

LOCAL GOVERNMENT ACT, 2015

(Act 7 of 2015)

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LOCAL GOVERNMENT ACT, 2015

(Act 7 of 2015)

I assent

J. A. Michel
President

10th August, 2015

AN ACT to provide for the establishment of a District Council in each district in order to enable the citizens to participate in the governance and development of the district, its functions, qualifications of persons who may be elected as Councillors, the manner of elections thereof, functions of the Chairperson, other Councillors and District Administrator and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the Local Government Act, 2015 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

Interpretation

2. In this Act, unless the context otherwise requires—

- (a) "Chairperson" means the Chairperson of a District Council;
- (b) "Councillor" means a person elected to serve on a District Council and includes, unless otherwise specified, the Chairperson;
- (c) "Court" means the Supreme Court;
- (d) "district" means a district referred to in section 3;
- (e) "District Council" means a District Council established under section 4;
- (f) "election" means an election or re-election of Councillors;
- (g) "election day" means an election day referred to in paragraph 3(2) of the First Schedule, or in the case of the first election, the day of the election fixed by the President under section 6(4);
- (h) "first election" means the first election held immediately after the commencement of this Act;
- (i) "Minister" means the Minister responsible for local governance;
- (j) "nomination day" means nomination day referred to in paragraph 4(3) of the First Schedule;
- (k) "prescribed" means prescribed by regulations made under this Act.

PART II - DISTRICT COUNCIL

3.(1) Seychelles is hereby divided into districts for the purposes of this Act.

Division of
Seychelles into
districts

(2) The names and boundaries of the districts shall be the same as are the names and boundaries of the electoral areas prescribed in accordance with article 112 of the Constitution.

4.(1) There shall be established in each district, a District Council in the manner set out in this Act.

Constitution of
District Council

(2) A District Council shall consist of—

(a) a Chairperson; and

(b) four other Councillors.

(3) The term of a District Council shall be 5 years from the date of the declaration of results of an election of the District Council under this Act.

(4) The District Council may from time to time discuss any issue of public importance in the district with the Member of the National Assembly representing the district or any other person.

5.(1) Subject to this Act, other written laws and the national policy of the Government on local governance, a District Council shall be responsible to—

Functions of
District Council

(a) oversee the management and administration of the affairs of the District Council;

(b) develop the strategic plan in line with the Government policy;

(c) formulate the district development plan in collaboration with concerned Ministries, departments and other agencies;

- (d) oversee the implementation of the district development plan and the management of community infrastructure for the common good of the residents;
- (e) ensure the delivery of community services in the district in collaboration with concerned Ministries, departments and other agencies;
- (f) ensure compliance with the norms and standards as may be prescribed by the Minister in the conduct of its affairs;
- (g) raise moneys, in consultation with the Minister, for implementation of various schemes and programmes in the district;
- (h) represent the aspirations of the people, engage and mobilise the population to participate and promote community spirit and sense of ownership amongst the inhabitants;
- (i) collaborate with other District Councils, agencies and Departments of the Government in the discharge of its functions; and
- (j) perform such other functions as are required by or under any other written law or as may be prescribed by regulations.

(2) A District Council may, if it considers appropriate for the effective management of public resources and convenience, arrange for the discharge of any of its functions by a committee, subcommittee, Councillor or a person employed by the District Council and notify the Minister accordingly.

(3) Where a District Council appoints any committee or subcommittee under subsection (2), the District Council shall appoint a Councillor as the chairperson of such committee or subcommittee and such other members as it deems fit.

(4) A District Council may make standing orders in connection with—

- (a) the discharge of any of its functions under subsection (2);
- (b) the establishment of any committee or subcommittee; or
- (c) the proceedings of any committee or subcommittee under paragraph (b).

(5) A District Council may in the provision of entertainment or other similar services, or sports, recreational or leisure facilities, charge such fee as it deems reasonable in the circumstances.

PART III - COUNCILLORS

6.(1) A Councillor shall be elected to the office in the District Council in accordance with this Act and shall hold office for a period referred to in section 4(3).

Election of
Councillors

(2) The Councillors shall be elected to the office in an election held in accordance with this Act and the First Schedule.

(3) An election, other than the first election, shall be held within 3 months before the last day of the period of five years referred to in subsection 4(3).

(4) On the commencement of this Act, the first election, and the subsequent elections subject to subsection (3), of the District Council shall be held during the period as the President may, by notice published in the *Gazette*, specify.

(5) The Electoral Commission referred to in article 115 of the Constitution shall be responsible for the conduct and supervision of the elections under this Act.

(6) The First Schedule shall have effect with respect to the matters relating to or incidental to an election under this Act.

Qualification to
be elected as a
Councillor

7.(1) A person is qualified to be elected as a Councillor if he or she—

- (a) is a citizen of Seychelles;
- (b) has attained the age of 18 years;
- (c) is registered as a voter in the district comprising of an electoral area, in respect of which he or she is seeking to be elected; and
- (d) has resided in the district, in respect of which he or she is seeking to be elected, for a continuous period of not less than 3 months ending on the nomination day.

(2) A person is disqualified to be elected as a Councillor if he or she—

- (a) has been adjudged bankrupt or made a compromise or arrangement with his or her creditors;
- (b) is of unsound mind;
- (c) is serving a sentence of imprisonment for an offence; or

(d) holds any post referred to in the Second Schedule to the Public Service Salary Act, 2013.

Act 25 of 2013

(3) For the purposes of subsection (1)(d), a person's residence shall not be treated as having been interrupted if—

- (a) the person is absent temporarily from the district for the purpose of undergoing a course of education or training or receiving medical treatment; or
- (b) the person is absent temporarily in connection with his or her employment or for the purpose of performing any civic or military duty or on holiday,

and he or she intends to resume his or her residence in the district immediately thereafter.

(4) A Councillor shall cease to hold office if—

- (a) he or she after his or her election as Councillor, incurs any disqualification set out in subsection (2);
- (b) he or she is disqualified from holding office as a Councillor under this Act or any other written law or by an order of the Court;
- (c) he or she ceases to reside in the district in respect of which he or she is a Councillor for a period of 3 months or more;
- (d) he or she is elected or appointed to any post referred to in the Second Schedule to the Public Service Salary Act, 2013;
- (e) he or she fails throughout a continuous period of 2 months to attend a meeting of the District Council and the Minister certifies that he or she has so absented himself or herself; or
- (f) the Court declares his or her election as a Councillor to be void or that he or she is

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disqualified from acting as a Councillor and his or her office as Councillor is vacant.

Chairperson and other Councillors and their functions

8.(1) The Chairperson and other Councillors shall—

- (a) hold office in the District Council on part-time basis; and
- (b) discharge such functions as may be assigned, from time to time by or under this Act.

