



ORDINANCE NO. 21 OF 1961.

REPRESENTATION OF THE PEOPLE (AMENDMENT)
ORDINANCE, 1961.



I assent.

Andrews

Officer Administering
the Government.

AS June, 1961.

BRITISH GUIANA.

Arrangement of Sections.

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Section

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SCHEDULE

AN ORDINANCE to amend the Representation of the People Ordinance, 1957.

A.D. 1961.

Enacted by the Legislature of British Guiana :—

Short title.

No. 3 of
1957.

1. This Ordinance may be cited as the Representation of the People (Amendment) Ordinance, 1961, and shall be construed and read with the Representation of the People Ordinance, 1957, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Coming into
operation of
certain provisions.

2.(1) Subject to the provisions of subsection (2) of this section, the provisions herein contained after this section shall come into operation on such day as the Governor may, by order, appoint.

No. 10 of
1961.

(2) References to the Principal Ordinance in the definitions of "electoral district" and "polling division" in section 2 of the Electoral Provisions (Registration) Ordinance, 1961, shall be deemed to be, and to have been from the enactment thereof, references to the Principal Ordinance amended in accordance with paragraphs (a) and (c) of

section 3 and section 4 of this Ordinance, as if the Principal Ordinance had been so amended when the Electoral Provisions (Registration) Ordinance, 1961, was enacted.

3. Section 2 of the Principal Ordinance is hereby amended —
- (a) by the insertion after the word “such” in the definition of the expression “electoral district” of the words “for the purpose of elections to the Legislative Assembly and”;
 - (b) by the insertion after the definition of the expression “official list of electors” of the following definition —
““official mark” means such official mark as the Chief Electoral Officer shall, in respect of any election, prescribe for the purpose of stamping ballot papers at the election;” and
 - (c) by the substitution for the definition of the expression “the Legislative Council” of the following definition—
““the Legislative Assembly” means such Legislative Assembly as may be established by any Order of Her Majesty in Council.”

Amendment of section 2 of Principal Ordinance.

4. Section 12 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Repeal and re-enactment of section 12 of Principal Ordinance.

“Polling divisions.

12.(1) There shall be constituted in each electoral district so many polling divisions with such boundaries as the Chief Electoral Officer may appoint.

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(2) Every polling division appointed by the Chief Electoral Officer for the purposes of the Electoral Provisions (Registration) Ordinance, 1961, shall be deemed to be a polling division constituted under the preceding subsection in the appropriate electoral district.

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

5. Section 13 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Repeal and re-enactment of section 13 of Principal Ordinance.

“Official list of electors.

13.(1) The official list of electors for any polling division shall be such part of the register for the time being in force under the Electoral Provisions (Registration) Ordinance, 1961, as relates to that polling division.

No. 10 of 1961.

(2) A register, or any part thereof, referred to in a notice by the Chief Electoral Officer when purporting to act in pursuance of the provisions of paragraph (2) of rule 20 of the Registration Rules in the first schedule to the Electoral Provisions (Registration) Ordinance, 1961, shall not be deemed invalid for the

No. 10 of 1961.

purposes of the preceding subsection by reason of any contravention or failure to comply with any provisions of that Ordinance only.

(3) For the purposes of this section, the expression "register" shall have the meaning assigned thereto by section 2 of the Electoral Provisions (Registration) Ordinance, 1961."

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1961.

Amendment
of section
14(6) of
Principal
Ordinance.

6. Subsection (6) of section 14 of the Principal Ordinance is hereby amended by the substitution for the words "Chief Secretary" of the words "Commissioner of Elections".

Amendment
of section 18
of Principal
Ordinance.

7. Section 18 of the Principal Ordinance is hereby amended —

- (a) by the substitution for the words "the form set out as Form No. 10 in the first schedule" in subsection (1) of the words "such form as shall be prescribed under paragraph (e) of section 112"; and
- (b) by the substitution for the words "the form set out as Form No. 10A" in subsection (2) of the words "such form as shall be prescribed under paragraph (e) of section 112,".

