

I assent.

JOHN GUTCH,

Officer Administering the
Government.

3rd April, 1953.

ORDINANCE No. 5 OF 1953.

AN ORDINANCE to make provision for the election of Members of the House of Assembly and for purposes connected therewith.

[7th April, 1953.]

A.D. 1953

BE IT ENACTED by the Governor of British Guiana, with the advice and consent of the Legislative Council thereof, as follows:—

Short
title

1. This Ordinance may be cited as the Representation of the People Ordinance, 1953.

Interpre-
tation.

2. In this Ordinance —

“the House of Assembly” means the House of Assembly of British Guiana constituted by the British Guiana (Constitution) Order in Council, 1953;

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

“electoral district” means an electoral district constituted and defined in pursuance of the British Guiana (Constitution) Order in Council, 1953;

- “polling division” means any polling division constituted in accordance with section six of this Ordinance;
- “public office” means any office of emolument in the public service;
- “public service” means the service of the Crown in respect of the Government of the Colony;
- “Registration Officer” means the person appointed by the Governor under the provisions of subsection (1) of section six of the Special Registration Ordinance, 1952;
- “voter” means any person whose name is in the official list of voters for a polling division.

No. 7 of
1952.

Applica-
tion of
provisions
of this
Ordinance
and of the
Legisla-
tive
Council
(Elections)
Ordinance,
1945.
No. 13 of
1945.

3. (1) The provisions of this Ordinance, and, subject to the provisions thereof and of any Regulations made thereunder, the provisions of the Legislative Council (Elections) Ordinance, 1945, shall apply to the election of Members of the House of Assembly.

(2) The provisions of Parts I and II of the Legislative Council (Elections) Ordinance, 1945, (sections three to thirty-three inclusive) and the provisions of the Legislative Council (Elections) Regulations, 1945, as amended from time to time shall not apply to the election of Members of the House of Assembly.

Register of
voters not
to be
prepared
in 1953.
No. 13 of
1945.

4. Notwithstanding anything to the contrary, no register of persons entitled to vote at the election of a member of the Council for any electoral district shall be made up in the year nineteen hundred and fifty-three in the manner provided by the Legislative Council (Elections) Ordinance, 1945, or any Regulations made thereunder.

Compli-
ance with
certain
require-
ments of
the Legis-
lative
Council
(Elections)
Ordin-
ance, 1945,
dispensed
with.
No. 13 of
1945.

5. Notwithstanding anything to the contrary, no person shall be required or be deemed to have been required at any time to serve any notice or to do any act in relation to the making up in the year nineteen hundred and fifty-three of any register of persons entitled to vote at the election of members of the Council for any electoral district in the manner provided by the Legislative Council (Elections) Ordinance, 1945, or any Regulations made thereunder.

Regis-
tration
areas
under the
Special
Revisal
Ordin-
ance, 1953,

6. (1) There shall be constituted in each electoral district so many polling divisions as the Registration Officer may appoint.

(2) Every registration area constituted under the provisions of section four of the Special Revisal Ordinance, 1953, shall for all purposes be deemed to be a polling division constituted under subsection (1) of this section and comprised in the electoral

constituted,
polling
divisions.
No. 2 of
1953.

district constituted in accordance with the provisions of the British Guiana (Constitution) Order in Council, 1953.

Finally revised list under the Special Revisal Ordinance, 1953, to be official list subject to certain qualifications.
No. 2 of 1953.

7. (1) Subject to the provisions of section twenty-seven of this Ordinance, the official list of voters for any polling division shall be the finally revised list of qualified persons (as defined in section two of the Special Revisal Ordinance, 1953) for the registration area constituted under that Ordinance.

(2) The revised preliminary list for that registration area together with such portion of the list or lists in respect of that registration area certified or purporting to be certified in accordance with the provisions of subsection (3) of section fifteen of the Special Revisal Ordinance, 1953, shall be deemed to be the finally revised list referred to in subsection (1) of this section and to have been validly prepared and revised notwithstanding any contravention or failure to comply with any of the provisions of the Special Revisal Ordinance, 1953, or notwithstanding any irregularity relating to or connected with —

- (a) the compilation, printing, publication or certification of any preliminary list required by the Special Revisal Ordinance, 1953, to be compiled, printed, published or certified; or
- (b) the inclusion in, omission from, or mis-statement of the name of any person or of any particulars relating to any person in, any such preliminary list; or
- (c) the giving of any notice, the making of any claim or objections, the publication of any list of claims or objections, or the doing or omission to do any other act whether similar to the foregoing or not, required to be done preparatory to the revision of any such preliminary list; or
- (d) the addition to or deletion from, any such list of the name of any person, or the making of any amendment to any such list, by or under the direction of any revising officer or of the Registration Officer at any time before the day upon which the list containing the names and particulars relating thereto in respect of that registration area purports to have been certified in accordance with the provisions of subsection (3) of section fifteen of the Special Revisal Ordinance, 1953.

No. 2 of 1953.
Powers and duties of the Registration Officer.

8. The Registration Officer shall —

- (a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Ordinance;

- (b) issue to election officers such instructions as from time to time he may deem necessary to ensure effective execution of the provisions of this Ordinance;
- (c) execute and perform all other powers and duties by this Ordinance as are conferred and imposed upon him.

9. (1) The Governor shall from time to time appoint a fit and proper person to be the returning officer of each electoral district and may at any time cancel any such appointment. Each such returning officer shall be a Commissioner of Oaths for the purposes of this Ordinance. **Appointment of returning officers.**

(2) If any returning officer shall, by illness or other cause, be prevented from performing his duties, or shall refuse or neglect to do so at any election, the Governor may at any time appoint some fit and proper person to act in the place of such returning officer at such election.

(3) Forthwith upon his appointment each returning officer shall take and subscribe an oath in the form set out as Form No. 1 in the First Schedule to this Ordinance, and shall transmit such oath to the Registration Officer. **Form No. 1 First Schedule.**

(4) Every appointment or cancellation of appointment of a returning officer shall be notified in the *Gazette*.

(5) The returning officer shall, on the occasion of any election, have an office within his electoral district.

