

CANEFIELD URBAN COUNCIL ACT

CHAPTER 25:30

Act

19 of 1984

Amended by

12 of 1990

12 of 1992

Current Authorised Pages

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

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CHAPTER 25:30

CANEFIELD URBAN COUNCIL ACT

AN ACT relating to the establishment of a body corporate for the area of Canefield and to make provision for the good government of the said area.

19 of 1984.

[18th October 1984].

Commencement.

PART I

PRELIMINARY

1. This Act may be cited as the –

Short title.

CANEFIELD URBAN COUNCIL ACT.

2. In this Act –

Interpretation.

“Area” means the Canefield area set apart and described in section 91;

“bank”, includes Credit Union;

“By-Laws” means any By-Laws in force under section 18 of this Act;

“Council” means the Canefield Urban Council established in accordance with the provisions of this Act;

“Financial Secretary” means the officer holding the office of Financial Secretary of the Commonwealth of Dominica;

“Form”, identified by a number, means the form so identified as set out in the First Schedule;

First Schedule.

“Local Government Commissioner” means the Local Government Commissioner or any person acting on his behalf;

“Minister” means the Minister responsible for Local Government;

“minister of religion” means any clergyman, minister, priest or other person who exercises spiritual functions or performs the offices of religion for or in respect of any Christian or other church, community or body within the State;

“municipal limits” means the boundaries of the Area;

“occupier” means any person actually occupying premises either as owner or by virtue of any lease or agreement whereby he is entitled as of right to occupy them;

“Returning Officer” means the person appointed by the Chief Elections Officer to preside at an election of members of the Council to watch over the polling at such elections and to declare and return the members elected to the Council;

“Register of Voters” means the register of electors qualified to vote for members of the Council;

“street” includes any square, road, bridle-path, pathway, blind-alley, passage, footway, pavement or public place.

PART II

CONSTITUTION AND POWERS OF COUNCIL

Constitution and
duration of
Council.

3. (1) There shall be in and for the Area a body corporate which shall take such measures for the government of the Area as are required under this Act.

(2) The body corporate shall bear the name of the “Canefield Urban Council” and shall consist of eight persons, three of whom shall be nominated by the Minister as occasion or vacancy may require, and five of whom shall be qualified and elected as hereinafter provided; but if a sufficient number of members are not elected, or if no persons offer themselves for election, or are elected, the Minister may nominate as many additional members as may be required to constitute the Council.

(3) The body corporate shall have an office in the Area and an official seal.

(4) The Minister shall, three days before any general election of members of the Council held under the provisions of section 31 or in keeping with the provisions of section 67(1), dissolve the Council by Order published in the *Gazette*.

Qualifications of
members of
Council.

4. (1) No person shall be qualified to be elected as a member of the Council unless he –

- (a) is a citizen of the Commonwealth of Dominica;
- (b) has attained the age of eighteen years;
- (c) is a resident in the Area and has been so resident for a period of not less than six months immediately prior to the date of nomination; and
- (d) is a registered voter for the election of Council mem-

(2) No public officer shall be qualified to be elected as a member of the Council, but notwithstanding the provisions of the Civil Service Act, a public officer may be nominated by the Minister under the provisions of section 3(2). Act No. 30/73.

5. (1) A person shall be disqualified from being a member of the Council if he – Disqualification of member.

- (a) cannot speak read or write English;
- (b) is a minister of religion;
- (c) holds any office or place of profit in the gift or disposal of the Council;
- (d) is an undischarged bankrupt;
- (e) is suffering from mental disorder;
- (f) has directly or indirectly by himself or his partner, or any person in his employ, any share or interest in any contract or employment with, by or on behalf of the Council.

(2) Notwithstanding subsection (1)(f), a person shall not be so disqualified, or deemed to have any share or interest in such contract or employment by reason only of his having any share or interest in –

- (a) any lease, or sale or purchase of land, or any agreement for the same; or
- (b) any agreement for a loan of money or any security for the payment of money only; or
- (c) any newspaper in which any advertisement relating to the affairs of the Council is published; or
- (d) any company which contracts with the Council for lighting, or supplying with water or insuring against fire or hurricane any part of the Area; or
- (e) any company incorporated by Act of Parliament or under the Companies Ordinance;

Cap. 318.
Companies Ordinance

nor shall any person being a member of the Council be so disqualified if after having tendered for the supply of any materials for the use of the Council it is found by a majority of four members at least of the Council that the supply of the material by that member will be beneficial to the

Forfeiture of seat
by member.

6. (1) If any member of the Council –

- (a) becomes bankrupt; or
- (b) is absent from any three consecutive meetings of the Council without leave of the Council; or
- (c) is absent from the State for more than thirty days without leave of the Council; or
- (d) is in any country of the Commonwealth convicted of perjury or sentenced to death or penal servitude or imprisonment for a term exceeding twelve months,

he shall cease to be a member of the Council and his seat shall thereupon become vacant and a notification of the facts and circumstances of the vacancy shall be published in the *Gazette* and in the case of a nominated member, sent to the Minister.

(2) Any person who sits or votes in the Council after his seat has become vacant shall, for every day on which he sits or votes after his seat has become vacant, be liable on summary conviction to a fine of one hundred dollars for every day he sits or votes.

Expulsion of
member.

7. If any member of the Council refuses to obey and conform to the rules thereof, the Council may, after affording the member an opportunity of defending himself, by resolution expel the member from the Council, and declare his seat vacant, and his seat shall thereupon become vacant accordingly.

Penalty for
unqualified
persons sitting
and voting.

8. Any person who, having been returned as an elected member of the Council, but not having been at the time of his election qualified to be an elected member, sits or votes in the Council shall, for every day on which he sits or votes, be liable on summary conviction to a fine of one hundred dollars.

Resignation of
member.

9. (1) A member of the Council may resign his seat by giving one month's notice in writing to the Chairman.

(2) The Chairman of the Council may resign as a member of the Council by giving one month's notice in writing to the Minister.

CHAIRMAN

Election of
Chairman

10. At the first meeting of a new Council, the Council shall elect one of its members to be the Chairman of the Council and the Chairman shall

continue in office for the duration of the Council, and in case a vacancy is occasioned in the office of Chairman, the Council shall within ten days after the vacancy elect another of its members to fill the vacancy; but if the Council fails to elect the Chairman or any two or more members of the Council obtains the same number of votes at the election of a Chairman, the Minister may nominate a member of the Council to be Chairman.

11. The Chairman shall –

Powers of
Chairman.

- (a) preside at the meetings of the Council and have such other functions and powers as may from time to time be assigned to him by the Council;
- (b) have an original vote, and a casting vote in the event of any equality of votes.

12. If the Chairman is absent the Council may elect one of its members to act as Deputy Chairman, who while so acting shall have all the powers of the Chairman.

Deputy Chair-

MEETINGS OF THE COUNCIL

13. (1) The Council shall meet at least once in every month and at such other times as may be fixed by any regulation of the Council or when convened by the Chairman.

Meetings of
Council.

(2) If any three members of the Council present to the Chairman a request in writing that the Council be convened for the consideration of some particular matter, the Chairman shall summon a meeting of the Council accordingly within forty-eight hours of receipt of the request.

