

Representation of the People Act

Chapter 6

ACT

Act No.7 of 1982

Amended by

Act No. 2 of 1983

Act No. 8 of 1984

Act No. 20 of 1987

Act No. 25 of 1989

Act No. 10 of 1992

Act No. 1 of 1998

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Act No. 7 of 2009

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REPRESENTATION OF THE PEOPLE ACT

CAP. 6

REVISED EDITION

CHAPTER 6

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SAINT VINCENT AND THE GRENADINES

CHAPTER 6

REPRESENTATION OF THE PEOPLE ACT

AN ACT to consolidate and revise the Laws of Saint Vincent and the Grenadines relating to the representation of the people, and for matters incidental thereto.

[Commencement Date : *28th December, 1982.*]

[SRO 60 of 1982.]

Preliminary

1. This Act may be cited as the Representation of the People Act.
2. (1) In this Act, unless the context otherwise requires—
 - “appointed day”, in relation to any year, means the day specified as such, for the purposes of this Act, for that year by order of the Governor-General;
 - “candidate”, in relation to an election, means a person who is—
 - (a) elected to serve in the House of Assembly at the election; or
 - (b) nominated as a candidate at the election or is declared by himself or by others to be a candidate, on or after the day of the publication of the notice of election in accordance with the election rules for the election or after the dissolution or vacancy in consequence of which the writ for the election was issued;
 - “constituency” means a constituency specified in the Constituency Boundary Commission Order for the time being in force;
 - “Court” means the High Court;
 - “election” means an election of a member to serve in the House of Assembly for a constituency;

“election documents” means the documents which a returning officer is required to transmit to the Supervisor of Elections;

“election officer” includes the Supervisor of Elections, Deputy Supervisor of Elections, returning officer, presiding officer, registering officer and any other officer duly authorised to perform any function relating to the registration of voters, the proceedings on polling day or the counting of the votes;

“election rules” means the rules for the time being applicable to elections;

“legal incapacity” includes (in addition to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by this Act or by any other law;

“polling day” means the day fixed for the holding of the poll of voters at any election;

“polling division” means the polling division of a constituency fixed in accordance with section 24;

“polling station” means any enclosed or unenclosed space secured by the returning officer for the taking of votes of the voters on polling day and includes any extensions of such space where the extension is deemed necessary or expedient by the returning officer;

“qualified person” means any person who is qualified to be registered as a voter and entitled to vote as such;

“qualifying date” means, in relation to the qualification of any person to be registered as a voter, the date on which that person applies to be registered as a voter unless, in respect of any particular year of election, the Governor-General, by order, appoints some other date;

“registering officer” means an officer referred to in section 10 as registering officer for a constituency or the person acting in that office;

“Registrar” means Registrar of the High Court;

“Supervisor of Elections” means the person appointed as such under section 34 of the Constitution or any person acting in that office;

“voter”, in relation to any election, means any person whose name is for the time being on the appropriate register of voters to be used at that election.

(2) Where the Supervisor of Elections or a returning officer is required or authorised by this Act to give any public notice of an election, he shall, in the absence of any provision to the contrary, (and in the case of the returning officer, subject to any directions given to him by the Supervisor of Elections), do so by advertisement, placards, handbills or by such other means as in his opinion is the best way to afford information to the voters.

3. (1) For the purpose of filling a casual vacancy in the membership of the House of Assembly the date on which the vacancy shall be deemed to have occurred shall be—

(a) in the case of death, upon the date of death;

(b) in the case of an election being declared void on an election petition, upon the date of the certificate of the Court to that effect;

(c) in the case of a person ceasing to be qualified to be a member of the House of Assembly or becoming disqualified for any reason other than those mentioned in paragraphs (a) and (b), upon the date on which his office is declared by the Speaker or by the Court, as the case may be, to have been vacated.

(2) Whenever any casual vacancy arises in the membership of the House of Assembly, the Speaker of the House shall forthwith notify the Governor-General who shall issue a writ for an election to fill the vacancy.

PART I

Qualification of Voters

4. No person shall—

- (a) at a general election, vote in more than one constituency; or
- (b) at any election, vote more than once in the same constituency; or
- (c) at any election, vote without first producing the national identification card issued to him under this Act unless he proves to the satisfaction of the presiding officer that he has not been issued with a national identification card or that he has been issued with a national identification card and that such card has been lost or destroyed:

Provided that the presiding officer may, in the absence of the national identification card, accept any other mode of identification that he may deem satisfactory having regard to the circumstances of the case.

5. (1) Subject to the provisions of this Act or of any written law imposing any disqualification for registration as a voter, every person, who has attained the age of eighteen years or upwards, shall be entitled to be registered as a voter in a constituency for the purpose of electing a representative for that constituency if, on the qualifying date he—

- (a) is a citizen of Saint Vincent and the Grenadines; or
- (b) is a Commonwealth citizen who has been residing in Saint Vincent and the Grenadines for a period of not less than twelve months immediately preceding the qualifying date, and in either case has resided in that constituency for a period of not less than six months immediately preceding the qualifying date.

(2) No person shall be qualified to be registered as a voter for more than one constituency.

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

(4) In reckoning the period of residence in a constituency of a voter for the purpose of subsection (1), the period between the qualifying date and the polling day in that constituency shall not be reckoned as a period of residence.

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

- (a) is a person found or declared to be a person of unsound mind or a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness by virtue of any enactment;
- (b) is undergoing any sentence of imprisonment in Saint Vincent and the Grenadines;
- (c) is under sentence of death imposed on him by a competent court in any part of the Commonwealth or under sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or under some sentence substituted therefor by a competent authority and has not suffered the punishment to which he was sentenced or has not received a free pardon therefor; or
- (d) is under any law disqualified from being registered as a voter.

