

**CARIB RESERVE ACT**

**CHAPTER 25:90**

**Act**

**22 of 1978**

Amended by

21 of 1980

\*8 of 1984

15 of 1984

12 of 1990

8 of 1994

7 of 1996

(\*By implication)

**Current Authorised Pages**

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
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**Note  
on  
Subsidiary Legislation**

The Carib Reserve Council (Dissolution) Order 1989 (S.R.O. 26/1989)  
made under section 14(5) of the Act has been omitted.

## CHAPTER 25:90

## CARIB RESERVE ACT

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## CHAPTER 25:90

## CARIB RESERVE ACT

AN ACT to provide for the establishment of a body corporate for the Carib Reserve, to make provision for the administration of the Reserve and for matters connected therewith.

[30th March 1978]

Commencement.

1. This Act may be cited as the –

Short title.

CARIB RESERVE ACT.

## PART 1

## PRELIMINARY

2. In this Act –

Interpretation.

“Chief” means the Carib Chief of the Reserve elected under section 3;

“Clerk” means the Clerk of the Council;

“Council” means the Carib Reserve Council established in accordance with section 14;

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

Schedule.

“Minister” means the Minister responsible for local government;

“Reserve” means that area set apart and described in section 41 as the Carib Reserve;

“Revising Officer” means the person appointed by the Minister for the purpose of revising and settling the list of voters under this Act;

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

## PART II

## ESTABLISHMENT OF OFFICE OF CARIB CHIEF

3. (1) There shall be a Carib Chief for Dominica (hereinafter referred to as the Chief) who shall be elected by voters registered in the

Carib Chief.  
[15 of 1984].

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## PART III

## CONSTITUTION AND POWERS OF COUNCIL

Constitution and  
duration of  
Council.

Cap. 190.  
(1961 Ed.).

14. (1) There shall be in and for the Reserve a body corporate for the government of the Reserve. It shall be a local government body, and in addition to the powers given in this Act shall have the powers of a Council under the Village Councils Ordinance.

(2) The body corporate shall bear the name of the "Carib Reserve Council" and shall consist of seven persons, that is to say the person elected as Chief and six other persons elected as members thereof: Provided that if a sufficient number of members are not elected, or if no persons offer themselves for election or are elected, the Prime 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 Reserve and on official seal.

(4) Subject to the provisions of this Act, any powers, authorities, interests, rights, immunities and privileges vested in the Council as constituted immediately before the commencement of this Act shall be deemed to be vested in the present Council, and all property real and personal, belonging to the former Council is hereby declared to be vested in the present Council.

(5) The Minister shall three days before any general election of members held under the provisions of section 52, or in keeping with the provisions of section 91 by Order published in the *Gazette* dissolve the Council.

Qualifications of  
members of Council.

\*15. 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 able to read and speak the English language with a degree of proficiency to enable him to take an active part in the proceedings of the Council;

(d) is resident in the Reserve.

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16. (1) A person shall be disqualified from being a member of the Council if and while 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;
- (g) is no longer resident in the Reserve.

(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 or dealing in property vested in the Council or in any agreement for the same; or
- (b) any agreement for the 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 Reserve,

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 three members at least of the Council that the supply of the material by that member will be beneficial to the Council.

17. 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

Forfeiture of seat by member.

- (c) is absent from the State for more than thirty days without leave of the Council; or
- (d) is in any part 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 Prime Minister.

Expulsion of member.

**18.** 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.

**19.** 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, and every 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 to a penalty of one hundred and fifty dollars to be recoverable by action at law at the suit of the Clerk of the Council.

Resignation of member.

**20.** A member of the Council may resign his seat by giving fourteen days' notice in writing to the Chief.

#### CHAIRMAN

Election of Chairman.  
[15 of 1984].

**21.** At the first meeting of a new Council, and thereafter at the first meeting following any election to the office of Chief, the Council shall instal the Chief as Chairman of the Council and he shall continue in office for such period as he remains Chief.

Powers of Chairman

**22. (1)** The Chairman shall –

- (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 an equality of votes; and



(c) be entitled to the title of "Chief of the Carib Reserve".

(2) The Chairman shall receive the emolument of a member of the House of Assembly.

23. In the event of the absence of the Chief an Acting Chairman, Acting Chairman. who shall not be styled Chief may be appointed to serve as Chairman in keeping with the provisions of section 5; and while so acting shall have all the powers of the Chairman.

#### MEETINGS OF THE COUNCIL

24. (1) The Council shall meet at least once 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.

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

(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, by himself or his partner or any person in his employ, any pecuniary interest. Member having pecuniary interest in any matter not to vote.

(7) The Council shall have power to adjourn its sittings from time to time.

#### FUNCTIONS AND POWERS OF THE COUNCIL

25. (1) The Council shall have sole custody, management and control of the lands of the Reserve, for and on behalf of the residents in the Reserve. Duties of Council.

(2) The Council shall provide for the collection and expenditure for the benefit of the Reserve of all moneys authorized by law to

be raised for such purpose; to provide for the good government and improvement of the Reserve; and to enforce the provisions of this or any other Act relating thereto, and also of all Regulations and By-Laws made under this or any other Act.

(3) The Council may endeavour to settle disputes among persons resident in the Reserve but shall not have the right to try cases or impose fines on persons in the Reserve, other than under section 29(4).

Power to make  
Regulations.