(3) Any four members of the Council shall form a quorum for the transaction of business.

(4) Every question before the Council shall be decided by a majority of votes of the members present and voting.

(5) No act or proceeding of the Council or any committee thereof, shall be questioned on account of any vacancy therein.

(6) A member of the Council shall not vote upon, or take part in the discussion of any matter in which he has directly or indirectly any

himself or his partner or any person in his employ, any pecuniary interest.

(7) The Council may adjourn its sitting from time to time.

FUNCTIONS AND POWERS OF THE COUNCIL

Duties of
Council.

14. (1) The Council shall –

- (a) provide for the collection and expenditure for the benefit of the Area of all moneys authorised by law to be raised for that purpose;
- (b) take all measures requisite under this Act for the good government and improvement of the Area; and
- (c) enforce the provisions of this or any Act relating thereto, and also of all Regulations and By-laws made under this Act or any other Act relating thereto.

(2) The Minister may whenever he thinks fit require the Local Government Commissioner to carry out an inspection or enquiry into any matter pertaining to, or into any aspect of the functioning of the Council; and the Council shall take all steps necessary to facilitate the inspection or enquiry.

(3) The Clerk of the Council shall forward to the Local Government Commissioner within forty-eight hours of the passing thereof, a copy certified by him of all resolutions moved and passed or accepted by the Council.

(4) The Minister may by letter addressed to the Chairman require the Council to refrain from taking action on any resolution passed or accepted by the Council for such period as he may consider necessary; and the Council shall comply with the request of the Minister.

Power to make
Regulations.

15. (1) Subject to subsection (2), the Council may make Regulations as may be necessary or expedient generally for carrying out the provisions of this Act and without prejudice to the generality of the foregoing may make Regulations for –

- (a) the time and place of its meetings;
- (b) the mode of convening its meetings;
- (c) the attendance of its members;

- (d) the powers and duties of its officers and servants;
- (e) the form and order of its debates; and
- (f) the general regulation of the proceedings of the Council and of any committee thereof, and the mode of conducting its business respectively.

(2) All Regulations shall be published in the *Gazette*.

(3) No Regulations shall be made, or when made altered, or rescinded, unless –

- (a) special notice of the intended making, alteration, or rescission has been given at the meeting preceding the one at which the making, alteration, or rescission is proposed; and
- (b) special notice as aforesaid has been transmitted to the members of the Council at least three days before the meeting.

16. The Council may appoint one or more committees, either of a general or special nature and consisting of as many persons whether from among its members or not as it may think fit, for any purpose which, in the opinion of the Council would be better regulated by means of such committees; but the acts of every such committee shall be subject to the approval of the Council.

Appointment of committees.

17. (1) A minute of the proceedings at a meeting of the Council, or of a committee, signed at the same or a subsequent meeting by the Chairman, or by a member of the committee describing himself as or appearing to be Chairman of the committee, shall be received in evidence without further proof in all courts of justice and for all other purposes whatsoever.

Minutes of Council.

(2) Until the contrary is proved, every meeting of the Council, or of a committee in respect of the proceedings whereof a minute has been so made shall be deemed to have been duly convened and held, and all members present at the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, the committee shall be deemed to have had power to deal with the matter referred to in the minute.

(3) The minutes of every meeting of the Council, or of a committee, shall be subject to the approval of the Council.

~~confirmation, be forwarded by the Clerk of the Council to the Minister and shall be published in the *Gazette*.~~

Making of By-Laws.

18. (1) The Council may make By-Laws for the good government of the Area generally and in particular with respect to the following matters:

- (a) the cleanliness of streets and drains;
- (b) the sanitation of buildings and structures of all kinds;
- (c) the suppression and abatement of nuisances;
- (d) the control of dogs;
- (e) the keeping of animals, birds and bees;
- (f) the maintenance, cleanliness and regulation of markets and slaughter houses;
- (g) the destruction of insects;
- (h) the sanitation of unoccupied lands;
- (i) cemeteries and graves;
- (j) drainage and sewerage;
- (k) scavenging and the removal and disposal of waste;
- (l) the establishment, maintenance, regulation and cleanliness of public conveniences;
- (m) entry of members, officers and servants of the Council upon premises for the purposes of this Act and By-laws thereunder.

(2) By-Laws made by the Council shall be styled By-laws ordained by the Canefield Urban Council and every such By-laws shall be subject to the approval of the Minister and shall not come into operation until it has been so approved and published in the *Gazette*.

(3) Notwithstanding subsections (1) and (2), the Minister shall have power to review from time to time the working of any By-Laws so in operation and may if of the opinion that it is causing or likely to ~~cause hardship require the Council to have it revoked;~~ and if the Council fails to revoke any By-Laws within such time as may be stipulated by the Minister, the Minister may by order published in the *Gazette* have the By-Laws revoked.

(4) By-Laws of the Council shall have force only within the ~~municipal limits of the Area.~~

(5) The powers conferred by this section shall include power to require, impose and charge licences, rates, dues and fees within municipal limits with respect to matters dealt with under any By-Laws.

(6) The Council may by any By-Laws made under this Act make provisions for such penalties as it may think fit, not exceeding five hundred dollars for each offence, and in the case of a continuing offence, a further penalty not exceeding twenty dollars for each day during which the offence continues after service of written notice thereof by the Council, and in default of payment of such penalties, imprisonment for any term not exceeding six months.

19. Subject to the provisions of this Act, it shall be within the power of the Council – Borrowing and other powers.

- (a) to borrow, with the sanction of and subject to such terms and conditions as may be imposed by the Minister, any sum or sums of money on the security of the immovable estate, rent, rates, and other income or assets of the Council, for the purpose of carrying out any work of public utility within municipal limits, or any work which the Council is authorised to execute under this Act; but –
 - (i) the total annual charges for interest and sinking fund in respect of any loans in existence at any one time shall not exceed one-fourth of the total yearly income of the Council; and
 - (ii) the annual charge for interest and repayment of any loan which may be made under the provisions of this Act shall be a first charge upon the revenue of the Council;
- (b) to contribute towards, either by way of grant or loan, or to undertake the cost of any scheme or institution for public education or entertainment or any charitable scheme or charitable institution connected with or for the benefit of the Area;
- (c) to carry out such duties in relation to any scheme submitted by the Planning Division of the Economic Development Unit of the Government as may from time to time be requested by the Minister responsible for planning and development.

- (d) to provide for the establishment and regulation of municipal markets and to regulate the fees, rents and tolls to be paid for the use of such markets;
- (e) to provide for the allotment of special places for the sale of perishable goods, and to regulate the fees, rents and tolls for the use of such special places;
- (f) at the request of the Minister to maintain and regulate parks and gardens and other places of resort or recreation for the use of the public.

Establishment of
pounds.
Ch.61:03.

20. (1) Notwithstanding the provisions of sections 3 and 4 of the Pounds Act, the Council may establish, erect and maintain at any convenient place, or places within the municipal limits of the Area a public pound or pounds and may appoint some fit and proper person to be the pound-keeper at any such pound.