10. (1) The returning officer of every electoral district shall, on the occasion of any contested election, appoint a presiding officer and an assistant presiding officer for each polling-place in his district. **Appointment of presiding officers and assistant presiding officers.**

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

(3) Forthwith upon his appointment each presiding officer and each assistant presiding officer shall take and subscribe an oath in the form set out as Form No. 2 and Form No. 3 respectively in the First Schedule to this Ordinance and shall transmit such oath to the returning officer. **Form No. 2 First Schedule. Form No. 3 First Schedule.**

11. (1) The returning officer of every electoral district shall appoint such number of poll clerks as he may deem necessary for each polling-place in such district. **Poll clerks.**

(2) Forthwith upon his appointment every poll clerk shall take and subscribe an oath in the form set out as Form No. 4 in the First Schedule to this Ordinance. **Form No. 4 First Schedule.**

12. Every election officer and every person who is required by this Ordinance to take an oath may take such oath either before the Registration Officer or a Justice of the Peace or before any returning officer, presiding officer, assistant presiding officer or poll clerk appointed in accordance with the provisions of this **Oaths to be taken before the Registration Officer or**

Justice of the Peace, returning officer, presiding officer, assistant presiding officer or poll clerk.

Ordinance and every such returning officer, presiding officer, assistant presiding officer and poll clerk is hereby authorised and empowered to administer any oaths required by this Ordinance to be made by any election officer or other person.

Writs of election.

13. (1) The Governor shall, for the purpose of every general election of Members of the House of Assembly and of the election of Members to fill vacancies caused by death, resignation or otherwise, issue writs of election, under the public seal of the Colony, addressed to the returning officers of the respective electoral districts for which Members are to be returned.

(2) A writ of election shall specify —

- (a) the day and place on and at which the returning officer is to receive the nomination of any duly qualified candidate or candidates who have in accordance with the provisions of this Ordinance been allocated symbols and where required by section forty-four of this Ordinance, colours, for the seat to be filled;
- (b) the day on which a poll shall be taken, if two or more candidates stand nominated; and
- (c) the day on which the writ shall be returnable to the Governor.

(3) The day to be specified in the writ for the taking of a poll shall be the tenth day after the day specified in the writ for the receiving of nominations and in the determination of such tenth day public holidays shall be included:

Provided that where the tenth day as aforesaid is a public holiday, the day to be specified in the writ for the taking of the poll shall be next following day not being itself a public holiday.

(4) At a general election of Members of the House of Assembly the day specified in the writs of election for the receiving of nominations of candidates, or for the taking of a poll, shall be the same in all electoral districts.

(5) The Colonial Secretary shall, forthwith on the issue by the Governor of a writ of election for any electoral district, give notice of the issue of the writ, of the day, hour and place on and at which the returning officer will attend and receive the nomination of any duly qualified candidate or candidates who have in accordance with the provisions of this Ordinance been allocated symbols and where required by section forty-four of this Ordinance, colours, for the seat or seats to be filled and of the day on which a poll will be taken if two or more candidates stand nominated for the seat to be filled.

(6) The notice required to be given under subsection (5) of this section shall be given by publication, at least seven clear days before the day specified for the receiving of nominations, in the *Gazette* and two daily newspapers circulating in the Colony.

(7) Nothing in subsection (4) of this section shall affect the provisions of section twenty-two of this Ordinance.

14. Upon receipt of a writ of election the returning officer shall proceed to hold the election thereby directed.

Returning officer to hold election directed by writ. Returning officer to give notice of day and place for nomination of candidates.

15. (1) The returning officer shall give at least seven clear days' notice in the manner hereinafter provided of the day and place specified in the writ of election for the receiving of nominations, and of the hour prescribed for the purpose in section sixteen of this Ordinance. In such notice the returning officer shall specify the situation of his office.

(2) Notice under this section shall be given by causing placards to be affixed in a conspicuous position on such churches, chapels, court-houses, post offices and police stations in the electoral district as the returning officer may deem necessary.

16. (1) On the day and at the place specified in the notice under section fifteen of this Ordinance the returning officer shall attend during the whole period between the hours of nine and eleven in the forenoon, and receive the nominations of any duly qualified candidate or candidates who have in accordance with the provisions of this Ordinance been allocated symbols and where required by section forty-four of this Ordinance colours, for the seat to be filled.

Attendance of returning officer to receive nominations.

(2) No nomination shall be received before the hour of nine or after the hour of eleven in the forenoon.

17. (1) A candidate shall be nominated in writing by a proposer and a seconder.

Nomination of candidates.

(2) The proposer and the seconder shall be persons whose names appear in any of the official lists of the polling divisions comprised in the electoral district.

(3) The nomination paper of a candidate, which shall be in the form set out as Form No. 5 in the First Schedule to this Ordinance shall be handed to the returning officer in the joint presence of the proposer and the seconder of the candidate by the candidate or the proposer or the seconder.

Form No. 5 First Schedule.

(4) At the hour of eleven in the forenoon on the day specified for receiving the nomination of candidates, the returning officer shall, subject to the provisions of subsection (2) of section eighteen of this Ordinance, prepare a list of the names of the several candidates who have been duly nominated, and he shall deliver to every candidate or to the election agent of a candidate applying therefor, a duly certified copy of the list as aforesaid:

Provided that where at the hour of eleven as aforesaid any one of the candidates has not delivered or caused to be delivered the declaration of his qualification under section eighteen of this Ordinance, the acts required to be performed under this subsection by the returning officer shall not be so performed until after the expiration of the time limited by subsection (1) of section eighteen of this Ordinance, for the delivery of such declaration,

Delivery by candidate of declaration of his qualification.

Form No. 6 First Schedule.

18. (1) Every candidate nominated at any election of a Member of the House of Assembly shall, at the time of nomination, or within forty-eight hours after the hour of eleven in the forenoon of the day on which the nominations were received, deliver or cause to be delivered, to the returning officer either personally or to his clerk at his office, a statutory declaration made and subscribed by such candidate of his qualification made before a Commissioner of Oaths or a Justice of the Peace in the form set out as Form No. 6 in the First Schedule to this Ordinance.

(2) If such statutory declaration is not delivered as aforesaid, the nomination of the candidate shall be null and void.

(3) After an election, the returning officer shall forward to the Clerk of the House of Assembly the statutory declaration or declarations of the candidate or candidates.

(4) Any person who is convicted of making a false declaration under this section shall not, for a period of seven years after the date of the conviction, be eligible to be elected as a Member of the House of Assembly.

Election of candidates on the day of nomination.

19. If at the hour of eleven in the forenoon on the day specified for receiving the nomination of candidates only one candidate stands duly nominated in the electoral district, and such candidate has delivered his statutory declaration of his qualification under subsection (1) of section eighteen of this Ordinance, the returning officer shall forthwith declare the candidate to have been duly elected, and where at the hour of eleven of the clock as aforesaid he has not so delivered the declaration of his qualification the returning officer shall, on his delivering the said declaration within the time limited by subsection (1) of section eighteen of this Ordinance, forthwith declare the candidate to have been duly elected.