**26.** (1) The Council may make Regulations relating to all or any of the following matters:

- (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 such Regulations shall be published in the *Gazette*.

(3) No such Regulations shall be made, or when made shall be altered, or rescinded, unless special notice of the intended making, alteration, or rescission has been given at the meeting preceding that at which the making, alteration, or rescission is proposed, and unless special notice as aforesaid has been transmitted to the members of the Council at least three days before the meeting.

Appointment of  
committees and  
advisers.

**27.** (1) The Council may appoint out of its body and such persons resident within the boundaries of the Reserve such and so many committees, either of a general or special nature and consisting of such number of persons as it may think fit, for any purposes which, in the opinion of the Council, would be better regulated by means of such committees, but the number of members of each committee shall be subject to the approval of the Council.

(2) The Prime Minister may at the request of the Council appoint suitable persons to serve as advisers to the Council on such terms and conditions as may be agreed with the Council.

28. (1) A minute of the proceedings at a meeting of the Council, or of a committee, signed at the same or next ensuing 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 to be received in evidence.

(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 been duly constituted, and to have had power to deal with the matter referred to in the minute.

(3) The minutes of every meeting of the Council, and the list of any resolutions passed at any such meeting or of a committee, certified by the Chairman, shall, within three days after confirmation, be forwarded by the Clerk to the Minister and shall be published in the *Gazette*.

Minutes to be published.

### BY-LAWS

29. (1) The Council may make By-Laws for the rule and good government of the Reserve generally for the occupation and use of lands in the Reserve and with respect to the following matters:

Making of By-Laws.

- (a) the naming, cleanliness, regularity and width of streets and the opening, making, repairing, stopping up and diverting thereof;
- (b) the erection, removal, demolition, sanitation and closing of buildings, walls, fences and structures of all kinds and the numbering of buildings and lots;
- (c) suppression and abatement of nuisances;
- (d) establishment of markets, slaughter houses, bath houses, latrines and the regulation thereof;
- (e) dogs;
- (f) the keeping of animals, birds and bees;
- (g) the destruction of insects;
- (h) unoccupied land;

- (i) cemeteries and graves;
- (j) protection against fire;
- (k) tanks, wells and cisterns;
- (l) drainage and sewerage;
- (m) scavenging and the removal and disposal of excreta;
- (n) the sale and inspection of livestock, meat, fish, vegetables and all other foodstuffs; and of liquids intended for human consumption;
- (o) mortuaries and dead bodies;
- (p) street meetings and processions;
- (q) the cleanliness of hotels, guest houses, cookshops, public baths, coffee-houses, confectioner's pastry shops;
- (r) the storing and sale of petroleum or other inflammable substances and the place or places where the same may be stored, sold or exposed for sale;
- (s) assistance for tourists and the prevention of annoyance to tourists by idlers and beggars;
- (t) entry of members, officers and servants of the Council upon premises for the purposes of this Act and By-Laws made thereunder;
- (u) public entertainments and performances;
- (v) the erection, removal, demolition, sanitation and closing of factories;
- (w) parks and playing fields.

(2) By-Laws made by the Council shall be styled By-Laws ordained by the Carib Reserve Council and every such By-Laws shall be subject to the approval of the Cabinet and shall not come into operation until it has been so approved and published in the *Gazette*:

Provided that –

- (a) the Minister shall have the 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 said Council to have it ~~revised~~.

(b) should the Council fail 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.

(3) The By-Laws shall have force only within the boundaries of the Reserve.

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

(5) The Council may by any By-Laws, Rules, or Regulations made under this Act impose on offenders against the same such penalties as it may think fit, not exceeding two hundred dollars for each offence, and in the case of a continuing offence, a further penalty not exceeding fifteen dollars for each day during which the offence continues after service of written notice thereof by the Council, and in default of payment of the penalties, imprisonment for any term not exceeding six months.

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

(a) to borrow, with the sanction of and subject to such terms and conditions as may be imposed by the Prime 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 and shall be paid to the Financial Secretary in such manner and at such time as the Prime Minister shall direct;

(b) to contribute towards, either by way of grant or loan, or to undertake the cost of any scheme or institution for public

Charitable and educational schemes.	education or entertainment or any charitable scheme or charitable institution connected with or for the benefit of the Reserve;
Land and buildings.	(c) to allot lands or buildings, or any part thereof for any purpose of public utility, which shall include – <ul style="list-style-type: none"> <li>(i) agricultural development;</li> <li>(ii) the construction of new streets, parks and playing fields;</li> <li>(iii) the opening, widening, straightening, extending or improving of existing streets, parks and playing fields;</li> <li>(iv) the erection of public buildings;</li> <li>(v) the erection of public utilities;</li> </ul>
Municipal markets.	(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;
Markets for perishable goods.	(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) to alter or extend the waterworks constructed and now maintained for the supply of water to the Reserve or to construct additional waterworks for increasing and improving the water supply of the Reserve;
Parks and other places of recreation.	(g) to provide, establish, lay out, plant, improve, maintain and regulate parks, gardens and other places of resort or recreation for the use of the public and to contribute to the cost of maintenance of parks, gardens and other places of resort or recreation, provided by any person for the use of the public.

Establishment of pounds.  
Ch. 61:03.

**31.** (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 limits of the Reserve 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

that such pound has been legally established and the pound-keeper legally appointed or removed as in the said notification is stated.