(2) A notification of the establishment of any such pound and the appointment or removal of any pound-keeper, as the case may be, shall be inserted in the *Gazette*, and the notification shall be taken in all courts of law in this State and for all intents and purposes to be evidence that such pound has been legally established and the pound-keeper legally appointed as is stated in the said notification.

(3) The Pounds Act and any Regulations made thereunder shall apply –

- (a) to any pound established, erected and maintained under the provisions of this section, and
- (b) to the pound-keeper of any such pound,

in the same manner as they apply to a pound established, erected and maintained under that Act, and to the pound-keeper thereof; and pound-keepers appointed under this section shall have the same rights, powers and duties and shall be liable to the same penalties as are conferred or imposed upon pound-keepers appointed under the Pounds Act and any Regulations made thereunder.

Officers of the
Council.

21. (1) The Council may, with the prior approval of the Minister –

- (a) appoint fit and proper persons to be Clerk of the Council, market clerk, overseer and constable of the Area;

(b) from time to time fix or alter the salaries to be paid to such officers; and

(c) suspend or dismiss any of the said officers.

(2) In any case where the Council has sought the approval of the Minister under subsection (1)(c), the Minister may call upon the Council to give reasons why any of the said officers should be suspended or dismissed, and upon consideration thereof, approve the decision of the Council and direct the Council as to the terms upon which the dismissal or suspension may be imposed. In the event of the Council failing to comply with the direction within three months or such shorter period as may be set out in the direction, the Minister may proceed to suspend or dismiss the said officer.

22. (1) The Clerk of the Council shall be the chief executive officer of the Council; he shall have all such powers and perform all such duties as are or may be conferred or imposed upon him by this or any other Act or by any Regulations, By-Laws, or Order of the Council and shall collect the rates, dues and fees payable to the Council under the By-Laws.

Clerk to be chief executive officer of the Council.

(2) The Clerk of the Council shall attend the meetings of the Council and of every committee, and shall keep minutes of the proceedings at every such meeting and shall be subject to the direction of the Council.

23. (1) If from any cause the Clerk of the Council, Assistant Clerk, Area constable or Area overseer is unable to perform his duties, the Council may appoint some fit and proper person to act as Deputy Clerk of the Council, Deputy Area constable or Deputy Area overseer respectively.

Deputy Clerk of the Council, Area constable or Area overseer.

(2) The deputy officer shall hold office during the pleasure of the Council and shall have the same powers and duties as the officer in whose place he is acting.

24. (1) The Council may appoint such other officers and servants as may be required for the efficient administration of the affairs of the Council.

Appointment of officers and servants.

(2) Every such officer or servant shall receive such salary and perform such duties as may be assigned to him by the Council.

25. The Council may require any officer or servant to give such security as may be thought proper for the due and faithful performance of his duties.

Security of officers and servants.

of the duties of his office, and for the due accounting for, paying over, and delivering up of all moneys, goods and chattels which may come into his hands by virtue of such office.

Delivery of
receipts and
vouchers by
officers, etc.

26. (1) Every officer or servant appointed by the Council shall –

- (a) at such times during the continuance of his office as the Council may direct; or
- (b) within ten days after he ceases to hold such office; or
- (c) within such time as the Council may direct, after he ceases to hold such office,

deliver to the Council, in such manner as the Council may direct, a true account in writing of all matters committed to his charge and of his receipts and payments, with vouchers and a list of persons from whom moneys are due for the purposes of this Act, in connection with his office showing the amount due from each.

(2) Every such officer or servant shall pay all moneys due from him to the Council.

(3) If any such officer or servant –

- (a) refuses or neglects to deliver any account or list which he ought to deliver or any voucher relating thereto, or to make any payment which he ought to make; or
- (b) after three days' notice in writing, signed by the Chairman, given, or left at his usual or last known place of abode, refuses or neglects to deliver to the Council, or as the Council may direct, anything which he ought to deliver, or to give satisfaction respecting it,

a Magistrate on complaint of the Chairman, acting on the direction of the Council may, by summary order, require the said officer or servant to make such delivery or payment or to give satisfaction, and may enforce such order as provided by law.

(4) Nothing in this section shall affect a remedy by action against such officer or servant or his surety, except that such officer or servant shall not be both sued by action and proceeded against summarily for the same cause.

PART III**QUALIFICATION AND REGISTRATION OF VOTERS**

27. (1) The Chief Elections Officer shall have general supervision over the administrative conduct of every election in the Area held by virtue of this Act.

Chief Elections Officer to supervise elections.
[12 of 1990].

(2) The Chief Elections Officer shall appoint fit and proper persons as Returning Officer, Presiding Officers, Assistant Presiding Officers and Poll Clerks.

(3) Election officers shall receive such remuneration as may be prescribed by the Chief Elections Officer.

28. (1) Subject to this Act, every person resident in the Area shall be deemed to be registered as a voter for the purpose of this Act, if that person is registered to vote under the provisions of the Registration of Electors Act in any Polling District within the Area.

Qualification of electors and relevant forms.
Ch. 2:03.
[12 of 1992].

(2) Notwithstanding subsection (1) a person is not entitled to vote as an elector at any election of members of the Council for the Area unless his name appears on the list of registered voters to be used at such an election, which shall be posted or affixed in some conspicuous place at the Canefield Airport, on the principal door of the Electoral Office and in any other place in the Area as the Chief Elections Officer deems necessary.

(3) For the purposes of this section and section 27, the relevant Forms shall be as set out in the First Schedule.

First Schedule.

PART IV**PROCEEDINGS FOR AND AT ELECTIONS**

29. (1) Subject to subsection (2), the term of office of each Council shall, unless the Council is sooner dissolved, be approximately three years duration and shall commence on the day when the Council first meets after any general election of members.

Duration of Council.

(2) The first meeting of the Council shall in no case take place later than one month after each general election of members.

30. (1) On a day to be fixed by the Chief Elections Officer after consultation with the Minister, the electors of the Area shall vote in the manner hereinafter provided for the election of members of the Council.

Time for holding election.

(2) The date of elections shall be published by the Chief Elections Officer in the *Gazette* and in one of the newspapers published in the State and posted on the principal door of the office of the Council and in any other place in the Area as he may think fit.

Mode of holding election and manner of voting.

31. (1) Every election shall be held before the Returning Officer and such persons as may be appointed to assist him, all of whom shall be appointed by the Chief Elections Officer.

(2) The voting shall commence at eight o'clock in the morning and shall close at five o'clock in the afternoon of the same day, and shall be by ballot and conducted in the manner hereinafter provided.

(3) Every elector may vote for any number of persons as members of the Council, not exceeding the number then to be elected, such persons having been duly nominated as candidates for the election.

Form 5.

(4) Every candidate shall be designated by his full name and residence on a nomination paper in the form set out as Form No. 5, by two duly qualified voters. The nomination paper shall be delivered to the Returning Officer on a date fixed for the purpose by the Chief Elections Officer being at least seven days before the date fixed for an election and the person nominated shall express in writing on the nomination paper his consent to the nomination.

Form 6.

(5) Every candidate for election shall deliver, or cause to be delivered, to the Returning Officer at the time of presenting his nomination paper, a declaration in writing signed by him, stating the qualifications possessed by him under section 4 and that he is in no way disqualified under section 5 from being a member of the Council. The declaration shall be in the form set out as Form No. 6.