(2) Subject to this Act, the Chairperson shall—

- (a) be head of the District Council and represent the Council on all matters;
- (b) have supervision and direction of the work and staff of the District Council;
- (c) oversee the formulation and execution of development and other plans, policies and strategies of the district;
- (d) present to the District Council for approval of plans, policies, strategies and budget of the District Council, and report on implementation of such plans, policies and strategies at the end of the year; and
- (e) perform such other functions as the Minister may by regulations prescribe.

(3) A Councillor shall be paid such allowances as the Minister may, by regulations, prescribe.

(4) A person assuming the office of a Councillor shall, before entering upon the office, take and subscribe such oath of office, secrecy and allegiance and in such manner as may be prescribed by regulations.

9.(1) A casual vacancy shall occur in the office of a Councillor where the Councillor—

Casual vacancy

- (a) resigns, on the receipt of the notice of resignation by the Minister;
- (b) ceases to hold office under section 7(4), on the date he or she is declared by the Minister that he or she ceases to hold the office;
- (c) dies, on the date of his or her death.

(2) Where a casual vacancy, in the office of a Councillor, occurs within 3 years of an election, the Minister shall, as soon as practicable after the occurrence of the casual vacancy, publish a notice to this effect in the *Gazette* and request the Electoral Commission to recommend the name of a person from the list of candidates of the election held immediately prior to the occurrence of such vacancy and published by the Electoral Commission in accordance with paragraph 27(5) of the First Schedule.

(3) Subject to this section, a casual vacancy shall be filled, within one month of the date of the occurrence of the vacancy, in accordance with subsection (2) and where there is no names remaining in the list, a by-election shall be conducted to fill such vacancy.

(4) Where a casual vacancy in the office of a Councillor, occurs after the period referred to in subsection (2), the casual vacancy shall not be filled except where the District Council cannot hold its meetings because of lack of quorum.

(5) A Councillor recommended under subsection (2) or elected in a by-election under subsection (3), shall hold office till the end of the period of the District Council referred to in section 4(3).

10. A person who is registered as a voter in the district comprising of an electoral area in accordance with the provisions of the Elections Act is entitled to vote at an election

Who may
vote in an
election under
this Act

in the district comprising of that electoral area, unless at the time of the election he or she is serving a sentence of imprisonment for an offence.

Proceedings
against a
person acting
while
disqualified

11.(1) A person registered as voter in the district comprising of an electoral area or the Attorney General may institute proceedings in the Supreme Court against a person who has acted or claims to be entitled to act as a Councillor while disqualified in terms of this Act.

(2) Proceedings under subsection (1) shall not be instituted against a person who has acted as Councillor after the expiration of 6 months from the date when he or she so acted.

(3) Where proceedings are instituted under this section the Supreme Court may declare —

- (a) that the defendant has acted as Councillor while disqualified;
- (b) that the office in which the defendant has acted is vacant.

(4) A declaration of the Court under subsection (3) shall not invalidate —

- (a) any proceedings held, decisions taken or acts or things done by the District Council on which the defendant referred to in subsection (3) was serving, whether or not the defendant participated in the proceedings, decisions, acts or things; or
- (b) any acts or things done by that defendant on behalf of the District Council, prior to the declaration of the Court if the proceedings, decisions, acts or things were otherwise held, taken or done in accordance with this Act.

PART IV - MEETINGS OF DISTRICT COUNCIL

12.(1) The Chairperson shall, at the first sitting of the District Council after commencement of this Act, and thereafter at the first sitting of every year, address the District Council giving the plans and policies for the district for that year.

Meetings of
District Council

(2) Subject to this section, the Second Schedule shall have effect in respect of the meetings of a District Council.

13.(1) A Councillor who has an interest, whether direct or indirect, in any matter which falls to be decided at a meeting of a District Council shall—

Disclosure of
interest by
Councillors

- (a) disclose in writing the nature of the interest to the District Council and the Minister before the meeting or before the beginning of any discussion on the matter; and
- (b) not take part, subject to subsection (2), in the deliberation or decision of the matter.

(2) The Minister may, subject to such conditions as the Minister may think fit to impose, allow a Councillor to which subsection (1) applies to take part in the deliberation and decision of a District Council where it appears to the Minister that—

- (a) there would otherwise be an insufficient number of Councillors for a meeting of the District Council;
- (b) it is in the interest of the district that the disability under subsection (1) should be removed;
- (c) the interest is so remote or insignificant that it cannot be regarded as likely to influence the Councillor in his or her deliberation or decision on the matter.

PART V - STAFF OF DISTRICT COUNCIL.

District
Administrator

14.(1) There shall be appointed by the District Council a District Administrator on the terms and conditions and according to the procedures applicable to officers and employees of public bodies.

(2) The District Administrator, subject to the direction of the District Council shall—

- (a) be responsible for the implementation of the decisions of the District Council and for the management of the affairs of the District Council;
- (b) ensure that the staff of the District Council performs their functions efficiently;
- (c) call for information and reports from other agencies engaged in the district as may be required from time to time by the District Council;
- (d) prepare annual budget and reports on the implementation of development and other plans and policies of the District Council; and
- (e) perform such other functions as the District Council may, from time to time, assign.

(3) The District Administrator shall function as the Secretary to the District Council.

(4) The District Administrator may, with the prior approval in writing of the Chairperson, delegate any of his or her functions to an officer or employee of the District Council.

Other staff of
District Council

15. A District Council shall employ such persons as are necessary for the District Council to perform its functions on

the terms and conditions and according to the procedures applicable to employees of public bodies.

16. Where it comes to the knowledge of a person employed by a District Council that a contract in which the person has any pecuniary interest, whether direct or indirect, has been or is proposed to be, entered into by the District Council or any committee or subcommittee or other person, the person employed shall forthwith give notice in writing to the District Council of the fact that he or she has a pecuniary interest and the nature of the interest.

Disclosure of
interest by staff
of District
Council

PART VI - FINANCIAL

17.(1) The funds of a District Council shall consist of—

Fund of District
Council

- (a) moneys appropriated by an Appropriation Act and paid to the District Council;
- (b) moneys received from any investment;
- (c) moneys received in connection with any services, the use of any facility or property of the District Council or the provision of any leisure or other recreational facilities; and
- (d) moneys lawfully received by way of gift or otherwise.

(2) The funds of a District Council may, subject to this Act or any other written law, be applied —

- (a) the payment or discharge of the costs, expenses and other obligations of the District Council;
- (b) the payment of remuneration, fees, allowances payable to a Councillor and the staffs and other person employed by the District Council; or

- (c) the purpose of giving financial or other assistance to community based groups or sportsmen of the district or for the purpose of contributing towards the provision of cultural and other recreational activities or facilities for the benefit of the inhabitants of the district.