7. Every person registered as a voter pursuant to this Part shall remain registered unless and until his name is deleted from the register because—

- (a) he has died;
- (b) an objection to his registration has been allowed;
- (c) he has been absent from Saint Vincent and the Grenadines for a period exceeding five years, except in cases of absence for approved studies abroad; or
- (d) he has become disqualified under any law for registration or for exercising his rights as a voter.

8. (1) Every person who is qualified to be registered as a voter for a constituency shall, unless registered in the register of voters for that constituency, within thirty days of the relevant date, apply to the registering officer for that constituency to have his name entered in the quarterly list of voters prepared for that constituency.

(2) Without prejudice to subsection (1), every occupier of a house shall, within thirty days of the relevant date, furnish the registering officer of the constituency in which the house is situated with the names of every person living in that house who, to the best of his knowledge, is qualified to be registered as a voter for that constituency.

(3) Where a building is let in separate apartments, flats or lodgings, the person receiving the rent payable by the tenants or lodgers, whether on his own account or as the agent of another person, shall, if requested so to do by or on behalf of the registering officer for the constituency in which the building is situate, furnish the registering officer with the name of every tenant or lodger by whom the rent of an apartment, flat or lodging is payable.

(4) For the purposes of this section—

“house” means a dwelling-house and includes any building occupied as a separate dwelling;

“occupier”, in relation to any building let in separate apartments, flats or lodgings, means the tenant, lodger or other person by whom the rent for such apartment, flat or lodging is payable;

“relevant date” means—

- (a) in the case of a person who on the 28th December, 1982, is not qualified to be registered as a voter, the date on which that person first becomes so qualified;
- (b) in any other case the date appointed by the Governor-General, by order, for the purposes of this section.

9. Notwithstanding the provisions of section 5, a person shall not be entitled to be registered as a voter until he has complied with the remaining provisions of this Act and the rules and regulations relating to the registration of voters.

10. (1) The Governor-General shall appoint persons who are considered fit and proper to be registering officers and each of them shall be assigned to a constituency.

(2) The Governor-General may appoint any suitable person to assist any registering officer in the performance of his duties under this Act.

(3) Subject to the authority, directions and control of the Supervisor of Elections, an assistant appointed under subsection (2), unless he is appointed only as an enumerator, shall have all the powers and may perform all or any of the duties of a registering officer under this Act.

(4) Every registering officer or other person appointed under subsection (2) shall receive such remuneration as may be prescribed.

(5) Every registering officer and every assistant shall, before entering on his duties as such, take and subscribe an oath in Form A given below and shall transmit such oath to the Supervisor of Elections:

Provided that in the case of an enumerator, such oath shall be taken in Form B.

A

REPRESENTATION OF THE PEOPLE ACT (CHAPTER 9)

Oath of Registering Officer

I,, do swear that I will faithfully perform all the duties of
registering officer of the constituency ofin

accordance with the provisions of the Representation of the People Act, and of any rules made thereunder, to the best of my ability.

SO HELP ME GOD

.....
Registering Officer

Sworn before me

.....
*Magistrate or Justice of the Peace
(as the case may be)*

B

REPRESENTATION OF THE PEOPLE ACT (CHAPTER 9)

Oath of an Enumerator

I, the undersigned..... appointed as
enumerator for polling division No..... in the constituency
of.....do solemnly swear that
I will act faithfully and in every respect according to law.

SO HELP ME GOD

.....
Registering Officer

Sworn before me

.....
*Magistrate or Justice of the Peace
(as the case may be)*

(6) The Supervisor of Elections shall be the chief registering officer and he shall supervise the performance by the registering officers of their functions under this Act, and every registering officer shall comply with such general or specific directions that he may give.

10A. (1) Subject to subsection (2), each political party having an elected member or elected members in the House of Assembly may nominate persons for appointment as scrutineers in connection with registration under this Act.

(2) The Supervisor of Elections shall appoint scrutineers on the nomination of the political party except that the number of scrutineers appointed by the Supervisor of Elections shall not exceed the number of enumerators.

(3) A scrutineer shall be assigned to an enumerator by the political party which nominated him.

10B. On completion of the work of the enumerators the Supervisor of Elections shall terminate the appointment of the scrutineers.

10C. The Supervisor of Elections shall issue to a scrutineer such form of identification as he thinks necessary.

10D. The Supervisor of Elections—

- (a) shall at the request of the political party that nominated a scrutineer;
- (b) may, after consultation with the political party that nominated a scrutineer; and
- (c) may, where the Supervisor of Elections considers a scrutineer for good and sufficient cause unfit or incompetent to discharge the duties of his office or if such scrutineer at any time refuses or wilfully neglects to perform any of his functions under this Act,

revoke the appointment of that scrutineer and on receipt of the intimation of such revocation the scrutineer shall promptly surrender to the Supervisor of Elections the identification issued under section 10C.

10E. A scrutineer assigned to an enumerator—

- (a) may inspect any of the documents used by the enumerator during enumeration process; and
- (b) may accompany the enumerator, while the enumerator is performing his duties under this Act.

10F. Every scrutineer appointed under this Act shall receive such remuneration as may be determined by the Supervisor of Elections.

10G. (1) A scrutineer shall not interfere with or obstruct an enumerator or registering officer in the performance of their functions under this Act.

(2) A scrutineer who contravenes the provisions of subsection (1) commits an offence and shall be liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

10H. (1) A political party shall be responsible for the attendance of its scrutineers during the time or any part of the time that the enumeration process is being carried out.

(2) No registration shall be deemed to be invalid solely on the ground that a scrutineer was not in attendance during the time or any part of the time that the enumeration process was carried out.

11. (1) The Supervisor of Elections shall cause to be prepared and shall publish not later than the appointed day in 1984 and the same day in every succeeding year a register of voters for each constituency who are entitled to vote at any election.