(6) If at the end of the time fixed for the nomination of candidates the number of candidates nominated and standing for election does not exceed the number then to be elected, the Returning Officer shall declare that the said candidates are duly elected.

(7) Any person whose name appears on the register of voters may object to the nomination of any candidate for election as not being duly qualified, and the Returning Officer shall decide the validity of ~~any objection~~.

(8) The decision of the Returning Officer may be subject to reversal on an election petition.

Deposit by candidates for election.
12.10.1999

32. (1) A candidate for election, or someone on his behalf, shall ~~deposit with the Returning Officer, on or before the date of his nomination,~~

the sum of fifty dollars. and if he fails to do so, he shall be deemed to have withdrawn.

(2) The deposit must be made in cash to the Returning Officer.

(3) If after the deposit is made the candidature is withdrawn not less than forty-eight hours before the poll is begun, the deposit shall be returned to the person by whom it was made; and if the candidate dies after the deposit is made and before the poll is begun, the deposit, if made by him, shall be returned to his legal personal representative or, if not made by him, shall be returned to the person by whom it was made.

33. (1) If a candidate who has made the deposit is not elected, and the number of votes polled by him does not exceed one-sixth of the total number of votes polled, the amount deposited shall be forfeited to the Accountant General; in any other case that amount shall be returned as soon as practicable after the result of the election is declared.

If votes do not exceed one-sixth of total votes polled, deposit to be forfeited.

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

34. The Chief Elections Officer shall, before the polling day at any election, provide such ballot boxes, ballot papers, polling compartments, materials for electors to mark the ballot papers, directions for the guidance of electors in voting and all such other things as may be necessary for effectually conducting the elections; and all expenses incurred in respect of such provision shall be defrayed from the Consolidated Fund.

Providing of apparatus for election.

35. The polling and election of members of the Council shall take place at such rooms or buildings in the Area as may be appointed by the Chief Elections Officer by notice in the *Gazette* and in one of the newspapers published in the State and posted in the manner provided in section 30(2).

Place of polling.

36. (1) The ballot of each voter shall consist of a paper in this Act called a ballot paper showing the names, descriptions and addresses of the candidates, arranged alphabetically in order of their surnames; it shall have a number printed on the back and shall have attached a counterfoil with the same number printed on the face, and shall be capable of being folded up.

Ballot paper
[14 of 1772]

(2) The surname of each candidate, and if there are two or more candidates with the same surnames, also the other names of such candidates, shall be printed in large characters, and subject as aforesaid the names, descriptions and addresses, and the number on the back of the ballot paper shall be printed in small characters.

Second
Schedule.

(3) There shall be printed upon every ballot paper opposite to the name of each candidate, one of the symbols shown in the Second Schedule which shall be allotted to each candidate in the manner hereinafter provided.

(4) When the Chief Elections Officer is satisfied that a recognised political party has applied to him for a party symbol, he shall allocate one of the symbols numbered 1 - 5 in the Second Schedule to such party and every official candidate of such party shall be entitled to have the party symbol printed opposite his name.

(5) Subject to subsection (6), in the case of other candidates the Chief Elections Officer shall allocate one of the symbols numbered 6 - 30 in the Second Schedule to each such candidate.

(6) Under subsection (5), the order in which the symbols are allocated shall correspond with the order in which the names of the candidates, excluding the official party candidates, appear on the ballot paper, that is to say, in alphabetical order.

Construction of
ballot box.

37. (1) Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom, without the box being unlocked.

(2) The Presiding Officer shall, immediately before the commencement of the poll, show the ballot box empty to such persons as may be present in the polling place, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Marking and
delivering of
ballot.

38. Every elector shall be entitled to demand and receive a ballot paper; but immediately before it is delivered to the elector, it shall be marked on both sides by the Presiding Officer with a mark in this form called "the official mark", and the number and name of the elector, as stated in the copy of the register of voters, shall be called out, and a mark shall be placed on the copy of the register of voters against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which is his own ballot paper.

39. The Presiding Officer shall put on a table in the compartment set aside for the voters, directions for their guidance in the form prescribed in the Third Schedule.

Directions to
voters.
Third Schedule.

40. (1) The elector shall, on receiving the ballot paper, forthwith proceed into the compartment or one of the compartments in the polling place and there secretly mark his vote by placing a cross or other mark on the ballot paper with the lead pencil provided or otherwise opposite the name of each candidate for whom he votes and shall then fold up the ballot paper in such a manner as to conceal his vote, but to show the official mark on the back, and shall then put his ballot paper so folded up into the ballot box in the presence of the Presiding Officer, after having shown to him the official mark on the back.

Mode of giving
vote.

(2) Any ballot paper –

(a) which does not bear the official mark; or

(b) on which votes are given to more candidates than the elector voting is entitled to vote for; or

(c) on which anything is written or marked by which the elector can be identified,

shall be void and not counted.

(3) The elector shall vote without undue delay, and shall quit the polling place as soon as he has put his ballot paper into the ballot box.

41. (1) On the application of any elector who is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, if he is accompanied by a friend who is an elector at that Polling Division, the Presiding Officer shall permit the friend to accompany the elector into the polling compartment and mark the elector's ballot paper for him, and in any other case, shall in the presence of the person appointed to assist him at the election cause the vote of the elector to be marked on the ballot paper in the manner directed by the elector and the ballot paper to be placed in the ballot box.

Giving of vote by
blind or
incapacitated
elector.

(2) No person shall at any election be allowed to act as the friend of more than one incapacitated elector.

(3) The name and number in the register of voters of every elector whose vote is marked in pursuance of this section and the reason why it is so marked, shall be entered on a list to be called "the list of voters marked by the Presiding Officer"

Spoilt ballot
paper.

~~42.~~ Any elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering to the Presiding Officer the ballot paper so inadvertently dealt with and on proving the fact of the inadvertence to the satisfaction of the Presiding Officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the spoilt ballot paper shall immediately be cancelled by the Presiding Officer.

Procedure at
close of poll.

43. (1) After the close of the poll, and before the Presiding Officer departs from the place of election, the ballot box shall be opened by the Presiding Officer in the presence of the person appointed to assist him at the election, and of the candidates, or of the person who proposed them, or any other persons in attendance nominated by them for the purpose; and no other person shall, except with the sanction of the Presiding Officer, be present.

(2) The Presiding Officer shall ascertain the result of the poll by counting the votes given to each candidate, but while doing so, he shall keep the ballot papers with their faces upwards, and shall take all proper precautions for preventing any person from seeing the numbers on such papers.

(3) The Presiding Officer shall replace the valid ballot papers in the ballot box and shall seal the box.

Mode of dealing
with rejected
ballot paper.

44. (1) The Presiding Officer shall endorse the word "Rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement the words "Rejection objected to," if an objection is in fact made to his decision by any candidate, or any other person nominated as mentioned in section 43.