Appointment of a day for the holding of election in the case of a contest.

20. If at the hour of eleven of the clock in the forenoon of the day specified for receiving the nomination of candidates two or more candidates stand duly nominated in the electoral district, the returning officer shall thereupon appoint a day, being the day specified in the writ for the purpose of the taking of the poll, for the holding of the contested election:

Provided that no poll shall be taken where only one of the candidates complies with the provisions of section eighteen of this Ordinance, and in that case the returning officer shall, forthwith after the expiration of the time limited in subsection (1) of section eighteen of this Ordinance for the delivery of the statutory declaration of qualification declare such candidate to have been duly elected.

Withdrawal of candidate before the polling day.

21. (1) If any candidate duly nominated desires to withdraw from his candidature before the day appointed by the returning officer for the holding of the contested election, he may do so on filing with the returning officer a declaration in writing to that effect signed by himself and attested by the signatures of two registered voters in the electoral district.

(2) (a) When a candidate has withdrawn after nomination day the returning officer shall advise, by letter, telegraph or telephone, each presiding officer of his electoral district of the

withdrawal, and, when time permits, shall deliver or cause to be delivered to each presiding officer a printed notice of the withdrawal.

(b) On polling day each presiding officer shall post up a copy of the printed notice of withdrawal in a conspicuous position in his polling-place, and if time does not permit of the printing and the delivery of such notice, the presiding officer, upon being advised by letter, telegram or telephone by the returning officer of the withdrawal of any candidate, shall himself prepare by hand a notice to that effect and post it up in a conspicuous position in his polling-place.

(c) The presiding officer or the assistant presiding officer shall, when delivering a ballot ticket to each voter, inform such voter of the withdrawal of the candidate.

(3) If on such withdrawal, only one candidate stands duly nominated in the electoral district, the returning officer shall thereupon, if the candidate has complied or on his compliance with the provisions of section eighteen of this Ordinance, declare such remaining candidate to have been duly elected.

22. If any candidate nominated shall die before the day appointed for the holding of the election, the returning officer shall, upon being satisfied of the fact of such death, countermand the notice of the holding of the election, and all the proceedings with reference to the election shall be commenced afresh in all respects as if the writ had specified as the day for the receiving of nominations the tenth day after the day upon which proof was given to him of the death of the candidate, and in the determination of such tenth day public holidays shall be included:

Death of candidate before the day appointed for the holding of a contested election.

Provided that where the tenth day as aforesaid is a public holiday, the day for the receiving of such nominations shall be the next following day not being itself a public holiday; and

Provided further that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the notice of the holding of the election.

23. The returning officer shall establish for each polling division in an electoral district so many polling-places as the Registration Officer may direct, and he shall appoint one of the polling-places to be head polling-place of the district.

Establishment of polling-places.

24. (1) Where more than one polling-place is established for any polling division, the returning officer shall divide the list for the polling division into so many separate lists as there are polling-places in the polling division.

Division of lists.

(2) Where any list is divided in accordance with the provisions of subsection (1) of this section, there shall be displayed at the polling-place to which any such division of the list relates the names upon such division of the list.

(3) Subject to the provisions of sections twenty-six, twenty-seven and twenty-eight of this Ordinance where any list is divided in accordance with the provisions of this section, every voter shall vote, if he vote at all, at the polling-place to which is allotted the division of the list upon which his name appears.

Voters to vote only in division upon list for which their names appear.

25. (1) Subject to the provisions of sections twenty-six, twenty-seven and twenty-eight of this Ordinance, no person shall be entitled to vote in any polling division, unless his name appears upon the official list of voters for that polling division.

(2) Every qualified person whose name appears upon the official list for any polling division shall be entitled to vote in that polling division, notwithstanding that he is not resident in that polling division upon the day of the election:

Provided, however, that no person shall vote in more than one electoral district or in more than one polling division in the same electoral district.

Place and manner of voting as voter.

26. (1) All persons voting at the election of a Member of the House of Assembly shall do so in person at the polling-place allotted to them under section twenty-four of this Ordinance, except in so far as this section makes exceptions for those unable or likely to be unable to go in person to the polling-place for one of the following reasons:—

- (a) the particular circumstances of that person's employment at the date of the poll either as a member of the Police Force, Special Reserve Police Force, Volunteer Force or as a rural constable or, for a purpose connected with the election, by the returning officer;
- (b) at a general election, the fact that that person is acting as returning officer for some other electoral district;
- (c) at a general election, the particular circumstances of that person's employment on the date of the poll by the returning officer for some other electoral district for a purpose connected with the election in that electoral district;
- (d) at a general election, the fact that that person is a candidate for some other electoral district;
- (e) the fact that that person is an employee of the Transport and Harbours Department engaged in running a train or vessel on polling day.

(2) A person if unable or likely to be unable to go in person to the polling-place for any of the reasons mentioned in paragraphs (a) to (e) of subsection (1) of this section may vote by proxy.

(3) Any person whose name appears upon the official list of voters for any polling division in either of the two electoral districts set out in Part I of the Third Schedule to this Ordinance may vote at any polling-place in the electoral district in which that polling division is situate.

(4) Any person whose name appears upon the official list of voters for the polling division which, by virtue of section six of this Ordinance, was deemed to be the registration area constituted under the Special Revisal Ordinance, 1953, set out in Part II of the Third Schedule to this Ordinance may vote at any polling-place within that polling division,

Third Schedule Part I.

No. 2 of 1953. Third Schedule Part II.

27. (1) Where any person whose name appears upon the official list for any polling division is entitled to vote in person, but unable or likely to be unable to go in person to the polling-place allotted to him for any of the reasons mentioned in paragraphs (a) and (c) of subsection (1) of section twenty-six of this Ordinance but is able to vote in person at any other polling-place in the electoral district he may give notice thereof to the returning officer in accordance with the provisions of subsection (2) of this section.

Transfer of voters in special cases.

(2) The notice required to be given under subsection (1) of this section shall state the name of the voter, the polling-place in the electoral district allotted to the voter and the polling-place at which he is able to vote and shall be signed by the voter and, in the case of a member of the Police Force, Special Reserve Police Force or Volunteer Force or of a rural constable shall be countersigned by the Commissioner of Police and in all other cases by the returning officer.

(3) On receiving any notice given under subsection (2) of this section the returning officer shall transfer the voter's name to the list for the polling-place at which he desires to cast his vote, and shall give notice to every candidate in his electoral district of any such transfer and to the presiding officer of the polling-place at which the person whose name is so transferred would have been entitled to vote but for the provisions of section twenty-eight of this Ordinance.