(3) The provisions of 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.

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

(a) appoint fit and proper persons to be Clerk, chief sanitary inspector, Assistant Clerk, market clerk, overseer and constable of the Reserve respectively;

(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) The Minister may call upon the Council to give reasons why any of the said officers should not be suspended or dismissed, and upon consideration thereof direct the Council to suspend or dismiss the said officer upon such terms and conditions as may be deemed fit. In the event of the Council failing to comply with such direction within three months or such shorter period as may be set out in the said direction, the Minister may proceed to suspend or dismiss the said officer.

33. (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 any rates, dues and fees payable to the Council under the By-Laws. Reserve Clerk chief executive officer of the Council.

(2) The Clerk 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. Reserve Clerk to attend meetings.

Deputy Clerk,  
Assistant Clerk,  
constable or  
overseer.

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

(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.

Appointment of  
officers and  
servants.

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

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

Security of  
officers and  
servants.

36. The Council may require any officer or servant to give such security as may be thought proper for the true and faithful performance 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 by  
servants of  
receipts and  
vouchers.

37. (1) Every officer or servant appointed by the Council shall at such times during the continuance of his office, or within ten days after his ceasing to hold it, and in such manner as the Council may direct deliver to the Council, or 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.

Payments of  
moneys to  
Financial  
Secretary.

(2) Every such officer or servant shall pay all moneys due from him to the Financial Secretary, or as the Council may direct.

Punishment of  
officers and  
servants.

(3) If any such officer or servant –

(a) refuses or neglects to deliver any account or lists 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 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 any 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.

38. The Clerk of the Council may deduct and pay from the salaries of officers and servants of the Council contributions in respect of social security.

Social security contributions.

#### PART IV

#### QUALIFICATIONS AND REGISTRATION OF VOTERS

39. (1) The Chief Elections Officer shall have general supervision over the administrative conduct of an election or elections in the Reserve.

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

(2) The Chief Elections Officer shall, with the approval of the Prime Minister, appoint fit and proper persons as registering officers and presiding officers.

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

40. Every person resident in the Reserve shall be entitled to be registered as a voter for the purpose of this Act, and when registered under the provisions of the Registration of Electors Act to vote at the election of members of the Council; but a person shall not be entitled to vote as an elector in the Reserve unless registered there in the register of electors to be used at the election.

Qualification of electors.  
Ch. 2:03.

#### PART V

#### THE CARIB RESERVE

41. That area of lands in the Parish of St. David comprising 3,700 acres more or less, the boundaries of which are set out in section 42, as delineated in the plan thereof by Arthur Percival Skeate made in 1901, which was verified by W. Miller, Surveyor General in 1902, and

The Reserve.

copied by Jerome Robinson, A.R.I.C.S., Crown Surveyor and Commissioner of Lands in 1975, is in this Act, referred to as the Carib Reserve.

Boundaries of the Reserve.

42. The Boundaries of the Reserve which have been set out in the Government Notice No. 30 in the *Official Gazette*, Volume XXVI of July 4th 1903 are as follows:

- (a) Northerly by Big River, by lot 63 and the Balata Ravine;
- (b) Easterly by the Sea;
- (c) Southerly by the Raymond River and Crown land; and
- (d) Westerly by the Pagoua River, Concord Estate and by parts of Lots 61 and 63.

Grants of lands in the Reserve to the Council.

43. (1) Not later than 3rd November, 1978, the Prime Minister shall make a grant of the lands comprising the Reserve, the boundaries of which are set out in section 42, amounting to 3,700 acres more or less as aforesaid, to the Carib Council for and on behalf of the people of the Reserve and shall as soon as possible thereafter assist the Council to obtain a certificate of title to those lands.

(2) In any dealings with lands in the Reserve the Chief shall be responsible for signing the requisite documents on the authority of a resolution passed by the Council.

(3) The seal of the Council shall be affixed to such documents as aforementioned and be authenticated by the Clerk of the Council.

Minister may vest other lands in the Council.

44. (1) The Minister may from time to time by State grant vest other lands in the Council to form part of the Reserve.

(2) Details of any grants so made shall be given in a notice to be published in the *Gazette*.

Restrictions on dealing with the lands of the Reserve.

45. No lands in the Reserve may be sold, exchanged, mortgaged, or otherwise disposed of without the written consent of the Prime Minister.

Non-residents may not acquire lands in the Reserve.

46. No person residing outside the Reserve shall be able to take possession of or otherwise acquire lands or interest therein, in the

47. The Council shall for and on behalf of the people of the Reserve have custody and control of the lands in the Reserve, and may for and on behalf of the people of the Reserve –

Council to have custody of lands in the Reserve.

- (a) acquire by purchase, transfer, donation, exchange device, bequest, grant, gift, conveyance, or however otherwise, any real or personal property or any estate or interest therein;
- (b) accept surrenders or reconveyances and enter into contracts involving real or personal property;
- (c) subject to the provisions of section 50, and restraint reservation or condition contained in the document under which it shall acquire title thereto, sell, exchange, devise, mortgage or otherwise dispose of and deal with any property which may for the time being be vested in or have been acquired by it;
- (d) demarcate, apportion, allot or exchange lands in the Reserve to persons resident in the Reserve, for agricultural or other approved purposes.

48. The Government shall retain responsibility for overall development and planning in the Reserve.

Government to retain responsibility for planning.

