessed of immovable property of the value of double the amount for which he or she is bound by the recognizance, after satisfying all other debts and liabilities due to other persons.

Removal of objection where security declared insufficient.

10. (1) If by order made on the application the security is declared insufficient and the objection is allowed, it is lawful for the petitioner, within a time not exceeding ten days as may be ordered by the judge before whom the application is heard, to remove the objection by depositing with the Court a sum of money as the judge may direct for the purpose of making the security sufficient.

(2) If the petitioner does not remove the objection by deposit of the sum of money so directed to be deposited within the period fixed by the order of the judge, no further proceedings shall be taken on the petition and the application stands dismissed.

When petition at issue.

11. If by order made on the application the security is declared sufficient, or if no objection is made to the sufficiency of the security within the time limited by these Rules for making the objection, the petition shall be at issue.

Amendment of petition.

12. (1) A petition which has been presented questioning a return or election other than on an allegation of a corrupt practice may, for the purpose of questioning the return or election on an allegation of a corrupt practice, be amended with the leave of the Court.

(2) An application for leave to amend must be made to the Court in accordance with the Act.

Withdrawal of petition.

13. (1) A petition may be withdrawn with the leave of the Court made on notice of application in Form 10.

(2) No application under sub-rule (1) shall be made for the withdrawal of a petition until the petitioner has given notice of his or her intention to the Registrar and the respondent, and the Registrar shall immediately cause the same to be published in the *Gazette* and in a newspaper of general circulation in Saint Christopher and Nevis.

(3) Where there is more than one petitioner, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(4) Before leave for the withdrawal of a petition is granted—

(a) a party to the petition and his or her legal practitioner; and

(b) the election agents of the parties who were candidates at the election,

shall produce affidavits to the effect stated in sub-rule (5), but the Court may, on cause shown, dispense with the affidavit of a particular person if, on special grounds, it appears to the Court just to do so.

(5) Each affidavit shall state that, to the best of the deponent's knowledge and belief—

(a) no agreement or terms of any kind whatsoever has, or have been, made; and

(b) no undertaking has been entered into,

in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set out that agreement and shall make the foregoing statement subject to what appears from the affidavits.

(6) The affidavits of the applicant and his or her legal practitioner shall further state the ground on which the petition is sought to be withdrawn.

(7) No person shall make any agreement or terms, or enter into any undertaking, in relation to or for the withdrawal of a petition in consideration—

(a) of any payment;

(b) that the seat shall at any time be vacated; or

(c) of the withdrawal of any other petition.

(8) A person who contravenes this Rule commits an offence and is liable to a fine of $500.

Substitution of a new petitioner.

14. (1) A person who might have been a petitioner in respect of the election to which the petition relates may, within five days after the publication by the Registrar in the *Gazette* of a copy of the notice of application for leave to withdraw the petition, apply to the Court to be substituted as a petitioner for the petitioner who desires to

withdraw the petition, and the judge may at the hearing of the application, if he or she thinks fit, substitute the applicant as a petitioner.

(2) Where, in the opinion of the judge, the proposed withdrawal of a petition is induced by any corrupt bargain or consideration or is the result of any agreement, terms or undertaking prohibited by these Rules, he or she may, by order, direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner.

(3) If no order is made under sub-rule (2) with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of an original petitioner and subject to like conditions, shall be given on behalf of the substituted petitioner within five days after the order of substitution is made and before he or she takes any step in the proceedings.

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

(5) If a petition is withdrawn, the petitioner is liable to pay the costs of the respondent.

Abatement of petition.

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

(2) The abatement of a petition shall not affect the liability of the petitioner's legal personal representative to pay the costs previously incurred.

(3) On the abatement of a petition, a party or person interested in the petition shall give to the Registrar notice of the abatement and the Registrar shall immediately cause the notice to be published in the *Gazette* and in a newspaper of general circulation in Saint Christopher and Nevis.

(4) Within one month after publication of the notice in the *Gazette* a person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court to be substituted as a petitioner.

(5) The judge may, if he or she thinks fit, substitute as a petitioner the applicant on whose behalf security to the same amount as is required in the case of an original petition is given and the security shall be subject to the same objection as the security given in an original petition.

Addition or substitution of respondent.

16. (1) If, before the trial of a petition—

(a) the respondent dies, then a person entitled to be a petitioner in respect of the election to which the petition relates may give notice of the death of the respondent by publication in the *Gazette* and in a newspaper of general circulation in Saint Christopher and Nevis; or

(b) the respondent gives notice to the Registrar and to the petitioner that he or she does not intend to oppose the petition, the Registrar shall give notice of the intention of the respondent by publication in the *Gazette* and in a newspaper of general circulation in Saint Christopher and Nevis.