(3) Where a District Council applies any of its funds under subsection (2)(c), it shall as soon as practicable inform the Minister of the nature of any action it has taken and the amount of any expenditure it has incurred in respect of each such action.

(4) A District Council may, with the approval of the Minister, invest any money which it does not immediately require for the purposes of the District Council.

Vesting of
property

18. Notwithstanding any other written law, the President may authorise that any property of the Republic be placed under the control of a District Council for use by the District Council in the performance of its functions, and the Minister shall take such steps necessary to comply with the authorisation of the President.

Annual
estimates

19.(1) A District Council shall, within such time as may be prescribed by regulations, submit to the Minister for each financial year estimates of its expenditures and revenues:

(2) The Minister may, acting in consultation with the Minister responsible for finance, approve with or without modification the estimates submitted under subsection (1).

(3) The financial year of the District Council shall be the period of 12 months ending on 31st December.

Accounts and
audit

20.(1) A District Council shall —

- (a) keep proper accounts and records in relation to the accounts; and
- (b) prepare, in respect of each financial year statements of accounts.

(2) The accounts and statements of accounts of a District Council shall be audited by the Auditor General in accordance with article 158 of the Constitution.

(3) A District Council shall submit to the Minister a copy of the audited statements of accounts and any certificate of the Auditor General in respect of the accounts.

PART VII - MISCELLANEOUS

21. A notice, order or other document or a copy of a notice, order or other document which a District Council is authorised or required under this Act or any other written law to give, make or issue may be signed on behalf of the District Council by its Chairperson or any person authorised by the Chairperson or the District Council and any document which is so signed shall be deemed, until the contrary is proved, to have been given, made or issued by the District Council.

Authentication
of document

22. A document which—

Evidence

- (a) purports to be a copy of a resolution, decision, order or report of a District Council or the minutes of the proceedings at a meeting of the District Council; and
- (b) bears a certificate purporting to be signed by the Chairperson or any person authorised in that behalf by the Chairperson or the District Council, stating that the resolution was passed or decision was taken or order or report was made by the District Council on a specified date or that the minutes were signed

in accordance with paragraph 8 of the Second Schedule,

is prima facie evidence of the matters stated in the certificate and of the terms of the resolution, decision, order, report or minutes in question.

No liability in certain cases

23. A District Council, Councillor or a person employed by a District Council shall not be liable for any act or omission done or omitted to be done in good faith and without negligence in the course of the performance of any functions under this Act.

Councillor, etc., deemed to be employed in public service

24. A Councillor when performing his or her functions under this Act, a person serving on any committee or subcommittee of a District Council or a person employed by a District Council shall be deemed to be employed in the public service for the purposes of sections 91 to 101 of the Penal Code.

Offences and penalties

25.(1) A person who—

- (a) knowingly makes any false or misleading statement or representation for the purpose of procuring his or her nomination or the nomination of any other person as a candidate for an election;
- (b) forges the signature of a registered voter in connection with holding of an election;
- (c) holding any office, or acting in any official capacity, makes a statement or does an act, in the exercise of the functions of his or her office or in his or her official capacity, with intent to discourage a person from seeking nomination as a candidate or procure candidature for an election;
- (d) forges or fraudulently defaces or fraudulently destroys any register of voters;

- (e) forges, and counterfeits, or fraudulently destroys a ballot paper;
- (f) without due authority, supplies a ballot paper to any person;
- (g) fraudulently puts into any ballot box any paper other than the ballot paper which he or she is authorised by law to put in;
- (h) without due authority, takes out of any polling station a ballot paper or has in his or her possession any ballot paper outside a polling station;
- (i) without due authority, destroys, takes, opens or otherwise interferes with a ballot box or packet of ballot papers then in use for the purposes of an election;
- (j) contravenes paragraph 9, or willfully furnishes false evidence or makes a false declaration under paragraph 14, paragraph 15 or paragraph 16, of the First Schedule;
- (k) contravenes paragraph 36(2) of the First Schedule;
- (l) commits an illegal practice in connection with an election;
- (m) contravenes paragraph 37, of the First Schedule;
- (n) without lawful authority, destroys, mutilates, defaces or removes a notice which is exhibited or any document which is made available for inspection, under this Act in connection with an election;
- (o) prints or publishes or causes to be printed or published a bill, placard or poster having

reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate without the bill, placard, poster or document bearing on the face the name and address of the printers and publishers in the district where the election is being held;

(p) after a lawful demand to him or her has been made under paragraph 39 of the First Schedule; fails to give such information as he or she possesses or unreasonably delays in giving the information;

(q) causes any disturbance or fails to comply with a lawful order of an Electoral Officer or a Presiding Officer at a polling station or place where the counting of votes is being carried out;

(r) being a Councillor or person employed by a District Council, fails to comply with section 13 or section 16, as the case may be, or under colour of his or her office or employment, accepts any fee or reward whatsoever other than his or her proper remuneration or an allowance or a reimbursement.

(s) knowing that he or she is disqualified to hold the office of Councillor under this Act, does any act or purports to act as a Councillor at the time when he is so disqualified;

(t) falsely represents himself or herself as holding the office of a Councillor or as a person employed by a District Council and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such office or employment; or

- (u) being a Councillor or being employed by a District Council, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the right of another person or for the purpose of gain,

commits an offence.

(2) Subsection (1)(o) shall not apply to a bill poster or document published by or on behalf of the Electoral Commission or the Chief Electoral Officer.

(3) For the purpose of this section and the First Schedule, a person commits an illegal practice where he or she —

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

(c) directly or indirectly, by himself or herself or by any other person on his or her behalf; makes any gift, loan, offer, promise, procurement, or agreement referred to in paragraph (a) or paragraph (b) to or for any person in order to induce such person to procure or to endeavour to procure the election of any person as a member or the vote of any voter at an election under this Act;

(d) 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 a member or the vote of any voter at an election under this Act;

(e) directly or indirectly, by himself or herself or by any other person on his or her behalf, advances or pays, or causes to be paid, any money to or for the use of any other person, with the intention 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 an election under this Act;

(f) before or during any election, directly or indirectly, by himself or herself or by any other person on his or her behalf, receives, agrees to receive or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or herself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election under this Act;