49. The Council shall have the right to prevent persons who do not normally reside in the Reserve from working in the Reserve or from occupying or cultivating lands in the Reserve in their own right.

Council to protect lands.

50. (1) The Council may prevent persons who have no right in the Reserve from entering and remaining in the Reserve.

Council to prevent persons from entering Reserve.

(2) A person shall not be regarded as having no right in the Reserve who has been invited there for lawful purpose by persons permanently resident there; or who is lawfully passing or repassing on a public road.

51. (1) The Council may with the prior approval of the Minister responsible for Local Government expel persons from the Reserve who have no right to remain there; but any person who has resided in the Reserve for more than twelve years may not be required to leave the Reserve or give up possession of any lands occupied by him.

Expulsion of persons from the Reserve.

(2) For the purposes of this section a person shall be deemed to have a right of residence in the Reserve, if –

- (a) he was born in the Reserve;
- (b) at least one of his parents is a Carib;
- (c) he has lawfully resided in the Reserve for a period of twelve years or more.

## PART VI

### PROCEEDINGS FOR AND AT ELECTIONS

Term of office of  
Council.  
[15 of 1984]

52. (1) (a) The term of office of each Council shall, unless the Council is sooner dissolved, be approximately of five years duration, and shall commence on the day when the Council first meets after each general election of members.

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

(2) On a date to be fixed by the Chief Elections Officer, not being more than forty-five days after the termination of the term of office of the outgoing Council, the electors of the Reserve shall vote in the manner hereinafter provided for election of members of the Council: Provided that elections shall be held in the month of July, 1984 or a date to be fixed by the Chief Elections Officer.

(3) The date of elections shall be fixed by the Chief Elections Officer in keeping with the provisions of this Act and shall be published by him in the *Gazette* and in one of the newspapers published in the State and posted up in the manner provided in section 9.

Mode of holding  
election and  
manner of  
voting.  
[15 of 1984].

53. (1) Every election shall be held before the Presiding 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.

(4) No person shall be deemed a candidate, unless his name and consent in writing to be nominated with the names of three persons by

whom he has been nominated, with their signatures attached, have been lodged with the Presiding Officer at least seven days before the opening of an election.

(5) If at such time the number of candidates nominated and standing for election does not exceed the number then to be elected, the Presiding Officer shall declare that the said candidates are duly elected.

(6) It shall be lawful for any person whose name appears on the register of voters to object to the nomination of any candidate for election as not being duly qualified, and the Presiding Officer shall decide the validity of every objection.

(7) If the Presiding Officer disallows the objections his decision shall be final, but if he allows the same his decision shall be subject to reversal on election petition.

**54.** (1) A candidate for election as a member of the Council or someone on his behalf, shall deposit with the Presiding Officer, on or before the date of his nomination, the sum of twenty-five dollars, and if he fails to do so, he shall be deemed withdrawn.

Deposit by candidates for election.

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

**55.** (1) If a candidate for election as a member of the Council 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 Council; 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 spoiled ballot papers) counted.

**56.** The Presiding Officer shall, before the polling day at any election, provide such ballot boxes, ballot papers, polling compartments, and such other apparatus as may be required for the election.

Providing of apparatus for election.

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 Reserve fund.

Place of polling.

57. The polling and election of members of the Council shall take place at such rooms or buildings in the Reserve as may be appointed by the Council with the consent of the Chief Elections Officer by notice in the *Gazette* and in one of the newspapers published in the State and posted in the offices of the Council and on prominent places designated by the Chief Elections Officer.

Ballot paper.

58. (1) The ballot of each vote shall consist of a paper in this Act called a ballot paper showing the names, descriptions and addresses of the candidates, arranged alphabetically in the 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.

(2) The surname of each candidate, and if there are two or more candidates of 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.

Form 9.

(3) (a) There shall be printed upon every ballot paper opposite to the name of each candidate, one of the symbols shown in Form 9 which shall be allotted to each candidate in the manner hereinafter provided.

(b) When the Presiding 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 Form 9 to such party and the official candidate or candidates of such party shall be entitled to have the party symbol printed opposite his name.

(c) In the case of other candidates the Presiding Officer shall allocate one of the symbols numbered 1-5 in Form 9 to each candidate.

(d) 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.

59. 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.

Construction of  
ballot box.

60. 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 Act 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 the number of the elector shall be marked on the counterfoil, 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 he has received.

Marking and  
delivering of  
ballot.

61. The Presiding Officer shall put on a table in the compartment set aside for the voters, directions for their guidance in Form 7.

Directions to  
voters.  
Form 7.

62. (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 on the right hand side of the ballot paper with the lead pencil provided, opposite the name of each candidate for whom he votes, thus X; 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 which has not on its back the official mark, or on which votes are given to more candidates than the elector voting is entitled to vote for, or on which anything except the said number on the back is written or marked by which the elector can be identified, shall be void and shall not be 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.

63. (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, the Presiding Officer 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 elector.

(2) 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.

**64.** 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.  
[15 of 1984].  
[12 of 1990].

**65.** (1) For the purpose of taking the poll, the Chief Elections Officer shall appoint suitable persons to be Returning Officers, Presiding Officers and Poll Clerks, who shall receive such remuneration as may be fixed by the Chief Elections Officer.

(2) 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 persons 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.

(3) 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.