(2) Within twenty-one days after publication of the notice under sub-rule (1) in the *Gazette*, a person may apply to the Court to be admitted as a respondent to

oppose the petition, and the person shall be admitted accordingly either with the respondent, if there be a respondent, or in place of the respondent.

(3) Any number of persons not exceeding three may be admitted.

Notice of intention not to oppose petition.

17. A respondent who does not intend to oppose the petition shall, not less than seven days before the day fixed for the trial, serve notice to that effect on the petitioner and all other parties.

Respondent not opposing not to appear as party.

18. A respondent who has given the prescribed notice that he or she does not intend to oppose the petition shall not appear or act as a party against the petition in any proceedings on the petition.

Several petitions as to the same election.

19. Where more than one petition relating to the same election or return is presented, all the petitions shall be dealt with as one petition, in the manner and on the terms, as the judge directs.

Notice of recrimination when petition complains of undue return and claims seat.

20. (1) When a petition complains of an undue return and claims the seat for some person other than the person returned, the respondent may, within ten days after the service of the notice of the petition, give notice in writing to the petitioner that he or she intends to give evidence to prove that the person on whose behalf the seat is claimed was not duly elected.

(2) The grounds on which a respondent intends to complain that a person on whose behalf the seat is claimed was not duly elected shall be set out in the notice and the Rules applicable to a petition and the particulars of charges made in the petition shall apply to every notice.

Returning officer if complained of to be respondent.

21. Where a petition complains of the conduct of a returning officer, the returning officer shall, for the purposes of these Rules, except the substitution of respondents in his or her place, be deemed to be a respondent.

Petition complaining of no return.

22. A petition complaining of no return may be presented to the Court, and is deemed to be an Election Petition, and the judge may—

(a) make an order on the petition as he or she thinks expedient for compelling a return to be made; or

(b) allow the petition to be heard in the manner provided with regard to petitions.

Mode of trial of petitions.

23. The following provisions apply to the trial of a petition—

(a) the trial shall take place in open court at a time as a judge may appoint, not being less than seven days after notice of trial has been given to the parties and published in the *Gazette* and in a newspaper of general circulation in Saint Christopher and Nevis;

(b) the judge may adjourn the trial from time to time, but the trial of every petition so far as practicable, consistently with the interests of justice in respect of the trial, shall be continued from day to day on lawful days until its conclusion;

(c) the judge may make a special report to the Governor-General upon any matter arising in the course of the trial, an account of which in his or her judgment ought to be submitted;

(d) where it appears to the judge, on application by either party or without the application, that the case raised by the petition can be conveniently stated as a special case, he or she may direct the same to be stated by the petitioner and the respondent accordingly, and any special case shall, as far as may be, be heard before the Court, and the decision of the Court shall be the decision on the petition;

(e) in case the petitioner and the respondent differ on the stating of the special case, the Court may refer the same to be settled by a legal practitioner conferred with the rank of Queen's Counsel or Senior Counsel;

(f) a copy of the case stated as settled shall be sent to the parties within seven days of settlement of the case stated;

(g) the court office shall give the parties at least fourteen days' notice of the date, time and hearing of the special case;

(h) the judge shall certify to the Governor-General his or her determination in reference to a special case.

Power to reserve question of law for Court of Appeal.

24. (1) If it appears to the judge, on the hearing of any Election Petition or any special case, that any question of law requires further consideration by the Court of Appeal, he or she may postpone the hearing, or the granting of any certificate to the Governor-General, until the determination of the question by the Court of Appeal and for this purpose may reserve any question of law for the determination of the Court of Appeal.

(2) A reference to the Court of Appeal under sub-rule 24(1) shall be by way of a special case stated under Rule 23.

Evidence of corrupt practice receivable before proof of agency.

25. On the trial of a petition, unless the judge otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation to the charge received, before any proof has been given of agency on the part of any candidate in respect of the corrupt practice.

Witnesses.

26. (1) Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in an action tried in a civil trial.

(2) At the trial, the Court may, by order under the hand of the judge, require a person who appears to him or her to have been concerned in the election to attend as a witness, and a person willfully refusing to obey the order shall be guilty of contempt of court.

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

(4) A person called as a witness respecting an election before the Court shall not be excused from answering any question relating to any offence at or connected with the election, on the ground of privilege.