- (g) after any election, directly or indirectly, by himself or herself or by any other person on his or her 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 refrain from voting at an election under this Act;
- (h) corruptly, directly or indirectly, by himself or herself or by any other person, either before, during or after an election, gives or provides, or pays; wholly or in part, the expense of giving or providing food, drink, entertainment or provision to or for any person for the purpose of influencing that person, or any other person, to vote or refrain from voting at an election under this Act;
- (i) corruptly accepts or takes any food, drink, entertainment or provision referred to in paragraph (h);
- (j) directly or indirectly, by himself or herself or by any other person on his or her behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens to inflict by himself or herself or by any other person, any temporal or spiritual injury, damage, harm or loss, upon or against any voter, in order to induce or compel such voter to vote or refrain from voting, or on account of such voter having voted or refrained from voting at an election or who, by abduction, duress or any fraudulent contrivance, impedes or prevents the free use of the vote by any voter either to give or refrain from giving his or her vote at an election under this Act;

- (k) votes or attempts to vote, or induces or procures some other person to vote, at an election under this Act if he or she, or if to his or her knowledge the other person, has already voted at that election;
- (l) at a lawful public meeting held in connection with an election under this Act notifying the nomination day, and the day on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called for;
- (m) impersonates any other person in connection with an election under this Act; or
- (n) at a lawful public meeting held in connection with an election under this Act, acts or incites others to act in a disorderly manner for the purpose of preventing the holding of the meeting or the transaction of the business for which the meeting was called.

(4) A person who commits an offence under this section is liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding SCR20,000 or to both such imprisonment and fine.

(5) Where a person is convicted of committing an illegal practice, the person shall, in addition to any penalty under subsection (4), be disqualified for a period of 6 years from the date his or her conviction from contesting an election under this Act or any other written law and the Electoral Commission shall forthwith cause a note of disqualification to be entered in all the registers of voters prepared under this Act or any other written law.

26. A Government department or other agency shall, in planning and implementing any development plan having social, economic or environmental effect on any area in the district, consult the District Council.

Consultation
with District
Council

27. The Minister may give in writing any direction of policy to a District Council in regard to the discharge of its functions or in case of any emergency, including natural calamity and serious threat to public peace, to take immediate action and the District Council shall comply with such direction.

Directions of
Minister

28.(1) The first standing orders of the District Council shall be made by the Minister for the purpose of exercising its functions under this Act and thereafter a District Council may, with the consent of the Minister, make new or additional standing order or amend or repeal any standing order made under this Act.

Standing orders

(2) Notwithstanding section 64 of the Interpretation and General Provisions Act, standing orders made under subsection (1) shall not be required to be laid before the National Assembly.

29.(1) The Minister may make regulations for carrying out, or giving effect to, the provisions of this Act.

Regulations

(2) Without limiting the generality of the powers under subsection (1), the regulations may provide for all or one of the following matters—

- (a) the norms and standards to be complied with under section 5(1)(f), and other functions to be performed under section 5(1)(j), by a District Council;
- (b) the other functions to be performed by the Chairperson of a District Council under section 8(2)(e);

- (c) the allowances payable to the Councillors under section 8(3);
- (d) the period within which a District Council shall submit to the Minister estimates of its expenditure and revenue under section 19(1);
- (e) the form of oath of office, secrecy and allegiance to be administered by the Councillors and other persons under this Act;
- (f) for amending a Schedule appended to this Act; or
- (g) any other matter which is required or permitted to be prescribed under this Act.

FIRST SCHEDULE

[Sections 2(g) and (j), 6(2) and (6), 9(2), 25 and 29]

ELECTIONS

Appointment
of officers for
election

1.(1) The Electoral Commission shall be responsible for the conduct and supervision of an election of Councillors of a District Council under this Act.

(2) The Chief Electoral Officer, Electoral Officer and Assistant Electoral Officer appointed under section 3(1) of the Elections Act (Cap 68A) shall, respectively, be deemed to be the Chief Electoral Officer, Electoral Officer and Assistant Electoral Officer for the purposes of this Act.

(3) On the declaration of an election under section 6, the Electoral Commission shall, by notice published in the *Gazette*, appoint the Chief Electoral Officer, Electoral Officers and Assistant Electoral Officers in respect of each district as may be specified in the notice.

2.(1) The register of voters published by the Electoral Commission in accordance with section 9 of the Elections Act shall be deemed to be the register of voters for the purposes of an election under this Act.

Register of
Voters

3.(1) Subject to this Act, the Electoral Commission shall fix the date of the election and, at least 30 days before the date of the election, give notice of the date of the election in the *Gazette* and in each district.

Election date
and calling for
candidature

(2) The date of an election referred to in subparagraph (1) shall be referred to in this Act as "election day".

4.(1) At least 14 days before the election day, the Chief Electoral Officer shall, by notice in the *Gazette*, call upon the filing of the nomination papers for an election in respect of the candidates in each district.

Nomination

(2) The nomination paper required under subparagraph (1) shall be signed by candidates and endorsed by at least 25 persons entitled to vote in the district in respect of which nomination is filed, and accompanied by—

- (i) a certificate issued by the Electoral Commission certifying the deposit of or securing the sum of SCR500 or such other amount as may be specified in the notice; and
- (ii) such number of photograph of the candidate in such form and of size as specified in the notice.

(3) The day of which nomination papers are required to be filed under this paragraph shall be referred to in this Act as "nomination day."

(4) A person may stand for election, both as Chairperson and as a Councillor, and file a separate nomination

papers for the post of the Chairperson or Councillor, as the case may be.

Publication of
names of
candidate

5. Not less than 8 days before the election day, the Electoral Officer shall, if he or she is satisfied that a candidate is—

- (a) not qualified to serve as a Councillor, after giving the candidate a notice in writing to show cause as to why his or her candidature should not be rejected, reject his candidature;
- (b) qualified to serve as a Councillor, forward the names, address and occupation of the candidates, standing for election as Chairperson or as Councillor, as the case may be, to the Chief Electoral Officer who shall publish it by notice in the *Gazette*, in respect of each district.

Place and time
of election

6.(1) The Chief Electoral Officer shall in the notice published under paragraph 5 give—

- (a) the address of the polling station; and
- (b) the time of the beginning and closing of poll.

(2) Notwithstanding that the time of the closing of poll has been specified in the notice referred to in subparagraph (1), the Chief Electoral Officer or the Electoral Officer, as the case may be, may, where it is necessary to allow all the registered voters in a district to cast their votes, extend the time for the closing of poll.

Countermanding
of election

7.(1) Where before the closing of poll on the day of an election there is no candidate to fill the post of Chairperson or there are not enough candidates to fill all the offices of Councillor in respect of a district because a candidate has died or withdrawn his or her candidature, the election shall continue

in respect of the other offices of Councillor and a vacancy shall be deemed to have occurred in respect of the office of the Chairperson or other Councillor in respect of which there is no candidate or an insufficient number of candidates, as the case may be, on the date of the election and the Electoral Commission shall not later than 42 days after the date of the election, fix a date for the holding of a special election to fill that vacancy and the provisions of this Schedule shall apply as it applies to an election.

