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THE REGISTRATION REGULATIONS 1964

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REGULATIONS

MADE UNDER

THE BRITISH GUIANA (REGISTRATION) ORDER 1964**THE REGISTRATION REGULATIONS 1964**

In exercise of the powers conferred by section 2 of the British Guiana (Registration) Order 1964 the Governor in his discretion has made the following regulations—

PART I. PRELIMINARY

1. These regulations may be cited as the Registration Regulations, 1964, and shall come into operation on the eighth day of April, 1964. Citation and commencement.

2. (1) The provisions of the Interpretation Ordinance shall apply for the purpose of interpreting these regulations as they apply for the purpose of interpreting an Ordinance. Interpretation.
(Cap. 5)

(2) In these regulations, unless the context otherwise requires—

“applicant” means an applicant to be registered and
“application” shall be construed accordingly;

“Chief Registration Officer” means the person appointed as such under sub-paragraph (a) of paragraph (1) of regulation 5;

“claimant” means —

(a) a person who submits a claim to be registered or registered correctly by virtue of paragraph (1) or paragraph (2) of regulation 26;

(b) a person on whose behalf a scrutineer submits a claim to be registered by virtue of paragraph (3) of regulation 26;

“Commission” means the Elections Commission constituted and appointed by the Registration (Elections Commission) Regulations 1964;

“correction” includes addition to and deletion from, and
“correct” and “corrected” shall be construed accordingly;

“district” means a registration district as defined by regulation 9;

“division” means a polling division as defined by regulation 10;

“divisional registrar” means —

(a) a divisional registrar for a polling division appointed under sub-paragraph (a) of paragraph (2) of regulation 5;

- (b) a deputy divisional registrar for a polling division so appointed;
- “identity paper” means the identity paper provided for in paragraph (2) of regulation 19.
- “objector” means a person who submits a notice of objection by virtue of regulation 29;
- “Part” means a part of these regulations;
- “preliminary list” means a preliminary list of persons registered in a polling division prepared in accordance with **Part V**;
- “prescribed form” means a form prescribed by the Commission by rule under these regulations;
- “qualified person” means a person possessing the qualifications prescribed by section 3 of the British Guiana (Registration) Order 1964;
- “qualifying date” means the date appointed by paragraph (3) of regulation 11 with reference to which a register is to be compiled;
- “registrar” means —
- (a) a registrar for a registration district appointed under sub-paragraph (b) of paragraph (1) of regulation 5;
 - (b) a deputy registrar for a registration district so appointed;
- “registration officer” means —
- (a) the Chief Registration Officer;
 - (b) a registrar;
 - (c) a deputy registrar;
 - (d) a divisional registrar;
 - (e) a deputy divisional registrar;
- “registration period” means the period appointed by notice under paragraph (1) of regulation 14 for making application for registration;
- “register” means the electoral register of qualified persons for a registration district provided for by regulation 11, and
- “to register”, “registered” and “registration” shall be construed accordingly;
- “regulation” means a regulation of these regulations;
- “scrutineer” means a person appointed as such under paragraph (1) of regulation 21;
- “signature” includes the mark of a person who is unable to write.

(3) The powers of the Governor under these regulations shall be exercised by him in his discretion.

PART II. DUTIES AND APPOINTMENTS

3. (1) The Commission —
- (a) shall enforce on the part of all registration officers fair-

ness, impartiality and compliance with the provisions of these regulations;

- (b) shall issue to registration officers such instructions as they may deem necessary to ensure effective execution of the provisions of these regulations;
- (c) may, with the consent of the Governor, confer powers and impose duties on any public officer or on any authority of the Government for the purpose of the discharge of their functions;
- (d) may regulate their own procedure;
- (e) may by rule prescribe forms for use under these regulations, which shall be published in the Gazette;
- (f) may if they think it necessary or desirable so to do, extend the time for the doing of anything under these regulations and the following provisions shall have effect in relation to that power, namely —
 - (i) it may be exercised either generally or specially;
 - (ii) it may be exercised so as to make valid anything already done after the expiration of the time allowed;
 - (iii) the Commission shall, as soon as practicable, after any exercise of the power, publish in the Gazette a notification thereof including the effect of the extension, a brief statement of the reasons therefor, and, in the case of a special exercise of the power, the party or persons concerned;
- (g) shall or may exercise such other powers and discretions and discharge such other duties as they are required or empowered to exercise and discharge by these regulations.

(2) In the exercise of their functions under these regulations the Commission shall be subject to the general orders and direction of the Governor but shall not be subject to the direction or control of any other person or authority.

4. At any meeting of the Commission a quorum shall be constituted if two members are present; and if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid notwithstanding that some person who was not entitled so to do took part therein:

Quorum at meetings of Commission.

Provided that any decision of the Commission shall require the concurrence of at least two members thereof.