(5) Notwithstanding sub-rule (4)—

(a) a witness who answers truly all questions which he or she is required by the Court to answer shall in the discretion of the Court be eligible to receive a certificate of indemnity under the hand of the judge stating that the witness has so answered; and

(b) an answer by a person to a question put by or before the Court is not admissible in evidence against that person in civil or criminal proceedings, except in the case of any criminal proceeding for perjury in respect of the evidence.

(6) The reasonable expenses incurred by a person in appearing to give evidence at the trial of a petition, if allowed to the person by order of the judge, is payable in the first instance by the party who calls him or her as a witness and the amount payable shall be ascertained and certified by the Registrar.

(7) The expenses referred to under sub-rule (6) may be included in the costs of the petition and shall be paid by the party directed to pay those costs.

(8) The expenses of a witness called and examined by the judge are deemed to be costs of the petition and shall be paid as directed by the order of the judge.

General costs of petition.

27. (1) Except where specifically provided for in these Rules, all costs, charges and expenses of and incidental to the presentation of a petition, or of any consequent proceedings shall be in the discretion of the Court and shall be defrayed by the parties to the petition in a manner and in proportions as the Court may determine.

(2) The Court may disallow any costs, charges or expenses which may, in its opinion, have been caused by—

(a) vexatious conduct;

(b) unfounded allegations; or

(c) unfounded objections,

on the part of either the petitioner or the respondent, and shall have regard to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether or not the parties are on the whole successful.

(3) The rules and regulations of the Court with respect to costs to be allowed in actions, causes and matters in the Court shall, in principle and so far as practicable, apply to the costs of election petitions and connected proceedings and the amount of the costs may be fixed by the judge or may be directed to be assessed.

(4) Where the petitioner is ordered to pay any costs and he or she fails to pay the costs within fourteen days from the date of the order of the Court—

(a) the Registrar shall pay the costs out of any money deposited with the Court as security under these Rules and execution may be issued against the petitioner and the sureties jointly and severally for any balance not covered by the deposit; or

(b) where security has been given by recognizance, the Registrar shall, on an affidavit of the respondent stating—

(i) the amount of the costs directed to be paid by the petitioner; and

(ii) that neither the petitioner nor any of the sureties has paid them within fourteen days after the order to pay the same,

certify the recognizance to be forfeited.

(5) Execution shall immediately issue out of the Court for the recovery of the amount of the costs ordered to be paid against the petitioner and the sureties jointly and severally to the extent of the amount for which they are bound by the recognizance, but the petitioner is always liable to pay the full amount of the costs.

(6) If the security given by the petitioner is in the form of money deposited with the Court, the petitioner is entitled to a refund of a portion of the money exceeding the amount of the costs ordered to be paid by him or her.

(7) If a respondent who is ordered to pay any costs to the petitioner fails to do so within fourteen days from the date of the order directing the payment, execution shall immediately be issued out of the Court for the recovery of the amount of costs.

(8) Execution shall be levied in accordance with the law governing execution in civil actions in the Court.

Application of Eastern Caribbean Supreme Court Civil Procedure Rules 2000.

28. In any matter not provided for by the Act or by these Rules, the practice and procedure set out in the Eastern Caribbean Supreme Court Civil Procedure Rules, 2000, relating to the service of documents, other than the Election Petition, and the conduct of a civil trial may be applied, if a judge so directs.

Forms.

29. In proceedings regulated by these Rules, the forms contained in the Schedule, or forms to the like effect, shall be used as the documents described by the headings of the forms.

———————

SCHEDULE TO THE RULES

FORMS

FORM 1

(Rule 3)

Petition

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT

SAINT CHRISTOPHER AND NEVIS

Election for (state the electoral district) held on the.....day of....., 20.....

BETWEEN

A.B.....Petitioner.

And

X.Y .....Respondent.

The petition of A.B. of.....(or of A.B. of ... and C.D. of .....) (*as the case may be*) whose name is subscribed.

1. Your petitioner A.B. is a person who voted (*or* had a right to vote *(as the case may be*) at the above election (*or* claims to have had a right to be returned at the above election, *or* was a candidate at the above election); and your petitioner C.D

   .....

(here state in like manner the right of each petitioner).

2. Your petitioner states that the election was held on the.....day of.....,20 , when E.F., G.H. and I.J. were candidates, and the returning officer has returned E.F. as being duly elected.