(2) Where before the closing of poll on the date of an election no candidate is available for election as Chairperson and Councillor because the candidates have died or withdrawn their candidature, the Electoral Officer shall countermand the election and the Electoral Commission shall, not later than 42 days after the date of the countermand, fix another date for the holding of an election.

(3) Where before the closing of poll on the day of a special election there is no candidate to fill the vacancy in relation to which the special election is being held because a candidate has died or withdrawn his or her candidature, the Electoral Officer shall countermand the election and where it is 7 months or more before the holding of an election on the expiry of the term of a District Council, the Electoral Commission shall, not later than 42 days after the date of the countermand, fix another date for the holding of the special election.

(4) Where in an election, no candidate is elected as the Chairperson, for any reason, the Electoral Officer shall countermand the election and the Electoral Commission shall, not later than 42 days after the date of the countermand, fix another date for the holding of a special election for the election of the Chairperson.

(5) A Chairperson or Councillor elected as a result of a special election under this paragraph shall, subject to this Act, hold office for a period ending on the date when the term of District Council ends under section 4(3).

Election
campaign

8.(1) A candidate for election as Councillor in a district shall present himself to the voters of the district by means of electioneering in public meetings by the candidate or by such other means as the Chief Electoral Officer may determine.

(2) In the organisation and conduct of the meetings referred to in this paragraph each candidate shall be given a fair and equal opportunity.

(3) The electioneering for the purposes of this Act shall commence on the nomination day and end 24 hours before the election day.

Expenditure
by candidate

9.(1) The expenditure for electioneering by a candidate seeking election as a Councillor or any person acting on his or her behalf shall not exceed a sum of SCR100,000.

(2) A candidate seeking election as a Councillor or any person acting on his or her behalf shall not pay—

- (a) any person who assists the candidate at an election on account of such assistance;
- (b) any person for or account of the transportation of voters to or from the polling station.

(3) A candidate seeking election as a Councillor or any person acting on his or her behalf shall not accept, directly or indirectly, any contributions or donations from—

- (a) any foreign government or its agent;
- (b) any foreign political party or faith based organisation;
- (c) any public institution, statutory body or any other organisation controlled or owned by the government or from any company in which the government holds any capital share;

- (d) any private company performing a public function pursuant to a written law;
- (e) any person who is not tax compliant;
- (f) any foreign individual or any foreign entity, whether or not body corporate; or
- (g) any trade union, whether registered or not.

(4) For the purposes of this paragraph, "contribution or donation" means any sum or gift of money whether wholly or in part or any loan received by or made or provided to, or given to or spent by, or on behalf of, a candidate in paying any expenses incurred directly or indirectly, and includes any assistance or service provided by any person the value of which exceeds SCR5,000.

10.(1) An Electoral Officer shall, in respect of the district in respect of which he or she has been appointed—

Arrangement
at polling
station

- (a) furnish the polling station with such number of compartments as he or she thinks necessary for the purpose of allowing voters to record their votes screened from observation;
- (b) place in the conspicuous place outside the polling station a notice showing in alphabetical order the surname, full names and the address of each candidate, indicating whether the candidate is standing for election as Chairperson or as a Councillor, as the case may be;
- (c) provide both outside and inside the polling station notices containing instructions relating to the voting procedure to be followed;

- (d) provide the polling station with copies of the register of voters for the district; and
- (e) do such other things as he or she may be directed by the Chief Electoral Officer in relation to the conduct of the election.

Polling agent

11.(1) A candidate may appoint a person, referred to in this Schedule as a polling agent, to attend at the polling station of the district for the purpose of detecting impersonation.

(2) A candidate shall, not later than 7 days or such shorter period as the Chief Electoral Officer may allow before the day of the election, notify the Electoral Officer of the name and address of the polling agent.

(3) Where a polling agent dies or becomes incapable of performing his or her functions before the date of the election, the candidate may appoint another polling agent in his or her place and shall forthwith give notice of such appointment as provided under subparagraph (2).

Ballot boxes

12.(1) A ballot box shall be so constructed that a voter can put his ballot paper inside, but cannot withdraw the ballot paper from the box.

(2) Immediately before the beginning of voting, the Electoral Officer at a polling station shall show to persons lawfully present at the station that the ballot boxes are empty and shall thereafter close and seal the boxes in such manner as to prevent the boxes from being opened without the seals being broken.

Form of ballot paper

13.(1) Ballot paper shall be in such form and of such colour as the Electoral Commission may approve.

(2) Notwithstanding subparagraph (1), use by any person or officer, in any manner of the colour, flag or symbol of

a political party registered as such under the Political Parties (Registration and Regulation) Act (Cap 173), shall not be allowed in an election under this Act.

14.(1) Voting at an election shall be conducted as follows

Method of voting

- (a) a voter who wishes to vote —
 - (i) shall present himself or herself at the polling station in the district in which he or she is registered;
 - (ii) shall satisfy the Electoral Officer at the polling station of his or her identity and that he or she has not voted at the station or elsewhere at the election;
 - (iii) subject to paragraphs 15 and 16, the Electoral Officer at the polling station shall, on being satisfied as provided in subclauses (i) and (ii);
 - (iv) call out the number and particulars of the voter, as stated in the copy of the register of voters at the station;
 - (v) perforate or stamp a ballot paper with an official mark and deliver it to the voter;
 - (vi) place a mark against the name of the voter in the copy of register to denote that a ballot paper has been delivered to the voter;
 - (vii) subject to subparagraph (2), the voter shall, on receiving a ballot paper, go immediately into one of the screened

compartments in the station where he or she shall, without delay, record his or her vote in the manner explained in the notice referred to in paragraph 10(1)(c) or, in the case of a voter who is illiterate or does not understand the notice, in the manner explained by the Electoral Officer in the presence of the polling agent;

(b) a voter shall not place on the ballot paper any writing or mark by which he or she may be identified.

(2) Where a voter is incapacitated by blindness or other physical cause or otherwise, he or she may call the Electoral Officer aside and, out of hearing of any other person, direct the Electoral Officer how the voter's vote is to be cast and the Electoral Officer shall cast the voter's vote accordingly and the voter shall, for the purposes of this Act, be deemed to have voted.

Allegation of irregularities

15.(1) Where an Electoral Officer at a polling station in respect of which he or she has been appointed has reason to believe, or a candidate or a polling agent at the polling station alleges, that a person wishing to vote at the station is not a voter entitled to vote at the station, the Electoral Officer shall—

(a) advise the person accordingly, giving reasons for his or her belief or, where the candidate or polling agent has made an allegation referred in this paragraph, require the candidate or polling agent to state in the presence of the person wishing to vote the reason for the allegation;

(b) warn the person that he or she may commit an offence under this Act by voting.