(2) The Presiding Officer shall report to the Returning Officer the number of ballot papers rejected, and not counted by him, under the several heads of –

(a) want of official mark;

~~(b) naming the wrong candidate, or the name was written on~~
vote for;

(c) presence of writing or mark by which the voter could be identified; and

~~(d) want of proper mark, or evidence for uncertainty.~~

(3) The Presiding Officer shall, on request, allow any candidate, or any person who proposed a candidate, or any other person nominated as aforesaid, to copy the report before it is sent in.

45. The decision of the Presiding Officer as to any question arising in respect of any ballot paper shall be subject to reversal by the Returning Officer on petition to the High Court questioning the election or return.

Finality of Presiding Officer's decision on question as to ballot papers.

46. (1) Upon the completion of the counting and before the Presiding Officer departs from the place of election, the number of votes cast for each candidate shall be publicly announced by the Presiding Officer.

Declaration and return of result of election.

(2) The Presiding Officer shall transmit to the Returning Officer at the place appointed by the Chief Elections Officer –

- (a) the ballot box;
- (b) the envelope containing the key thereof; and
- (c) the preliminary statement of the poll in such manner as the Chief Elections Officer may direct.

(3) The Returning Officer, upon receipt by him of each of the ballot boxes, shall –

- (a) take every precaution for its safe-keeping and for preventing any person other than himself and his Election Clerk having access thereto; and
- (b) without effacing or covering any other seals thereto affixed, seal it under his own seal so that it cannot be opened without his seal being broken.

(4) After all the ballot boxes have been received, they shall be opened in the presence of such of the candidates or their representatives as are present, by the Returning Officer who shall –

- (a) count the votes contained therein cast for each candidate (allowing the candidates and their representatives to see the votes) and determine whether any of the votes should be regarded as having been validly cast for any,
- (b) count the votes rejected by the Presiding Officer (allowing the candidates and their representatives to see the votes) and determine whether any of the votes should be regarded as having been validly cast for any,

(c) add up the total number of votes (including any votes rejected by the Presiding Officer but which he thinks should not have been so rejected) cast for each candidate;

(d) make or sign any necessary amendments to the statement of the poll.

(5) If, for the final count of the votes, none of the candidates or their representatives are present, it shall be the duty of the Returning Officer or Election Clerk to secure the presence of at least two electors who shall remain in attendance until the final count of the votes has been completed.

(6) In the case of a by-election to fill a vacancy in the Council, the candidate, and in the case of the general election for the Council, the five candidates who on the final count of the votes, is or are found to have the largest number of votes shall then be declared elected in writing and a copy of the declaration shall be forthwith delivered to each candidate or his agent if present at the final count of the votes, or if the candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered post.

(7) Where two or more candidates have an equal number of votes, and the addition of a vote would entitle any such candidates to be declared elected, the Returning Officer shall give such additional vote or votes as is required.

Disposal of documents and papers relating to election.

47. (1) Immediately after making the declaration, the Returning Officer shall seal up all documents and papers relating to the election in separate packets according to their description, and shall deliver the same to the Chief Elections Officer, endorsing on each packet a description of its contents and the date of the election.

(2) The documents and papers shall be sealed up in the presence of the candidates, or the persons who proposed them, or any other person nominated by them for the purpose in attendance; and no other person shall be present with the exception of the Returning Officer, be present.

(3) The Chief Elections Officer shall retain for three years all the documents and papers so delivered to him, and at the expiration of such time he shall, unless otherwise directed by the High Court, cause

~~48.~~ (1) No person shall be allowed to inspect any ballot paper in the custody of the Clerk of the Council except under the order of the High Court.

Inspection of
ballot papers.

(2) The order may be made by the High Court on petition, and on proof being made to its satisfaction that the inspection of the ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return.

(3) Any such order for the inspection or production of ballot papers may be made subject to such conditions as to person, time, place and mode of inspection or production as the High Court may think expedient, and shall be obeyed by the officer or person having the custody of the ballot papers.

49. (1) The Chief Elections Officer or any other person shall not, except under the order of the High Court, open any sealed packet of documents or papers relating to an election and delivered as aforesaid to the Chief Elections Officer.

Opening of
sealed packet of
documents and
papers relating to
elections.

(2) Any such order may be made subject to such conditions as to person, time, place and mode of opening or inspections as the High Court may think expedient; and the documents or papers shall be sealed by such person at such time and in such manner as the High Court may direct.

PART V

ELECTION PETITIONS AND OFFENCES

PETITIONS

50. A petition complaining of an undue return or undue election of a member of the Council, in this Act called an election petition, may be presented to the High Court within twenty-one days after the date of the return or election by any person –

Petitions against
elections.

(a) who voted or had a right to vote at the election to which the petition relates;

(b) claiming to have had a right to be returned at the election;

(c) claiming himself to have been a candidate at the election.

Trial of election petitions.

51. Every election petition shall be tried in the same manner as an action in the High Court by a Judge sitting alone. At the conclusion of the trial the Judge shall determine whether the member of the Council whose return or election is complained of or any, and what, other person was duly returned and elected, or whether the election was void, and shall certify the determination to the Chief Elections Officer, and the determination so certified shall be final; and the return shall be confirmed or altered, or a new election ordered, as the case may require, in accordance with the determination.

Powers of Judge.

52. At the trial of an election petition the Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, and witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in the trial of a civil action in the High Court, and such witnesses shall be subject to the same penalties for perjury.

OFFENCES

Bribery.

53. The following persons shall be deemed guilty of bribery within the meaning of this Act:

- (a) every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of the voter having voted or refrained from voting at any election;
- (b) every person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce the voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;

- (c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person as an elected member of the Council, or the vote of any voter at any election;
- (d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement procures, promises or endeavours to procure the return of any person as an elected member of the Council, or the vote of any voter at any election;
- (e) every person who advances or pays, or causes to be paid, any money to or to the use of any other person with the intent that the money, or any part thereof shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (f) every voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place, or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;
- (g) every person who, after any election directly or indirectly by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any election;
- (h) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, pays any rate or tax on behalf of any other person for the purpose of enabling him to be registered as a voter in order thereby to influence his vote at any future election, and every person on whose behalf and with whose privity, any such payment as last aforesaid is made;

Treating.

54. The following persons shall be deemed guilty of treating:

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

Undue influence.

55. A person is guilty of undue influence –

- (a) if he, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel that person to vote or refrain from voting or on account of that person having voted or refrained from voting at any election; or
- (b) if he, by abduction, duress or any fraudulent contrivance impedes or prevents the free exercise of the franchise of any elector or thereby compels, induces, or prevails upon any elector either to give or refrain from giving his vote at any election.

Personation.

56. A person is guilty of personation at an election if he –

- (a) applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person; or
- (b) having voted once at any election, applies at the same election for a ballot paper in his own name or in the name of another person.

Penalty for bribery, treating or undue influence.

57. Any person who is guilty of bribery, treating or undue influence is liable on conviction, to a fine of one thousand dollars or to imprisonment for one year.

58. Any person who is guilty of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation is liable on conviction to imprisonment for two years. Penalty for personation.

59. (1) Any person who is convicted of bribery, treating, undue influence, or personation, or of aiding, counselling or procuring the commission of the offence of personation, shall, in addition to any other punishment, be disqualified during a period of seven years from the date of the conviction – Disqualification for bribery, etc.

