

THE KINGSTON AND ST. ANDREW
CORPORATION ACT

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SCHEDULES

THE KINGSTON AND ST. ANDREW
CORPORATION ACT*

Cap. 192.	5 of 1969,
Laws	42 of 1969
33 of 1953,	2nd and
6 of 1954,	3rd Schs.,
29 of 1954	6 of 1970,
S. 3,	11 of 1972
53 of 1954,	S. 5,
61 of 1955,	20 of 1973,
2 of 1956,	23 of 1973,
11 of 1956,	7 of 1974
20 of 1956	S. 6,
S. 15,	15 of 1975,
60 of 1956,	3 of 1977,
31 of 1958,	5 of 1977,
36 of 1958,	21 of 1980,
37 of 1958,	1 of 1981,
49 of 1959,	16 of 1983
18 of 1960,	2nd Sch.,
14 of 1961	5 of 1990,
S. 3,	39 of 1995,
Acts	28 of 1997
[6th June, 1931.]	Sch.,
S. 2,	14 of 2001,
12 of 1964,	30 of 2002,
29 of 1965,	9 of 2003,
12 of 1966,	10 of 2005.
18 of 1966,	
30 of 1966,	

1. This Act may be cited as the Kingston and St. Andrew Corporation Act. Short title.

2. This Act is divided into parts as follows—

Division of
Act into parts.

Part I.	Preliminary.
Part II.	Constitution and Government of Municipality.
Part III.	Preparation for and procedure at elections.
Part IV.	Offences in connection with elections.
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*This Act has been substantially modified. See the Parochial Elections (Modification) Act.

PART I. *Preliminary*

Interpreta-
tion.
11-1956
S. 2(a).

3. In this Act—

“appropriate digit” means in the case of an elector—

- (i) who has a right hand upon which there are any digits, that finger on the right hand which is nearest to the right thumb, or, if the elector has no right thumb, to the right thumb socket, or, if the elector has a right thumb but has no fingers on his right hand, the right thumb;
- (ii) who has no right hand or has a right hand but has no digits upon such hand, the finger on the left hand which is nearest to the left thumb, or, if the elector has no left thumb, to the left thumb socket, or, if he has a left thumb but no fingers upon his left hand, the left thumb;

“by-election” means an election other than a general election;

“candidate” or “candidate at an election” means any person who is nominated as a candidate for election to the Council of the Kingston and St. Andrew Corporation;

“Chief Electoral Officer” means the Chief Electoral Officer appointed under the Representation of the People Act;

“City Engineer” means the person for the time being holding the office of City Engineer under the Council and any other person for the time being performing the duties of the City Engineer with the authority of the Council;

“City Treasurer” means the person for the time being holding the office of City Treasurer under the Council and any person acting as City Treasurer;

“Constituency” has the meaning assigned to it by the Constitution of Jamaica;

“Corporate Area” means the area defined in the First Schedule;

12/1966
S. 6 (Sch.).

First
Schedule.

- "Corporation" means the body corporate constituted by the incorporation of the inhabitants of the parishes of Kingston and St. Andrew;
- "Corporate Land" means land belonging to or held in trust for the Corporation, or land occupied and controlled by the Corporation;
- "corporate office" means the office of Mayor, Deputy Mayor, or Councillor;
- "Council" means Council of the Corporation; 11/1956
S. 2 (b).
- "digit" includes both fingers and thumb;
- "election" means an election of a member to serve on the Council of the Kingston and St. Andrew Corporation;
- "election day" means the day upon which the poll is taken at any election or, if no poll is required to be taken, nomination day;
- "election documents" or "election papers" means the papers which the returning officer is required by section 67 to transmit to the Chief Electoral Officer after an election;
- "election officer" includes the Chief Electoral Officer, every returning officer, election clerk, presiding officer, poll clerk, enumerator, or other person having any duty to perform pursuant to this Act, to the faithful performance of which duty he may be sworn;
- "election petition" means a petition presented in accordance with the provisions of any enactment for the time being in force in relation to election petitions;
- "elector" means any person whose name is for the time being on any official list of electors for the House of Representatives; 12/1966
S. 6
(Sch.).
- "electoral division" means any electoral division constituted under section 7;
- "electoral ink" means the ink (whether composite or consisting of two or more separate solutions) supplied by the Chief Electoral Officer for use in accordance with the provisions of section 56; 11/1956
S. 2(c).