Mode of dealing  
with rejected  
ballot paper.

**66.** (1) The Presiding Officer shall endorse "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 65.

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

(a) ballot of official matter



- (b) voting for more candidates than the voter was entitled to vote for;
- (c) presence of writing or mark by which the voter could be identified; and
- (d) want of voter's mark, or avoidance 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.

**67.** 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 the final count.

Finality of  
Presiding  
Officer's decision  
on question as to  
ballot papers.  
[15 of 1984].

**68. (1)** The Presiding Officer shall transmit to the Returning Officer at the place appointed by the Chief Elections Officer –

Declaration and  
return of result of  
election.  
[15 of 1984].

- (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.

(2) The Returning Officer, upon receipt by him of each of the ballot boxes, shall take every precaution for its safe-keeping and for preventing any person other than himself and his Election Clerk having access thereto; sealing it under his own seal so that it cannot be opened without the seal being broken but without effacing or covering any other seals thereto affixed.

(3) 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 so cast shall be rejected;
- (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, and if so for which candidate;

- (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.

(4) 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.

(5) In the case of an election for the office of Chief or 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 any candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered post.

(6) 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 Presiding Officer shall make a special return to that effect and the Council shall have the right of choosing any one or more of such candidates, as the case may be, to be a member or members of the Council.

In this subsection in the case of a general election "Council" means the incoming Council when constituted.

(7) The decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final, subject to the reversal on petition to the High Court questioning the election or return.

**69.** (1) Immediately after making the declaration, the Presiding 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, except with the sanction of the Presiding 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 them to be destroyed.

70. (1) No person shall be allowed to inspect any ballot paper in the custody of the Chief Elections Officer except under the order of the High Court.

Inspection of  
ballot papers.  
[12 of 1990].

(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.

71. (1) No officer of the Council or other person shall, except under the order of the High Court, open any sealed packet of or 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.  
[12 of 1990].

(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.

72. The production from proper custody of any ballot paper purporting to have been used at any election, and of the counterfoil corresponding thereto, shall be *prima facie* evidence that the person who voted by such ballot paper was the person who at the time of the election had annexed to his name in the register of voters in use at the election the same number as that written on the counterfoil.

Effect of ballot  
paper as evidence  
of vote.

## PART VII

## ELECTION PETITIONS AND OFFENCES

## PETITIONS

Petitions against  
elections.

**73.** 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 –

- (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) alleging himself to have been a candidate at the election.

Trial of election  
petitions.

**74.** 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, upon his certificate being given, the determination shall be final; and the return shall be confirmed or altered, or a writ for a new election issued, as the case may require, in accordance with the determination.

Powers of Judge.

**75.** 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.

**76. (1)** The persons mentioned in the following subsections shall be deemed guilty of bribery within the meaning of this Act.

(2) 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 knowingly does any

such act as aforesaid on account of the voter having voted or refrained from voting at any election.

(3) 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.

(4) 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.

(5) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures or engages, 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.

(6) 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.

(7) 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.

(8) 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.

(9) Every person who directly or indirectly corruptly pays any rate or tax on behalf of any voter in return for the payment of his vote

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.

**77.** (1) The persons mentioned in the following subsections shall be deemed guilty of treating within the meaning of this Act.

(2) 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 for the purpose of corruptly influencing that person, or any other person, to vote or to refrain from voting, at the election, or on account of that person or any other person having voted or refrained from voting at the election.

(3) Every elector, who corruptly accepts or takes any such food, drink, entertainment or provision.

Undue influence.

**78.** Every person who 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 who 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 is guilty of undue influence within the meaning of this Act.

Personation.

**79.** Every person who at any election 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 who, having voted once at any election, applies at the same election for a ballot paper in his own name, is guilty of personation within the meaning of this Act.

Penalty for  
bribery, treating  
or undue  
influence.

**80.** Every person who is guilty of bribery, treating or undue influence shall, on conviction therefor, be liable to a fine of one thousand five hundred dollars or to imprisonment for one year.

81. Every person who is guilty of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation, shall, on conviction thereof, be liable to imprisonment for two years.

Penalty for personation.

82. Every 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 incapable 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;
- (b) of being elected a member of the Council and, if elected before his conviction, he shall vacate his seat as such member.

83. Every 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 seven hundred and fifty dollars, and 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.

84. (1) Every person who –

Offences in respect of ballot papers.

- (a) forges or counterfoils, 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 in;

- (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 any election; or
- (f) not being duly registered as a voter votes at the election of a member of Council,

is guilty of an offence and liable, if he is a Presiding Officer (or person appointed to assist him), to a fine of nine hundred and sixty dollars or to imprisonment for a term of two years, and if he is any other person to a fine of two hundred and fifty dollars or to imprisonment for a term of six months.

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

(3) 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 in the Presiding Officer at the election.

Infringement of  
secrecy.

**85.** (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 or any voter who has or has not applied for a ballot paper or voted at that station, and 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.

(2) 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.

(3) 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.

(4) Every person who acts in contravention of the provisions of this section shall be liable on summary conviction to a fine of four hundred dollars or to imprisonment for six months.

**86.** (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.

**87.** No voter who has voted at any election shall, in any proceeding to question the election, be required to state for whom he has voted.

Voter not required to state for whom he has voted.