(a) of being registered as a voter, or voting at any election of a member of the Council; or

(b) of being elected a member of the Council.

(2) Any elected member of the Council who is convicted of bribery, treating, undue influence, or personation, or of aiding, counselling or procuring the commission of the offence of personation, shall, in addition to any other punishment, vacate his seat as a member of the Council as from the date of the conviction.

60. Any person who – Penalty for certain illegal practices at elections.

(a) votes, or induces or procures any person to vote, at any election, knowing that he or that other person is prohibited by this Act or by any law, from voting at the election;

(b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at the election for the purpose of promoting or procuring the election of another candidate,

is guilty of an illegal practice, and liable on summary conviction to a fine of five hundred dollars, and in addition that person shall be incapable, during a period of five years from the date of his conviction, of being registered as a voter, or voting at any election of a member of the Council.

61. (1) A person is guilty of an offence if at an election he – Offences in respect of ballot papers.

(a) forges or counterfeits, or fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper;

(b) without due authority supplies a ballot paper to any person;

(c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put into

- (d) fraudulently takes out of the polling station any ballot paper;
- (e) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election;
- (f) not being duly registered as a voter votes at the election.

(2) A person guilty of an offence under this section is liable on summary conviction if he is a Presiding Officer or a person appointed to assist him, to a fine of one thousand dollars or to imprisonment for two years; or if he is any other person to a fine of three hundred dollars or to imprisonment for six months.

(3) Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

(4) In any information or prosecution for an offence in relation to the ballot boxes, ballot papers, and other things in use at an election, the property in the ballot boxes, ballot papers, or things may be stated to be vested in the Presiding Officer at the election.

Infringement of
secrecy.

62. (1) Every officer, clerk or agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in the station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at that station.

(2) No person shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in the station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at the station.

(3) Every officer, clerk or agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at the counting the number on the back of any ballot paper or communicate any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.

(4) No person shall, directly or indirectly, induce any voter to

any person the name of the candidate for whom or against whose name he has so marked his vote.

(5) Any person who fails to comply with this section is liable on summary conviction to a fine of three hundred dollars or to imprisonment for six months.

63. (1) No election shall be valid if any corrupt practice or the offence of aiding, counselling or procuring the offence of personation is committed in connection therewith by the candidate elected. Corrupt practice renders election void.

(2) The expression "corrupt practice" as used in this section means any of the following offences: bribery, treating, undue influence, and personation as hereinbefore set forth.

(3) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or, for the purposes of this section, by a person who is acting under the general or special authority of such candidate with reference to the election.

64. No voter who has voted at any election shall, in any proceedings on an election petition, be required to state for whom he has voted. Voter not required to state for whom he has voted.

PART VI

SUPPLEMENTAL PROVISIONS

65. Every person who is elected or nominated a member of the Council shall prior to taking his seat take before the Local Government Commissioner, Commissioner for Oaths or a Justice of the Peace or the Chairman at a meeting of the Council an oath or affirmation in the following form: Oath or affirmation to be taken by members.

"I, do swear (or declare) that I will well and faithfully discharge the duties of a member of the Canefield Urban Council (So help me God.)"

66. (1) If any vacancy occurs in the office of elected members of the Council, the Council shall, on a day to be fixed by the Chief Elections Officer being within thirty days after the vacancy arises, and after the publication of due notice in the *Gazette* and in one of the newspapers published in the State, and the posting of such notice in the manner provided in section 30 hereof, elect another person to fill the vacancy. Holding of election in case of vacancy on the council.

(2) The election shall be held, and the voting and other proceedings shall be conducted, in the same manner and subject to the same rules and formalities as are hereinbefore provided in respect of the ordinary elections of members of the Council.

(3) Every member so elected shall hold office until the time at which the person in place of whom he is elected would regularly have gone out of office; but shall be eligible for re-election if he is then qualified as herein provided.

Dissolution of
Council by
Minister when
default is made.

67. (1) If the Council in the judgment of the Minister persistently makes default in the performance of the duties by law imposed upon it, or exceeds or abuses its powers, the Minister may by Order published in the *Gazette*, dissolve the Council.

(2) In the case of the dissolution, the following consequences shall ensue:

- (a) all members of the Council shall, from the date of the Order, vacate their offices as such member;
- (b) all the powers and duties of the Council shall, until the constitution of a new Council under this Act, be exercised and performed by such person or persons as the Minister may appoint in that behalf, and any payment made to such person or persons for his or their services shall be a charge upon the Council fund;
- (c) all property vested in the Council shall, during the period aforesaid, vest in the person or persons aforesaid until the constitution of a new Council, whereupon all such property shall again become vested in the Council.

(3) An Order for dissolution of the Council under this section shall make provision for the constitution under this Act of a new Council in lieu of the Council so dissolved within a period not exceeding three months from the date of the Order.

PART VII

ADMINISTRATION AND GOVERNMENT OF THE COUNCIL FUND

Payments of mon-
eys to Council

68. (1) All moneys due to the Council shall be paid to the Clerk of the Council, and such payments must be deposited every day into the

Council's account at a bank or banks to be determined by the Council; and the moneys so deposited shall form a Council fund.

(2) All payments from the Council fund shall be made on the written order of the Clerk of the Council countersigned by the Chairman or other person designated by the Council.

69. The Council fund shall be composed of moneys derived from — Composition of the Council fund.

- (a) house and land rate imposed by this Act;
- (b) rates, taxes, dues and fees payable to the Council under this Act or any Rules or By-Laws made thereunder;
- (c) moneys derived from the sale, hire or mortgage of properties vested in the Council;
- (d) all other sources from which the same may lawfully be derived, including any vote or contribution from the general revenue of the State.

70. (1) In or before the month of March in each year annual estimates of revenue and expenditure shall be prepared by the Council in respect of the financial year commencing on 1st July then next ensuing in such form as may be prescribed by the Minister; and the same shall be submitted to the Minister for approval in that month of March. Preparation and approval of estimates.

(2) The Minister may approve of the estimates as submitted in whole or in part and may amend, vary or delete any item of revenue or expenditure as he may think fit.

(3) The estimates shall, when so approved by the Minister, be binding in their details upon the Council subject nevertheless to any addition, deletion, re-vote or transfer agreed to by resolution of the Council subsequent to the approval; but the addition, deletion, re-vote or transfer must be communicated to the Minister and approved by him.

71. The accounts of the Council shall be open at all reasonable times to inspection by any member of the Council or by the Minister or ~~any other person authorised by him.~~ Accounts open to inspection by members of Council or the Minister.

72. (1) The accounts of the Council shall be produced by the Clerk of the Council for audit by the Director of Audit at such time as the Director of Audit may from time to time require, and the accounts shall thereupon be audited by the Director of Audit. Audit of accounts.

(2) The Director of Audit shall make and sign a report upon the accounts, and a duplicate of the accounts with the report thereon shall be forwarded to the Minister and the Chairman of the Council. The said accounts shall be published in the *Gazette*.

Power of
Director of Audit
to call for books,
etc.

