

GUYANA

No. 2 of 1970.

RULES

MADE UNDER

THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

(No. 23 of 1969).

UNDER SECTIONS 197 AND 199 OF THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969, WE, HAROLD BRODIE SMITH BOLLERS, ACTING CHANCELLOR, GUYA LILADHAR BHOWANI PERSAUD, ACTING CHIEF JUSTICE, AKBAR KHAN, PUISNE JUDGE, KENNETH WYNDHAM EARNWELL, REGISTRAR OF THE SUPREME COURT OF JUDICATURE, JOSEPH OSCAR FITZCLARENCE HAYNES, SENIOR COUNSEL AND MAURICE ERIC CLARKE, SOLICITOR, CONSTITUTING THE RULE-MAKING AUTHORITY UNDER SECTION 75 OF THE HIGH COURT ORDINANCE, DO HEREBY MAKE THE FOLLOWING RULES:-  
THE FOLLOWING RULES:-

PART I - PRELIMINARY

1. These Rules may be cited as the Validity of Election and Disputed Vacancies (Local Authorities) Rules, 1970. Citation.

2. In these Rules, unless the context otherwise requires - Interpretation.

No. 23 of 1969. "the Act" means the Local Authorities (Elections) Act, 1969;

"Appendix" means the Appendix to these Rules;

"the Registrar" means the Registrar of the Supreme Court of Judicature;

"registry" means the registry of the Supreme Court of Judicature;

"section" means a section of the Act.

PART II - ELECTION PETITIONS

3. An election petition shall be in Form 1 in the Appendix and shall contain the particulars required in the Form. Form of election petition. Form 1 Appendix.

Presentation of election petition.

4. When an election petition is presented under subsection (3) of section 147, five copies of the petition shall be left with the person to whom delivery is made in accordance with that subsection.

Address for service.

5. (1) The solicitor of a petitioner who presents an election petition through a solicitor shall indorse upon the petition before the same is presented the address of his place of business and also a proper place to be called his address for service where all notices, summonses, orders and other documents may be left for him, which address shall be within one mile of the registry where the petition is presented.

(2) A petitioner presenting an election petition in person shall indorse upon the petition before presenting the same some proper place to be called his address for service where all notices, summonses, orders and other documents may be left for him, which address shall be within one mile of the registry where the petition is presented.

Failure to comply with rules 3, 4 and 5.

6. If rules 3 and 4 and paragraph (1) or (2) of rule 5 of these Rules are not complied with in relation to any election petition, delivery thereof under subsection (3) of section 147 shall not be accepted.

File and record of proceedings.

7. (1) Without prejudice to the provisions of any other rule of court, all petitions, notices, summonses, orders or other documents to be filed in or issued from the registry in proceedings under Part IV of the Act shall be brought into the registry together with a copy thereof and the original and the copy shall be sealed with the seal of the Court, whereupon the original shall be filed and the copy handed out to the party filing the same. A sealed copy shall be evidence of the contents of the original filed.

(2) The Registrar shall keep a record book of all proceedings brought under Part IV of the Act. There shall be entered in the record book -

- (a) the number of the election petition and the subject matter;
- (b) the names of the parties and their addresses for service;
- (c) interlocutory applications, the nature, date of filing, determination and date thereof;

- (d) the date and place of trial;
- (e) the name of every counsel or solicitor engaged;
- (f) the decision of the Court.

(3) The file of proceedings and the record book shall be open to inspection by any person during office hours.

8. (1) The Registrar shall upon presentation of an election petition forthwith -

- (a) send a copy of the petition to the Attorney General, the Director of Public Prosecutions and the Chief Election Officer; and
- (b) exhibit on a notice heard at the registry a copy of the petition and cause such notice of the presentation and substance thereof as shall be settled by the Chief Justice to be published in the Gazette and one newspaper.

Persons to whom copy of petition must be sent and publication of petition.

(2) The cost of publication of this and any other matter required to be published by these Rules shall be paid by the petitioner or person moving in the matter and shall form part of the general costs of the petition.

9. (1) The time and manner of service of an election petition are, for the purposes of section 151, prescribed by virtue of the following provisions of this paragraph and paragraphs (2), (3) and (4) of this rule. The time for service of a copy of an election petition and notice of the presentation of the petition and of the nature of the proposed security shall be five days, exclusive of the day of presentation.