28. (1) Every person whose name is transferred, in accordance with the provisions of section twenty-seven of this Ordinance, from any official list to any other official list, or from any division of any official list to any other division of such list shall vote, if he vote at all, at the polling-place on the list of which his name appears after such transfer is made.

Where transferred voter to vote.

(2) Every presiding officer or assistant presiding officer who issues to any person whose name has been transferred from any official list to any other official list, or from any division of any official list to any other division of such list any ballot ticket at any polling-place other than that to which such person's name has been transferred, shall be guilty of an offence against this section and, on summary conviction thereof shall be liable to a fine not exceeding twenty-four dollars or to imprisonment for a term not exceeding one month.

29. (1) A person shall not be entitled to have more than one person at a time appointed as proxy to vote for him at any election of a Member of the House of Assembly.

Proxies.

(2) A person shall not be capable of being appointed to vote, or voting, as proxy at any election of a Member of the House of Assembly unless he is a British subject of full age and not subject to any legal incapacity to vote thereat as a voter, and a person shall not be entitled to vote as proxy at the same election in any electoral district on behalf of more than two voters of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

(3) Subject to the foregoing provisions of this section, any person shall be capable of being appointed proxy to vote at an election of a Member of the House of Assembly and may vote in pursuance of the appointment.

Form No. 7
First
Schedule.

(4) The appointment shall be made by the returning officer by means of a proxy paper issued by him on the application of the voter, in the form set out as Form No. 7 in the First Schedule to this Ordinance and it shall be the duty of the returning officer to issue a proxy paper in the form set out as Form No. 8 in the First Schedule to this Ordinance in pursuance of any application duly made to him if he is satisfied —

Form No. 8
First
Schedule.

(a) that the applicant's name appears on the official list of voters for the polling division in respect of which the application is made and that he is entitled in respect thereof to have a proxy appointed; and

(b) that the proxy is capable of being and willing to be appointed.

Form No. 9
First
Schedule.

(5) The appointment may be cancelled by the voter by giving notice to the returning officer in the form set out as Form No. 9 in the First Schedule to this Ordinance and shall cease to be in force on the issue of a proxy paper appointing a different person to vote for him.

(6) On receiving a notice of cancellation under subsection (5) of this section the returning officer shall forthwith notify the person whose appointment is thereby cancelled of the cancellation thereof.

(7) Stamp duty shall not be chargeable on any instrument appointing a proxy under this section.

(8) The returning officer shall keep a record of voters for whom proxies have been appointed and of the names and addresses of the persons appointed.

Place and
manner of
voting as
proxy.

30. (1) A person voting as proxy for a voter shall do so in person at the voter's polling place.

(2) No person shall be permitted to vote as proxy for any other person unless he first surrenders to the presiding officer his instrument of appointment as proxy to vote on behalf of that person.

Hours of
voting.

31. The poll shall be taken between the hours of six of the clock in the morning and six of the clock in the afternoon.

Poll at
election.

32. (1) In the case of a poll at an election of a Member of the House of Assembly the votes shall be given by ballot.

(2) The ballot of each voter shall consist of a ticket (in this Ordinance referred to as a ballot ticket).

(3) Each ballot ticket shall have a number printed on the face and shall have attached to it a counterfoil with the same number printed on the face.

(4) At the time of voting the ballot ticket shall be marked on the back with an official mark and delivered to the voter within the polling-place, and the number of such voter on the finally revised list shall be marked on the counterfoil.

(5) The voter shall place the ballot ticket in a closed ballot box (hereinafter referred to as a ballot box) bearing thereon the name and the photograph of the candidate for whom he desires to cast his vote and the symbol and where allocated the colour so allocated to that candidate, in the presence of a poll clerk at the polling-place after having shown him the official mark thereon.

(6) Any ballot ticket which has not thereon the official mark, or on which anything except the said official mark, or on which anything except the said number is written or marked by which the voter can be identified, shall be void and not counted.

(7) After the close of the poll the ballot boxes shall be sealed by the presiding officer so as to prevent the introduction of additional ballot tickets and shall so soon as is practicable thereafter be taken charge of by the returning officer, who shall, in the presence of such agents, if any, of the candidates as may be in attendance, open the ballot boxes and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare to be elected the candidate to whom the majority of the votes has been given.

(8) The decision of the returning officer as to any question arising in respect of any ballot ticket shall be final, but shall be subject to reversal on petition questioning the election or return.

(9) The provisions of this section shall also apply to persons voting as proxies.

33. (1) If any voter is incapacitated by blindness or other physical cause from voting in the manner provided by this Ordinance, the officer presiding at the polling-place shall, at the request of such voter, in the presence of the agents of the candidates cause his vote to be cast in the manner directed by such voter and the ballot ticket shall be placed in the appropriate ballot box.

Procedure in case of voter incapacitated by physical cause.

(2) The name and the number in the finally revised list of every voter whose vote is so cast for him, and the reason why it was so cast, shall be entered by the presiding officer on a list which shall be delivered to the returning officer.

34. (1) Where, after the counting of the votes by the returning officer (including re-count) is completed, an equality of votes is found to exist between any candidates at an election in any electoral district, and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall not be entitled to a casting vote but shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Decision by lot in the event of a tie.

(2) Where, on an election petition, it appears that there is an equality of votes between any candidates at any election, and that the addition of a vote would entitle any of those candidates to be declared elected, then—

(a) any decision under the foregoing subsection shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and

- (b) in so far as that question is not determined by such a decision, the court shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

Infringe-
ment of
secrecy.

35. (1) Every officer, clerk and agent in attendance at a polling-place shall maintain and aid in maintaining the secrecy of the voting in such polling-place, 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 in the finally revised list of any voter who has or has not applied for a ballot ticket or voted at that polling-place.

(2) No person shall annoy, molest or otherwise interfere with or attempt to annoy, molest or otherwise interfere with a voter when casting his vote, or otherwise attempt to obtain in the polling-place or within two hundred yards thereof any information as to the candidate for whom any voter in such polling-place is about to vote or has voted, or as to the number on the ballot ticket given to any voter at such polling-place.

(3) 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, without in any way affecting the generality of the foregoing provision, —

(a) shall not attempt to ascertain at such counting the official number on any ballot ticket; or

(b) shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot ticket.

(4) Any person who acts in contravention of any of the provisions of this section shall be liable, on summary conviction thereof, to imprisonment with or without hard labour for any term not exceeding six months, or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Endorse-
ment on
writ of
election of
the return
of the
member
elected.