Amendment
of section 26
of Principal
Ordinance.

8. Section 26 of the Principal Ordinance is hereby amended —

- (a) by the insertion after the word "divide" in subsection (1) of the words "a copy of";
- (b) by the substitution for the word "in" in subsection (1) of the word "for";
- (c) by the insertion after the word "where" in subsection (3) of the words "a copy of"; and
- (d) by the addition of the following subsection —

"(4) Where one polling-place is established for any polling division, a copy of the official list of electors for such polling division shall be displayed at the polling-place and, subject to the provisions of sections 28, 29 and 30, each of such electors may vote only at that polling-place."

Repeal and
re-enactment
of section 27
of Principal
Ordinance.

9. Section 27 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

"Electors to
vote only in
polling
division
upon list
for which
their names
appear.

27.(1) Subject to the provisions of this section and of sections 28, 29 and 30, no person shall be entitled to vote at any polling place for a polling division unless his name appears upon the official list of electors for that polling-division and he is on the date of the poll a British subject of the age of twenty-one years or upwards and not subject to any disqualification for registration as an elector arising out of mental incapacity, or any offence relating to elections, or a sentence imposed upon him by any court.

(2) Every qualified person whose name appears upon the official list of electors for any polling division shall be entitled to vote with reference thereto, 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 at a general election or more than once in the same electoral district at any election.

(3) Notwithstanding anything hereinbefore provided to the contrary, an elector shall not be excluded from voting on the ground that he is not a British subject or is not of the age of twenty-one years or upwards or is subject to any disqualification mentioned in subsection (1) of this section; but this provision shall not affect his liability to any penalty for voting.

(4) Where there is contained in the official list of electors a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot paper is demanded as to suggest that the entry in such official list of electors was intended to refer to him, such person shall upon taking an oath or making an affirmation in the form set out as Form No. 11 in the first schedule and complying in all other respects with the provisions of this Ordinance, be entitled to receive a ballot paper and to vote. In any such case the name, location of residence, postal address and occupation of the elector shall be correctly entered in the poll book and the fact that the oath has been taken, or the affirmation made, shall also be entered therein.

(5) An elector, if required to testify as to his right to vote by the presiding officer, the poll clerk, one of the candidates, or an agent of a candidate, or by an elector present, shall, before receiving his ballot paper, take an oath or make an affirmation in the form set out as Form No. 12 in the first schedule and if he refuses to do so, an entry to that effect shall be made in the poll book and erasing lines shall be drawn through his name on the copy of the official list of electors furnished under subsection (1) of section 34 and he shall not be admitted to vote or be again admitted to the polling-place.”.

10. Section 28 of the Principal Ordinance is hereby amended—

- (a) by the substitution for the words “allotted to them under section 26, except in so far as this section makes exceptions” in subsection (1) of the words “where their names are displayed under section 26, except in so far as exceptions are hereinafter made”;
- (b) by the substitution for the words “within that polling division or” in subsection (2) of the words “for such polling division or for any polling division belonging to such”;

Amendment
of section
28 of Prin-
cipal Ordin-
ance.

Form No.
11.
First sche-
dule.

Form No.
12.
First sche-
dule.

(c) by the addition of the following subsection —

“(5) Nothing in this section shall be taken as conferring a right to vote at an election upon any person not having a right to vote at the election apart from this section.”; and

(d) by the insertion of the words “in Council” after the word “Governor” wherever it appears in the section.

Amendment
of section
29(3) of
Principal
Ordinance.

11. Subsection (3) of section 29 of the Principal Ordinance is hereby amended by the insertion after the words “the returning officer shall” of the words “notwithstanding anything to the contrary provided in section 26.”.

Amendment
of section
30 of
Principal
Ordinance.