3. Your petitioner says that (here state in specific paragraphs the facts and grounds on which the petitioner relies).

   WHEREFORE your petitioner prays that it may be determined and the said E.F. was not duly elected or returned, and that the election was void (*or* that the said G.H. was duly elected and ought to have been returned, *or as the case may be*).

   Dated this .....day of ..... , 20 .....

   .....

Petitioner

The court office is at (xxx xxx xxx) telephone number xxx-xxxx, Facsmile xxx.xxxx.

The office is open between (……. a.m) and (……. P.m) …….. to……. Except public holidays.

(Inserted by S.R.O. 4/2014)

FORM 2

(Rule 8)

Application For Substituted Service

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT SAINT CHRISTOPHER AND NEVIS

(TITLE AS IN THE CASE OF THE PETITION)

Notice of Application

The Petitioner AB. (full names), of (fulladdress)

applies to the court for an order for substituted service_____

The grounds of the application are:

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed.....

[Legal Practitioner for the] Applicant

This application will be heard by [the Judge in Chambers] [Master xxxxx] on the day of , at a.m/p.mat [xxx xxx xxx]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by—

NB This notice of application must be served as quickly as possible on the respondent to the application.

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, Facsimile xxx.xxxx.

The office is open between [.....a.m.] and [.....p.m.]..... to ..... except public holidays.

_____

FORM 3

(Rule 9)

Recognizance Giving Security for Costs under Rule 9

(Title as in the Case of the Petition)

Be it remembered that on the..... day of....., 20.....,

before me (name and description) came A.B. of..... (name and description as above) and acknowledged himself (or severally acknowledged themselves) to owe to Our Sovereign Lady the Queen the sum of (in words) dollars (or the following sums) (that is to say) the said C.D., the sum of (in words) dollars,

the said E.F., the sum of (in words) dollars, and the said G.H., the sum of.....(in words) dollars to be levied on his (*or* their respective) goods and chattels, lands and tenements to the use of Our said Lady the Queen, Her Heirs and Successors.

The condition of this recognizance is that if.....(here insert the names of all the petitioners, and if more than one, add, *or any of them*) shall well and truly pay all costs, charges and expenses in respect of the Election Petition signed by him (*or them*) relating to.....(here insert the name of the electoral district) which shall become payable by the said petitioner under the Legislative Assembly (Election Petitions) Rules to any person, then this recognizance to be void, otherwise to stand in full force.

.....

Petitioner and Sureties

Taken and acknowledged by the above named (names of petitioner and sureties) on the.....day of....., 20....., before me.

.....

A Justice of the Peace or person

authorised to administer oaths

_____

FORM 4

(Rule 9)

Notice of Presentation of Petition and of the Nature of the Security

(TITLE AS IN THE CASE OF THE PETITION)

Take notice that a petition complaining of.....

(state the grounds of complaint briefly) and praying that.....

(state briefly the prayer of the petition) was presented to the Court on the day of

....., 20....., and that security for the costs, charges and expenses thereof has been given..... (state the nature of the security given, i.e. whether by deposit of money or by recognizance and the names and the description of the sureties and the amounts for which each surety has bound himself).

Dated the.....day of....., 20 .....

To:

(Name of Respondent).....

(Address) .....

.....

Petitioner

_____

FORM 5

(Rule 9)

Application Objecting to Security

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT

SAINT CHRISTOPHER AND NEVIS

(TITLE AS IN THE CASE OF THE PETITION)

NOTICE OF APPLICATION

The Petitioner AB. (full names), of (fulladdress) applies to the court for an order that the security given by the respondent be rejected.

The grounds of the application are

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed.....

[Legal Practitioner for the] Applicant

This application will be heard by [the Judge in Chambers] [Master xxxxx] on

The day of , at am/pmat [xxx xxx xxx]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by —

NB This notice of application must be served as quickly as possible on the respondent to the application.

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, Facsimile xxx.xxxx.

The office is open between [..... a.m.] and [.....p.m.] ..... to .....except public holidays.

_____

FORM 6

(Rule 10)

Order Upon an Application objecting to Security

(TITLE AS IN THE CASE OF THE PETITION)

Before Mr./Mde. Justice

The.....day of....., 20.....

Upon objection to the security given by the petitioner herein made by application on the.....day of ....., 20.....

And Upon reading the affidavit of .....dated the.....

day of....., 20...., and hearing the evidence of witnesses personally examined, (if such evidence was required) and counsel on behalf of the parties.