36. After an election the returning officer shall certify, by endorsement on the writ, the return of the member elected, and shall return to the Governor the writ so endorsed, within the time for that purpose specified therein or, in the case of an election under section twenty-two of this Ordinance forthwith after the result of the election has been declared.

Public
notice of
candidate
elected
and of
number of
votes given
for each
candidate,
where
election
is con-
tested.

37. The returning officer shall, as soon as possible after an election, give public notice, by publication in the *Gazette* and a daily newspaper, of the candidate elected, and, in the case of a contested election, of the number of votes given for each candidate, whether elected or not.

38. (1) All premises to which spirit shop licences, off-licences and railway station or stelling liquor licences have been issued under the Intoxicating Liquor Licensing Ordinance shall be closed and shall be kept closed on polling day. Closing of spirit shops, liquor stores and taverns on polling day. Cap. 107.

(2) No intoxicating liquor shall be sold, offered for sale, or given away, at any premises to which a licence issued under the Intoxicating Liquor Licensing Ordinance applies, at any time between the opening and the closing of the poll on polling day.

(3) No intoxicating liquor shall be supplied to any person at any premises to which a licence issued under the Registration of Clubs Ordinance, 1952, applies, at any time between the opening and closing of the poll on polling day. No. 37 of 1952.

(4) Any person who contravenes any of the provisions of any of the three last preceding subsections shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such imprisonment and fine.

(5) In this section, "intoxicating liquor" has the same meaning as is assigned to the expression in the Registration of Clubs Ordinance, 1952. No. 37 of 1952.

39. (1) Every employer shall, on polling day, permit every voter in his employ to be absent from his work on polling day for a reasonable time in addition to the normal midday meal hour for voting, and no employer shall make any deduction from the pay or other remuneration of any such voter or impose upon or exact from him any penalty by reason of his absence during such period. Employers to allow employees reasonable period for voting.

(2) This section shall extend to the employees of the Transport and Harbours Department except such as are actually engaged in running the trains and vessels and to whom such time cannot be allowed without interfering with the manning of the trains and vessels and the General Manager of the Transport and Harbours Department shall be deemed to be the employer of such employees.

(3) 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 prescribed period for voting, as in this section provided, shall on summary conviction be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

40. The Legislative Council (Elections) Ordinance, 1945, shall, for the purpose of the election of Members of the House of Assembly, be read as if for sections fifty, fifty-one and sixty-seven thereof the following sections were substituted therefor:— Amendment of sections 50, 51 and 67 of the Legislative Council (Elections) Ordinance, 1945. No. 13 of 1945.

"Certain 50. Any person who —

acts to be illegal practices.

(a) votes in person whether as a voter or as proxy, or induces or procures any person to vote whether as a voter or as proxy, at any election, knowing that he or such other person is prohibited by this or any other Ordinance, from voting at such election; or

- (b) applies for the appointment of a proxy to vote for him at any election knowing that he or the person to be appointed is prohibited by this or any other Ordinance, from voting at such election; or
- (c) votes as proxy for some other person at any election knowing that such other person is prohibited by this or any other Ordinance, from voting at such election; or
- (d) before or during an election knowingly publishes a false statement of the withdrawal at such election for the purpose of promoting or procuring the election of another candidate, —

shall be guilty of an illegal practice:

Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed by his agent other than his election agent.

Plural
voting
prohibited.

51. (1) Any person who —

- (a) votes as a voter otherwise than by proxy, either —
 - (i) more than once in the same electoral district at any election; or
 - (ii) in more than one electoral district at a general election; or
 - (iii) in any electoral district at a general election, when there is in force an appointment of a person to vote as his proxy at the election in some other electoral district; or
- (b) applies for a person to be appointed as his proxy to vote for him at any election without applying for the cancellation of a previous appointment of a third person then in force or without withdrawing a pending application for such an appointment;
- (c) votes as a proxy for the same voter either —
 - (i) more than once in the same electoral district at any election; or
 - (ii) in more than one electoral district at a general election,

shall be guilty of an illegal practice.

(2) A person shall also be guilty of an illegal practice if he votes at an election in any electoral district as proxy for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

(3) A person shall also be guilty of an illegal practice if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge would be an offence in that other person under the foregoing subsections of this section.

(4) For the purposes of this section and of section fifty of this Ordinance a person who has applied for a ballot ticket for the purpose of voting in person shall be deemed to have voted:

Provided that for the purpose of determining whether an application for a ballot ticket constitutes an offence under subsection (2) of this section, a previous application made in circumstances which entitle the applicant only to cast a tendered ballot ticket shall, if he does not exercise that right, be disregarded.

(5) A candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this section of any agent of his other than an offence under subsection (3) of this section.

67. (1) The following persons shall be deemed to be guilty of the corrupt practice of personation at an election if he—

- (a) votes in person as some other person whether as a voter or as proxy, and whether that other person is living or dead or is a fictitious person; or
- (b) votes in person as proxy—
 - (i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or
 - (ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.

(2) For the purposes of this section, a person who has applied for a ballot ticket for the purpose of voting in person shall be deemed to have voted."

41. The Governor in Council may make Regulations for the purpose of carrying the provisions of this Ordinance into full effect. Regulations.

42. For the purpose of the election of Members of the House of Assembly— Consequential amendments to be made to the Legislative Council (Elections) Ordinance, 1945.

- (a) The sections of the Legislative Council (Elections) Ordinance, 1945, and Part III of the First Schedule thereto, specified in the first column of the Second Schedule to this Ordinance shall be amended in the manner and to the extent shown in the second column of the said Schedule;
- (b) the words "of this Ordinance" in paragraphs (a), (b) and (c) of section eighty-six of the Legislative

Personation defined.

No. 13 of
1945.

Council (Elections) Ordinance, 1945, as amended in the manner and to the extent shown in the second column of the Second Schedule to this Ordinance, shall be construed as referring to the respective provisions contained in this Ordinance; and

- (c) for the words "Member of the Council", "polling area" and "ballot paper" wherever they occur in the Legislative Council (Elections) Ordinance, 1945, there shall be substituted the words "Member of the House of Assembly", "polling division" and "ballot ticket" respectively.

No. 13 of
1945.

PROVISIONS RELATING TO THE ALLOCATION OF SYMBOLS AND COLOURS FOR THE FIRST ELECTION OF MEMBERS OF THE HOUSE OF ASSEMBLY.

Allocation
of symbols.