5. (1) The Commission shall appoint —

- (a) a Chief Registration Officer; and
- (b) for each registration district, a registrar and such deputy registrars as they may consider necessary or desirable.

Appointment of registration officers and staff.

(2) The Chief Registration Officer shall appoint —

- (a) for each polling division, a divisional registrar and such deputy divisional registrars as he may consider necessary or desirable;

(b) such other public officers as he may consider necessary or desirable for the implementation of these regulations.

(3) Notification of appointments made under paragraph (1) of this regulation shall be published in the Gazette.

(4) Appointments made under paragraph (2) of this regulation shall be subject to the approval of the Commission.

(5) No member of the legislature shall be appointed a registration officer.

Performance of duties by registration officers.

6. All registration officers shall, in the exercise of the powers and discretions vested in them and of the duties required to be discharged by them, be responsible to the Commission.

Oaths.

7. (1) Every registration officer shall, forthwith upon his appointment and before performing any of his functions under these regulations, take an oath, in the prescribed form, before a Justice of the Peace, the Chief Registration Officer, or a registrar.

(2) Every Justice of the Peace, the Chief Registration Officer and every registrar is authorised and empowered to administer any oath required by these regulations.

Provided that neither the Chief Registration Officer nor any registrar shall administer an oath until he has taken the oath prescribed by paragraph (1) of this regulation.

Appointment of additional magistrates.

8. (1) The Governor may, for the purpose of hearing and determining appeals under Part VII, appoint fit and proper persons to be additional magistrates.

(2) For the avoidance of doubt, it is declared that an additional magistrate appointed under paragraph (1) of this regulation, shall have, when hearing and determining appeals under Part VII, all the powers and jurisdiction of a magistrate appointed under the Summary Jurisdiction (Magistrates) Ordinance.

(Cap. 12)

PART III. ELECTORAL REGISTERS

Constitution of districts.

9. Each district constituted and defined as an electoral district by order of the Governor dated the eighth day of February, 1961 shall be deemed to be a registration district for the purposes of these regulations.

Constitution of divisions.

10. (1) Subject to the provisions of paragraph (2) of this regulation, each polling division appointed, prior to the making of these regulations, by the Chief Electoral Officer for the purposes of the Electoral Provisions (Registration) Ordinance, 1961 shall be deemed to be a polling division for the purposes of these regulations.

(No. 10 of 1961)

(2) The Chief Registration Officer, subject to the approval of the Commission —

(a) may re-divide any district into new polling divisions with such boundaries as he may appoint;

(b) may alter the boundaries of any polling division;

- (c) shall publish in the Gazette, not later than the twenty-second day of April, 1964 a notice specifying such new polling divisions and the boundaries thereof and any alterations of boundaries of polling divisions.

(3) Each polling division shall bear such numerical or other designation as may be approved by the Commission.

11. (1) There shall be a register of qualified persons for each district.

(2) Every register shall contain a separate part for each division in the district.

(3) Every register and every part thereof shall be compiled in accordance with the provisions of these regulations with reference to the sixth day of June, 1964.

Establishment of a register for each district and the qualifying date.

12. No person shall be qualified to be registered who on the qualifying date is disqualified from registration as an elector under the Electoral Provisions (Registration) Ordinance, 1961 by reason of his having committed an offence against any law in force in the Colony relating to offences connected with elections.

Disqualification for registration by reason of offences connected with elections. (No. 10 of 1961)

13. (1) A qualified person —

(a) shall be entitled to be registered in the division in which he is ordinarily resident on the date of his application;

(b) shall not be entitled to be registered —

(i) in any other part of the register;

(ii) in any part of any other register; or

(iii) to be registered more than once.

Registration only in division where resident.

(2) No person shall be entitled to be registered unless and until he has complied with the requirements of regulations 17 and 18.

(3) Subject to this regulation, the question as to whether a person is or was ordinarily resident at any material time or during any material period shall be determined by reference to all the facts of the case.

(4) The place of ordinary residence of a person is generally that place which has always been, or which he has adopted as, the place of his habitation or home to which place, when away therefrom, he intends to return. Specifically, when a person normally sleeps in one place and has his meals or is employed in another place, the place of residence is where the person sleeps.

(5) Generally, a person's place of residence is where his family is; if he is living apart from his family, with the intent to remain so apart in another place, the place of residence of such person is such other place.

(6) Temporary absence from a place of residence does not cause a loss or change of place of residence. But where a person is, by reason of his employment, absent on the date of his application from the place where he is ordinarily resident, he shall be deemed, if he so elects, to be

ordinarily resident, for the purposes of these regulations, at the place of his employment instead of at his place of residence.

PART IV. APPLICATIONS FOR REGISTRATION

Notice of registration.

14. (1) The Chief Registration Officer shall, not later than the twenty-seventh day of April, 1964, publish a notice, in the Gazette and in not less than three successive issues of at least two daily newspapers circulating in the Colony, inviting every person believing himself to be qualified to be registered to apply, between the eighth day of May, 1964, and the sixth day of June, 1964, for registration to the divisional registrar of the division in which he is ordinarily resident.