(2) Where a candidate or polling agent referred to in subparagraph (1) refuses to state the reason for his or her

allegation in the presence of the person wishing to vote when required to do so by the Electoral Officer, the Electoral Officer shall disregard the allegation.

(3) Where the Electoral Officer has warned the person wishing to vote as provided in subparagraph (1)(b) and notwithstanding the warning the person

- (a) persists in voting;
- (b) produces evidence to show that he or she is the person entitled to vote at the polling station;
- (c) makes and subscribes to the declaration referred to in paragraph 16.

the Electoral Officer shall record in writing the full name and address which the person gives as his or her name and address, deliver a ballot paper to the person and allow him or her to vote and, where he or she votes, state that fact in the record.

16.(1) An Electoral Officer at a polling station may, or on the request of a candidate or polling agent at the station shall, require a person who wishes to vote, before the person is given a ballot paper, to furnish evidence of his or her identity to the satisfaction of the Electoral Officer and to make and subscribe to a declaration in the form provided by the Electoral Commission.

Declaration of voters

(2) Where a person who wishes to vote fails to furnish evidence of his or her identity to the satisfaction of the Electoral Officer or to make and subscribe to the declaration referred to in subparagraph (1), the Electoral Officer may refuse to give him or her a ballot paper.

17.(1) An Electoral Officer shall—

- (a) regulate the admission of voters to the polling station in respect of which he or she has been appointed;

Admission of voters to polling station

(b) exclude all other persons, except the candidates, Assistant Electoral Officers, polling agents, police officers on duty, the Chief Electoral Officer or any person authorised by the Chief Electoral Officer.

(2) The Electoral Officer may order a police officer or any other person authorised in writing by the Electoral Officer to remove a person who misconducts himself or herself or fails to obey lawful orders of the Electoral Officer at a polling station and the person so removed shall not, unless authorised by the Electoral Officer, again be allowed to enter the polling station.

(3) A person who has been removed under subparagraph (2) may be prosecuted for committing an offence.

Adjournment
of poll in case
of riot

18.(1) Where proceedings at a polling station are interrupted or obstructed by riot or violence, the Electoral Officer may adjourn the proceedings until the following day and shall forthwith notify the Electoral Commission and the Chief Electoral Officer.

(2) Where proceeding are adjourned at a polling station under subparagraph (1), the hours of polling on the following day shall be the same as those specified for the day on which election was originally scheduled to take place.

Procedure on
closing of poll

19. The Electoral Officer shall, as soon as practicable after the closing of the poll, in the presence of the candidates and polling agent who wish to attend—

(a) make up into separate packets which he or she shall seal with his or her own seal and that of the candidates if they wish so—

(i) the unused ballot papers;

(ii) the marked copy of the register of voters;

(b) complete a statement, to be known as the ballot paper account, in the form provided by the Electoral Commission; and

(c) transmit the packets and the ballot paper account to the Electoral Commission.

20.(1) A candidate may appoint a person, to be known as a counting agent, to attend at the counting of votes.

Counting agent

(2) A candidate shall give written notice of the name and address of the counting agent to the Electoral Officer for the district in respect of which the candidate is standing for election not later than one day before the date of the election.

(3) If a counting agent dies or becomes incapable of acting as such, the candidate may appoint another counting agent in his or her place and shall forthwith give written notice of the name and address of the agent appointed to the Electoral Officer.

(4) An Electoral Officer may refuse to admit at the place where votes are counted a person purporting to be counting agent but in respect of whom he or she has not received a notice as provided in this paragraph.

21.(1) An Electoral Officer shall make arrangements for the counting of votes in the presence of the counting agents as soon as practicable after the close of the poll and shall, so far as practicable, proceed continuously with the counting until it is completed.

Counting of votes

(2) An Electoral Officer shall appoint such number of persons, to be known as enumerators, as he or she considers necessary to assist him or her in the counting of votes.

22. Except with the consent of an Electoral Officer, no person other than the Chief Electoral Officer, Electoral Officer,

Persons who may be present at counting of votes

Assistant Electoral Officer, enumerators, the candidates and their counting agents and persons authorised in writing by the Chief Electoral Officer, may be present at the counting of votes.

Method of counting

23.(1) An Electoral Officer shall, in the presence of the counting agents and any other person referred to in paragraph 22 who may be present—

- (a) open each ballot box;
- (b) take out the ballot papers from the box;
- (c) proceed to count and record the number of ballot papers and the votes.

(2) Ballot papers shall be kept with their faces upwards while being counted and recorded.

(3) Where a ballot paper—

- (a) does not bear the official mark referred to in paragraph 14(1)(a)(v);
- (b) has anything written or marked by which a voter can be identified;
- (c) is mutilated or torn; or
- (d) does not contain a clear indication of the candidate for whom the voter has voted,

shall not be counted and shall be endorsed with the word "rejected" by the Electoral Officer or, if a candidate or his or her counting agent objects to the decision of the Electoral Officer not to count the ballot paper, the words "rejection objected to".

(4) The Electoral Officer shall prepare a statement showing the number of ballot papers rejected under the following heads—

- (a) want of official stamp;
- (b) writing or mark by which a voter could be identified;
- (c) mutilated or torn;
- (d) absence of a clear indication of the candidate for whom the voter has voted,

and shall, on request, allow a candidate or a counting agent to copy the statement.

(5) Where in an election, the election of a Chairperson and that of a Councillor, are held simultaneously, the ballot boxes relating to the election of the Chairperson shall be clearly marked and separated from the other ballot boxes and the counting of the ballot papers shall be held separately and in a manner as to avoid any mixing of ballot papers.

24.(1) Where in an election, there is an equality of votes between the candidates, the Electoral Officer shall re-count the votes cast.

Equality of votes and recount in election

(2) If after a re-count under subparagraph (1) there is still an equality of votes, the Electoral Officer shall, subject to paragraph 25, report the fact to the Chief Electoral Officer and the Electoral Commission.

(3) The Electoral Commission shall, on receipt of the report under subparagraph (2), not later than 42 days, fix another date for the holding of a special election for the election of such Councillor.

25.(1) A candidate or his or her counting agent may, if present when the counting or a re-counting of votes is completed, require the Electoral Officer to have the votes re-counted or again re-counted but the Electoral Officer may refuse to make a third or subsequent recount if the results of the last two re-counts are the same.

Candidate and counting agent may require recount

(2) An Electoral Officer shall, on the completion of counting or re-counting of votes, afford a candidate or his or her counting agent an opportunity to exercise the right to request for a re-count under subparagraph (1).