43. (1) Subject to the conditions hereinafter provided by this Ordinance, every person desirous of being nominated at the first election of Members of the House of Assembly, (hereinafter referred to as "a candidate") shall, not later than the eleventh day of April, nineteen hundred and fifty-three, be allocated a symbol, and no person to whom a symbol has not been allocated shall be eligible to be nominated as a candidate at such election.

(2) Where a symbol has been allocated to any person, he shall be eligible for nomination as a candidate only in respect of the electoral district for which the symbol has been allocated.

Allocation
of colours.
Fourth
Schedule.

44. (1) Subject to the conditions hereinafter provided by this Ordinance, every candidate shall in respect of an electoral district set out in the Fourth Schedule to this Ordinance, and in respect of no other electoral district, be allocated a colour not later than the eleventh day of April, nineteen hundred and fifty-three, in addition to the symbol to be allocated in accordance with section three of this Ordinance, and no person to whom a colour so required has not been allocated shall be eligible to be nominated at such election in respect of either of such electoral districts.

(2) Where a candidate has been allocated a colour, he shall be eligible for nomination only in respect of the electoral district for which the colour has been allocated.

Application
for allocation
of symbol
and colour
and deposit
to be
made.

45. (1) Subject to the provisions of sections forty-six and forty-seven of this Ordinance, every candidate or any person authorised in writing by him in that behalf shall make application not later than the tenth day of April, nineteen hundred and fifty-three for the allocation of a symbol and, where required by section forty-four of this Ordinance, of a colour in the form set out as Form No. 1 in the Fifth Schedule to this Ordinance.

Form No. 1
Fifth
Schedule.

(2) Prior to the allocation of a symbol or of a colour every candidate shall —

- (a) pay or cause to be paid to the Financial Secretary and Treasurer on deposit the sum of two hundred and forty dollars and shall obtain a receipt therefor; and

(b) supply the Registration Officer with a recent unmounted photograph of the candidate of the size two and one-half inches by two inches duly certified by the candidate to be a true photograph of himself.

(3) Every candidate shall, forthwith at the request of the Registration Officer, furnish such additional copies of the photograph submitted by him in accordance with paragraph (b) of subsection (2) of this section, as the Registration Officer may require, certified in the manner required by that paragraph.

46. (1) Where six or more candidates in respect of different electoral districts desire that a common symbol be allocated to them, they shall make a statutory declaration to that effect in the form set out as Form No. 2 in the Fifth Schedule to this Ordinance, and shall be entitled on compliance with the provisions of this Ordinance to be allocated a common symbol.

Allocation of a common symbol to six or more candidates.

Form No. 2 Fifth Schedule.

(2) Each such candidate shall comply with the provisions of section forty-five of this Ordinance.

(3) Any other candidate to whom a symbol or a symbol and a colour have not been allocated may, not later than the tenth day of April, nineteen hundred and fifty-three, be allocated a common symbol previously allocated to other candidates on complying with the provisions of subsection (2) of section forty-five of this Ordinance and on presentation to the Registration Officer of a statutory declaration in the form set out as Form No. 3 in the Fifth Schedule to this Ordinance made by not less than three of the other candidates to whom the common symbol has already been allocated, that such candidate may be allocated that common symbol:

Form No. 3 Fifth Schedule.

Provided that a candidate shall not be allocated a common symbol if he is a candidate in respect of any of the electoral districts for which any of the other candidates making the statutory declaration required by this subsection is also a candidate.

47. (1) Where prior to the coming into operation of this Ordinance a candidate or a person duly authorised by him in writing in that behalf has made application to the Registration Officer for the allocation of a symbol or a symbol and a colour as the case may be and —

Applications made prior to the coming into operation of this ordinance.

(a) where such application has been made by the candidate or other duly authorised person in respect of a district which for the purposes of this Ordinance is an electoral district; and

(b) such candidate has complied with the provisions of paragraphs (a) and (b) of subsection (2) of section forty-five of this Ordinance, —

such application shall be deemed to have been made under the provisions of subsection (1) of section forty-five of this Ordinance in respect of such electoral district.

(2) Where prior to the coming into operation of this Ordinance six or more candidates have made application in writing to the Registration Officer for the allocation of a common symbol to them or to any other candidate and where such application has been made by the candidates in respect of districts which are for the purposes of this Ordinance electoral districts, that application shall be deemed to have been made under the provisions of subsection (1) or of subsection (3) of section forty-six of this Ordinance as the case may be in respect of such electoral districts.

(3) Any application made in the manner described in subsection (1) of this section may at any time prior to the tenth day of April, nineteen hundred and fifty-three, be withdrawn without prejudice to a fresh application being made in accordance with the provisions of subsection (1) of section forty-five of this Ordinance by the candidate or by any person duly authorised in writing by him in that behalf.

(4) Where a candidate or any person duly authorised in writing by him in that behalf makes a fresh application (as referred to in subsection (3) of this section), and the sum of two hundred and forty dollars, previously paid or caused to be paid by the candidate to the Financial Secretary and Treasurer on deposit in pursuance of the application made by him or on his behalf which has been withdrawn, has not been returned to him or to the person who has made the deposit, that deposit shall be deemed to have been made in respect of the fresh application and the candidate shall in respect of such application be deemed to have complied with the requirements of subsection (2) of section forty-five of this Ordinance.

Allocation of symbols and colours.

48. The Governor shall, in accordance with the provisions of this Ordinance, allocate a symbol and where required by section forty-four of this Ordinance a colour to every candidate who has complied with the provisions of this Ordinance, in respect of the electoral district for which he has requested the allocation.

Notification of symbols and colours allocated.

49. The Registration Officer shall on the allocation of a symbol or of a symbol and colour to a candidate forthwith notify him accordingly.

Publication of notice of symbols and colours allocated.

50. The Registration Officer shall, not later than the fourteenth day of April, nineteen hundred and fifty-three, cause to be published in the *Gazette* a list containing the names, occupations and addresses of the candidates to whom symbols or symbols and colours have been allocated, a description of the respective symbols and colours allocated to those candidates, and the electoral districts in respect of which such allocations have been made.

Register of candidates, symbols and colours.

51. The Colonial Secretary shall keep a register in which shall be recorded the names, occupations and addresses of the candidates to whom symbols or symbols and colours have been allocated, a description of the respective symbols and colours allocated to these candidates, and the electoral districts in respect of which such allocations have been made.

52. A candidate to whom a symbol or a symbol and a colour have been allocated shall be entitled to the sole use at the first election of Members of the House of Assembly of that symbol or that symbol and that colour as the case may be in respect of the electoral district for which such symbol or such symbol and colour have been allocated.

