

**HOUSE OF ASSEMBLY (DISQUALIFICATION) ACT**

**CHAPTER 2:02**

**Act**  
**6 of 1967**  
Amended by  
28 of 1967  
\*24 of 1980  
12 of 1990

(\*See Note on Page 2)

**Current Authorised Pages**

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
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**Note  
on  
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

**Note**

With respect to other disqualifications of persons as members of the House of Assembly  
see –

- (a) section 32 of the Constitution; and
- (b) section 2(4) of the Social Security Act, Ch. 31:01.

**CHAPTER 2:02**

**HOUSE OF ASSEMBLY (DISQUALIFICATION) ACT**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
  2. When interest in Government contracts does not amount to a disqualification for election to House of Assembly.
  3. Persons responsible for elections to the House of Assembly to be disqualified.
  4. Disqualification for prescribed offences.
  5. Persons holding public offices to be disqualified.
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## CHAPTER 2:02

## HOUSE OF ASSEMBLY (DISQUALIFICATION) ACT

6 of 1967. **AN ACT relating to disqualification of persons for membership of the House of Assembly of Dominica.**

Commencement. [1st March 1967]

Short title. **1. This Act may be cited as the –  
HOUSE OF ASSEMBLY (DISQUALIFICATION) ACT.**

When interest in Government contracts does not amount to a disqualification for election to House of Assembly. [12 of 1990]. S.I. 1978 No. 1027 (U.K.).

**2. (1) A person shall not be disqualified to be elected or appointed as a Representative or Senator if he or any firm in which he is a partner or any body corporate which he controls has an interest in any government contract within the meaning of section 32(1)(f) of the Constitution –**

- (a) if, at the date of his nomination for election or at the date of his appointment as a Senator, the obligation imposed by the contract on him or on the firm or body corporate aforesaid, has been wholly performed or is unenforceable;
- (b) by reason only that the contract is for the sale of goods where the amount or value of the consideration does not exceed the specified amount and the sale does not form part of a larger transaction or series of transactions in respect of which the amount or value, or aggregate amount or value, of the consideration exceeds the specified amount;
- (c) by reason only that the contract is made pursuant to any arrangements for providing guaranteed prices or assured markets for producers generally of any produce, being arrangements made by or under any law in force in Dominica;
- (d) by reason only that the contract is made in pursuance of an obligation imposed by or under any law in force in Dominica;

- (e) by reason only that the contract is one under which professional services to members of the public are rendered, wholly or partly at the public expense, in pursuance of arrangements for the provision of such services by members of a profession generally;
- (f) by reason only that the contract is made by that person in the capacity of a member of the Government of Dominica or by any body corporate which he controls in that capacity; or
- (g) by reason only that the contract is made by that person in the capacity of a member of any board, panel, committee or other similar body (whether incorporated or not) established by any law in force in Dominica or of any contract made by any body corporate which he controls in that capacity.

(2) A person shall not be disqualified to be elected or appointed as a Representative or a Senator by reason of an interest in any government contract within the meaning of section 32(1) of the Constitution if, within one month before the date of the election or appointment, he publishes in the *Gazette* a notice setting out the nature of the contract and his interest therein, and, in the case of a candidate for election, if he also publishes such a notice in a newspaper circulating in the electoral district for which he seeks election.

(3) For the purposes of this section –

- (a) a person controls a body corporate if he has the power to secure, by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or by virtue of powers conferred by the articles of association or other document regulating the constitution of that or any other body corporate, that the affairs of the first-mentioned body corporate are conducted in accordance with his wishes; and
- (b) “specified amount” means five hundred dollars or such other sums as may from time to time be substituted therefor by any law of the Parliament of Dominica.

Persons responsible for elections to the House of Assembly to be disqualified.

**3.** No persons shall be qualified to be elected as an elected member of the House of Assembly or to be appointed as a Senator thereof if he holds or is acting in any office, or is supervisor of elections, or registering officer, presiding officer or returning officer and his functions involve responsibility for, or in connection with the conduct of any election to the House of Assembly or the compilation of any register of votes for the purposes of such an election.

Disqualification for prescribed offences. [12 of 1990]. S.I. 1978 No. 1027 (U.K).

**4.** For the purposes of section 32(3) of the Constitution (disqualifying persons for election or appointment as Representatives or Senators by reason of offences prescribed by Parliament) the following offences, committed in relation to elections to the House of Assembly, are hereby prescribed:

- (a) bribery;
- (b) treating;
- (c) undue influence;
- (d) personation;
- (e) aiding, counselling or procuring the commission of the offence of personation,

and any person convicted of such offence or reported guilty of such offence by the court trying an election petition shall, in addition to any other punishment provided by law, be disqualified for a period of seven years from the date of the conviction or report to be elected or appointed a Representative or Senator.

Persons holding Public Offices to be disqualified. [28 of 1967].

**5.** (1) No person shall be qualified to be elected as a member of the House of assembly or to be appointed or elected as a Senator if –

- (a) he holds or is acting in any office or appointment in the Legal or Judicial Services, the Civil Services, the Teaching Service, the Fire Service or in any branch of the Public Service of Dominica;
- (b) he belongs to any of the armed forces of the State, or to any class of person that is comprised in any such force; or
- (c) he belongs to any police force or to any class of person that is comprised in any such force.

(2) For the purposes of this section “office” or “appointment” does not include office as a member of any board, panel, committee or other similar body whether incorporated or not, established by or under any law for the time being in Dominica, or office as a Minister or Acting Minister of Government, Speaker or Deputy Speaker, Member of Parliament or Member of the Cabinet.

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