(2) Every divisional registrar shall, forthwith on the publication of a notice given pursuant to paragraph (1) of this regulation, give notice of the dates and times when and place at which persons, believing themselves qualified to be registered in the division of which he is the divisional registrar, may apply to be registered.

(3) The divisional registrar shall —

(a) cause a copy of the notices given pursuant to paragraphs (1) and (2) of this regulation to be affixed to one building in the division of which he is the divisional registrar;

(b) cause such further publication of such notices as he may think desirable to bring their contents to the attention of persons residing in that division.

(4) Notices given pursuant to this regulation shall be in the prescribed form, which may contain in separate parts thereof both the notice required by paragraph (1) and that required by paragraph (2) of this regulation.

Lists of disqualified persons.

15. Every registrar shall, before the registration period, make out and send to each divisional registrar in his district a list containing the names and descriptions of the persons who, though otherwise qualified to be registered in his district, are, on the qualifying date, disqualified under regulation 12.

Divisional registrars to receive applications for registration.

16. Every divisional registrar shall attend on the dates and at the times and place specified in the notice given by him pursuant to paragraph (2) of regulation 14 to receive applications.

Applications for registration to be made personally.

17. Every application shall be made —

(a) personally to the divisional registrar of the division in which the applicant is ordinarily resident on the date of his application;

(b) at the place and during the hours and between the dates specified by the divisional registrar of that division in the notice given by him pursuant to paragraph (2) of regulation 14.

Registration requirements.

18. (1) Every applicant shall —

(a) furnish in writing in the prescribed form, the following particulars, namely —

(i) his surname and other names;

- (ii) the address at which he is ordinarily resident;
 - (iii) his occupation;
 - (iv) his nationality;
 - (v) the date and place of his birth;
 - (vi) his country of domicile on the qualifying date;
 - (vii) the length of his residence in the Colony before the qualifying date;
 - (viii) whether his name is included in the register of electors compiled under the Electoral Provisions (Registration) Ordinance, 1961; (No. 10 of 1961)
 - (ix) such other particulars as the divisional registrar may, in any particular case, reasonably consider necessary for the purpose of enabling him to decide whether the application is qualified to be registered;
- (b) if in possession of a birth or baptismal certificate, produce it, if so required to the divisional registrar;
 - (c) furnish such documentary or other proof of any of the particulars specified in sub-paragraph (a) of this paragraph as the divisional registrar may in any particular case, reasonably consider necessary to satisfy him of the truth thereof;
 - (d) comply with such requirements of the divisional registrar as may be reasonably necessary for the measurement and recording of his height;
 - (e) comply with such requirements of the divisional registrar as may be reasonably necessary for the taking and recording of his left thumb-print, or, if this is not possible, of some other single finger-print;
 - (f) answer any questions which the divisional registrar may, in any particular case, reasonably consider necessary to ask for the purpose of enabling him to decide whether the applicant is qualified to be registered and of preparing an identity paper for the applicant.
- (2) Every application shall —
- (a) be in duplicate;
 - (b) be completed in the presence of the divisional registrar;
 - (c) be signed by the applicant;
 - (d) contain a serial number.

19. (1) If the divisional registrar is satisfied that an applicant who has complied with the requirements of regulations 17 and 18 is qualified to be registered in his division, he shall allow his application.

Allowance of application for registration and issue of identity paper.

(2) The divisional registrar shall prepare in duplicate, and shall deliver in original to a person whose application has been allowed by him, an identity paper which shall

- (a) specify the following particulars of the person to whom it relates, namely —
 - (i) his surname and other names;

- (ii) the address at which he is ordinarily resident;
- (iii) the date and place of his birth;
- (iv) his occupation;
- (v) his sex;
- (vi) his height;
- (vii) the colour of his eyes;
- (viii) any personal distinguishing marks;
- (b) have affixed thereto:—
 - (i) the signature of the person to whom it relates;
 - (ii) the left thumb-print or, if this is not possible, some other single finger-print of that person;
- (c) contain a declaration by the person to whom it relates that the particulars recorded in it are true to the best of his knowledge and belief;
- (d) contain a statement signed by the divisional registrar that he has allowed the application of the person whose particulars are recorded in it;
- (e) be in the prescribed form, which shall be printed as a separate part of the form of application and be separable therefrom by means of perforation;
- (f) contain the same serial number as the form of application.

(3) A person whose application has been allowed may, if he so wishes, deliver, before the preparation of his identity paper, two suitable and identical passport-size photographs of himself, to the divisional registrar. If, in the opinion of the divisional registrar, such photographs represent a true likeness of such person, he shall, on request, affix one such photograph to the original of his identity paper and the other to the duplicate thereof.

(4) The divisional registrar shall retain the duplicate of every identity paper.