Service.

(2) Where the respondent has given an address in pursuance of paragraph (1) of rule 10 of these Rules, such service may be by registered post to the address so that, in the ordinary course of post, the documents served would be delivered within the prescribed time.

(3) In cases to which paragraph (2) of this rule does not apply, such service must be personal on the respondent unless a judge on an application made to him not later than five days after the election petition is presented and on affidavit showing what has been done, shall be satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, including when practicable, service upon a solicitor, in which case the judge may order that what has been done shall be considered sufficient service for the purposes of this rule, subject to such conditions as he may think reasonable.

(4) Where it is proved to the satisfaction of a judge that there has been an evasion of service and that a notice of the nature of the proposed security has been posted on the board mentioned in subparagraph (b) of paragraph (1) of rule 8 of these Rules, and a copy of the election petition has been exhibited under that subparagraph, within the time prescribed by paragraph (1) of this rule, service shall, if the judge so orders, be deemed to have been duly effected for the purposes of this rule by such posting and exhibition.

(5) The petitioner or his agent shall, as soon as may be after service has been effected in accordance with any provisions of this rule, file in the registry an affidavit of the time and manner of such service.

(6) Service of a petition under subsection (5) of section 147 shall, upon service of a copy of the petition in accordance with any of the foregoing provisions of this rule, be deemed to have been thereby effected.

Address for service.

10. (1) Any person elected as a councillor may at any time after his election leave at the office of the Registrar -

- (a) an address for service at a place within one mile thereof; or
- (b) the name and address for service (which shall be at such a place) of a solicitor who will act for such person in case there should be an election petition against him.

(2) When an election petition or a copy thereof is served upon a respondent other than the Chief Election Officer or an election officer, he shall,

unless he has already complied with paragraph (1) of this rule, within five days of such service deliver or send by registered post to the Registrar and to the petitioner an address for service at a place referred to in sub-paragraph (a) or (b) of the preceding paragraph. All notices, summonses, orders or other documents in the proceedings consequent on the petition shall, if the respondent fails to comply with the provisions of this paragraph, be deemed duly served upon him if left in the registry.

11.(1) The recognizances giving security for costs as provided in section 150 shall, with such variations as circumstances may require, be in Form 2 in the Appendix and shall be acknowledged before the Registrar. There may be one recognizance acknowledged by all the sureties, or separate recognizances by one or more as may be convenient.

Recognizances for security for costs.  
Form 2  
Appendix.

(2) The recognizance or recognizances shall forthwith after being acknowledged be left at the registry by or on behalf of the petitioner in like manner as a petition.

12.(1) Every deposit of money by way of security pursuant to section 150 or subsection (2) of section 152 shall be lodged in the registry.

Security for costs by deposit.

(2) The Registrar shall keep open to inspection by all parties concerned a book in which shall be entered from time to time the amount of every such deposit and the petition to which it relates.

(3) All claims to the amount of any such deposit or part thereof shall be disposed of by a judge upon application by summons.

(4) The amount of such deposit or of any part thereof shall, if and when no longer required for securing the payment of costs, be returned or otherwise disposed of on the order of a judge as justice may require.

(5) Such order may be made after such notice of intention to apply, and after such proof that all just claims have been satisfied or otherwise sufficiently provided for, as the judge may require.

(6) The order may direct payment either to the party in whose name the deposit was made or to any person entitled to receive the same.

Objection to security.

13. An objection to a recognizance under subsection (1) of section 152 shall be made by giving notice thereof to the petitioner within ten days after the service of the notice of the presentation of the petition; and the notice of objection shall state the grounds thereof.

Summons to determine objection to recognizance.

14.(1) Any such objection to security made in accordance with the preceding rule shall be heard and decided by a judge upon summons taken out by either party to declare the security sufficient or insufficient.

(2) Such hearing and decision may be either upon affidavit or personal examination of witnesses, or both, as the judge thinks fit.

Removing objection.

15. If by order made upon such summons an objection be allowed and the security be declared insufficient, the judge shall in such order state how and within what time (which shall not exceed five days after the date of the order) the objection may be removed as in subsection (2) of section 152 provided.