73. For the purpose of any audit as hereinbefore provided the Director of Audit may require the production before him of all books, deeds, contracts, accounts, vouchers, receipts, and other documents and papers which he may consider necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, receipts, documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same.

Government
auditor may enter
office of Council.

74. The Director of Audit may at all reasonable times enter any office of the Council and have access to all books, deeds, contracts, accounts, vouchers, receipts and all other documents and papers.

Interim
appropriation of
Council fund
moneys.

75. The Council may invest any accumulation of the Council fund in any manner approved by the Minister.

Payments from
Council fund.

76. The debts of the Council shall be discharged from the Council fund.

Appropriation of
money in
general.

77. All money raised under or by virtue of this Act shall be used exclusively for the purposes of this Act and the By-Laws.

PART VIII

LAND AND HOUSE RATE

Amount of land
and house rate.

78. The Council shall twice in each year not later than 31st January and 31st July by resolution, declare that a rate not exceeding one and a quarter per cent on the value of every house and every lot of land in the Area shall be leviable as house and land rate for the current year, and the resolution shall be published in the *Gazette* and in at least one of the newspapers in the Area and the rates leviable as house and land rate for the current year, but no rate shall be imposed or charged on –

(a) any public buildings, churches, chapels, schools and con-

(h) buildings set apart and used as a residence for a minister of religion or the land occupied therewith,

except where in the case of any premises mentioned in paragraphs (a) or (b), other than public buildings, rent is paid to the owner of any such building in which case rates shall be payable by the owner.

79. For the purpose of assessing the rate, the Council may appoint two or more persons as valuers to prepare a valuation list of all premises upon which the rate is leviable; the valuation list shall be in the form prescribed in the Fourth Schedule.

Valuation list.

Fourth Schedule.

80. For the purpose of making the valuation list the valuers may, with their assistants and servants at all reasonable times until the valuation list is completed, enter, view, examine, survey and measure all and every part of any rateable premises and do or cause to be done any act or thing necessary.

Valuers may enter, examine lands etc.

81. The Council and every person shall give the valuers every facility, by allowing them to inspect any books and take any copies or extracts or to do any other thing necessary to enable them to make the valuation list.

Valuers may inspect books etc.

82. Within fourteen days after the valuers have valued the premises or revised the valuation thereof they shall cause two lists to be prepared of the valuation or revised valuation, and shall sign their names at the end thereof, and the Clerk of the Council shall lodge a copy thereof with the Minister, Financial Secretary and Provost Marshall and shall cause the list to be published in the *Gazette* and one newspaper published in the State.

Preparation and publication of valuation list.

83. Any person who may feel aggrieved by any valuation list, on the ground of unfairness or incorrectness in the valuation of any premises or of the inclusion therein or omission therefrom of any premises may, within fourteen days after the publication thereof under section 82, give to the Council a notice in writing of his objection specifying the grounds thereof and where the ground of any objection is unfairness or incorrectness in the valuation of any premises in respect of which any person other than the person objecting is liable to be valued, or the inclusion or omission of the premises, then, the person objecting shall also give notice in writing of the objection and of the ground thereof to such other person.

Objections to valuation list.

Council to hear
objections.

84. (1) After the expiration of the period provided in section 83 for making objections to the valuation list, the Council shall within thirty days fix a day for hearing the objections, and on the day so fixed, the Council, after hearing the interested parties in each objection, and the evidence that they may produce, shall determine the objections and correct the valuation list accordingly. The Council may adjourn or postpone the hearing or further hearing and determination of any such objection.

(2) The valuation list as revised by the Council shall be signed by the Chairman and posted in a conspicuous place within the office of the Council and the Clerk of the Council shall cause a notice to be published in the *Gazette* and a newspaper published in the State, that the valuation list has been revised by the Council and may be seen at the office of the Council.

(3) The valuation list as revised by the Council shall be the finally revised valuation list.

Addition to
valuation list.

85. (1) The Council may at any time, whenever it appears that the name of any owner or occupier of any rateable premises has not been included in the valuation list, add his name thereto.

(2) The Council shall give the owner or occupier under subsection (1) notice in writing that his name has been inserted in the valuation list and of the assessment made in respect of the premises of which he is owner or occupier.

(3) The owner or occupier of the assessed premises on receiving a notice under subsection (2), may object in the manner provided in section 83, to the inclusion of his name in the valuation list or to the valuation of the assessed premises.

Appeal to
Magistrate.

86. (1) Any person who has objected to the valuation list and who is not satisfied with the decision of the Council on his objection, may, within fourteen days from the date of the publication of the notice that the valuation list has been revised by the Council and posted, appeal to the Magistrate who shall hear and determine the appeal and his decision shall be final and conclusive. Any such appeal shall be a full hearing of all the issues related to the objection.

(2) The Magistrate shall communicate to the objector and to the Council his decision, and if the decision of the Magistrate requires the correction of the valuation list the Chairman shall cause the same

accordingly and countersign the correction after adding the words "by decision of the Magistrate".

87. (1) Every owner or occupier whose name appears in the finally revised valuation list shall pay land and house rate in accordance with the rate declared by the Council as hereinbefore provided; and the collection thereof shall be in all respects in accordance with the provisions of the Collection of Taxes Act; but the Council may recover the amount of the said rate, and all extra charges due thereon by action at law at the suit of the clerk of the Council.

Incidence of rate.

Ch. 66:01.

(2) Where the rate payable in respect of any property under this Part is collected from and paid by any occupier who is not the owner of the property, the occupier may deduct the amount of the rate so paid from any rent payable by him in respect of the premises; and in the event of any action being brought by the owner of any such property for the recovery of rent from any such occupier the Court before which the action is brought shall allow to the occupier the amount so paid. Notwithstanding the foregoing nothing herein contained shall affect any contract between landlord and tenant with respect to the payment of the rate.

(3) The rate shall be paid in the month of April and in the month of October in each year, and in the event of the rate not being paid as aforesaid, the following extra charges shall be made:

- (a) in the case of rates payable in April if paid in May, and in the case of rates payable in October if paid in November, a charge of five percent of the rates payable;
- (b) in the case of rates payable in April if paid after May, and in the case of rates payable in October if paid after November, a charge of ten percent of the rates payable.

88. The Council may remit wholly or in part any rates on the ground of the poverty of any person, or that the premises in respect of which the rate is payable has become deteriorated or is used exclusively for charitable purposes, or for any other good and sufficient reason.

Remission of rate by Council.

PART IX MISCELLANEOUS

89. (1) Whenever any lot of land or house within the Area is sold, transferred or removed, notice in writing of the sale, transfer or removal

Notice of transfer or removal to be given.

~~shall be given by the seller and the purchaser, transferee or person removing the same, as the case may be, to the Council within thirty days after the sale, transfer or removal, and in the case of removal of a house the notice shall specify the place to which the house has been removed.~~

(2) The Council may disapprove the application for the removal of any house on which land or house rate has not been paid.

Penalty for failure to comply with section 89(1).

90. Any person who refuses or fails to comply with section 89(1) is liable on summary conviction to a fine of one hundred dollars and in default of payment to imprisonment for three months.

Canefield Area.