(2) Not later than the appointed day in 1984 the Supervisor of Elections shall cause to be prepared and shall publish a preliminary register of voters for each constituency which shall consist of all qualified persons—

- (a) whose names appear in the register of voters for that constituency last published under the House of Assembly Elections Act, 1951, and who have been photographed for the purpose of being issued with identification cards under section 20;
- (b) who although not registered in the register mentioned in paragraph (a), have since the publication of that register and not later than the appointed day in any relevant year been photographed for the purpose of being issued with the national identification cards under section 20 for that year.

(3) The preliminary register of voters shall not include persons who, on the information available to the Supervisor of Elections, appear since the publication of the last register—

- (a) to have died; or

(b) to have ceased, as on the relevant date, to possess the qualifications for registration spelt out in section 5 or have incurred any disqualifications under section 6 or have lost the right to remain in the register pursuant to section 7.

(4) A person who is entitled to be registered as a voter for a constituency but whose name does not appear in the preliminary register of voters for that constituency shall, subject to the provisions of subsections (5), (6) and (7), be registered upon his making application in such form as may be prescribed.

(5) Where any person whose name does not appear in the appropriate preliminary register of voters for a constituency claims to be qualified to be a voter as mentioned in subsection (4), he may make personal application at a prescribed place in the constituency and his claim shall, subject to the regulations, be determined as if it were a claim made under section 14.

(6) The Supervisor of Elections shall make all additions to the appropriate preliminary register and shall make removals therefrom in consequence of any action taken under this section or under section 7 and shall publish not later than the date appointed for the purpose the preliminary register of voters so corrected as the register of voters entitled to vote at any election for that constituency.

(7) The registers of voters required by subsection (1) to be prepared and published in each year after 1984 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 supplementary registers of voters prepared and published for that constituency, subsequent to the date of publication of the register mentioned in paragraph (a), as ordinarily resident in that constituency and qualified under this Act as voters,

but shall not include persons who, on the information available to the Supervisor of Elections, appear, since the publication of the last register to have died or to have ceased to be qualified for the reasons set out in subsection (3)(b).

12. The Supervisor of Elections shall cause to be prepared and shall publish in accordance with section 16 for each constituency a supplementary register of voters entitled to vote at any election.

13. (1) Not later than the appointed day in 1984 and not later than that day in every quarter in every succeeding year, the Supervisor of Elections shall cause to be prepared and shall publish as soon as possible thereafter (and in any case not later than the 15th day of the next month following the end of the quarter) 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 Supervisor of Elections of a change of address in this constituency in accordance with the regulations and who appear to be ordinarily resident therein;
- (b) whose names appeared in the register for the constituency who have effected a change of address within the constituency and who have notified the Supervisor of Elections in accordance with the regulations;
- (c) who have attained the age of eighteen years and who appear to the Supervisor of Elections to be otherwise qualified; and
- (d) who have otherwise become qualified to be voters.

(2) The names of those persons referred to in subsection (1) shall, as far as practicable, appear—

- (a) in the case of those persons mentioned in paragraphs (a) and (b) of that subsection, in the quarterly list prepared for the quarter in which the notification was made; and
- (b) in the case of those persons mentioned in paragraphs (c) and (d) of that subsection, in the quarterly list prepared for the quarter in which a claim to be registered has been made.

14. (1) All claims for registration made by a person whose name does not appear in the register or the appropriate quarterly list and all objections to the registration of persons whose names appear in the registers of

voters and in the quarterly lists, as the case may be, shall be determined in accordance with the regulations by the appropriate registering officer acting with respect to the constituency to which the register or list in question relates.

(2) Notwithstanding subsection (1), when a claim thereunder has been disallowed, the registering officer may, in accordance with the regulations, refer the matter to the Supervisor of Elections whose decision thereon shall be final.

15. The Supervisor of Elections shall make all additions to the appropriate quarterly lists and shall make removals therefrom in consequence of any action taken under section 7 or under section 13 and shall publish as soon as possible after the fifteenth day of the next succeeding month after the end of the quarter (and in any case not later than the last day of each such month) the corrected quarterly lists as the revised quarterly lists of voters.

16. The Supervisor of Elections shall not later than seven days after the publication of the revised quarterly list of voters for each constituency cause to be published a supplementary register of all the names of persons which appear in the revised quarterly list published in accordance with section 15 if such persons have been photographed in accordance with the regulations for the purpose of being issued with national identification cards.

17. (1) Where the Governor-General issues a writ for an election in a constituency—

- (a) he shall declare the period ending fifteen days after the issuing of the writ to be a special voters registration period; and
- (b) the Supervisor of Elections shall, not later than three days after the issuing of the writ, publish a revised register of voters in accordance with section 13 to be known as a preliminary list.

(2) The Supervisor of Elections shall, during the sixteen days after the publication of this preliminary list in accordance with section 13, make additions and changes to the list.

(3) The Supervisor of Elections shall, not later than twenty-one days after the issuing of a writ for an election for a constituency, publish in respect of that constituency, a register of voters—

- (a) containing the name, address, occupation, if any, and electoral number of every person qualified under this Act to be registered as a voter for that constituency; and
- (b) to be known as the register of voters which will comprise the register of voters, the supplementary register and the register comprised under this section.

(4) The voters registered under this section shall be photographed, in accordance with the regulations, for the purpose of being issued with national identification cards under section 20.

18. The register of voters and the supplementary register of voters published for each constituency under sections 11 and 16 respectively and the list compiled under section 17 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 thereon until it is superseded by the register for voters published and constituted for that constituency in the next succeeding year in accordance with this Part.

19. (1) The Supervisor of Elections shall in each year make out from information furnished to him under the provisions relating to election offences under this Act, a corrupt and illegal practices list containing—

- (a) the names and description of the persons who, though otherwise qualified to be registered in a register of voters for each constituency, are not so qualified because they have been convicted or reported guilty of a corrupt or illegal practice; and
- (b) a statement of the offence of which each person has been found guilty.