Candidate entitled to sole use of symbol and colour allocated.

53. (1) If any person to whom a symbol or a symbol and a colour have been allocated under section forty-eight of this Ordinance fails to be nominated as a candidate at the first election of Members of the House of Assembly or if the number of votes polled by a candidate at such election who is not elected does not exceed fifteen *per centum* of the total number of votes polled, then, subject to subsection (3) of this section, the deposit made or deemed to have been made by or on behalf of the candidate under subsection (2) of section forty-five of this Ordinance shall be forfeited and shall be paid by the Financial Secretary and Treasurer into the general revenue of the Colony.

Forfeiture of deposit.

(2) For the purposes of subsection (1) of this section the total number of votes polled shall be deemed to be the number of ballot tickets (other than spoilt ballot tickets) counted.

(3) If a candidate dies before the date fixed for nomination or if having been duly nominated he dies before the poll has commenced, the deposit, if made by him, shall be returned to his legal personal representative and, if not made by him, shall be returned to the person by whom the deposit was made.

(4) The deposit shall be returned to the candidate or other person who made the deposit, as the case may be, —

- (a) where the candidate is elected, as soon as he has taken the oath as a Member of the House of Assembly;
- (b) where the candidate is not elected and the deposit is not forfeited under subsection (1) of this section, as soon as practicable after the result of the election is declared.

54. (1) It shall be lawful for any candidate to whom a symbol or a symbol and a colour have been allocated under the provisions of this Ordinance to use, print or attach such symbol or such symbol and colour on or to any document, paper or writing issued or distributed by him or by his agent for the purposes of an election.

Using symbol and colour.

(2) If any person uses for the purposes of any election of any candidate any symbol or colour otherwise than in the manner provided by subsection (1) of this section, he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

55. The House of Assembly (Symbols and Colours) (Elections) Ordinance, 1953, is hereby repealed.

Repeal No. 3 of 1953.

FIRST SCHEDULE

Form No. 1 (Section 9 (3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.

OATH OF RETURNING OFFICER.

I, having been appointed returning officer for the electoral district of..... do swear that I will faithfully perform all the duties of such returning officer in accordance with the provisions of the Representation of the People Ordinance, 1953, and of any regulations made thereunder to the best of my ability.

..... Returning Officer

..... Justice of the Peace (as the case may be).

Date

Form No. 2 (Section 10 (3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.

OATH OF PRESIDING OFFICER.

I, the undersigned, appointed presiding officer for polling-place No. of the electoral district of swear (or solemnly affirm) 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-place casts his ballot ticket in my presence at this election.

SO HELP ME GOD

..... Presiding Officer

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

..... Returning Officer (or as the case may be).

Form No. 3

(Section 10 (3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.

OATH OF ASSISTANT PRESIDING OFFICER.

I, the undersigned, appointed assistant presiding officer for polling-place No..... of the electoral district of swear (or solemnly affirm) that I will act faithfully in my capacity of Poll Clerk or assistant presiding officer, 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-place casts his ballot ticket in my presence at this election.

SO HELP ME GOD

..... Assistant Presiding Officer

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

..... Returning Officer (or as the case may be).

Form No. 4

(Section 11 (2))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.

OATH OF A POLL CLERK.

I, the undersigned, appointed as Poll Clerk for polling-place No. of the electoral district of swear (or solemnly affirm) that I will act faithfully in my capacity of Poll Clerk and also in that of assistant 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-place casts his ballot ticket in my presence at this election.

SO HELP ME GOD.

..... Poll Clerk

Sworn (or affirmed) before me at this day of 19....

..... Presiding Officer (or as the case may be)

Form No. 5 (Section 17 (3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.
NOMINATION PAPER.

I,the undersigned,
of in the county of
whose name appears in the official list for polling division
.....of the electoral district of
do hereby propose the following person as a proper person to serve as
member for the said district in the House of Assembly.

Surname	Other Name	Abode	Rank, Profession or Occupation.

(Signed)

I,the undersigned,
of in the county of
whose name appears in the official list for polling division.....
.....of the electoral district of
do hereby second the nomination of the abovementioned.....
..... as a proper person to serve for the
said district in the House of Assembly.

(Signed).....

Form No. 6 (Section 18 (1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.
STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF THE HOUSE OF ASSEMBLY.

Qualification of
of
in the county of
nominated as a candidate for election as a member of the House of Assembly for the electoral district of

I,
of
in the county of
do solemnly and sincerely declare as follows —
That I am duly qualified to be elected as a member of the House of Assembly for this electoral district, and that —

1. I am a British subject of the full age of twenty-one.
2. I have resided in the Colony for a period of at least two years immediately prior to the date of my nomination for election.
3. I am domiciled in the Colony and was resident in the Colony at the date of my nomination for election.
4. I am able to speak and read the English language.
5. I am able to speak the English language, but am incapable by . . . (blindness) (or other physical cause) . . . from being able to read it.
6. I am not by any act on my part under any acknowledgement of allegiance, obedience or adherence to a foreign Power or State.
7. I am not the holder of nor acting in an office of emolument under the Crown.
8. I am not a party to, or a partner in any firm, nor a director nor manager of any company, which is a party to, any contract with the Government of the Colony for or on account of the public service.
9. I am a (party to) (partner in) (director of) (manager of), which is a party to (a contract) (contracts) with the Government of the Colony for or on account of the public service and I have on the day of published in the English language in the **Gazette** and in (here state name of a newspaper circulating in the electoral district for which the declarant is a candidate) a notice setting out the nature of such (contract) (contracts), and (my interest) (the interest of) therein.
10. I am not an undischarged bankrupt.
11. I am not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity.
12. I am not disqualified for membership of the House of Assembly under any law in force in the Colony relating to offences connected with elections.
13. I do not hold nor act in any office the functions of which involve any responsibility for or have any connection with the conduct of any election or responsibility for the compilation or revision of any electoral register.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Ordinance.

Signed
(Declarant)

Declared before me
at
This day of 19

Signed
(Commissioner of Oaths or Justice of the Peace)

Note:— Paragraph 3 of the above statutory declaration is alternative to paragraph 2, paragraph 5 is alternative to paragraph 4 and paragraph 9 to paragraph 8.

FORM No. 7

(Section 29(4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.**APPLICATION FOR APPOINTMENT OF PROXY.**

To the Returning Officer for the electoral district of

I (Surname)
(block letters)

(other names)
being entitled to vote by proxy by virtue of service as
..... on polling day hereby apply
for the issue of a proxy paper appointing the following person as proxy
to vote for me:—

Full names

Occupation

Place of Residence

Relationship if
any to voter

Signature Date

Note 1 — Unless you give notice to the returning officer cancelling the appointment, a proxy appointed in consequence of this application will be entitled to vote for you so long as your application continues in force.