Electoral
Officer's
duties on
conclusion of
counting

26.(1) Upon the conclusion of the counting of the votes, the Electoral Officer with the assistance of the Assistant Electoral Officer, shall—

- (a) seal up in separate packets the counted and rejected ballot papers;
- (b) in the presence of the candidates or their counting agents, proceed, without opening the sealed packet containing the marked copy of the register of votes, to verify the ballot paper account referred to in paragraph 19(b) by comparing the number of ballot papers received with the number of ballot papers counted, rejected and unused and shall re-seal each packet after examination;
- (c) prepare a statement as to the result of the verification carried out under subparagraph (b) and, on request, allow a candidate or his or her counting agent to have a copy of the statement.

(2) The decision of the Electoral Officer as to any question regarding a ballot paper shall be final and not be subject to review otherwise than on an election petition referred to in paragraph 32.

Declaration of
result

27.(1) Where the result of an election has been ascertained, the Electoral Officer shall—

- (a) declare the result; and
- (b) report the result to the Chief Electoral Officer and the Electoral Commission,

and the Electoral Commission shall publish the results in the *Gazette*.

(2) In case of an election of—

(a) the Chairperson, the candidate for whom most votes have been cast shall be declared winner;

(b) other Councillors, the candidate for whom most votes have been cast shall be placed at serial number 1 and, in order of majority of votes cast in favour of candidates, 4 candidates shall be declared winner as Councillors.

(3) In the case where a person has stood for election, both as Chairperson and as a Councillor, if the person is elected as Chairperson he or she shall be deemed to have withdrawn his or her candidature for election as a Councillor.

(4) The Electoral Officer shall prepare a list of candidates from amongst remaining candidates in order of majority of votes cast in their favour for the purposes of filling up of casual vacancies under section 9.

(5) Where, in the case of a casual vacancy of the office of a Councillor in a district under section 9, the person whose name appears next immediately after the names of winning candidates, as published in the *Gazette*, shall by the Chief Electoral Officer be recommended to fill such casual vacancy.

28.(1) Subject to paragraph (2), the Electoral Commission shall ensure the safe custody of all documents relating to the conduct of an election which are forwarded to him or her under this Act.

Custody of documents

(2) The Electoral Commission shall destroy all documents referred in subparagraph (1); except the list referred

to in paragraph 27(5), after the expiration of 6 months from the date of an election unless otherwise directed by an order of the Court.

Delegation

29. An Electoral Officer may, unless otherwise directed by the Chief Electoral Officer, authorise an Assistant Electoral Officer at the polling station in respect of which the Electoral Officer has been appointed to do any act or thing which an Electoral Officer may do under this Act and a reference, other than this paragraph, in this Schedule to an Electoral Officer shall be deemed to include a reference to an Assistant Electoral Officer.

Right to refuse disclosure of vote

30. A person who has voted at an election shall not, in any legal proceedings or otherwise, be required to state for whom he or she voted.

Non-attendance of agent not to invalidate proceedings

31. Where, under this Schedule, an act or thing is required or authorised to be done in the presence of a polling agent, counting agent of a candidate or a candidate, the non-attendance of the polling agent, counting agent or candidate at the time and place appointed for the purpose shall not invalidate the act or thing.

Election petition

32.(1) The election of a person as a Councillor shall not be questioned or subject to a review in any court whatsoever except on an election petition presented to the Supreme Court under this Act.

(2) An election petition referred to in subparagraph (1) may be presented by—

- (a) a person who had a right to vote or who lawfully voted at the election to which the petition relates;
- (b) a person claiming to have had a right to be elected at the election to which the petition relates;

- (c) a person who was a candidate at the election to which the petition relates; or
 - (d) the Attorney General.
- (3) An election petition may claim—
- (a) a declaration that the election is void;
 - (b) a declaration that a candidate was duly elected;
 - (c) a recount of the votes.
- (4) An election petition shall be presented within 10 days after the date of the publication of the result of the election in the *Gazette* under paragraph 27.
- (5) The trial of an election petition shall, subject to subparagraph (6), be held in the same manner as a trial before the Supreme Court in its original civil jurisdiction.
- (6) The Supreme Court—
- (a) may, by order compel any person who appears to the Court to be concerned in the election to which the petition relates to attend as a witness at the trial;
 - (b) examine a witness referred to in subparagraph (a) or any person in Court, although the person has not been called as a witness.
- (7) A witness referred to in subparagraph (6)(b) may, if present at the trial, be cross-examined by the petitioner, respondent and Attorney General, or their representatives.

Decision of
Court on
election
petition

33.(1) The election of person as a Councillor shall be declared void if it is proved to the satisfaction of the Supreme Court—

- (a) that the election was not conducted in accordance with this Act and as a result, the result of the election has been affected;
- (b) that an illegal practice was committed in connection with the election by or with the knowledge and consent or approval of the person elected or the agent of the person elected;
- (c) that the person elected was at the time of his or her election not qualified for election as a Councillor.

(2) In an election petition under paragraph 32, where it appears to the Supreme Court—

- (a) that an act or omission of a person elected, the agent of the person elected or any other person, which but for this subparagraph, would be an illegal practice under this Act, has been done or made in good faith through inadvertence or accidental miscalculation or some other reasonable cause of a like nature; or
- (b) that upon taking into account all the relevant circumstances it would be just that the person elected, his or her agent and any other person should not be subjected to any of the consequences under this Act for such act or omission,

the Supreme Court may make an order allowing the act or omission, which would otherwise be an illegal practice under this Act, to be an exception to the Act and the person elected,

his or her agent or any other person shall not be subject to the consequences of this Act in respect of the act or omission and the election of the person shall not, by reason only of that act or omission, be void.

34.(1) At the conclusion of the trial of an election petition, the Supreme Court shall determine—

Certificate of
Court as to
validity of
election

- (a) whether the Councillor whose election is subject of the petition was lawfully elected;
- (b) whether some person, other than the person who was declared elected at the election which is the subject of the petition, was lawfully elected as a Councillor; or
- (c) whether the election which is the subject of the petition was void,

and pronounce its judgement and shall forward a certified copy to the Electoral Commission.

(2) An appeal against the determination of the Supreme Court referred to in subparagraph (1) shall lie to the Court of Appeal.

(3) Where an election is declared void under subparagraph (1)(c), a vacancy shall be deemed to have occurred. on the date of the judgement, the Electoral Commission shall, within 42 days of the date of the judgement, fix a date for the holding of a re-election to fill that vacancy.

(4) Where a person is elected in a re-election under subparagraph (3), he or she shall, subject to this Act, hold office for a period ending on the date when the other Councillors of the District Council would ordinarily end their 5 years term of office under section 4(3).