Disallowance of application and issue of notice of disallowance.

20 (1) The divisional registrar shall disallow the application of an applicant who —

- (a) has not complied with the requirements of regulations 17 and 18; or
- (b) does not satisfy him that he is entitled to be registered in his polling division.

(2) The divisional registrar shall prepare in duplicate, and shall deliver to a person whose application for registration has been disallowed by him the original of a notice of disallowance in the prescribed form which shall —

- (a) specify the grounds upon which the application has been disallowed;
- (b) be signed by the divisional registrar.

(3) The divisional registrar shall retain the duplicate of every notice of disallowance.

21. (1) Each political party represented in the legislature may nominate by writing under the hand of the secretary of the party, persons for appointment as scrutineers and the Commission shall appoint persons so nominated to be scrutineers: **Scrutineers**

Provided that no one political party may nominate more than one scrutineer for any one division and one scrutineer as chief scrutineer.

(2) The Commission —

(a) shall, at the request of the political party which nominated a scrutineer, remove him from office;

(b) may remove a scrutineer from office, if, in the opinion of the Commission, such scrutineer is unable to perform the functions of his office (whether arising from infirmity of mind or body or any other cause) or has been guilty of misconduct.

(3) A scrutineer shall be entitled to be present at registration proceedings under regulations 16 to 20 in the division for which he is appointed:

Provided that if he is absent such proceedings shall not on that account be invalidated.

(4) A scrutineer may inspect any of the following documents whether completed or not, in the possession of the divisional registrar of the division for which he is appointed, namely —

(a) applications;

(b) identity papers;

(c) notices of disallowance.

(5) A scrutineer shall not interfere with a divisional registrar in the performance of his duties.

(6) A chief scrutineer shall be entitled to be present at registration proceedings in any division and may inspect any of the documents specified in paragraph (4) of this regulation in the possession of any divisional registrar.

22. (1) A divisional registrar may, for the purpose of maintaining order at a place appointed for applying for registration — **Preservation of order.**

(a) regulate the admission of applicants;

(b) exclude all other persons except —

(i) members of the Commission;

(ii) registration officers;

(iii) scrutineers;

(iv) police officers on duty;

(v) such other persons who, in his opinion, have good reason to be admitted;

(c) issue such directions as may reasonably be necessary for such purpose.

(2) If any person (whether entitled to enter or not) misconducts himself at a place appointed for applying for registration or fails to obey the lawful directions of the divisional registrar, he may immediately, by order of the divisional registrar, be removed therefrom by a police officer

or by any other person authorised in writing by the divisional registrar to remove him, and the person so removed shall not, without the permission of the divisional registrar, again enter that place during that day.

(3) Any person removed from a place appointed for applying for registration may if charged with the commission of an offence at that place be dealt with as a person taken into custody by a police officer for an offence without warrant.

PART V. PRELIMINARY LISTS OF REGISTERED PERSONS

Preparation
of preliminary
lists.

23. (1) Every divisional registrar shall, on the expiry of the registration period, prepare in alphabetical order of surnames in the prescribed form, a preliminary list of registered persons for his division in which he shall enter the names, the address, the occupation and the serial number of the identity paper of every person whose application he has allowed.

(2) Every divisional registrar shall, not later than the tenth day of June 1964, send to the registrar of the district in which his division is situated the preliminary list together with—

- (a) the originals and duplicates of all application forms;
- (b) the duplicates of all identity papers; and
- (c) the duplicates of all notices of disallowance.

Publication
of preliminary
lists.

24. (1) Before the sixth day of July 1964, every registrar shall, after comparing the preliminary list with the documents accompanying it and correcting any apparent errors therein, prepare typewritten or stencilled copies of each preliminary list and shall send to each divisional registrar in his division one of such copies certified in the prescribed form.

(2) On the seventh day of July 1964, each divisional registrar shall cause a copy of the preliminary list received from the registrar pursuant to paragraph (1) of this regulation to be affixed to one building in his division, together with—

- (a) a notice to submit claims and objections in the prescribed form;
- (b) a copy of the list of disqualified persons received pursuant to regulation 15.

PART VI. CORRECTION OF PRELIMINARY LISTS

Procedure
for revision
of preliminary
lists.

25. Every preliminary list shall be examined and revised by the registrar of the district in which the division to which it relates is situated in accordance with this Part.

Right to
claim.

26. (1) Any person to whom, in pursuance of paragraph (2) of regulation 19, there has been delivered an identity paper may—

- (a) if his name has been omitted from a preliminary list, submit a claim to be registered;
- (b) if his particulars have been incorrectly entered in a preliminary list, submit a claim to be registered correctly.

(2) Any person to whom, in pursuance of paragraph (2) of regulation 20, there has been delivered a notice of disallowance, may submit a claim to be registered.