12. Section 30 of the Principal Ordinance is hereby amended—

(a) by the deletion of the words “from any official list to any other official list, or from any division of any official list to any other division of such list” in subsection (1); and

(b) by the substitution for the words “from any official list to any other official list, or from any division of any official list to any other division of such list” in subsection (2) of the words “as aforesaid”.

Amendment
of section 33
of Principal
Ordinance.

13. Section 33 of the Principal Ordinance is hereby amended—

(a) by the repeal of the proviso to subsection (1) and the substitution therefor of the following proviso —

“Provided that if at the hour of closing of the poll there are any electors waiting in a queue at the polling-place to vote, they shall not be excluded from voting merely because it is past the said hour, but a person not actually in such queue at the hour of closing shall not be allowed to vote thereafter on that day.”; and

(b) by the repeal of subsection (3) and the substitution therefor of the following subsection —

“(3) Each ballot paper shall have attached to it a counterfoil with a number printed on the face but the ballot paper shall not be numbered correspondingly and there shall be a line of perforations between the ballot paper and the counterfoil, the whole as in the form set out as Form No. 17 in the first schedule.”.

Form No. 17.
First sche-
dule.

Amendment
of section 34
of Principal
Ordinance.

14. Section 34 of the Principal Ordinance is hereby amended —

(a) by the repeal of subsection (1) and the substitution therefor of the following subsection —

“(1) The presiding officer shall, subject to the provisions of this Ordinance, on the application of any elector, deliver to such elector a ballot paper which such officer has previously stamped with the official mark, either embossed or perforated, and on the counterfoil of which he has placed the number of the elector on the official list of electors, and shall

thereupon place a mark against the number of the elector on a copy of such list (of which a copy shall be furnished to the presiding officer for the purposes of this section) to denote that a ballot paper has been received but without showing the particular ballot paper received.”; and

- (b) by the substitution for the words “initials and numbers” in subsection (3) of the words “official mark”.

15. Section 35 of the Principal Ordinance is hereby amended — Amendment of section 35 of Principal Ordinance

- (a) by the insertion after the word “oaths” in subsection (1) of the words “or affirmations”;
- (b) by the substitution for the words “the oath of identity,” in subsection (1) of the words “an oath, or making an affirmation,”;
- (c) by the insertion after the word “oath” in subsection (3) of the words “or affirmation”;
- (d) by the insertion after the word “oath” in subsection (4) of the words “or made the appropriate affirmation”; and
- (e) by the insertion after the word “oath” in subsection (5) of the words “or make an affirmation”.

16. Subsection (4) of section 36 of the Principal Ordinance is hereby repealed and the following subsection substituted therefor — Repeal and re-enactment of section 36(4) of Principal Ordinance.

“(4) The presiding officer may, if he deems it advisable, direct that not more than one elector for each compartment shall, at any time, enter the room where the poll is held; and each elector shall, upon so entering, declare his name, residence and occupation. The poll clerk shall then ascertain if the name of the elector appears on the copy of the official list of electors furnished under subsection (1) of section 34 and, if so, the elector’s name, address, occupation and number thereon shall be called out and the elector shall, subject to the provisions of this Ordinance, be immediately allowed to vote.”.

17. The Principal Ordinance is hereby amended by the insertion after section 36 of the following section — Insertion of new section 36A in Principal Ordinance.

36A.(1) Notwithstanding anything to the contrary provided in this Ordinance, no presiding officer shall deliver any ballot paper to any elector for the purpose of his voting otherwise than as a proxy unless he satisfies himself that there does not appear any stain of electoral ink upon any of the elector’s fingers; and every presiding officer who refuses, by virtue of the provisions of this subsection, to deliver a ballot paper to any elector shall make an entry in the poll book setting out the facts in relation to such refusal.

‘Ink mark on elector’s finger.