## PART VIII

### SUPPLEMENTAL PROVISIONS

**88.** Every person who is elected or nominated a member of the Council shall previous to taking his seat take before the Local Government Commissioner 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 Council of the Carib Reserve (So help me God.)."

**89.** (1) If any vacancy occurs in the office of elected members of the Council, the electors 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 the notice in the manner provided in section 57 hereof, elect another person to fill the vacancy.

Holding of election in case of vacancy on the Council.  
[12 of 1990].

(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.

Delivery by  
elected member  
of the Council of  
a statement of his  
qualification.  
Form 8.

**90.** (1) Every person who is elected as a member of the Council shall before voting or sitting thereat deliver to the Chairman of the Council a statement in writing, signed by such member of his ability to read and write English Language in Form 8 and shall sign the declaration in the Form.

Dissolution of  
Council by  
Minister when  
default is made.

(2) Any person who in any such statement knowingly makes any false declaration of his qualification is liable on summary conviction to a fine of seven hundred and fifty dollars.

Consequences of  
dissolution.

**91.** (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 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 members;
- (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 Reserve 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) No Order for dissolution as aforesaid shall be valid unless in such Order provision is made for the constitution under this Act of a new Council in lieu of the Council so dissolved within a period not exceeding four weeks from the date of such Order.

92. In the case of the dissolution of the Council under section 91 the Minister may appoint a collector of rates who shall have all the powers and duties conferred and imposed by this Act upon the Council or the Clerk.

Appointment of collector of rates in case of dissolution.

## PART IX

### ADMINISTRATION AND GOVERNMENT OF THE RESERVE FUND

93. (1) All moneys due or granted to the Council or moneys made out in favour of or payable to the Council, the Chief by titular designation or otherwise, shall be paid to or deposited with the Reserve Clerk, who shall deposit the moneys at the Police Station before 3.00 p.m. each day for safe-keeping; and as soon as possible thereafter the moneys shall be lodged by the Clerk in the Carib Reserve fund. The said Clerk shall keep a record of these moneys received, in such books and accounts as the Financial Secretary shall require.

Moneys to be received by Reserve Clerk for Reserve fund.  
[21 of 1980].

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

Payment from Reserve's fund.

94. (1) There shall be a Carib Reserve fund which shall be composed of moneys derived from –

Composition of Reserve's fund.  
[21 of 1980].

(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) fines for breaches of the By-Laws of the Council;

(d) moneys derived from the sale, hire or mortgage of properties vested in the Council;

(e) all other sources from which the same may lawfully be derived, including any vote or contribution from the general revenue of the State.

(2) The moneys in the Carib Reserve fund shall be kept in such banks as the Council may designate.

95. (1) In or before the month of May in each year annual estimates of the 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 May.

Preparation of estimates.

Estimates to be approved by the Minister.

(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, which shall have been communicated to the Minister and approved by him.

Accounts open to inspection by members of Council or members of House of Assembly.

96. The accounts of the Council shall be open at all reasonable times to inspection by any member of the Council or of the House of Assembly.

Audit of accounts.

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

(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 President 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.

98. 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.

Director of Audit may enter office of Council.

99. 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.

Clerk of the Reserve to furnish statement

100. (1) The Clerk of the Reserve shall furnish monthly to the Council a statement of the Reserve fund and the same shall be published in the ~~Reserve~~

(2) Whenever called upon to do so by the Council, the Clerk of the Reserve shall furnish an account showing the state of the Reserve fund.

**101.** The Financial Secretary may, on the recommendation of the Council, invest any accumulation of the Reserve fund in any manner approved by the Minister.

Interim appropriation of Reserve fund moneys.

**102.** The debts of the Council shall be discharged from the Reserve fund.

Payments from Reserve fund.

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

Appropriation of money in general.

## PART X

### LAND AND HOUSE RATE

**104.** The Council shall, twice in each year not later than 31st January and 31st July by resolution, declare that a rate not exceeding one per cent on the value of all houses and lots of land in the Reserve 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 State and the rates fixed in the resolutions shall be the rates leviable as house and land rate for the current year; and the Council may with the approval of the Minister impose such rate on any house or land outside the boundaries of the Reserve, but within municipal limits; but no rate shall be imposed or charged on any public buildings, church, school or convent, except where in the case of any premises, other than public buildings, rent is paid to the owner of any such building when the owner shall pay the rate.

Amount of land and house rate.

**105.** For the purpose of assessing the said 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 manner prescribed by the Council and shall be prepared twice in each year, that is to say, not later than 31st January and 31st July.

Valuation list.

**106.** 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.

Valuers may inspect books, etc.

**107.** The Council and all and every person or persons 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.

Preparation and publication of valuation list.

**108.** 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 foot or end thereof, and shall lodge a copy thereof with the Financial Secretary and Provost Marshall and shall cause the list to be published in the *Gazette* and one newspaper published in the State.

Objections to valuation list.

**109.** Any person who may feel aggrieved by any valuation list, on the ground of unfairness or incorrectness in the valuation of any premises included therein or of the inclusion therein or omission therefrom of any premises may, within fourteen days after the publication thereof as aforesaid, 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, shall also give notice in writing of the objection and of the ground thereof to such person.

Council to hear objections and decide.

**110.** (1) After the expiration of the period provided in sections 108 and 109 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 objections.

(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 Reserve 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.