"hackney carriage" includes every motor vehicle which plies for hire as a hackney carriage;

"illegal payment" means any payment made in contravention of the provisions of this Act;

"member" means a member of the Council of the Kingston and St. Andrew Corporation and shall be synonymous with the word "Councillor" wherever that word appears in this Act;

"municipal works" includes the reconstruction or repair of streets, the making of new streets, and any other public work within the Corporate Area declared by resolution of the Council, approved by the Minister, as a municipal work;

"nomination day" means the day appointed in accordance with the provisions of section 36 for the nomination of candidates;

"oath" includes affirmation and statutory declaration;

15/1975
S. 2(a).

"officer of the Council Chamber" means the Town Clerk or any other officer or person acting within the precincts of the Council Chamber under the orders of the Mayor, and includes any constable on duty within the precincts of the Council Chamber;

12/1966
S. 6
(Sch.).

"official list" means the list of electors for any polling division prepared in accordance with sections 7 and 8 of the Representation of the People Act as modified by the Chief Electoral Officer in accordance with the Rules in the First Schedule to the said Act or the appropriate portion of any such list which has been divided in accordance with the provisions of section 30 of the Act aforesaid;

"owner" means the person in possession of or in receipt either of the whole or of any part of the rents or profits of any land or tenement whether in his own right or as a trustee or personal representative of any other person, or in the occupation of such land or

- tenement other than as a tenant from year to year or for any less term or as a tenant at will;
- "poll book" means the book in the prescribed form in which the name and other particulars of every person applying to vote are entered;
- "polling day" means the day fixed for holding the poll at an election;
- "polling division" means any polling division constituted in accordance with the provisions of section 4 of the Representation of the People Act;
- "polling station" means any room secured by the returning officer for the taking of the vote for a polling division on polling day;
- "precincts of the Council Chamber" means the entire building in which the Council or any committee or sub-committee thereof sits in session for the transaction of business, together with such offices of the Corporation as the Council may designate and the gallery or place provided for the use or accommodation of strangers; 15/1975
S. 2(b).
- "premises" includes messuages, buildings, lands, easements, and hereditaments of any tenure;
- "prescribed" means prescribed in the provisions of this Act or under any by-laws, rules or regulations made under the provisions of this Act;
- "Principal Returning Officer" means the returning officer designated under section 80 to be the Principal Returning Officer for the Corporate Area;
- "prospective candidate" means any person who within three months next before nomination day publicly announces or permits others publicly to announce his intention to stand as a candidate at the next ensuing election;
- "qualified person" means any person who is qualified in accordance with the provisions of section 37 of the Constitution of Jamaica to be registered as an elector; 12/1966
S. 6
(Sch.).

"rejected ballot paper" means a ballot paper which has been handed by the presiding officer to an elector to cast his vote but which at the close of the poll has been found in the ballot box unmarked or so improperly marked that in the opinion of the presiding officer or returning officer it cannot be counted;

"reputed owner of any building or of any vacant lot of land" means the person entered as the owner of any such building or of such vacant lot of land in the Valuation Roll for the time being in force;

"spoiled ballot paper" means a ballot paper which, on polling day, has not been deposited in the ballot box but has been found by the presiding officer to be soiled or improperly printed, or which has been handed by the presiding officer to an elector to cast his vote, and—

(a) has been spoiled in marking by the elector;
and

(b) has been handed back to the presiding officer and exchanged for another;

15/1975
S. 2(c).