Note 2 — A person to be proxy must be a British subject and not subject to any legal incapacity.

A person cannot vote as proxy at an election in any electoral district for more than two voters of whom he or she is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

Form No. 8

(Section 29(4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.**PROXY PAPER.**

Electoral District

Polling-place

(Name of proxy)

(Address)

is hereby appointed as proxy for
(Name of voter)
(No. on official list)

to vote for him/her at the election for the above electoral district.

.....
Returning Officer.

(Address)

Date.....

Form No. 9

(Section 29(5))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.**FORM OF CANCELLATION OF PROXY PAPER.**

To the Returning Officer for the electoral district of.....

 I,
 hereby cancel the appointment of
 of as proxy to vote for
 me at the election for the above electoral district.

(Signed)

(Address)

Date

SECOND SCHEDULE.

Amendments of the Legislative Council (Elections) Ordinance, 1945, in
 respect of the first election of Members of the House of Assembly.

Section two For the words "the Council" and
 the interpretation thereof substitute the following:—

" "the House of Assembly"
 means the House of Assembly of British Guiana constituted by the British Guiana (Constitution) Order in Council, 1953;"

For the words "electoral district" and the interpretation thereof substitute the following:—

" "electoral district" means an electoral district constituted and defined in pursuance of the British Guiana (Constitution) Order in Council, 1953;"

For the words "polling area" and the interpretation thereof substitute the following:—

" "polling division" means any polling division constituted in accordance with section six of the Representation of the People Ordinance, 1953;"

For the words "public office" and the interpretation thereof substitute the following:—

" "public office" means any office of emolument in the public service;"

No. 5
of 1953.

Insert the following words—

“public service” means the service of the Crown in respect of the Government of the Colony;”

For the word “voter” and the interpretation thereof substitute the following:—

““voter” means any person whose name is in the official list of voters for a polling division.”

Insert the words—

Section thirty-seven
 “or of any other Ordinance relating to the election of Members of the House of Assembly” between the word “Ordinance,” and the word “no” in the second line of subsection (1).

Section thirty-eight
 For the words “one hundred” in subsection (1) substitute the words “two hundred.”

Add the following words at the end of subsection (1)—

“The provisions of this subsection shall not apply to any deposit made in accordance with any other Ordinance relating to the election of Members of the House of Assembly.”

Section thirty-nine
 In subsection (1) for the words “five hundred dollars” substitute the words “one thousand dollars.”

In subsection (2) for the words “under section twenty-one of this Ordinance” substitute the words—

“under any other Ordinance relating to the election of Members of the House of Assembly.”

Section fifty-three
 In subsection (6), for the words “Legislative Council” there shall be substituted the words “House of Assembly.”

Section fifty-eight
 In subsection (1), for the word “Council” there shall be substituted the words “House of Assembly.”

Section seventy-four
 In paragraph (c) of subsection (1) for the word “paper” substitute the word “ticket”.

- Section eighty-one In subsection (3) for the word "Council" substitute the words "House of Assembly".
- Section eighty-six In paragraph (a) for the words "section twenty-seven" substitute the words "section thirty-two".
Delete paragraph (b).
In paragraph (c) delete the words "Part II of" and for the words "Register of Voters" substitute the words "official lists".
- Section ninety-one In subsection (4) for the words "Legislative Council" substitute the words "House of Assembly".
- Part III of the First Schedule .. For the words "five hundred dollars" substitute the words "one thousand dollars".

THIRD SCHEDULE Section 26 (3) and (4)

PART I

- Number 1 Electoral District—North West.
- Number 5 Electoral District—Bartica-Interior.

PART II

- Registration area E 4 (1 and 2) in Number 4 Electoral District—Essequibo Islands.

FOURTH SCHEDULE (Section 44 (1))

ELECTORAL DISTRICTS

- No. 1 North West
- No. 5 Bartica-Interior.

FIFTH SCHEDULE (Section 45 (1))

Form No. 1

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.

BRITISH GUIANA.

To the Registration Officer.

I,..... (name in full)
 (occupation)
 (address)

hereby make application to be allocated a symbol and a colour (strike out last three words if they do not apply) to be used by me in respect of.....
(here state the electoral district for which applicant intends to seek election).

Signed
 Dated

Form No. 2

(Section 46 (1))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.

Statutory Declaration by Applicants in respect of Common Symbol.

We (1)
 (2)
 (3)
 (4)
 (5)
 (6)

} Here state full names, occupations and addresses.

do solemnly and sincerely declare as follows:—

1. We desire that a common symbol be allocated to us to be used by us in respect of the electoral districts appearing opposite our respective names.

Names of Applicants.	Electoral Districts
(1)
(2)
(3)
(4)
(5)
(6)

Signed

.....

.....

.....

.....

.....

} Declarants.

Declared at.....
 thisday of

Before me

.....
 Commissioner of Oaths.

Note. (1) This declaration is exempt from Stamp Duty, and no fee shall be charged, paid or received for taking it.
 (2) Statutory Declarations Ordinance (Chapter 255), section 4. "Every one who makes a declaration according to this Ordinance containing any statement false in fact, which he knows or believes to be false or does not believe to be true, shall be guilty of a misdemeanour, and, on conviction thereof, shall be liable to imprisonment with or without hard labour for any term not exceeding one year."

Form No. 3

(Section 46 (3))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1953.

Statutory Declaration by persons to whom a common symbol has already been allocated.

We (1) } Here state full names, occupations and addresses.
(2)
(3)

do solemnly and sincerely declare as follows:—

1. We have been allocated a common symbol(state nature of symbol) in respect of Electoral Districts
(1) } Here state Electoral Districts for candidates in order in which their names appear above.
(2)
(3)

2. We desire that the abovementioned symbol be also allocated to } Here state names, occupations and addresses
.....
.....

in respect of electoral districts..... respectively.

Signed } Declarants
.....
.....

Declared at
this day of
.....

Before me
.....
Commissioner of Oaths.

Note (1) This declaration is exempt from Stamp Duty, and no fee shall be charged, paid or received for taking it.
(2) Statutory Declarations Ordinance (Chapter 255), section 4; "Every one who makes a declaration according to this Ordinance containing any statement false in fact, which he knows or believes to be false or does not believe to be true, shall be guilty of a misdemeanour, and, on conviction thereof, shall be liable to imprisonment with or without hard labour, for any term not exceeding one year."