Costs where no justification of sureties.

16. The costs of hearing and deciding an objection upon the ground of insufficiency of a surety or sureties shall be paid by the petitioner, and a clause to that effect shall be inserted in the judge's order declaring their sufficiency or insufficiency, unless at the time of leaving the recognizance under paragraph (2) of rule 11 of these Rules there be also left an affidavit of the sufficiency of the surety or sureties sworn by each surety in Form 3 in the Appendix.

Form 3 Appendix.

Notice of application for dismissal.

17.(1) An application for an order directing the dismissal of a petition under section 153 shall be made by way of summons before a judge and a copy thereof shall be served on the petitioner and written notice thereof given to the Registrar.

Form 4 Appendix.

(2) The Registrar shall forthwith publish in the Gazette and one newspaper a notice in Form 4 in the Appendix.

Application for particulars.

18.(1) Evidence need not be stated in an election petition, but the Court or a judge may upon application order such particulars as may be necessary to prevent surprise and unnecessary expense,

and to ensure a fair and effectual trial and upon such terms as to costs and otherwise as may be ordered.

(2) Before applying for particulars the party desiring the same shall by letter request the petitioner to furnish the required particulars within five days, and a summons for particulars shall not issue until the expiration of that time.

19. All applications in proceedings under the Act or these Rules shall be determined summarily by a judge who may hear the parties to the application.

Procedure on applications made under the Act or these Rules.

20. It shall be sufficient to entitle all proceedings in respect of an election petition as is prescribed in Form 5 in the Appendix.

Title of proceedings. Form 5 Appendix.

21. The following provisions shall apply to the trial of election petitions -

Mode of trial of petitions.

- (i) The Chief Justice shall determine which of the judges shall try a petition and direct in which county the trial shall take place;
- (ii) All interlocutory matters may be heard and disposed of by a judge in chambers;
- (iii) The judge who is to try a petition shall fix the day and time of the trial and at least fourteen days' notice thereof shall be published by the Registrar in the Gazette and one newspaper and served on the petitioner, the respondent and the Chief Election Officer;
- (iv) The judge presiding at a trial may, if the Chief Justice shall so direct, adjourn the same to another county.
- (v) Where the trial of a petition has taken place wholly or partly in a county other than the county of

Election Officer or an election officer, he shall,

Demerara the Court may, if it thinks fit, declare its determination on the petition at a sitting in Georgetown.

Adjournments.

22.(1) The Court may from time to time, by order upon the application of a party to an election petition or by notice in such form as the Court may direct, postpone the commencement of the trial to such day as it may name. A copy of such notice or order shall be sent to the Chief Election Officer and another copy shall be exhibited on a notice board at the registry.

(2) In the event of the judge not being present at the time appointed for the trial, or to which the trial is postponed, the trial shall ipso facto stand adjourned to the ensuing day and so from day to day.

(3) No formal adjournment of the Court at the trial of an election petition shall be necessary, but in the absence thereof the trial is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded.

(4) In the event of the judge who begins the trial being disabled by illness or otherwise, the trial shall be recommenced and concluded by such judge as the Chief Justice may determine.

Application to withdraw petition.  
Form 6  
Appendix.

23.(1) Notice of application for leave to withdraw an election petition shall be in writing and signed by the petitioner or his solicitor and shall be sufficient if given in Form 6 in the Appendix and left at the registry and a copy of such notice shall be served on the respondent and sent to the Chief Election Officer.

Form 7  
Appendix.

(2) The Registrar shall forthwith publish in the Gazette and one newspaper a notice in Form 7 in the Appendix.

(3) Any person who might have been a petitioner in respect of the matter to which the election petition relates, may, within five days after such notice is published, give notice in writing signed by him or on his behalf to the Registrar of his intention to apply under subsection (1) of section 167 to be substituted for the petitioner but the want of such notice shall not defeat such application if in fact made under that subsection.



(4) The time of hearing the application for leave to withdraw the petition shall not be less than five days after the publication of the notice by the Registrar as provided in paragraph (2) of this rule and notice of the time and place appointed for the hearing shall be given by the Registrar to any person who shall have given him notice of an intention to apply to be substituted as petitioner, and otherwise as the Court may direct.