"stranger" means any person other than a member of the Council or of a committee or sub-committee thereof, or an officer of the Council Chamber;

"the Board of Health" means the Central Board of Health appointed and acting under the health laws for the time being in force in the Island;

"Town Clerk" means the person for the time being holding the office of Town Clerk under the Council, and any person acting as Town Clerk;

"valuation" means the assessed value of any holding of real property in the Corporate Area assessed under the provisions of the Valuation Act or any enactment passed in amendment thereof or substituted therefor;

"voter" means any person who votes at an election.

[The inclusion of this page is authorized by L.N. 60/1976]

4. The Schedules shall be read and have effect as if they were part of this Act. Schedules.

PART II. *Constitution and Government of Municipality*

5.—(1) The inhabitants of the parish of Kingston and of the parish of St. Andrew are hereby declared to be a Municipal Corporation bearing the corporate name of "The Kingston and St. Andrew Corporation" and by such name shall have perpetual succession. Inhabitants of Kingston and St. Andrew declared to be a Municipal Corporation.

(2) The Corporation shall have and use a common seal to be approved and from time to time altered by the Council, and such seal shall be judicially noticed.

Extent and Division of the Corporate Area

6.—(1) It shall be lawful for the Corporation from time to time as and when it shall think fit, by resolution to define, for all or for any specified purposes, the limits of any town or village within the parishes of Kingston and St. Andrew, whether the limits or extent of such town or village shall or shall not have been previously ascertained or defined, and from time to time in like manner to alter such definition. The Corporation may, if it shall think fit, define different limits for different purposes in any towns or villages. Such resolutions shall not take effect until they have been approved by the Minister, who shall have power to alter the same, and shall have been published in the *Gazette*. Such resolutions shall, after their approval, and first publication in the *Gazette*, be published for at least four weeks in the *Gazette* for general information, but such publication subsequent to the first shall not be necessary in order to make any resolution take effect. Power to define the limits of towns, etc.

(2) The limits of all towns defined under any repealed law shall, until altered under this Act continue to be the limits of such towns for the same purposes and to the same extent that they now are.

Corporate
Area.

First
Schedule.

7.—(1) For the purposes of this Act, the parishes of Kingston and St. Andrew shall include all the lands and houses and buildings within the boundaries set forth in the First Schedule and therein described as the Corporate Area.

Second
Schedule.

(2) For the purposes of this Act other than the election of members of the Council of the Corporation and any purpose incidental thereto or connected therewith, the parishes of Kingston and St. Andrew shall be divided into one Urban, one Sub-Urban and one Rural District which districts are defined and described in the Second Schedule.

(3) The Council may from time to time subject to approval by resolution of the Senate and the House of Representatives, alter the definition of the Sub-Urban and Rural Districts contained in the Second Schedule by re-defining and re-describing the boundaries dividing each of the said districts from the other, and from and after the date of the resolution of the Senate or the House of Representatives, whichever shall be the later, approving any such alteration, the definition of the boundaries of the said districts shall be read as if the said alteration was set out in the said Schedule.

(4) For the purpose of the election of members of the Council of the Kingston and St. Andrew Corporation the parishes of Kingston and St. Andrew shall be divided into so many electoral divisions, as the Minister shall appoint.

(5) Every electoral division shall comprise so many and such polling divisions as the Minister may by order direct.

Limits of
the City of
Kingston.

8. Except where otherwise specially provided by any enactment, by-law or regulation, the limits or boundaries of the City of Kingston shall be—

From the Kingston Harbour, along and inclusive of Elletson Road to the Windward Road, thence westerly along the northern line of the Windward Road to the cross road from Park Lodge to Up-Park Camp thence northerly along and inclusive of the Up-Park Camp Road to the place indicated by the dotted line on the plat or diagram of the Parish of Kingston, recorded with Law 20 of 1867; thence following westerly the course indicated by the said dotted line, to the Spanish Town Road and from there along and inclusive of the Spanish Town Road to and inclusive of Kingston Pen Road, and thence to the Harbour, and along the Harbour to the point of commencement.

Electors

9.—(1) Every person shall be entitled to vote at an election of a member of the Council of the Kingston and St. Andrew Corporation for any electoral division if his or her name appears upon the official list prepared in accordance with the provisions of the Representation of the People Act, for some polling division comprised in such electoral division unless—

Qualifi-
cation
of electors

12/1966
S. 6
(Sch.).