(2) The Supervisor of Elections shall—

- (a) in the case of the year 1984, at the same time as he publishes the preliminary register under section 11(2); and
- (b) in the case of any year after 1984 at least fourteen days before he publishes the register for any succeeding year as is required by section 11(1),

publish the corrupt practices list by making a copy thereof available for inspection at the specified address of each registering officer.

20. The Supervisor of Elections shall cause national identification cards containing the prescribed matters to be issued in accordance with the regulations.

21. (1) The registers of voters prepared under this Act and the regulations shall, for the purposes of this Part, be conclusive on the following questions—

- (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) A person registered as a voter shall not be excluded from voting on the ground that he is not a Commonwealth citizen or has not attained the age of eighteen or has otherwise become subject to any legal incapacity to vote:

Provided that the vote so cast may on scrutiny be subject to rejection and any such person may be liable for the penalty in that regard.

(3) 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 may be commonly understood.

PART II

Offences and Election Machinery

22. (1) Any person who—

- (a) has ceased to be a Commonwealth citizen after attaining the age of eighteen and has not subsequent thereto become a Commonwealth citizen;
- (b) has not attained the age of eighteen; or
- (c) does not have the requisite residential qualifications for inclusion in the register of voters,

and who wilfully makes any false claim to be included in the register of voters, is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

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

(3) Any person who knowingly makes a false statement for the purpose of being registered as a voter is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

23. (1) A registering officer or an enumerator who, wilfully or without reasonable excuse, omits to register the name of any person qualified to be registered is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

(2) A registering officer or an enumerator convicted of an offence under subsection (1) shall, in addition to any penalty provided in that subsection, forfeit his right to payment for his services as a registering officer or as an

enumerator, as the case may be, and, subject to subsection (3), shall be incapable during a period of seven years from the date of his conviction—

- (a) of being qualified as a voter and shall not vote at any election; and
- (b) of being elected a member of the House of Assembly.

(3) Notwithstanding that an appeal is made against a conviction for an offence under subsection (1), the incapacity provided for by subsection (2) in the event of any such conviction shall continue until the appeal is determined and thereafter, unless the conviction is quashed, such incapacity shall remain in force for a period of seven years from the determination of the appeal unless the court hearing the appeal directs that the period of seven years shall run from the date of conviction.

24. (1) Subject to this section, each constituency shall be divided into polling divisions.

(2) Each polling division shall, so far as practicable, contain approximately four hundred qualified persons.

(3) Where the Supervisor of Elections is satisfied that because of congestion or of the sparsity of the population or other special circumstances it is more convenient so to do, he may, notwithstanding anything in subsection (2), constitute a polling division containing either more or less than four hundred qualified persons.

(4) In determining the boundaries of any polling division the Supervisor of Elections shall have regard to geographical considerations and such other factors as may affect the facilities of communications between various places within the polling division.

(5) It is the duty of the Supervisor of Elections—

- (a) to keep polling divisions of each constituency under review; and
- (b) by notice, and subject to the approval of Cabinet, to make alteration in such divisions including the abolition or establishment of any polling division as he may consider proper having regard to provisions contained in subsections (2) to (4).

PART III

Administrative Provisions

25. (1) For the purposes of an election, the Supervisor of Elections shall be the chief electoral officer and he shall—

- (a) exercise general directions and supervision over the administrative conduct of the elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions made by or under this Act;
- (b) issue to election officers such instructions as he considers necessary for ensuring effective implementation of the said provisions;
- (c) execute and perform all other functions which are conferred or imposed upon him by or under this Act.

(2) For the purposes of an election, the Governor-General may appoint a Deputy Supervisor of Elections and he shall, subject to any general or specific directions of the Supervisor of Elections, have power to perform any of the functions which the Supervisor of Elections is by or under this Act required to perform.

26. The Governor-General may, in consultation with the Supervisor of Elections, appoint for each constituency a returning officer who shall receive such remuneration as the Governor-General may specify for the purpose.

27. (1) The Supervisor of Elections may appoint one or more election clerks for each constituency who shall receive such remuneration as Cabinet may specify for the purpose and where more than one such clerk has been appointed for a constituency the Supervisor of Elections shall assign an order of seniority among them.

(2) If at any time between the issue of a writ and the declaration of the result of the election the returning officer dies or becomes incapable of performing his functions as such, the election clerk where only one such clerk has been appointed or the senior election clerk where more than one such clerk has been appointed shall forthwith report the fact to the Supervisor of Elections and shall perform the functions of the returning officer until some other returning officer is appointed or the returning officer ceases to be incapable of performing his functions, as the case may be.

28. (1) The Supervisor of Elections shall appoint a presiding officer for each polling station.

(2) The Supervisor of Elections shall appoint for each polling station such number of poll clerks as may be necessary and where more than one such clerk has been appointed for a polling station the Supervisor of Elections shall assign an order of seniority among them.

(3) If the presiding officer dies or becomes incapable of performing his functions during the taking of the poll, the poll clerk where only one such clerk has been appointed or the senior poll clerk where more than one such clerk has been appointed shall report the fact to the Supervisor of Elections and shall, until some other person is appointed as presiding officer by the Supervisor of Elections, perform the functions of the presiding officer and may appoint some other person to act as poll clerk.

(4) Any person appointed by the Supervisor of Elections as presiding officer and any person appointed as poll clerk under subsection (3) shall respectively perform the functions of those officers, whilst acting in the capacity of presiding officer or poll clerk, as the case may be, and shall receive in respect of their services such remuneration as the Cabinet may specify for the purpose.

29. No person shall be subject to any incapacity to vote at an election because he is or is acting as Supervisor of Elections, Deputy Supervisor of Elections, returning officer, election clerk, presiding officer, or is acting in any capacity as an election officer.

30. Every election officer shall take an oath in Form 1 in the Schedule before a justice of the peace, returning officer or presiding officer and every such officer is hereby authorised to administer an oath for that purpose.