(3) A scrutineer may submit a claim on behalf of any person in the division for which he is a scrutineer who has, by virtue of this regulation, a right to submit a claim to be registered or to be registered correctly, as the case may be. Both the scrutineer and the person on whose behalf he submits the claim shall be parties to the claim.

27. (1) A notice of claim pursuant to regulation 26 shall—
- (a) be in writing in the prescribed form;
 - (b) be addressed and sent to the registrar of the district so as to be received by him not later than the twentieth day of July 1964;
 - (c) specify the following particulars of the claimant's identity paper or notice of disallowance, as the case may be, namely—
 - (i) the serial number thereof;
 - (ii) the date of issue appearing thereon;
 - (iii) the division where it was issued;
 - (d) be signed by the claimant or the scrutineer who submits it.

Submission of notice of claim and deposit in certain cases.

(2) Every notice of claim submitted by or on behalf of a claimant to whom a notice of disallowance has been delivered shall be accompanied by a deposit of two dollars.

28. The registrar shall, on the twenty-first day of July 1964, cause to be affixed to one building in each division a list in the prescribed form of claimants in that division.

Publication of lists of claimants.

29. Any person to whom, in pursuance of paragraph (2) of regulation 19, there has been delivered an identity paper by a divisional registrar of a division and any scrutineer for that division may object to the registration of—

Right to object.

- (a) any person whose name is included in the preliminary list for that division;
- (b) any claimant in that division.

30. (1) A notice of objection pursuant to regulation 29 shall—
- (a) be in writing in the prescribed form;
 - (b) be addressed and sent to the registrar of the district so as to be received by him not later than the first day of August 1964;
 - (c) except where the objection is made by a scrutineer, specify the following particulars of the objector's identity paper, namely—
 - (i) the serial number thereof;
 - (ii) the date of issue appearing thereon;
 - (iii) the division where it was issued;
 - (d) specify the names, address and the serial number of the identity paper (if any) of the person against whom objection is made;
 - (e) specify the grounds of objection;
 - (f) be signed by the objector.

Submission of notice of objection and deposit.

(2) Every notice of objection shall be accompanied by a deposit **five dollars**.

Registrar to hold public enquiry in certain cases.

31. (1) Subject to the provisions of paragraph (2) of this regulation, the registrar shall, for the purpose of determining claims and objections duly submitted and received in accordance with the provisions of regulations 26, 27, 29 and 30, and accompanied when thereby required by the stipulated deposit, hold a public enquiry which shall commence not before the fourth day of August, 1964 and not after the seventh day of August 1964.

(2) The registrar may, without holding a public enquiry, allow claims by or on behalf of claimants who have submitted notices of claim by virtue of the provisions of paragraph (1) of regulation 26 if—

- (a) no notice of objection thereto has been submitted; and
- (b) he is satisfied that the claimants are entitled to be registered or to be registered correctly, as the case may be.

(3) The registrar shall—

- (a) cause to be affixed to one building in each division in his district a notice of the commencement of the public enquiry, in the prescribed form;
- (b) send by registered post a notice of hearing in the prescribed form to the parties to each claim and objection to be heard thereat.

Publication of lists of objections.

32. The registrar shall, on the expiry of the period prescribed by regulation 30 for the receipt of notices of objection cause to be affixed to one building in each division in his district a list in the prescribed form of objections in that division.

Right of audience at public enquiry.

33. Any party to a claim or objection shall have the right to appear at the public enquiry and to be heard either in person or by his legal representative or by any other person duly authorised by him in writing in that behalf.

Powers of registrar when holding public enquiry.

34. The registrar, when holding a public enquiry—

- (a) shall have all the powers of a magistrate in relation to the summoning and examining of witnesses and administering or causing to be administered any oath;
- (b) may proceed to hear and determine any claim or objection in the absence of any party to whom notice of hearing has been given pursuant to sub-paragraph (b) of paragraph (3) of regulation 31;
- (c) may at any time adjourn the enquiry as he thinks fit.

Unopposed claims to be heard first.

35. At the public enquiry, the registrar shall—

- (a) first hear and determine all claims in respect of which no notice of objection has been received and which have not been allowed under paragraph (2) of regulation 31.
- (b) then hear and determine all other claims and objections.

Duty of claimants and objectors to produce identity papers and notices of disallowance

36. (1) Every party to a claim or objection to whom an identity paper or notice of disallowance has been delivered, who attends the hearing thereof shall, if so required by the registrar, produce to him his identity paper or notice of disallowance.

(2) Every party to a claim or objection, specified in paragraph

(1) of this regulation, who does not attend the hearing thereof, shall send to the registrar, so as to be received by him before the commencement of the hearing thereof, his identity paper or notice of disallowance.

(3) Except where as a result of the proceedings an identity paper is deemed to be null and void, it shall, at the conclusion of the proceedings, with any corrections thereto consequential upon the decision of the registrar, be returned to the person to whom it relates.