- (a) his or her name was wrongly included in such list; or
- (b) he or she is disqualified from voting by reason of any of the provisions of this section; or
- (c) subsequent to his name appearing on the official list he ceases to be a Commonwealth citizen or to be ordinarily resident in Jamaica; or
- (d) on election day he or she is an inmate of any Mental Hospital or is undergoing any sentence of imprisonment.

12/1966
S. 6
(Sch.).

(2) The following persons are disqualified from voting at an election and incapable of being registered as electors and shall not vote nor be so registered, that is to say—

- (a) the Chief Electoral Officer;
- (b) the returning officer for each electoral division during his term of office, except where there is an equality of votes on the final count of votes or on a recount as in this Act provided;
- (c) any person found or declared to be insane under any law in force in Jamaica;
- (d) any person who is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) of or exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of imprisonment the execution of which is suspended;
- (e) every person who is disqualified from voting by reason of his employment for pay or reward in connection with the election in the electoral division in which such person would otherwise be entitled to vote; and
- (f) every person who is disqualified from voting under any law relating to the disqualification of electors for corrupt or illegal practices.

(3) Subject to the provisions of subsection (4), every person employed by any person for pay or reward in reference to an election in the electoral division in which such person would otherwise be entitled to vote shall be disqualified from voting and incompetent to vote in such electoral division at such election.

(4) A person shall not be disqualified from voting at an election of a member to serve in the Council by reason that he is employed for pay or reward in reference to an election in the electoral division in which such person would otherwise be entitled to vote, so long as the employment is legal.

(5) Persons who may be legally employed are—

- (a) returning officers, election clerks, presiding officers, poll clerks, enumerators, messengers, constables and persons otherwise necessarily and properly employed by an election officer for the conduct of the election;
- (b) agents of candidates;
- (c) persons engaged in printing election material on behalf of a candidate;
- (d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind, or as clerks or stenographers or as messengers on behalf of a candidate or prospective candidate, so, however, that the total number of persons so employed does not exceed one for each five hundred electors in the electoral division, and that the name, address and occupation of every person so employed is communicated, in writing, to the returning officer.

Council and Councillors

10.—(1) The Corporation shall be capable of acting by the Council, and the Council shall exercise all powers vested in the Corporation or the Council by this Act or otherwise. Corporation and Council.

(2) The Council shall consist of the Mayor and Councillors.

11. One Councillor shall be elected by the voters of each electoral division: Councillors.

2/1956
S. 3.

Provided that no member of the House of Representatives shall be eligible for election as a member of the Council.

Qualification
of
Councillors.
11/1972
S. 5.
3/1977
S. 2 (a), (b).

12.—(1) A person shall not be qualified to be elected or to be or continue to be an elected Councillor who is less than the age of eighteen years or who—

- (i) is not able to read and write English; or
- (ii) is not entitled to vote at the election of a Member of the Council; or
- (iii) is either directly or indirectly pecuniarily or otherwise interested in any contract with the Council although such contract shall by virtue of the provisions hereinafter contained be null and void:

Provided that no person shall be deemed to be directly or indirectly pecuniarily or otherwise interested in any contract with the Corporation within the meaning of this section by reason only of his being interested—

- (a) in any agreement for the loan of money or any security for the payment of money; or
- (b) in any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or
- (c) in any sale, purchase or lease of land to or from the Corporation; or
- (d) in any incorporated company or Society which contracts with the Corporation in which he does not hold more than one-tenth of the shares:

Provided that he shall not take part in any discussion or vote on any question in which any company of which he is a director or shareholder is interested, at any meeting of the Council or of any committee thereof:

Provided further that the seat of a duly elected member shall not be vacated under the provisions of this Act merely by reason of his being interested in a contract with such company or Society unless it appears that the contract has been entered into with the actual knowledge of the member :

Provided also that the existence of any such contract shall not disqualify any person to be elected or to be an elected Councillor, if made after he became such Councillor, it has been entered into with the express sanction, or if made before he became such Councillor, it has received, prior to his nomination as a candidate, the subsequent approval of the Minister.