PART IV

Conduct of Elections

31. (1) For the purposes of every election, the Governor-General shall issue a writ under the Public Seal addressed to the returning office for the constituency for which the election is to be held, and every such writ shall be forwarded to the Supervisor of Elections for transmission to the returning officer to whom it is addressed.

(2) Every writ issued for the purposes of subsection (1) shall be in Form 2 in the Schedule and shall specify the day of nomination of candidates, the day upon which, if necessary, the poll shall be taken, being not less than fifteen and not more than twenty-one clear days thereafter, and the day the writ is returnable to the Governor-General.

(3) On receipt of the writ, the returning officer shall endorse the date of receipt on the writ and shall proceed to hold an election in accordance with the House of Assembly Election Rules.

[House of Assembly Election Rules.]

(4) For the purposes of this section, where the last day of time allowed for the issue of the writ falls on a Sunday, public holiday or day appointed for public thanksgiving or mourning then the time shall stand extended until the next following day that is not one of the days mentioned above.

(5) In computing the period of time for the purposes of subsection (2) Sundays and public holidays shall be included.

32. (1) Where at any time between the issue of a writ and the day appointed by the writ for the holding of a poll at any election, the Governor-General, acting in accordance with the advice of the Prime Minister, is satisfied that it is expedient so to do because of—

- (a) a situation where Saint Vincent and the Grenadines becomes directly or indirectly involved in any war;

- (b) the proclamation of a state of emergency which is in force;
- (c) the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or outbreak of infectious disease or other calamity whether similar to the foregoing or not; or
- (d) the likelihood that the register of voters for all electoral districts or for any particular electoral district or constituency will not be printed before the day appointed under section 31 for the holding of the poll or that any essential electoral supplies or materials will not be available in adequate quantities upon such day,

he may, by proclamation, adjourn the holding of the poll to some other day specified in such proclamation not being more than ninety days after the day specified in the writ issued under section 31.

(2) Any proclamation under subsection (1) made pursuant to the provisions of paragraph (c) or (d) may be expressed to apply only to such electoral districts or constituencies not so specified upon the day appointed for the taking of the poll under section 31.

(3) Where any proclamation is made under this section the writs for all electoral districts or constituencies to which such proclamation applies shall be deemed to have been amended by the substitution, for the day specified in such writs as being the day for the holding of the poll, the day so specified in such proclamation.

(4) Where any proclamation under this section is made before the day which would have been nomination day if such proclamation had not been made, the nomination day shall be deemed to have been adjourned to the twenty-third day next before the day to which the holding of the poll is adjourned by such proclamation:

Provided that if such twenty-third day is a Sunday or a public holiday, the nomination day shall be deemed to be adjourned to the first day not being a Sunday or a public holiday after such twenty-third day.

(5) Where any proclamation is made under this section after nomination day, the adjournment by such proclamation of the day upon which the poll is taken shall in no way affect the validity of any nomination validly made upon nomination day and no other nomination shall be made.

33. (1) The proceedings at an election shall be conducted in accordance with such rules as may be made by Cabinet:

Provided that until any rule is made modifying the same in any respect, the House of Assembly Election Rules shall be deemed to be the election rules applicable in relation to elections to the House of Assembly:

Provided further that those provisions of the Election Rules as relate to election offences shall not be subject to any amendment by Cabinet in exercise of the rule making power.

(2) It is the general duty of the returning officer at an election to do all such acts and things as may be necessary for effectively conducting the election in the manner provided by the Election Rules.

(3) No election shall be declared invalid because of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise of the Election Rules if it appears to the Court that the election was so conducted as to be substantially in accordance with the law as to the elections, and that the act or omission did not affect its result.

34. (1) Save as otherwise provided by Part I and the Election Rules, all persons voting as voters at an election shall do so in person at the polling station allotted to them in accordance with the provisions made by or under this Act.

(2) Where a police officer is, or is likely to be, on the day of any election sent or employed in the discharge of his duty so as to prevent him from voting at the polling station at which he would otherwise be entitled by law to vote, the following provisions shall have effect—

- (a) such police officer may, at any time within seven days before the election, apply to the Commissioner of Police for a certificate and the Commissioner of Police shall thereupon give a certificate under his hand, stating the name of the police officer, his number in the police force, his number and description on the register of voters, and the fact that he is so sent or employed;

- (b) in every case where a certificate is issued to any police officer, the Commissioner of Police shall send an intimation of that fact to the presiding officer of the polling station at which the officer could, but for the certificate, have exercised his right to vote;
- (c) the presiding officer at any polling station shall, on production by such officer of the certificate, allow him to vote at that station and shall forthwith cancel the certificate and deal with it in like manner as the counterfoils of voting papers are directed by law to be dealt with;
- (d) no police officer shall under this section be entitled to vote at any election at which he would not but for this section be entitled to vote nor more than once in any election, and if he so votes or attempts to vote he shall be subject to all the penalties imposed by law on a person personating or attempting to personate a voter at such election.

(5) In this section, “Commissioner of Police” includes any person for the time being in command of the Royal Saint Vincent and the Grenadines Police Force or acting in that capacity.

PART V

Qualification of Members

35. (1) No person shall be qualified to be elected or appointed as a representative or senator (hereinafter in this section referred to as a member of the House of Assembly) if he—

- (a) is by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (b) is a minister of religion;
- (c) holds or is acting in the office of judge of the Supreme Court;
- (d) subject to such exceptions and limitations as may be prescribed by Parliament, holds or is acting in any public office or is a paid member of any defence force of Saint Vincent and the Grenadines;
- (e) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law;
- (f) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law;
- (g) is under sentence of death imposed on him 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 by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;
- (h) subject to the exceptions and limitations set out in section 36, has any such interest in any government contract:

Provided that a minister of religion may be appointed as a senator.

(2) The provision relating to disqualification referred to in section 26 of the Constitution shall be as set out in section 36 of this Act.