111. 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; and the Council shall give him notice in writing that his name has been inserted in the said list and the assessment made in respect of the premises of which he is owner or occupier; and the owner or occupier shall be at liberty to object to the said inclusion or valuation in the manner hereinbefore provided.

Addition to  
valuation list.

112. (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 a Magistrate who shall hear and determine the appeal and his decision shall be final and conclusive.

Appeal to  
Magistrate.

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

113. (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 Reserve.

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; but ~~nothing therein contained shall affect any agreement 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 twenty-five cents;
- (b) in the case of rates payable in April if paid in June, and in the case of rates payable in October if paid in December, a charge of fifty cents;
- (c) in either case if the rate is paid subsequent to the dates above-mentioned, a charge of seventy-five cents.

Remission of rate  
by Council.

**114.** The Council may remit wholly or in part any rate 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.

## PART XI MISCELLANEOUS

Notice of transfer  
or removal to be  
given.

**115.** (1) Whenever any house within the Reserve is sold, transferred or removed, notice in writing of the sale, transfer or removal shall be given by the seller and the purchaser, transferee or person removing, as the case may be, to the Council within thirty days after the sale, transfer or removal, and 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.

**116.** Any person refusing or failing to comply with section 115(1) is liable on summary conviction to a fine of one hundred and fifty dollars and in default of payment to imprisonment for three months.

Control of lands.

**117.** The Council may make such Rules as may be considered necessary for the regulation of traffic upon and generally for the good order, maintenance and management of the Reserve and may attach penalties for the breach of such Rules, not exceeding sixty dollars. These Rules shall be approved by the House of Assembly and when so approved shall have the force of law.

Penalty for  
offences under  
this Act.

**118.** (1) Every person who is guilty of any offence against this Act or against any Rules, Regulations or By-Laws of the Council for which an offence is provided shall on being convicted thereof be liable to a



Magistrate, be liable to a fine of two hundred and twenty-five dollars and in default of payment, to imprisonment for six months.

(2) Every proceeding instituted against such offender shall be taken in the name and at the instance of the Clerk of the Reserve or a member of the Police Service.

Proceedings how  
instituted.

## SCHEDULE

Section 40.

### FORM 1

All persons qualified as voters for the election of the Chief and members of the Carib Reserve Council who desire to have their names inserted in the register of voters are hereby required to deliver or cause to be delivered, their claims in writing for that purpose on or before the      day of      to me the undersigned at the office of the Council.

*Clerk of the Reserve.*

### FORM 2

Section 40.

I, ..... of ..... (occupation)  
..... hereby claim to have my name inserted in the list of voters  
for the election of members of the Carib Reserve Council.

In so doing I hereby declare that –

- (1) I am a citizen of the Commonwealth of Dominica;
- (2) I have attained the age of eighteen years;
- (3) I can read and write the English Language; and
- (4) I am resident in the Reserve.

Dated the ..... day of ....., 19.....

(Signed) .....

In the presence of .....

## NOTE

A voter must possess one of the following qualifications:

- (a) being resident within municipal limits is in receipt of a clear income of not less than one hundred and twenty dollars per annum; or
- (b) being resident within municipal limits has paid direct taxes during the preceding year to an amount of at least two dollars and forty cents.

The expression "direct taxes" shall include income tax payable under the Income Tax Act and land and house rate payable under this Act, but no other taxes whatever.

## Section 40.

## FORM 3

List of persons entitled to be registered as voters for the election of members to the Carib Reserve Council.

<i>No.</i>	<i>Surname and forename</i>	<i>Place of abode</i>	<i>Nature of qualification</i>	<i>Remarks</i>

Dated the ..... day of ..... 19.....

.....  
Clerk of the Reserve.

## FORM 4

Section 53.

NOTICE OF OBJECTION BY PERSONS OMITTED FROM THE LIST OF  
VOTERS

To ..... Clerk of Reserve

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 Carib Reserve 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 5

Section 53

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

## 1. NOTICE TO THE CLERK OF THE RESERVE

To ..... Clerk of the Reserve

I, ..... of ..... being a person whose  
name appears in the list of voters for the election of members to the Carib  
Reserve 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) .....

## 2. 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 Carib Reserve 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 the grounds on which the objection is based)*, and that you will be required to prove your qualifications at the time of the revising of the said list.

Dated the ..... day of ....., 19.....

(Signed) .....

\_\_\_\_\_

Section 61.

## FORM 7

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, Electrician, 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 an offence and liable to imprisonment, for one year.

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FORM 8

Section 90.

FORM OF STATEMENT OF QUALIFICATION OF PERSON ELECTED TO BE  
A MEMBER OF THE CARIB RESERVE COUNCIL

Qualification of ..... of ..... elected to be a  
member of the Carib Reserve Council in the year 19.....

Ability to read and write the English Language.  
(Here state nature of qualification)

I hereby declare that I possess the foregoing qualification.

Dated the ..... day of ....., 19.....

(Signed)

(Address)

## SYMBOLS

- |             |              |
|-------------|--------------|
| 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     |

## NOMINATION PAPER

We, the undersigned electors for the Carib Reserve electoral district do hereby nominate the following person as a proper person to serve as Chief for the said Carib Reserve and We certify that to the best of our belief he is qualified for election to serve as Chief.

Dated the ..... day of ....., 19 ....

[illegible]

Signature .....

.....

.....

.....

.....