(2) No presiding officer shall permit any elector voting otherwise than as a proxy to put his ballot paper in the ballot box unless, immediately before he does so, one of his fingers has been stained with electoral ink; and every presiding officer shall, upon being shown any such elector's ballot paper in accordance with provisions of subsection (3) of section 34, require him to permit one of his fingers so to be stained by that officer:

Provided that where the presiding officer is satisfied that the elector is suffering from an injury to any finger of such a nature as to render it undesirable for that finger to be stained with electoral ink, the presiding officer shall not require that such finger be stained.

(3) If any such elector, upon being required by the presiding officer to permit one of his fingers to be stained as aforesaid, fails or refuses to do so, the presiding officer shall thereupon order the elector to return his ballot paper to such officer and to leave the polling-place forthwith and shall destroy any ballot paper so returned and make an entry in the poll book setting out the facts in relation to such failure or refusal.

(4) An elector who is ordered to leave under the preceding subsection shall not be again admitted to the polling-place.

(5) In order to ascertain for the purposes of this section whether any finger of an elector is in a suitable condition to be, or has been, stained as aforesaid, the presiding officer may examine or inspect all or any of the elector's fingers.

(6) Every person who —

(a) being a presiding officer, wilfully contravenes any of the provisions of this section, or

(b) being an elector, fails to return his ballot paper when ordered to do so under subsection (3) of this section, shall be guilty of an offence and shall, upon summary conviction thereof, be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

(7) Nothing in this section shall apply in relation to any elector who has no fingers or is suffering from some injury to each of his fingers which is of such a nature as is mentioned in the proviso to subsection (2) of this section.

(8) For the purposes of this section and section 80 —

“electoral ink” means ink, whether composite or consisting of two or more separate solutions, supplied by the Chief Electoral Officer for use in accordance with the provisions of this section; “finger” includes thumb.’

18. Section 37 of the Principal Ordinance is hereby amended — Amendment of section 37 of Principal Ordinance.
- (a) by the repeal of subsection (2) and the substitution thereof of the following subsection —
 “(2) Every person attending at any counting of votes shall maintain and aid in maintaining the secrecy of voting and shall not communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given.”;
 - (b) by the insertion before the words “interfere with or” in paragraph (a) of subsection (3) of the words “except in the performance of his duty under this Ordinance in that behalf,”;
 - (c) by the deletion of the words “or as to the number on the ballot paper given to an elector at that polling-place” in paragraph (c) of subsection (3);
 - (d) by the deletion of the words “or as to the number on the ballot paper given for the use of that elector” in subsection (4); and
 - (e) the renumbering of subsection (5) as subsection (6) and the insertion after subsection (4) of the following subsection —
 “(5) No person shall, except for some purpose authorised by law, communicate to any other person before the close of the poll any information as to the official mark.”.
19. Section 42 of the Principal Ordinance is hereby amended — Amendment of section 42 of Principal Ordinance.
- (a) by the substitution for the words “have not been supplied by a presiding officer” in paragraph (a) of subsection (2) of the words “do not bear the official mark”;
 - (b) the deletion of the words “but shall be subject to reversal on petition questioning the election or return” in subsection (4).
20. Section 55 of the Principal Ordinance is hereby amended — Amendment of section 55 of Principal Ordinance
- (a) by the repeal of subsection (6); and
 - (b) by the renumbering of subsections (7), (8) and (9) as subsections (6), (7) and (8) respectively.
21. Section 58 of the Principal Ordinance is hereby amended — Amendment of section 58 of Principal Ordinance.
- (a) by the repeal of subsection (3); and
 - (b) by the renumbering of subsections (4), (5), (6) and (7) as subsections (3), (4), (5) and (6) respectively.

Amendment
of section 72
of Principal
Ordinance.

22. Section 72 of the Principal Ordinance is hereby amended —
 (a) by the repeal of subsection (3); and
 (b) by the renumbering of subsection (4) as subsection (3).

Amendment
of section 76
of Principal
Ordinance.