(3) A person shall not be qualified to be elected as a representative if he is a senator and a person shall not be qualified to be appointed a senator if he is a representative or is nominated for election as such.

(4) For the purpose of this section and sections 36 and 37—

- (a) “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;
- (b) “minister of religion” means any person in holy orders and any other person, the functions of whose principal occupation include teaching or preaching in any congregation for religious worship.

36. (1) Subject to the provisions of this section, no person shall be qualified to be a member of the House of Assembly if he, or any firm in which he is a partner or any body corporate which he controls, is a party to any contract made with the Government, or a department of Government, or an officer of Government contracting as such, for the sale or lease of land (including any interest in or over land), the sale of goods, or the rendering of services, by that person or by that firm or body corporate.

(2) A person shall not be disqualified to be elected or appointed as a member of the House of Assembly by virtue of subsection (1)—

- (a) if, on the date of his nomination for election, or appointment, as the case may be, obligations imposed by the contract on him, or on the firm or body corporate as aforesaid, have been wholly performed or are unenforceable;
- (b) by reason only of a contract 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 of value, of the consideration exceeds the specified amount;
- (c) by reason only of any contract 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 Saint Vincent and the Grenadines;
- (d) by reason only of any contract made in pursuance of an obligation imposed by or under any law in force in Saint Vincent and the Grenadines;
- (e) by reason only of any contract 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 of any contract made by that person in the capacity of a member of Government or by any body corporate which he controls in that capacity;
- (g) by reason only of any contract made by that person in the capacity of a member of any board, panel, committee or other similar body (whether incorporated or not) established under any law in force in Saint Vincent and the Grenadines or of any contract made by any body corporate which he controls in that capacity; or
- (h) by reason only of any engagement for the provision of professional legal or professional accounting or professional architectural or engineering services.

(3) A person shall not be disqualified to be elected or appointed as a member of the House of Assembly by reason of such a contract as is referred to in subsection (1), if, within one month before the date of election or appointment, as the case may be, he publishes in the Gazette and in a local newspaper a notice setting out the nature of that contract and his interest therein.

(4) 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 documents 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 one hundred and twenty dollars.

37. The seat of a member of the House of Assembly shall become vacant if any circumstances arise that, if he were not a member of the House of Assembly, would cause him, subject to section 36(3), to be disqualified for election or appointment thereto by virtue of that section:

Provided that, if in the circumstances it appears to the House of Assembly to be just so to do, the House may exempt any member from vacating his seat under the provisions of this section, if such member, before making any such contract as is referred to in section 36(1), or before or as soon as practicable after otherwise becoming a party to it, or otherwise interested in it (whether through a firm in which he is a partner or through a body corporate which he controls), discloses to the House the nature of such contract and his interest therein.

PART VI

Election Offences

38. (1) No intoxicating liquor shall be sold, offered for sale, or be given away, at any premises to which a license issued under the Liquor Licences Act applies at any time between the opening and the closing of the poll on polling day.

(2) No intoxicating liquor shall be supplied to any person at any premises to which a licence issued under the Registration of Clubs Act applies at any time between the opening and the closing of the poll on polling day.

(3) Any person who contravenes any of the provisions of subsections (1) or (2) is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

(4) In this section, "intoxicating liquor" means spirits, wine, beer, porter, cider, sherry and any fermented, distilled or spirituous liquor which cannot, according to the law, for the time being in force, be legally sold except in accordance with a licence.

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

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way interferes with the granting to any voter in his employ, of the reasonable time for voting, as in this section provided is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

40. Any election officer who—

- (a) makes, in any record, return or other document which he is required to keep or make under this Act, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true;
- (b) permits any person whom he knows, or has reasonable cause to believe, not to be a blind person or an incapacitated person, to vote in a manner provided for blind persons or incapacitated persons, as the case may be;
- (c) refuses to permit any person whom he knows, or has reasonable cause to believe, to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be;
- (d) wilfully prevents any person from voting at the polling station at which he knows, or has reasonable cause to believe, such person is entitled to vote;
- (e) wilfully rejects or refuses to count any ballot paper which he knows, or has reasonable cause to believe, is validly cast for any candidate in accordance with the provisions of the Act; or
- (f) wilfully counts any ballot paper as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidate,

is guilty of an offence and liable, on conviction on indictment, to imprisonment for two years.

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

42. (1) 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.

(2) Nothing contained in this section or in section 41 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 of any favour bearing the symbol allotted to any candidate or to the use of any such banner or any vehicle or of any such rosette or favour.

43. Any person who contravenes any of the provisions of sections 41 and 42 is guilty of an offence and liable to a fine of fifteen hundred dollars and to imprisonment for one year.

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

- (a) any person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, agrees to give or lend, or offers promises to procure or to endeavour to procure, any money or valuable consideration to or for 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) any person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or 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 voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;
- (c) any person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of the House of Assembly, or the vote of any voter at any election;
- (d) any 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 House of Assembly or the vote of any voter at any election;
- (e) any 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 of repayment of any money wholly or in part expended in bribery at any such election;
- (f) any voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; and
- (g) any person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having induced any other person to vote or refrain from voting at any such election.

(2) The provisions of subsection (1) 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 purposes of subsection (2), “legal expenses” include—

- (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 materials and the use of any public address system.

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

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

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

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

48. Any person who is guilty of bribery, treating or undue influence under the provisions of this Act, is liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

49. Any person who is guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation, is liable, on conviction on indictment, to a fine of four thousand dollars and to imprisonment for two years.

50. Any person who is convicted of bribery, treating, undue influence or personating 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 of a member of the House of Assembly;
- (b) of being elected or appointed a member of the House of Assembly, or, if elected or appointed before his conviction, of retaining his seat as such member.