37. If a claim submitted by virtue of paragraph (2) of regulation 26 or an objection is disallowed, the registrar may, if he is of opinion that the claim or objection was made without reasonable cause, order the deposit accompanying the notice of claim or notice of objection, as the case may be, to be forfeited to the Government. If no such order is made the deposit shall be refunded.

Power to order forfeiture of deposit in the event of frivolous claims and objections.

38. If an objection to the registration of a person whose name is included in a preliminary list is allowed by the registrar, the identity paper of such person shall be deemed to be null and void.

Identity paper of person held to be wrongly registered.

39. (1) Subject to the provisions of paragraph (2) of this regulation, the registrar shall, after the allowance of any claims in accordance with paragraph (2) of regulation 31 and after the determination of any claims or objections heard at the public enquiry, make such corrections to the preliminary lists as may be necessary to give effect to his decisions.

Correction of identity papers and preliminary lists on determination of claims and objections.

(2) Before correcting a preliminary list in pursuance of paragraph (1) of this regulation the registrar—

- (a) shall, when he has allowed a claim submitted by or on behalf of a claimant having a right to claim by virtue of sub-paragraph (b) of paragraph (1) of regulation 26, cause to be corrected such particulars as may be necessary in the claimant's identity paper, in the duplicate thereof and in both the original and duplicate of his application;
- (b) may, where he has allowed a claim submitted by or on behalf of a claimant having a right to claim by virtue of paragraph (2) of regulation 26, require the claimant to complete an application and shall cause to be prepared and delivered to him an identity paper;
- (c) shall, where he has allowed an objection to the registration of a person whose name is included in a preliminary list endorse to that effect such person's identity paper, the duplicate thereof and both the original and duplicate of his application.

(3) In so far as they are applicable the provisions of regulations 18 and 19 shall apply *mutatis mutandis* to the completion of applications for registration and the preparation of identity papers under sub-paragraph (b) of paragraph (2) of this regulation.

(4) The registrar shall make such corrections to the preliminary lists by way of rectification of clerical errors, removal of duplicate entries, insertion of entries accidentally omitted, amendment of particulars of entries or otherwise, as are necessary to ensure that the lists are complete and accurate as part of the register.

Certification
of corrected
lists and
constitution
of registers.

40. (1) Upon completion of the correction of each preliminary list the registrar shall—

- (a) certify the corrected list in the prescribed form;
- (b) send the corrected list, so certified, to the Chief Registration Officer;
- (c) cause a copy of the corrected list, so certified, to be affixed to one building in the division to which such list relates.

(2) When certified under sub-paragraph (a) of paragraph (1) of this regulation the preliminary list for each division of any district shall become a part of the register for that district and the certified lists of all the divisions of any district shall constitute the register for that district.

(3) The Chief Registration Officer shall, as soon as conveniently may be after receipt of all the corrected lists for a district, give notice in the Gazette that the lists have been certified.

(4) The register for a district shall come into force at such time as shall be prescribed by the Chief Registration Officer in a notice published in the Gazette. Such notice shall contain a statement that copies of the register are open for inspection during normal working hours in the offices of the registrars.

(5) For the avoidance of doubt it is declared that the registrar may certify the lists in accordance with paragraph (1) of this regulation notwithstanding that an appeal instituted under Part VII may be pending.

Effect of
register.

41. A register shall, for the purposes of this Part of these regulations, be conclusive as to the following—

- (a) whether or not a person registered therein was on the date of his application ordinarily resident at the address shown;
- (b) whether or not that address is in any district or any division therein.

Names omit-
ted by in-
advertence.

42. If within twenty-one days after the register has come into force under regulation 40, the Chief Registration Officer is satisfied that the name of any person which was included in the preliminary list for any division has through inadvertence been omitted from that part of the register for that division, he shall insert in that part of that register the name and other particulars of the person concerned, initial the correction and notify the person, whose name was omitted, of the insertion.

PART VII—APPEALS

Right of
appeal.

43. Any party to a claim or objection may appeal from a decision of the registrar thereon to the magistrate's court of the judicial district wherein is situated the office of that registrar.

Plaint to be
filed and
served upon
registrar.

44. (1) Any party to a claim or objection desiring to appeal against the decision of a registrar thereon shall, within fourteen days of the date on which the decision was given, file with the clerk of the court a plaint in writing specifying the grounds of appeal.

(2) A copy of the plaint shall be served upon the registrar and the opposite party, if any.

45. On any appeal under this Part the registrar and the opposite party, if any, shall be the respondents. Parties to appeal.

46. (1) The registrar, on receipt of a copy of the plaint pursuant to paragraph (2) of regulation 44, shall— Registrar to furnish statement of facts.

- (a) send to the clerk of the court three copies of—
- (i) a statement of the material facts which in his opinion were established at the hearing of the claim or objection;
 - (ii) his decision upon the whole case and upon any point specified as a ground of appeal;
- (b) furnish to the court such further information in his possession as the court may require.