I, ..... nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as Carib Chief for the Carib Reserve and name as my address for serving of process and papers under the Carib Reserve Act –

Address .....

Witness my hand this ..... day of ....., 19....

Signed by the said nominee in the presence of .....

.....  
Signature of Witness.

.....  
Signature of Candidate.

FORM 11

Section 6.

# CARIB RESERVE ACT

## STATUTORY DECLARATION OF A PERSON NOMINATED AS CARIB CHIEF

Qualification of ..... of ..... in the .....  
of ..... nominated as a candidate for election as Chief of the Carib Reserve.

I, ..... of ..... in the ..... of  
..... do solemnly and sincerely declare as follows –

That I am duly qualified to be elected as a member of the Carib Council and that–

**\*1.** I am a Commonwealth citizen of the age of eighteen years\* over the age of eighteen years

**2.** I have resided in The Reserve for a period of twelve months immediately before the day of my nomination for election.

*\*Delete if inapplicable.*

\*I am domiciled in Dominica and was resident therein at the date of my nomination for election.

3. I am able to speak and read the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the Carib Council.

\*I am able to speak the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the Council, but I am incapable on account of..... of reading it.

4. I am not, by virtue of my own act, under any acknowledgement of allegiance, obedience or adherence to a foreign Power or State.

5. I do not hold nor am I acting in any office of emolument under the State.

6. I am not a minister of religion.

7. I am not an undischarged bankrupt under any law in force in any part of the Commonwealth.

8. I am not a person adjudged to be of unsound mind nor detained as a criminal lunatic under any law in force in Dominica.

9. I have not been sentenced by a Court in any part of the Commonwealth to death or to imprisonment (by whatever name called) for a term exceeding twelve months.

10. I am not disqualified for membership of the Carib Reserve Council by any law in force in Dominica relating to offences connected with elections.

I make this declaration conscientiously, believing the same to be true and according to the Statutory Declarations Act, Ch. 5:53 and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true I am liable to fine and imprisonment.

(Signed) .....

Declared before me this ..... day of ....., 19....

(Signed) .....

*\*Delete if inapplicable.*



## FORM 12

Section 6.

## CARIB RESERVE ACT

STATUTORY DECLARATION OF AGENT OF A PERSON NOMINATED AS A  
CANDIDATE FOR ELECTION AS CARIB CHIEF

Qualification of ..... of ..... in the .....  
of ..... nominated as a candidate for election as Chief of the  
Carib Reserve.

I, ..... of ..... in the .....  
of ..... do solemnly and sincerely declare as follows –

That ..... is duly qualified to be elected as Chief of the  
Reserve that –

1. He is a Commonwealth citizen of the age of eighteen years\* over the  
age of eighteen years\*.

2. He has resided in the Reserve for a period of twelve months immedi-  
ately before the day of his nomination for election.

\*He is domiciled in Dominica and was resident therein at the date of  
his nomination for election.

3. He is able to speak and read the English language with a degree of  
proficiency sufficient to enable him to take an active part in the proceedings of  
the Carib Reserve Council.

\*He is able to speak the English language with a degree of proficiency  
sufficient to enable him to take an active part in the proceedings of the Council,  
but is incapable on account of ....., ..... of reading it.

4. He is not, by virtue of his own act, under any acknowledgement of  
allegiance, obedience or adherence to a foreign Power or State.

5. He does not hold nor is he acting in any office of emolument under the  
State.

6. He is not a minister of religion.

7. He is not an undischarged bankrupt under any law in force in any part  
of the Commonwealth.

8. He is not a person adjudged to be of unsound mind nor detained as a  
..... under any law in force in Dominica.

9. He has not been sentenced by a Court in any part of the Commonwealth  
to death or to imprisonment (by whatever name called) for a term exceeding  
twelve months.

*\*Delete if inapplicable.*

10. He is not disqualified for membership of the Carib Council by any law in force in Dominica relating to offences connected with elections.

I make this declaration conscientiously, believing the same to be true and according to the Statutory Declarations Act, Ch. 5:53 and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

(Signed) .....

Declared before me this ..... day of ....., 19....

(Signed) .....

\_\_\_\_\_

Section 8.

### FORM 13

#### CARIB RESERVE ACT

#### RETURN OF UNCONTESTED ELECTION

I hereby certify that the person elected Chief of the Carib Reserve in pursuance of the within writ is .....

.....

*(Insert name, address and occupation of member)*

no other candidate having been nominated.

Dated at ..... this ..... day of ....., 19...

*Returning Officer.*

To the Chief Elections Officer.

\_\_\_\_\_

## FORM 14

Section 9.

## CARIB RESERVE ACT

## NOTICE OF GRANT OF A POLL

The Carib Reserve

NOTICE IS HEREBY given to the electors of the Carib Reserve aforesaid that a poll has been granted for the election now pending for the Reserve and that such poll will be opened on the ..... day of ....., 19..... at the hour of seven in the forenoon and kept open till the hour of five in the afternoon in the following polling stations established in the various polling divisions comprised in the said Reserve.

Polling stations:

.....  
.....  
.....  
.....  
.....

And that the candidates in the election are as follows:

Candidates:

.....  
.....  
.....  
.....  
.....

and that the number of votes given to the several candidates will be counted at ..... commencing at ..... o'clock on the ..... day of ..... of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at ..... this ..... day of ..... 19.....

.....  
*Returning Officer.*

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