51. (1) Any person who—

- (a) votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by the Constitution or this Act or by any law 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 notification by the Supervisor of Elections of the issue by the Governor-General of a writ for the purposes of an election and the day previous to the polling at such election, whether in a general election or in a bye-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 of the House of Assembly,

is guilty of an illegal practice and liable to a fine of seven hundred and fifty dollars.

(2) Any person who, between the date of notification by the Supervisor of Elections of an issue by the Governor-General of the writ for purposes of an election and the day previous to polling at such election, whether in a general election or in a bye-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 of the House of Assembly, is guilty of an illegal practice and liable on conviction on indictment, to imprisonment for two years.

(3) Any person who, before or during an election, for the purpose of affecting the return of any candidate or prospective candidate at such election, makes or publishes any false statement in fact in relation to the personal character or conduct of such candidate is guilty of an illegal practice and liable to a fine of seven hundred and fifty dollars and to imprisonment for one year.

(4) Any person who is convicted of any offence declared to be an illegal practice under this or any other section of this Act shall, in addition to any other penalty for such offence be incapable during a period of five years from the date of his conviction—

- (a) of being registered as a voter or of voting at any election; and
- (b) of being elected or appointed as a member of the House of Assembly, or, if elected or appointed before his conviction, of retaining his seat as such member:

Provided that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain in force for a period of five years from the determination of the appeal unless the Court hearing the appeal directs that the period of five years shall run from the date of conviction.

52. (1) A person shall not—

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

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

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

(3) A candidate or agent acting in contravention of this section is guilty of an illegal practice and liable to be punished as if he had committed an offence under section 51(1) and any person so acting shall be liable to be punished as provided therein.

53. (1) Any 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 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,

is guilty of an offence and liable—

- (i) if he is a returning officer, presiding officer or clerk employed at a polling station, to a fine of seven hundred and fifty dollars and to imprisonment for one year, and
- (ii) if he is any other person, to a fine of four hundred dollars and to imprisonment for six months.

(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 with the returning officer at such election.

54. (1) Every officer, clerk and agent in attendance at 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 station, and no person shall interfere with or attempt to interfere a voter when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted.

(2) Every officer, clerk and 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 or candidates for whom any vote is given in any particular ballot paper.

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

(4) Any person who acts in contravention of any of the provisions of this section is guilty of an offence and liable to a fine of four hundred dollars and to imprisonment for six months.

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

(2) The provisions of subsection (1) shall not apply—

- (a) to any voter who is waiting to poll his vote at such polling station and who obeys any instructions which may be given by the presiding officer 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) Any person who contravenes or fails to comply with any of the provisions of subsection (1) is guilty of an offence and liable to a fine of four hundred dollars and to imprisonment for six months.

56. (1) During the hours that the poll is open upon election day, no person shall in any public road or in any public place within one hundred yards of a 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) Any person who contravenes in any manner the provisions of subsection (1) is guilty of an offence and liable to a fine of four hundred dollars and to imprisonment for six months.

PART VII

Election Petitions

57. A petition complaining of an undue return or undue election of a member of the House of Assembly, in this Act called an election petition, may be presented to the Court by any one or more of the following persons, that is to say—

- (a) a person who voted or had a right to vote at the election to which the petition relates;
- (b) a person claiming to have had a right to be returned at such election;
- (c) a person alleging himself to have been a candidate at such election.

58. (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 in respect of whose election the petition relates, unless it concerns an allegation of any corrupt practice upon the making of the return of election specifically alleging a payment of money or other reward to have been made by any member, or on his account, or with his privity since the time of such return, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within twenty-eight days after the date of such payment;
- (b) at the time of the presentation of the petition or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner—
 - (i) to any person summoned as a witness on his behalf, or
 - (ii) to the member whose election or return is complained of, or to any other person named as a respondent in the petition,

shall be given on behalf of the petitioner;

- (c) the security referred to in paragraph (b) shall be an amount not exceeding five thousand dollars and shall be given by recognisance to be entered into by any number of sureties not exceeding four approved by the Registrar, or partly in one way and partly in the other.

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

59. (1) Every election petition shall be tried before the High Court in the same manner as a suit commenced by a writ or summons.

(2) At the conclusion of the trial, the judge shall determine whether the member of the House whose return or election is complained of or any and what other person was duly returned or elected, or whether the election was void, and shall certify such determination to the Governor-General, and the return shall be confirmed or altered, or a writ for a new election shall be issued, as the case may require, in accordance with such determination.

60. Notwithstanding anything contained 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 court 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.

61. At the trial of an election petition, the Court shall, subject to the provisions of this Act or of any rules or regulations thereunder, have the same powers, jurisdiction and authority, and witnesses shall be subpoenaed and sworn in, in the same manner as nearly as circumstances will admit, as in a trial of a civil action in the High Court, and shall be subject to the same penalties for perjury.

PART VIII

Provisions Relating to the House of Assembly

62. Every person elected as a member of the House of Assembly shall, before sitting or voting therein, make the declaration of qualification in Form A and take and sign the oath of allegiance in Form B hereunder.

FORM A

Declaration of Qualification

I,, do solemnly declare that I am truly and bona fide qualified to be elected a member of the House of Assembly of Saint Vincent and the Grenadines according to the true intent and meaning of the Representation of the People Act, and the rules and regulations made thereunder.

FORM B

Oath of Allegiance

I,, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law.
SO HELP ME GOD.

63. Every member of the House of Assembly shall conform with the Standing Orders of the House of Assembly.

64. (1) Any person who has not been elected and returned in accordance with the provisions of this Act who comes into the House of Assembly claiming to be a member of the House or, having entered, acts as a member of that House, is guilty of an offence and liable to a fine of seven hundred and fifty dollars.

(2) Proceedings for an offence under subsection (1) may be brought in the name of the Clerk of the House of Assembly.

65. For the avoidance of doubts it is hereby declared that the House of Assembly in being at any demise of the Crown shall not be determined or dissolved by such demise but shall continue so long as it would have continued but for such demise, unless it is prorogued or dissolved.