(2) No person shall be capable of being elected a member of the Council, or having been elected shall sit or vote in the Council unless he has resided in the Corporate Area for twelve months immediately preceding the day of election.

(3) It shall not be lawful for any person to be nominated as candidate for election for more than one division at the same election, and no Councillor shall represent more than one division in the Council at the same time, and no Councillor shall be nominated for election under section 33 to fill a casual vacancy in any division until he shall have resigned his office as Councillor.

13. A person shall be disqualified from being elected to or holding a corporate office—

- (a) if and while he holds any office or place of profit in the gift or disposal of the Council, other than that of Mayor or Deputy Mayor;
- (b) if and while he is an undischarged bankrupt;
- (c) if he has been convicted of treason or felony or of any offence involving dishonesty, or of bribery or corrupt practices;

Persons
disqualified
from being
Councillors.

3/1977
S. 3.

(d) if he holds—

- (i) any office for the time being constituted a public office pursuant to section 3 of the Civil Service Establishment Act;
- (ii) any office to which the Judiciary Act applies;
- (iii) any office (whether as officer or soldier) for the time being included in the Jamaica Defence Force; or
- (iv) any office of profit in the gift or disposal of any Parish Council.

Elections

Elections.

5/1977
S. 2.

14.—(1) A general election of members to serve in the Council of the Kingston and St. Andrew Corporation shall be held in the Corporate Area in every third year on such day or days not earlier than in the month of March and not later than in the month of June as the Governor-General in Council may by proclamation appoint.

(2) Notwithstanding the provisions of subsection (1), where the Council of the Kingston and St. Andrew Corporation has been dissolved by the Minister in accordance with the provisions of section 227 no general election of members to serve in such Council shall take place until the period for which the Council was dissolved has expired and the Council elected at the expiration of such period shall only continue until the next triennial general election unless it shall be dissolved in the meantime.

(3) An election to supply any casual vacancy in any division shall be held on such day as the Mayor shall after consultation with the Chief Electoral Officer by order published in the *Gazette* direct. Such day shall be within three months of the vacancy having been entered in the minutes of the Council, or within three months after notice in writing of the occurrence of the vacancy has been given

to the Mayor or Town Clerk by two persons who were entitled to vote at the last election of a member in such division, whichever shall be the later:

Provided that no such election shall be held if a vacancy occurs within six months immediately preceding the first day of June in any year in which a general election is to be held in accordance with this section.

(4) In any case to which the provisions of section 38 or of section 42 apply, the day to which any election is adjourned shall be deemed to be the day appointed by the Governor-General in Council or Mayor as the case may be.

15.—Subject to the provisions of sections 13, 29, 31, 226 and 227 the term of office of a member of the Council shall be from the date of his election until the next general election of members under the provisions of section 14.

Term of
office of
members.
2/1956
S. 4.

16.—(1) The Mayor shall be a fit and proper person elected by the Council from among the Councillors.

The Mayor.

(2) The Mayor shall be eligible for re-election.

(3) Notwithstanding anything in this section the term of office of the Mayor shall, unless sooner determined in accordance with subsection (6), expire on the conclusion of a general election of members to serve on the Council of the Kingston and St. Andrew Corporation, so, however, that he shall continue in office until his successor in office has accepted office and made and subscribed the required declaration.

3/1977
S. 4 (a).

3/1977
S. 4 (b).

(4) The Mayor shall receive the sum of one thousand dollars per annum, or such greater sum as the Minister may from time to time after consultation with the Council of the Corporation determine, as a personal allowance to be paid out of corporate funds.

33/1953
S. 2.

(5) The Mayor or Deputy Mayor shall not by reason of the receipt of such personal allowance be

disqualified from being an elected Member of the House of Representatives, or be subject to any penalty for sitting and voting as such Member while holding such appointment.

3/1977
S. 4 (c).