It is declared that the security given by the petitioner in the above-mentioned petition is insufficient and it is ordered that the objection be allowed but that the petitioner be at liberty to remove the objection thereto by depositing with the High Court the sum of (in words) dollars within .....days from this day (the period is not to exceed ten days).

(In case the security is declared sufficient this order shall read—It is Declared that the security given by the petitioner in the above-mentioned petition is sufficient and it is ordered that the objection be disallowed and that the costs of this objection be paid by the petitioner (*or* the respondent *as the case may be*).

By the Judge

.....

Registrar

FORM 7

(Rule 4)

Application for Particulars

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT

SAINT CHRISTOPHER AND NEVIS

(TITLE AS IN THE CASE OF THE PETITION)

Notice of Application.

The Petitioner AB. (full names), of

(full address)

applies to the court for an order that the petitioner deliver to the respondent or his legal practitioner particulars in writing of ...
The grounds of the application are:

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed.....

[Legal Practitioner for the] Applicant

This application will be heard by [the Judge in Chambers] [Master xxxxx] on

the day of , at am/pmat[xxx xxx xxx]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by —

NB This notice of application must be served as quickly as possible on the respondent to the application.

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, Facsimile xxx.xxxx.

The office is open between [..... a.m.] and [.....p.m.] ..... to ..... except public holidays.

FORM 8

(Rule 4)

Particulars Delivered

(TITLE AS IN THE CASE OF THE PETITION)

The following are the particulars delivered by the petitioner to the respondent on the.....day of....., 20.....

(This form may be adapted to suit other election offences under the Act.)

BRIBERY								
No in particulars	*Name of person bribed*	*Address*	*Register or occupation*	*Name of person bribing*	*Address*	*Time when bribed*	*Place where bribed*	*Amount and character of bribe*

_____

FORM 9

(Rule 12)

Application to amend Petition

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT

SAINT CHRISTOPHER AND NEVIS

(TITLE AS IN THE CASE OF THE PETITION)

Notice of Application.

The Petitioner AB. (full names), of

(full address)

applies to the court for an order that the petition be amended.

The grounds of the application are:

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed .....

[Legal Practitioner for the] Applicant

This application will be heard by [the Judge in Chambers] [Master xxxxx]

the day of , at am/pmat[xxx xxx xxx]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by —

NB This notice of application must be served as quickly as possible on the respondent to the application.

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, Facsimile xxx.xxxx.

The office is open between […….. a.m.] and [……..p.m.] ……..…… to …… except public holidays.

_____

FORM 10

(Rule 13)

Notice to Registrar and Respondent of Application for Leave to Withdraw a Petition

(TITLE AS IN THE CASE OF THE PETITION)

1.

The petitioner proposes to apply to withdraw his petition upon the following grounds:

(Here state the grounds).

2.

He accordingly prays that a day may be appointed for hearing the application.

Dated the .....day of....., 20.....

.....

Petitioner

To:

The Registrar.

_____

FORM 11

(Rule 13)

Notice to Public of Application for Leave to Withdraw Petition

(TITLE AS IN THE CASE OF THE PETITION)

Notice is hereby given that the above petitioner has on the ..... day of....., 20 ....., lodged at the High Court Registry notice of an application to withdraw the petition of which notice the following is a copy—

(Here set out a copy of the notice to Registrar and respondent)

And take notice that by the Rule made by the Chief Justice any person who might have been a petitioner in respect of the said election may, within five days after the publication by the Registrar of this notice, give notice in writing of his intention on the hearing to apply for leave to be substituted as a petitioner.

Dated the.....day of....., 20.....

.....

Registrar

_____

FORM 12

(Rule 13)

Application for Leave to Withdraw Petition

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT

SAINT CHRISTOPHER AND NEVIS

(TITLE AS IN THE CASE OF THE PETITION)

Notice of Application.

The Petitioner AB. (full names), of (fulladdress)

applies to the court for an order that his petition be withdrawn.

The grounds of the application are:

A draft of the order that I seek is attached.
[An affidavit in support accompanies this application]

Dated .....

Signed .....

[Legal Practitioner for the] Applicant

This application will be heard by [the Judge in Chambers] [Master xxxxx] on the day of , at am/pmat[xxx xxx xxx]
If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by —

NB This notice of application must be served as quickly as possible on the respondent to the application.

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, Facsimile xxx.xxxx.