(2) The clerk of the court shall, on the application of any other party to the appeal, furnish that party with a copy of the statement of the registrar under paragraph (1) of this regulation.

(3) Where it appears to the registrar from the copies of plaints served upon him that any appeals to the court are based on similar grounds, he shall so inform the clerk of the court and the court may, if it thinks fit, consolidate the appeals.

47. (1) The practice, procedure, fees and costs as prescribed by the Summary Jurisdiction (Magistrates) Ordinance, or by any rules, regulations or orders in council made thereunder, or by the Summary Jurisdiction (Petty Debt) Ordinance, for civil actions in the court shall, in so far as they are applicable, apply *mutatis mutandis* to an appeal under this Part. Practice, procedure, fees and costs.
(Cap. 12).
(Cap. 16).

(2) The costs of the appeal shall be in the discretion of the court and may be ascertained and awarded in any manner prescribed by rule 22 of Part XII of the Summary Jurisdiction (Civil Procedure) Rules:

Provided that no order for the payment by any opposite party of the costs of any other party to the appeal shall be made by the court.

48. (1) Notice of the decision of the court on any appeal under this Part shall be sent to the Chief Registration Officer by the clerk of the court. Correction of identity papers and register upon decision of court.

(2) On receipt of the decision of the court the Chief Registration Officer shall, subject to the provisions of paragraphs (2) and (3) of regulation 39 which, in so far as they are applicable, shall apply *mutatis mutandis*, make such corrections to the register as may be required to give effect to that decision.

(3) Where the decision of the court requires the deletion of a person's name from a register, his identity paper shall be null and void.

49. The decision of the court on an appeal under this Part shall be final and conclusive and shall not be called in question in any court. Decision of court to be final.

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

(2) In this regulation "election" means an election of members

to the legislature under the new system of election the introduction of which is anticipated in the preamble to the British Guiana (Registration) Order 1964.

PART VIII—OFFENCES

Offences by registration officers and scrutineers.

51. (1) Every registration officer who—
- (a) wilfully omits from a preliminary list or from a part of a register the name of any person entitled to have his name entered therein; or
 - (b) wilfully enters in a preliminary list or in a part of a register the name of a person who is not entitled to have his name entered therein,

shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

(2) Every registration officer and every scrutineer who, when performing his functions under these regulations, attempts—

- (a) to influence any person as to the exercise of his vote; or
- (b) to ascertain for what political party any person intends to vote,

shall be guilty of an offence.

Destroying or altering documents.

52. Every person who without lawful authority destroys, mutilates, defaces or removes, or makes any alteration in, a preliminary list, a register, or part thereof, an identity paper, notice of disallowance or other document made under these regulations shall be guilty of an offence.

False applications, claims and objections.

53. Every person who—
- (a) being a person not qualified for inclusion in a part of a register, makes an application or claim with a view to his inclusion therein;
 - (b) objects in accordance or in purported accordance with these regulations to the inclusion of any other person in a preliminary list or part of a register,

upon any grounds which he knows or has reasonable cause to believe to be false, shall be guilty of an offence.

False statements.

54. Every person who makes to a registration officer, when performing his functions under these regulations, any oral or written statement which such person knows to be false or does not believe to be true shall, without prejudice to any other liability which he may thereby incur, be guilty of an offence.

Obstruction.

55. (1) Every person to whom an identity paper has been issued who without reasonable excuse fails to produce or deliver his identity paper to a registrar when lawfully so required by or under these regulations shall be guilty of an offence.

(2) Every person who assaults, resists, obstructs or wilfully delays a registration officer in the performance of his functions under these regulations shall be guilty of an offence.

False attestations.

56. Every person who as a witness signs any form prescribed by these regulations knowing or having reasonable cause to believe that any

entry in such form is false in any material particular shall be guilty of an offence.

57. Every person who is guilty of an offence under these regulations shall, unless a penalty is otherwise specifically provided, be liable on summary conviction thereof to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months.

General penalty.

PART IX—GENERAL

58. It shall be the duty of each registrar to ensure that such of the prescribed forms as may be required by the public in his district are readily available, free of charge.

Supply of forms.

59. Any notice of claim, notice of objection, identity paper or other document which, under these regulations, is to be sent to the registrar shall be addressed and sent to him by registered post, postage free, at his office or delivered by hand.

Mode of sending notices and other documents to registrar.

60. Where any document is required by any provision of these regulations to be affixed to any building, such document may be affixed to a public building or, in the absence thereof, any other building with the permission of the occupier.

Display of notices.

61. A registration officer shall, at the request of any applicant, claimant or objector who is unable, by reason of illiteracy or physical defect, to complete a prescribed form, assist such person and shall make an endorsement thereon to the effect that he has so assisted such person at his request.

Assistance to incapacitated persons.

62. (1) No registration officer shall produce for inspection or supply a copy of the photograph, thumb-print or finger-print of an applicant or of a person registered under these regulations except—

Duty not to disclose photographs and fingerprints.