(6) The Mayor may be removed from office after the expiry of twelve months from the date of his election on a motion supported by a majority of all the members of the Council in such manner and form as may be prescribed by regulations.

Deputy
Mayor.
3/1977
S. 5 (a).
21/1980
S. 2 (a).

17.—(1) The Council may elect any Councillor to be the Deputy Mayor; and in the absence or illness of the Mayor, such Deputy Mayor shall be deemed to have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Mayor under and by virtue of this Act and any other enactment amending the same, and all things done, exercised or suffered by the Deputy Mayor as aforesaid, shall be as valid and effectual in all respects as if they had been done, exercised or suffered by the Mayor.

21/1980
S. 2 (b).
3/1977
S. 5 (b).

(2) In the event of the death, resignation, incapacity or disqualification from any cause of the Mayor, the Deputy Mayor shall forthwith succeed to the office of Mayor, and shall subject to section 16(6), continue in such office until the time when the Mayor whom he succeeded would have gone out of office, and he shall then go out of office.

(3) In the event of the death, succession to office of Mayor, resignation or disqualification from any cause of the Deputy Mayor, the Council may appoint any other Councillor to be the Deputy Mayor to hold office for such term not exceeding the term of office of the then Mayor as the Council may by resolution determine.

21/1980
S. 2 (c).

(4) If the Mayor is dead, or is absent, or is otherwise incapable of acting in the exercise of his powers and duties under this or any other enactment for the time being in force and the Deputy Mayor is also incapable of acting for any of the reasons hereinbefore specified, the Council shall forthwith—

- (a) elect a Councillor to execute the powers and duties of the Mayor; and
- (b) elect a Councillor to execute the powers and duties of the Deputy Mayor,

for such period, not exceeding the term of office of that Mayor or Deputy Mayor, as the case may be, as the Council may by resolution determine.

(5) In the event of a Deputy Mayor exercising the powers and discharging the duties of the Mayor for one month or more, he shall be entitled to draw the proportionate part of the allowance that belongs to the office of Mayor. 42/1969
3rd
Sch.

(6) Subject to the provisions of the preceding subsections, the term of office of the Deputy Mayor shall, unless sooner determined in accordance with subsection (7), expire on the conclusion of a general election of members under the provisions of section 14, so, however, that he shall continue in office until his successor in office has accepted office and made and subscribed the required declaration. 21/1980
S. 2 (d).

(7) The Deputy Mayor may be removed from office after the expiration of twelve months from the date of his election on a motion supported by a majority of all the members of the Council in such manner and form as may be prescribed by regulations. 21/1980
S. 2 (d).

18. The Mayor and Deputy Mayor during their tenure of office respectively, shall be exempted from service as jurors in all courts of the Island. Mayor and
Deputy
Mayor
exempted
from
service as
jurors.

19.—(1) The Council shall appoint fit persons to be respectively Town Clerk, City Treasurer and City Engineer and shall further, subject to the provisions of this Act, appoint such other officers as the Council may be required by any enactment to appoint, and as the Council may think necessary for the proper discharge of the functions of the Council. Power to
appoint
officers.
20/1956
S. 15.

(2) The Town Clerk, City Treasurer and City Engineer shall hold office during good behaviour, and may be removed from office by the Council.

(3) All officers, other than the Town Clerk, City Treasurer and City Engineer, shall hold their offices during the pleasure of the Council.

(4) The offices of Town Clerk and City Treasurer shall not be held by the same person.

Power to
appoint
deputies.
20/1956
S. 15.

20.—(1) The Council may appoint an officer to be the deputy of any other officer for the purposes, and in the circumstances, set out in subsection (2).

(2) Where any office is vacant, or the holder of an office is, for any reason, unable to perform the duties thereof, the deputy appointed under subsection (1) shall fill the office or act in the place of the officer (as the case may be) until the vacancy is filled, or an acting appointment is made under section 21.

(3) Where, and so long as, a deputy in accordance with the provisions of this section fills a vacant office or acts in the place of an officer, he shall, subject to the terms of his appointment, have and exercise all the powers and functions of the holder of the office.