24. (1) On the abatement of an election petition by the death of a petitioner, notice of such abatement shall be given by any party or person interested to the Registrar who shall forthwith publish in the Gazette and one newspaper a notice thereof in Form 8 in the Appendix.

Abatement  
of petition  
on  
death of  
petitioner.  
Form 8  
Appendix.

(2) The time within which application may be made to a judge to be substituted as a petitioner under subsection (3) of section 169 shall be one month or such further time as a judge may allow upon consideration of any special circumstances.

25. (1) The manner and time of the respondent's giving notice to the Court that he does not intend to oppose an election petition shall be by leaving at the registry notice thereof in writing signed by the respondent, six days before the day appointed for trial, exclusive of the day of leaving such notice.

Notice of  
intention  
not to  
oppose  
petition.

(2) Upon such notice being left at the registry or upon receiving notice of the death of the respondent, the Registrar shall forthwith send by registered post to the petitioner or his solicitor, as the case may be, and to the Chief Election Officer, and shall forthwith cause to be published in the Gazette and one newspaper, a notice thereof in Form 9 in the Appendix.

Form 9  
Appendix.

26. The time for applying to be admitted as a respondent under paragraph (a) of subsection (1) of section 170 shall be within ten days after such notice is given as hereinbefore directed, or such further time as a judge may allow.

Time within  
which to  
apply for ad-  
mission as  
respondent.

27. Notice of intention to apply to be admitted as a respondent shall be given for the purposes of paragraph (b) of subsection (1) of section 170 by leaving the notice at the registry; and the Registrar shall send by registered post a copy thereof to every party to the petition and to the Chief Election Officer.

Notice of in-  
tention to  
apply for  
admission as  
a responden

## PART III - VACANCY PETITIONS

Form of vacancy petition and prescribed matters.

28.

A vacancy petition shall be in Form 10 in the Appendix and shall contain the particulars required therein and be signed by the petitioner.

Form 10 Appendix. Publication of vacancy petitions.

29.

The Registrar shall, upon presentation of a vacancy petition -

- (a) send a copy of the petition to the Attorney General, the Director of Public Prosecutions and the clerk of the local authority with reference to which the petition is presented in a case where it is presented under paragraph (b) of subsection (2) of section 181;
- (b) exhibit on a notice board at the registry a copy of the petition and cause such notice of the presentation and substance thereof as shall be settled by the Chief Justice to be published in the Gazette and one newspaper.

Presentation of vacancy petition.

30.

When a vacancy petition is delivered to the Registrar's office under section 182, four copies of the petition shall be left with the officer to whom delivery is made.

Application of certain rules to proceedings on vacancy petitions.

31.

Subject to such modifications and adaptations as may be necessary for the purpose, the following provisions of these Rules shall so far as they are applicable have effect in relation to proceedings on a vacancy petition -

- (a) Rules 5 to 7 (both inclusive).
- (b) Rule 9 (provided that in paragraph (4) thereof the reference to subparagraph (b) of paragraph (1) of rule 8 shall be construed as a reference to paragraph (b) of rule 29, and in paragraph (6) of rule 9 the reference to subsection (5) of section 147 shall be construed as a reference to subsection (3) of section 182).
- (c) Rule 10.
- (d) Rule 11 (provided that in paragraph (1) thereof the reference to section 150 shall be construed as a reference to section 183).

- (e) Rule 12 (provided that in paragraph (1) thereof the reference to section 150 shall be construed as a reference to section 183).
- (f) Rules 13 to 16 (both inclusive).
- (g) Rules 20 to 24 (both inclusive).

PART IV - DISPUTES REGARDING ELECTIONS TO AND THE VACATION OF CERTAIN OFFICES.

32. A reference in respect of any question as to the election of any person to any office to which subsection (3) of section 188 applies or the vacation of such office shall be in Form 11 of the Appendix, shall contain the particulars required therein and shall be signed by the person making the same.

Form of reference and prescribed matters.  
Form 11 Appendix.

33. Subject to such modifications and adaptations as may be necessary for the purpose, the provisions of rules 11 and 12 of these Rules relating to security for costs shall apply when a councillor is required to give security for costs under section 190:

Security for costs.