The office is open between […….. a.m.] and [……..p.m.] …… to …… except public holidays. Notice of Abatement of Petition

_____

FORM 13

(Rule 15)

Notice of Abatement of Petition

(Title as in the Case of Petition)

Take notice that the petitioner (or the survivor of the several petitioners) in the above petition died on the .....day of....., 20.....,

at..... in the ..... of ..... and that consequently the said petition was abated by such death.

Dated the ..... day of ..... , 20.....

.....

A party or person interested

in the petition

_____

FORM 14

(Rule 15)

Application for Substitution of a Petitioner in Place of a Deceased Petitioner

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT

SAINT CHRISTOPHER AND NEVIS

(TITLE AS IN THE CASE OF THE PETITION)

Notice of Application

The Petitioner AB. (full names), of (fulladdress)

applies to the court for an order substituting_____as a petitioner in place of the deceased petitioner_____.

The grounds of the application are:

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated …….

Signed …….....…….

[Legal Practitioner for the] Applicant

This application will be heard by [the Judge in Chambers] [Master xxxxx] on

the day of , at am/pmat[xxx xxx xxx]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by —

NB This notice of application must be served as quickly as possible on the respondent to the application.

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, Facsimile xxx.xxxx.

The office is open between […….. a.m.] and [……..p.m.] …… to .....…… except public holidays

_____

FORM 15

(Rule 16)

Notice to be Published of Death of the Respondent

(TITLE AS IN THE CASE OF THE PETITION)

Take notice that …....……. the respondent .....
died on the …… day of ……....., 20……,
at ……..... in the ……..... of .....
.....

A person entitled to be a
petitioner
in respect of the election
questioned

_____

FORM 16

(Rule 16)

Notice to be Published by Respondent of Intention not to Oppose the Petition

(TITLE AS IN THE CASE OF THE PETITION)

Take notice that I the undersigned respondent do not intend to oppose the above petition.

.....
Respondent

To:

The Registrar and the petitione

_____

FORM 17

(Rule 16)

Application to be Admitted as a Respondent to Oppose the Petition

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT

SAINT CHRISTOPHER AND NEVIS

(TITLE AS IN THE CASE OF THE PETITION)

Notice of Application.

The Petitioner AB. (full names), of (full address) applies to the court for an order to be admitted as a respondent to oppose the petition in place of who died on the day of , 20___.

The grounds of the application are:

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated …….

Signed ……...

[Legal Practitioner for the] Applicant

NOTICE:

This application will be heard by [the Judge in Chambers] [Master xxxxx] on the day of , at a.m/p.m at [xxx xxx xxx]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by —

NB This notice of application must be served as quickly as possible on the respondent to the application.

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, Facsimile xxx.xxxx.

The office is open between […….. a.m.] and [……..p.m.] …… to …… except public holidays

_____

FORM 18

(Rule 20)

Notice of Recriminatory Grounds

(TITLE AS IN THE CASE OF THE PETITION)

Take notice that I the respondent in the above-mentioned petition intend to complain of the election of …… the person on whose behalf the seat is claimed undue

and that the following are the grounds on which I intend to rely in support of that complaint:

…….....

(Here set out the grounds which the respondent intends to complain of)

.....

Respondent or his or her Legal Practitioner

To:

The petitioner and his or her legal representative.

_____

FORM 19

(Rule 23)

Notice of Trial

(TITLE AS IN THE CASE OF THE PETITION)

Take notice that the above petition (or petitions) will be tried in the High Court in Brades on the ..... day of ..... , 20 ..... ,

commencing at a.m./p.m. and on such other

subsequent days as required

.....

Registrar

To:

The petitioner and the respondent and their legal practitioner.

_____

FORM 20

(Rule 23)

Application to turn Petition into Special Case

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT

SAINT CHRISTOPHER AND NEVIS

(TITLE AS IN THE CASE OF THE PETITION)

Notice of Application.

The Petitioner AB. (full names), of(fulladdress) applies to the court for an order that the case raised by the petitioner be stated as a special case, and that in the event of the parties differing the same be referred to settle, and that the costs of this application be costs in the petition.

The grounds of the application are:

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated …….

Signed ……...

[Legal Practitioner for the] Applicant

NOTICE:

This application will be heard by [the Judge in Chambers] [Master xxxxx] on

Theday of,ata.m/p.mat[xxx xxx xxx]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by —

NB This notice of application must be served as quickly as possible on the respondent to the application.

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, Facsimile xxx.xxxx.

The office is open between […….. a.m.] and [……..p.m.] …… to ....…… except public holidays.

(Inserted by S.R.O. 4/2014)

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