23. Section 76 of the Principal Ordinance is hereby amended —
 (a) by the insertion of the words "or to imprisonment for a term not exceeding six months" after the word "dollars" appearing in subsection (1);
 (b) by the repeal of subsection (2); and
 (c) by the renumbering of subsection (3) as subsection (2).

Amendment
of section 80
of Principal
Ordinance.

24. Section 80 of the Principal Ordinance is hereby amended —
 (a) by the re-lettering of paragraph (b) of subsection (1) as paragraph (c) and the insertion after paragraph (a) of subsection (1) of the following paragraph —
 "(b) having any mark of electoral ink upon any of his fingers, applies for a ballot paper for the purpose of voting as an elector; or"; and
 (b) by the insertion after the word "purpose" in subsection (2) of the words "of paragraphs (a) and (c) of subsection (1)".

Repeal of
sections
11(3) and
43(3), the
proviso to
section 46(1),
the proviso
to section
74, section
86, Part V
and section
108 of Prin-
cipal Ordinance.

25. Subsection (3) of section 11, subsection (3) of section 43, the proviso to subsection (1) of section 46, the proviso to section 74, section 86, Part V and section 108 of the Principal Ordinance are hereby repealed.

Repeal and
re-enact-
ment of sec-
tion 109 of
Principal
Ordinance.

26. Section 109 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

"Effect of affirmation under section 27 or 35.
 109. Any statement made in an affirmation under any provisions of section 27 or 35 shall be of the same force and effect as if the statement had been made upon oath under such provisions."

Amendment
of Form No.
7 in first
schedule to
Principal
Ordinance.

27. Form No. 7 in the first schedule to the Principal Ordinance is hereby amended —

- (a) by the deletion of the words "CHIEF SECRETARY'S OFFICE,"; and
 (b) by the substitution for the words "CHIEF SECRETARY" of the words "COMMISSIONER OF ELECTIONS".

Amendment
of first sche-
dule to
Principal
Ordinance.

28. The first schedule to the Principal Ordinance is hereby amended —

- (a) by the deletion of Forms Nos. 10 and 10A; and
 (b) by the substitution for Form No. 14 of the form set out in the schedule to this Ordinance.

Schedule.

29. Form No. 17 in the first schedule to the Principal Ordinance is hereby amended by the deletion —

Amendment of Form No. 17 in first schedule to Principal Ordinance.

(a) of the words "to correspond with that on the back of the Ballot Paper" in the part thereof depicting the counterfoil of a ballot paper; and

(b) of the abbreviation "No." in the part thereof depicting the form of the back of a ballot paper.

30. The Principal Ordinance amended as hereinbefore provided, exclusive of section 114 thereof, is hereby amended by the substitution for every reference therein to the Legislative Council or the Special Reserve Police Force, of a reference to Legislative Assembly or the Special Constabulary respectively.

General amendment of Principal Ordinance.

31. The Rules of Court made on the 12th November, 1948, under section 93 of the Legislative Council (Elections) Ordinance, 1945, and saved by section 114 of the Principal Ordinance, are hereby revoked for all purposes.

Revocation of Rules of Court.

SCHEDULE

Section 28(b)

FORM No. 14

(Section 31(4))

THE REPRESENTATION OF THE PEOPLE ORDINANCE, 1957.

Application for Appointment of Proxy.

To the Returning Officer for the electoral district of

.....

I (Surname).....(other names)

(block letters)

.....of (address).....

being entitled to vote at a polling-place for polling division No.....

by proxy by reason of

and not having any person appointed as proxy to vote for me, do 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 elector

Signature.....Date.....

(applicant)

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 electors of whom he or she is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

Note 3 — A person may vote by proxy if unable or likely to be unable to go in person to the polling-place for any 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 Constabulary, or 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;
- (f) the fact that he is suffering from blindness or other physical incapacity.

Passed by the Legislative Council this eighth day of June, nineteen hundred and sixty-one.

Elwyn T. Napue
Acting Clerk of the Legislature.