Provided that -

- (a) every reference to section 150 in those rules shall be construed as a reference to section 190;
- (b) the said provisions shall be deemed not to include any reference to any provision of section 152; and
- (c) the Registrar may require any surety to a recognizance to swear an affidavit as to his sufficiency.

34. The time and place of trial of a reference to which this Part of these Rules relates shall be fixed by the Registrar after consultation with the Chief Justice and notice thereof shall be given in writing by posting the notice at the Registry and by sending a copy thereof to the person making the reference, to the clerk of the local authority in respect of which the reference is made and to the Director of Public Prosecutions.

Notice of hearing.

35. On the hearing of a reference the Court shall proceed as if such reference were a motion before the Court in the exercise of its original jurisdiction and shall

Procedure on reference.

follow the procedure of the Court on the hearing of a motion so far as the same is applicable.

Dated this 26th day of June, 1970.

H. B. S. BOLLERS  
Acting Chancellor.

G. L. B. PERSAUD  
Acting Chief Justice.

AKBAR KHAN  
Puisne Judge.

KENNETH W. BARNWELL  
Registrar.

J. O. F. HAYNES  
.....

M. E. CLARKE  
.....  
Members of the Rule Making Authority.

APPENDIX

Rule 3

FORM I

PETITION IN RESPECT OF AN ELECTION TO A COUNCIL OF A LOCAL  
AUTHORITY.

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

Election for the local authority area of .....  
..... holder on the ..... day of .....  
19 .....

\*The Petition of A of .....  
whose name is subscribed.

1. Your petitioner A is a person who was a registered voter  
(or candidate) at the above election.
2. And your petitioner states that the returning officer for  
the above local authority area on the ..... day of  
19 ....., caused to be published a notification of the  
results of the above election.
3. And your petitioner says that (here state facts and grounds  
on which the petitioner relies).

Wherefore your petitioner prays that the Court may -

- (1) determine that .....
- (2) grant such redress in conformity with the Local Authorities  
(Elections) Act, 1969, as may be just.

(Sgd.)  
(Petitioner).

The address for service of the petitioner is .....

The solicitor for the petitioner is .....  
whose address for service is .....

\*If there is more than one petitioner the petition should be the  
petition of all their names entered as for A.

FORM 2

Rule 11(1)

## RECOGNIZANCES AS SECURITY FOR COSTS

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord 19 \_\_\_\_\_ before me (name and description) came A.B. of (name and description) and acknowledged himself (or severally acknowledged themselves) to owe to the State the sum of five hundred dollars (or the following sums) (that is to say) the said C.D. the sum of \$ \_\_\_\_\_, the said E.F. the sum of \$ \_\_\_\_\_, the said G.H. the sum of \$ \_\_\_\_\_ and the said J.K. the sum of \$ \_\_\_\_\_ to be levied on his (or their respective) goods and chattels, lands and tenements, to the use of the State.

The condition of the recognizance is that if (here insert the names of all the petitioners, and if more than one, add, or any of them) shall well and truly pay all costs, charges and expenses in respect of the election petition signed by him (or them) in relation to which shall become payable by the said petitioner (or petitioners, or any of them) under the Local Authorities (Elections) Act, 1969, to any person or persons, then this recognizance to be void, otherwise to stand in full force.

(Sgd.)

(Signature of Sureties).

Taken and acknowledged by the abovenamed (names of sureties) on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ at \_\_\_\_\_

BEFORE ME

REGISTRAR

FORM 3

Rule 16

## AFFIDAVIT FOR JUSTIFICATION OF SURETIES

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

I, A B of (name and description) make oath and say that I  
 am worth more than the sum of \$ \_\_\_\_\_ after the payment of all  
 my debts.

Sworn etc.

FORM 4

Rule 17(2)

NOTICE OF APPLICATION FOR DISMISSAL OF AN ELECTION  
PETITION

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

Notice is hereby given that the above respondent intends to  
 apply for an order directing that the petition be dismissed on the  
 ground that (here state ground for application).