Determination
of Court as to
illegal practice

35.(1) At the conclusion of the trial of an election petition under paragraph 32, the Supreme Court shall forward its determination to the Electoral Commission—

- (a) whether an illegal practice has been proved to have been committed by or with the knowledge and consent or approval of a candidate at an election, and the nature of the practice, if any; and
- (b) the name and descriptions of all persons who have been proved at the trial to have been guilty of the practice.

(2) Before making any determination under subparagraph (1) in respect of a person who is not a party to an election petition under paragraph 32 or a candidate on behalf of whom the seat is claimed by an election petition under paragraph 32, the Supreme Court shall give the person an opportunity to be heard and to call evidence to show why he or she should not be so determined.

(3) Where the Supreme Court makes a determination that an illegal practice has been committed by a candidate or a person with the knowledge and consent or approval of a candidate to an election, the candidate shall be disqualified for a period of 6 years from the date of the determination from contesting an election of a Councillor.

Secrecy

36.(1) A person authorised in writing by the Electoral Commission or the Chief Electoral Officer, a polling agent, counting agent or such other person authorised under this Schedule to attend at a polling station or at the counting of votes shall, unless he or she has taken an oath of secrecy under this Schedule, take an oath of secrecy in the prescribed form before attending at the polling station or counting.

(2) A person referred to in subparagraph (1) shall not,

except for a purpose authorised under this Act or any written law—

- (a) seek to obtain any information as to the candidate for whom a person is about to vote or has voted at a polling station;
- (b) communicate to any person any information of the type referred to in subparagraph (a);
- (c) communicate to any person any information as to the name or number of voter who has or has not applied for a ballot paper or voted at a polling station or as to the official mark;
- (d) seek to ascertain or communicate any information obtained at a counting of votes as to the candidate for whom any vote is given by any particular ballot paper;
- (e) communicate or seek to communicate with any person after that person has received a ballot paper and before that person has placed the paper in the ballot box.

37. A person shall not, within a building when voting in an election is in progress, or at any place within the radius of 100 metres of any such building, wear or display any card, symbol, favour or other emblem indicating support for a particular candidate in the election.

Display of emblems in vicinity of polling station

38. A misname or inaccurate description of a person or place named or described in a notice or other document prepared or issued under this Schedule shall not affect the operation of this Schedule as regards the person or place if the person or place is so designated in the notice or other document as to be identified.

Inaccurate description

39. The Electoral Commission, Chief Electoral Officer, Electoral Officer or Assistant Electoral Officer, as the

Power to demand information, etc.

case may be, may at any time demand from any person any information necessary to ascertain whether a person is qualified to vote at an election or a person is qualified to stand as a candidate in order to identify that person or the place of residence of that person and to ascertain whether any person has become disqualified from voting or standing as candidate.

Remuneration
of staff

40. A person employed in connection with an election under this Schedule shall receive such reasonable remuneration for his or her services as the Electoral Commission may determine.

SECOND SCHEDULE

[Sections 12(2) and 29]

MEETINGS OF DISTRICT COUNCIL

Ordinary
Meeting

1. A District Council shall hold a meeting, which shall be referred to as an ordinary meeting, every fortnight.

Extraordinary
Meeting

2.(1) The Chairperson—

(a) may, if he or she is of the opinion that it is necessary to do so; and

(b) shall, on the written requisition of at least 2 Councillors,

convene an extraordinary meeting of the District Council.

(2) A requisition referred to in subparagraph (1)(b) shall specify the reason for the requisition of a meeting and contain any resolution which it is intended to be deliberated at the meeting.

(3) Where the Chairperson does not convene a meeting after a requisition referred to in subparagraph (2) within 7 days after receiving the requisition, the Councillors shall represent the Minister of the fact and in that case the Minister shall convene the extraordinary meeting of the District Council.

3.(1) A meeting of the District Council shall be held at the office of the District Council.

Notice and
venue of
meeting

(2) A meeting of the District Council shall be called by at least 3 clear days' notice in writing.

(3) A notice calling a meeting shall specify the business it is purposed to be transacted at the meeting and contain any resolution which is intended to be tabled at the meeting.

(4) Where all the Councillors of a District Council are present at a meeting they may waive the requirement of subparagraphs (2) and (3).

(5) A proceeding, decision or act of a District Council shall not be invalid by reason only of the fact that the requirement as to notice under this Schedule has not been complied with.

4. The quorum for a meeting of the District Council is 3.

Quorum

5.(1) The Chairperson shall preside at a meeting of the District Council.

Chairperson to
preside at
meetings

(2) Where the Chairperson is absent, the Councillors shall elect one among them to preside at the meeting.

6.(1) Each Councillor shall have one vote in respect of any matter required to be decided upon by the District Council but in the event of an equality of votes the Councillor presiding at the meeting shall have a second or casting vote.

Conduct of
Meetings

(2) Questions arising at a meeting of the District Council shall be decided by a majority of votes.

(3) Unless the Councillors at a meeting of the District Council otherwise decide, voting shall be by show of hands.

(4) Unless the Councillors at a meeting otherwise decide, meetings of the District Council shall be held in private.

(5) Except as it is otherwise provided in this Act, a District Council shall regulate its own proceedings.

Public
meeting

7.(1) The District Council shall convene in the beginning of every year a public meeting of residents at a place and time by giving a notice in writing published at least in one daily newspaper widely circulated in the district and such other method of communications as the District Council deems fit, and present in such meeting a report of its performance and other activities of the previous year and giving the full details of plans and policies for the following year.

(2) The public meeting shall be presided over by the Chairperson.

(3) The District Administrator and other Councillors shall also attend the public meeting.

(4) The District Council shall, at least 7 days prior to the public meeting, forward to the Minister a copy of the notice of public meeting together with a copy of the statement of accounts.

Minutes of
meeting

8.(1) A District Council shall keep a book containing the minutes of its proceedings and a record of its decisions, orders and other acts.

(2) The minutes shall contain a list of the names of Councillors present at the proceeding.

(3) The book referred to in subparagraph (1) shall be signed at the beginning and end of each meeting by the person presiding at the meeting.

(4) The book referred to in subparagraph (1) shall be open for inspection by the Councillors and the Minister or any person nominated by the Minister.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 4th August, 2015.



Ms. Luisa Waye-Hive
Assistant Clerk to the National Assembly

The committee on the part of the American Medical Association...

It is the policy of the American Medical Association...

The American Medical Association is not a political organization...

The American Medical Association is not a religious organization...

[The remainder of the page contains extremely faint and illegible text, likely bleed-through from the reverse side of the document.]