66. The election of the Speaker and Deputy Speaker shall be made as provided in the Constitution and in accordance with the standing orders.

PART IX

Miscellaneous

67. (1) The Governor-General may make regulations with respect to—

- (a) the form of the registers of voters and of the annual, quarterly and revised lists of voters or any other lists required by this Act or rules or regulations in connection with maintenance of the registers or with the conduct of any election;
- (b) the procedure to be followed in the preparation of the registers of voters and the preparation of the annual, quarterly and revised lists of electors;
- (c) the determination, for the purposes of the registration of voters, of the place of ordinary residence of any person;
- (d) the adaptation of any register of voters to any alteration of polling divisions and particularly with respect to cases where any alteration of polling divisions is made between the publication of any list prepared under this Act and the coming into force of any register of voters prepared under Part;

- (e) the issue of national identification cards in place of those which are lost, defaced or destroyed and the fees to be paid therefor;
- (f) any other matter incidental to the provisions of this Act relating to the registration of voters;
- (g) the remuneration and travelling allowance to be paid to any electoral officer;
- (h) the duties of, and the records to be kept by, election officers;
- (i) the provision of such additional assistance as may be necessary for the counting of the votes;
- (j) the variation of the forms set out in this Act and the prescribing of additional forms; and
- (k) generally for giving effect to the provisions of this Act.

(2) The incidental matters referred to in subsection (1)(f) shall be taken to include the time and manner of preparation and publication and the form of, and the making and determination of claims and objections.

(3) Without prejudice to the generality of subsections (1) and (2), regulations made with respect to the matters therein mentioned may contain provisions—

- (a) authorising a registering officer or enumerator to require any person to give information required for the purpose of his registration duties;
- (b) laying down a time-table for the preparation of registers and other matters, and providing that notices and other documents received by the registering officer out of time may be, or shall be, disregarded either altogether or for the purpose of a particular register or election;
- (c) as to the evidence of citizenship, age, residence or nationality which may be required in connection with the registration of any person;
- (d) as to the evidence which shall or may be required or deemed sufficient or conclusive to show that a person is subject to any physical incapacity and as to its probable duration;
- (e) as to the cases in which a claim or objection may be determined by the registering officer by himself and as to the right of a person aggrieved in any such case to make written representation to him or to the Supervisor of Elections;
- (f) authorising the Supervisor of Elections, or a registering officer, to require the evidence of any person at a hearing before him to be given on oath and to administer oaths for the purpose;
- (g) requiring copies of the annual, quarterly or revised lists of voters or registers of voters and other documents or parts thereof to be available for inspection by the public at any such places as may be specified;
- (h) authorising or requiring a registering officer to supply to such class or category of persons as may be specified, copies of the annual, quarterly or revised lists of voters or registers of voters and other documents or parts thereof, whether free of charge or on payment of any fee;
- (i) as to the steps to be taken to ensure the secrecy of the voting and the safe custody (before and after the count) of the ballot papers returned and other documents;
- (j) any other matter incidental or supplementary to the aforementioned purposes.

(4) All regulations made under this Act shall be subject to a negative resolution to the House of Assembly.

68. The Chief Justice may make such rules dealing generally with all matters of court procedures and matters incidental thereto in respect thereof arising out of the provisions of this Act and for the carrying out of all such matters as he may think fit.

69. All expenses properly incurred by and all remuneration and travelling allowances payable to election officers shall be paid out of monies voted for the purpose by the House of Assembly.

70. Any person who wilfully mutilates, tears down, destroys or obscures any list or notice published in accordance with the provisions of this Act, or who makes any alteration in any copy of a list or notice so published, is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for three months.

71. Nothing contained in this Act shall be deemed to affect the Constitution, term or continuance of the House of Assembly and the same shall continue until dissolved in due course in accordance with the provisions of the Constitution.

72. The House of Assembly (Election Petitions) Rules, 1967, shall remain in force and continue to apply with necessary modifications in relation to any matter arising under this Act until the rules are replaced or modified or amended by the Chief Justice in exercise of the powers under this Act.

[House of Assembly (Election Petition) Rules.]

Schedule

[Sections 30 and 31.]

Forms

FORM 1

[Section 30.]

Oath of Election Officers

I,....., having been appointed (returning officer/presiding officer as the case may be) for the constituency/polling station of..... swear that I shall faithfully perform the duties pertaining to the said office of according to law, without partiality, fear, favour or affection and that I shall maintain and aid in maintaining secrecy in connection with the election.

SO HELP ME GOD

.....
Justice of the Peace

.....
Returning Officer/Presiding Officer
(as the case may be)

FORM 2
[Section 31.]
Writ of Election

By His ExcellencyGovernor-General
of Saint Vincent and the Grenadines. To the Returning Officer for the Constituency of
.....

GREETINGS:

Whereas by section 31 of the Representation of the People Act it is provided that for the purposes of every election, the Governor-General shall issue a writ under the Public Seal

..... addressed to the returning officer of the constituency for which the election is to be held.

*And whereas the seat(s) of the under-mentioned member(s) for the constituency of/..... has/have become vacant for the reason(s) stated below—

Now therefore, I,.....Governor-General as aforesaid, do hereby require that notice of the time and place fixed for the nomination of candidates having been first duly given by you as required by law, you do on theday of....., 20....., which said day shall be nomination day in the said constituency of cause election to be made according to law of a member to serve in the House of Assembly for the said constituency of.....and that, if necessary you do cause a poll to be taken on the.....day of..... 20....., and that you do cause the name of such member or members when so elected to be certified to me not later than the..... Given under my hand and the Public Seal of Saint Vincent and the Grenadines thisday of, 20.....

.....
Governor-General

Endorsement on a writ
.....Received the within writ this.....day of,20.....

.....
Returning Officer

* Delete if inapplicable.