And that the said application will be heard at \_\_\_\_\_ on  
 \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

And take Notice that on the hearing of the application any  
 person who might have been a petitioner in respect of the matter to  
 which the petition relates may apply to the judge to be substituted as  
 a petitioner for the above petitioner under section 154 of the said Act.

(Sgd.)

Registrar.

FORM 5

Rule 20.

## TITLE FOR PROCEEDINGS

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

- \* Election for (state local authority area) holden on the  
day of \_\_\_\_\_, 19
- \* Vacancy in office of councillor for the  
local authority.

Between \_\_\_\_\_ Petitioner (name and address)

and \_\_\_\_\_ Respondent (name and address)

- \* Use heading appropriate to proceedings.

FORM 6

Rule 23(1)

## APPLICATION FOR LEAVE TO WITHDRAW

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

The petitioner proposes to apply to withdraw his petition upon the following grounds (here state grounds) and prays that a day may be appointed for hearing his application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19

(Sgd.)



FORM 7

Rule 23(2)

## NOTICE IN PUBLICATION OF FORM 6

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

Notice is hereby given that the above petitioner has on the \_\_\_\_\_ day of \_\_\_\_\_, lodged at the registry notice of an application to withdraw the petition, of which notice the following is a copy - (set it out)

And take notice that by a rule of court made pursuant to the above Act any person who might have been a petitioner in respect of the said election may, within five days after the publication of this notice, give notice in writing of his intention on the hearing to apply for leave to be substituted as a petitioner.

(Sgd.)

Registrar.

FORM 8

Rule 24 (1)

NOTICE OF ABATEMENT OF ELECTION PETITION  
IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE  
THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

Notice is hereby given that the election petition of the above petitioner has abated by reason of the death of (here set out particulars).

And Take Notice that any person who might have been a petitioner in respect of the above election may, within one calendar month after the publication of this notice or within such further time as upon consideration of any special circumstances a judge may allow, apply to the Court to be substituted as a petitioner under subsection (3) of section 169.

(Sgd.)

Registrar.

FORM 9

Rule 25(2)

NOTICE OF WITHDRAWAL OR DEATH OF RESPONDENT  
IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE  
THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the said respondent AB died (or gave notice of his intention not to oppose the petition, as the case may be).

And Take Notice that any person who might have been a petitioner in respect of the above election may, within ten days after publication of this notice or such further time as a judge may allow, apply to the Court to be admitted as a respondent under paragraph (a) of subsection (1) of section 170.

(Sgd.)

Registrar.

FORM 10

Rule 28

VACANCY PETITION IN RESPECT OF THE OFFICE OF COUNCILLOR OF A LOCAL  
AUTHORITY.

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

Office of councillor for the (state local authority)

1. Your petitioner is
  - \* the clerk of the \_\_\_\_\_ local authority and is authorised to present this petition by a resolution of the said local authority passed on \_\_\_\_\_
  - or
  - \*a registered voter for the \_\_\_\_\_ local authority area.

(state the local authority area for which the person to whom the petition relates was elected as a councillor).
2. Your petitioner states that X (the councillor whose office is the subject of the petition) was returned as duly elected to the council of the \_\_\_\_\_ local authority.
3. And your petitioner states (here state grounds on which the petitioner relies).

Wherefore your petitioner prays that it may be determined that the said X has vacated his office as a councillor of the aforesaid local authority.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

(Sgd.)

Petitioner

\*The address for service of the petitioner is \_\_\_\_\_

\*The solicitor for the petitioner is \_\_\_\_\_ whose address for service is \_\_\_\_\_

\*Omit whichever is inapplicable.

FORM 11

Rule 32

REFERENCE OF QUESTION AS TO ELECTION TO OR VACATION OF CERTAIN OFFICES

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1969.

\* Election of (here state office)

\* Vacation of office of

Whereas I, the undersigned A.B., being the clerk of the

local authority (or being a councillor of the

local authority) am desirous of referring a question

to the High Court under the provisions of sections 188 to 192 as to the  
election of XY to the office of

(or the vacation of the office of by XY).

And Whereas (here state the facts and grounds on which the  
reference is based)Wherefore I hereby refer the question so that the honourable  
Court may determine whether the said XY has been validly elected as

(or whether the said XY has vacated his office of

).

Dated this day of , 19

(Sgd.)