91. (1) The Canefield Area, which is situated in the Parish of St. Paul in the Commonwealth of Dominica, is bounded as follows:

(a) NORTH: Checkhall River from the sea up to the intersection with the eastern boundary;

(b) SOUTH: Ravine Cocque – from the sea up to its source;

(c) EAST: From the source of Ravine Cocque due north to Bernard Ravine – thence westerly along Bernard Ravine to the boundary of Canefield Estate and Bernard Estate, thence north-westerly along the boundary of Canefield Estate and Roger Estate to the Imperial Road – thence in a straight line north to Checkhall River;

(d) WEST: By the Caribbean sea.

(2) The Council may reduce, extend or vary the said boundaries by resolution subject to the approval of the House of Assembly.

Penalty for offences under this Act.

92. (1) Every person who is guilty of an offence against this Act or against any Rules, Regulations or By-Laws of the Council, for which no other penalty is provided is liable, on conviction therefor before a Magistrate, to a fine of two hundred dollars and in default of payment, ~~to imprisonment for six months~~

(2) Every proceeding instituted against such an offence shall be taken in the name and at the instance of the Clerk of the Council.

FIRST SCHEDULE

Sections 27, 28
& 31.

FORMS

ARRANGEMENT OF FORMS

Form No.	Heading
1.	List of voters.
2.	Notice of objection by persons omitted from the list of voters.
3.	Notice of objection to retention of name in the list of voters. (Notice to the Chief Elections Officer).
4.	Notice of objection to retention of name in the list of voters. (Notice to person objected to).
5.	Nomination paper.
6.	Declaration of person nominated as candidate.

FORM No. 1

LIST OF VOTERS

LIST OF PERSONS REGISTERED AS VOTERS FOR THE ELECTION OF
MEMBERS TO THE CANEFIELD URBAN COUNCIL

No.	Surname and Forename	Place of abode	Nature of qualification	Remarks

Dated the day of, 19

.....
Chief Elections Officer

FORM No. 2

NOTICE OF OBJECTION BY PERSONS OMITTED
FROM THE LIST OF VOTERS

To Chief Elections Officer.

I, of hereby give you notice
that I object to the omission of my name from the list of voters for the election
of members to the Canefield Urban Council and that I claim to have my name
inserted in the said list as a voter on the following qualifications, viz. –

(here state qualification)

Dated the day of, 19

.....
(Signed)

FORM No. 3

NOTICE OF OBJECTION TO RETENTION
OF NAME IN THE LIST OF VOTERS

NOTICE TO CHIEF ELECTIONS OFFICER

To:, Chief Elections Officer.

I, of being a person whose name appears in the list of voters for the election of members to the Canefield Urban Council hereby give you notice that I object to the name of of being retained in the said list on the ground that (*here state shortly the grounds on which the objection is based*).

Dated the day of, 19

.....
(Signed)

FORM No. 4

NOTICE OF OBJECTION TO RETENTION
OF NAME IN THE VOTERS LIST

NOTICE TO PERSON OBJECTED TO

To: of

I, of being a person whose name appears in the list of voters for the election of members to the Canefield Urban Council hereby give you notice that I object to your name being retained on the said list of voters on the ground that (*here state shortly grounds on which the objection is based*), and that you shall be required to prove your qualifications at the time to be fixed for the purpose by the Chief Elections Officer.

Dated the day of, 19

.....
(Signed)

FORM No. 5

NOMINATION PAPER

We, the undersigned (a) of

(b) of

both duly qualified to vote at the Canefield Urban Council elections do hereby nominate residing at, as a candidate for election to membership of the Canefield Urban Council at the election to be held on the day of, 19.....

Witness our hands this day of, 19

Signatures of
nominators

}

(a)

(b)

I, the said nominated in the foregoing nomination paper, hereby consent to such nomination as a candidate for election as a member of the Canefield Urban Council.

.....
Signature of Candidate.

The foregoing nomination paper was delivered to me at o'clock on the day of, 19

.....
Returning Officer.

FORM No. 6

DECLARATION OF PERSON NOMINATED
AS CANDIDATE

I, do declare that I am duly qualified to be elected as a member of the Canefield Urban Council as required under section 4 of the Canefield Urban Council Act, (Ch. 25:30), viz. –

(a) I am a citizen of the Commonwealth of Dominica;

(b) I have attained the age of twenty-one years;

(c) I am a resident of the Canefield Area and have been so resident for a period of not less than six months immediately prior to the date of my nomination;

(d) I am a registered voter for the election of members of the Canefield Urban Council.

and further I am in no way disqualified from being a member of the said Council under section 5 of the Canefield Urban Council Act (Ch. 25:30).

.....
Signature of Candidate.

SECOND SCHEDULE

Section 36(3).

- | | |
|-------------|--------------|
| 1. HAT | 16. FLAG |
| 2. BOTTLE | 17. CHAIR |
| 3. HAMMER | 18. HORSE |
| 4. HAND | 19. BAT |
| 5. SHOE | 20. HOUSE |
| 6. CLOCK | 21. KEY |
| 7. TREE | 22. RAKE |
| 8. SAW | 23. TABLE |
| 9. FORK | 24. UMBRELLA |
| 10. CAR | 25. BELL |
| 11. TEACUP | 26. SCISSORS |
| 12. SHIP | 27. PEN |
| 13. LANTERN | 28. BOOK |
| 14. CUTLASS | 29. SHOVEL |
| 15. BRUSH | 30. FISH |

THIRD SCHEDULE

FORM OF DIRECTIONS FOR THE GUIDANCE
OF ELECTORS IN VOTING

PLEASE READ BEFORE VOTING

1. The voter may vote for candidates.
2. The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross on the right hand side, opposite the name of each candidate for whom he votes, thus X.

For example. – Supposing John Jones and George Smith are the candidates for election and the voter wishes to vote for Jones, he must place a cross opposite Jones' name as in the following form of ballot paper:

JONES John Jones, Shopkeeper, Cork Street.	X
SMITH George Smith, Carpenter, Hanover Street.	

3. The voter will then fold up the ballot paper, so as to show the official mark on the back and, leaving the compartment, will without showing the front of the paper to any person, show the official mark on the back to the Presiding Officer and then in the presence of the Presiding Officer put the paper into the ballot box and forthwith quit the polling booth.
4. If the voter inadvertently spoils the ballot paper he can return it to the Presiding Officer, who will, if satisfied of such inadvertence, give him another paper.
5. If the voter votes for more than candidates or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void and will not be counted.
6. If the voter takes a ballot paper out of the polling booth or deposits in the ballot box any other paper than the one given him by the Presiding officer, he shall be guilty of a misdemeanour and be liable to imprisonment, with or without hard labour for any term not exceeding one year.

FOURTH SCHEDULE

Section 79.

LIST OF LANDS, TENEMENTS AND HEREDITAMENTS WITHIN
MUNICIPAL LIMITS IN RESPECTS OF WHICH LAND AND HOUSE
RATE IS PAYABLE

<i>Assessment No.</i>	<i>Name of Owner Occupier of Property</i>	<i>Name, Extent, Situation of Property</i>	<i>Description, Number and Size of Buildings, if any</i>	<i>Valuation</i>