- (a) for the purposes of these regulations and their enforcement;
- (b) for purposes connected with the conduct of an election;
- (c) as otherwise expressly provided by law.

(2) In this regulation “election” has the meaning assigned by paragraph (2) of regulation 50.

63. The Registrar General of births and deaths and any registrar of births and deaths shall, upon the request of a registration officer made under this regulation, furnish, free of charge, to such registration officer—

Duty of registrars of births and deaths to supply information to registration officers.
(Cap. 162)

- (a) information whether the birth of any applicant or of any claimant has been registered under the Registration of Births and Deaths Ordinance;
- (b) particulars of any entries pertaining to any applicant or claimant in any register of births or certified copy thereof kept by him under that Ordinance.

(Cap. 162)

64. Where any oath is required to be taken by or under these regulations, every person permitted by law to make a solemn affirmation or declaration may, instead of taking an oath, make a solemn declaration in the form of such oath, substituting the words “solemnly, sincerely and

Affirmations in Substitution for oaths in certain cases.

truly declare and affirm” for the word “swear” and omitting the words “So help me God”.

Deviation
from forms.

65. Slight deviation from the prescribed forms not affecting the substance or calculated to mislead shall not invalidate them.

Emoluments
of registration
officers
and staff.

66. The emoluments of registration officers and other public officers appointed by the Commission under these regulations shall be determined by the Governor after consultation with the Commission.

Made this 8th day of April, 1964.

RICHARD E. LUYT,
Governor.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport)

1. These regulations, made by the Governor in his discretion, implement the British Guiana (Registration) Order, 1964 by making provision for the preparation of electoral registers for the purposes of, and in anticipation of a new system of election of members to the Legislative Assembly.

2. The regulations are in nine parts, the principal features of which are summarised in the succeeding paragraphs of this note.

3. PART I—PRELIMINARY—includes provision for interpretation (regulation 2).

4. PART II—DUTIES AND APPOINTMENTS. Regulation 3 provides for the functions of the Elections Commission. Registration Officers and subordinate staff are to be appointed by or subject to the approval of the Commission. (regulation 5).

5. PART III—ELECTORAL REGISTERS. There is to be a register for each of the registration districts, with a separate part for each polling division (regulation 11). The existing electoral districts are made registration districts (regulation 9).

6. PART IV—APPLICATIONS FOR REGISTRATION. Applications have to be made personally in writing to the divisional registrar of the polling division where the applicant is resident (regulation 17). Registration requirements are set out in regulation 18. These include a provision for the taking of thumb-prints which are to be affixed to identity papers issued to successful applicants under regulation 19. Unsuccessful applicants are issued with notices of disallowance (regulation 20). Provision is included for the affixing of the applicant's photograph at his request to his identity paper, but this is optional. Scrutineers, appointed by the Commission on the nomination of political parties represented in the legislature, are given the right to be present at registration proceedings under this Part and to inspect registration documents. Only one scrutineer for any one political party may be appointed for any one polling division (regulation 21).

7. PART V—PRELIMINARY LISTS OF REGISTERED PERSONS. These are to be drawn up by the divisional registrars and contain the names of persons whose applications for registration have been allowed (regulation 23).

8. PART VI—CORRECTION OF PRELIMINARY LISTS. This is the function of the registrar of the registration district to whom claims and objections are to be sent (regulations 26, 27, 29 and 30). Scrutineers may submit claims on behalf of claimants and they may also submit objections. Claims by or on behalf of persons whose applications for registration have been disallowed must be accompanied by a deposit of two dollars and all objections by a deposit of five dollars. These deposits are returnable unless the registrar makes an order to the contrary which he has power to do if in his opinion the claim or objection was frivolous (regulation 37). The registrar is required to hold a public enquiry before determining objections and disputed claims (regulation 31). After holding the enquiry he is to make the necessary corrections to identity papers and the preliminary lists (regulation 39) and then certify the corrected lists which together are to form the register for his district (regulation 40).

9. PART VII—APPEALS. Appeal from a registrar's decision upon a claim or objection lies to a magistrate's court (regulation 43) the decision of which is final (regulation 49). Pending appeals do not prejudice the right to vote of a person whose name is on the register (regulation 50).

10. PART VIII—OFFENCES. These include wilful omission by registration officers from the preliminary lists or register of persons entitled to be included (regulation 51) and the wilful making of false applications claims and objections (regulation 53).

11. PART IX—GENERAL. Registration officers are required to assist applicants, claimants and objectors to complete the necessary forms if they, being illiterate or suffering from physical defect, are unable to do so (regulation 61). Photographs and fingerprints supplied for registration purposes are not to be disclosed by registration officers to other authorities except for election purposes and the enforcement of these regulations (regulation 62). Registrars of births and deaths are required to supply registration officers, on their request, with information in their possession regarding the births of applicants and claimants (regulation 63).