Acting
appoint-
ments.

21.—(1) If the office of Town Clerk, City Treasurer, or City Engineer, or any other office to which the Council is entitled to appoint, is vacant, or if the holder of any of such offices is for any reason unable to perform the duties thereof, the Council may appoint a person to act temporarily in such office, and the person so appointed shall, subject to the terms of his appointment, and while so acting, have and exercise all the powers and functions of the office.

(2) The Council may pay to any person appointed under this section such remuneration, by way of acting pay, as may be prescribed.

20/1956
S. 15.

22. The Council, in the case of every officer employed by them (whether under this or any other enactment) who by reason of his office or employment is likely to be entrusted with the custody or control of money or property shall require the officer to give such security as the Council may think fit for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him, and may similarly require security of any other officer employed by them.

Officers to give security.
20/1956
S. 15.

23. Every person so long as he is, and for a period of twelve months after he ceases to be, a member of the Council, shall be disqualified from being appointed to any paid office or employment under the Council, other than the office of Mayor.

Paid officers: disqualification of members.

24. The Town Clerk, the City Treasurer and the City Engineer shall during tenure of office be exempted from jury service in any of the courts of this Island.

Exemption from jury service.

25.—(1) Every officer appointed by the Council shall at such times during the continuance of his office or within fourteen days of his ceasing to hold it, and in such manner as the Council direct, deliver to the Council or as they 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 money is due, for the purposes of this Act in connection with his office, showing the amount due for each.

Officers to deliver to Council from time to time accounts of their receipts and payments, etc.

(2) Every such officer shall pay all such money due from him to the Town Clerk, or as the Council may direct.

(3) If any such officer—

- (a) refuses or wilfully neglects to deliver any account or list which he ought to deliver, or any voucher relating thereto, or to make any payment which he ought to make; or
- (b) after three days' notice in writing signed by the Town Clerk or by three members of the Council

Procedure where any officer refuses or neglects to deliver accounts, etc.

given or left at his last known place of abode, refuses or wilfully neglects to deliver to the Council, or as they may direct, any book or document which he ought so to deliver, or to give satisfaction respecting it to the Council or as they may direct,

the Resident Magistrate for Kingston or a Justice shall upon complaint made on behalf of the Council by any person authorized in writing by them, issue a summons to him to appear or issue a warrant under his hand to bring such officer before the Resident Magistrate, and upon such officer appearing or not appearing in answer to such summons or not being found, it shall be lawful for the Resident Magistrate to hear and determine the matter in a summary manner.

(4) If it shall appear to the Resident Magistrate that any sums of money are due by such officer to the Council, and the officer does not forthwith or within such time as the Resident Magistrate shall allow, pay over the sum to the Council, the Resident Magistrate shall cause such sums to be levied by distress and sale of the goods of the officer.

(5) If—

- (a) sufficient goods are not found to satisfy the moneys in the preceding subsection mentioned, and the charges of the distress; or
- (b) it should appear to the Resident Magistrate that the officer has been guilty of any neglect or refusal under subsection (3), the Resident Magistrate shall commit the officer to prison, there to remain without bail until he has paid to or compounded with the Council for any moneys found to be due as aforesaid or until he has purged himself of the neglect or refusal hereinbefore mentioned.

(6) No person committed to prison for want of sufficient distress only shall be detained therein for a longer period than three months.

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

26. The Council may with the approval of the Municipal Services Commission, from time to time make such regulations as to them may seem proper for the good government of the officers of the Council, including regulations with respect to the granting of leave of absence to such officers.

Council
may make
regulations.

Declaration of Qualification and Oath of Office

27. A person elected to a corporate office shall not, until he has made and subscribed before the Town Clerk, a declaration in the form set forth in the Third Schedule, act in such office except in administering that declaration.

Declaration,
making of,
etc.
Third
Schedule.

28. Every person elected to a corporate office shall at the first regular meeting of the Council which he attends after having made and subscribed the declaration prescribed in the foregoing sections, take and subscribe the following Oath of Office which shall be tendered to him by the Town Clerk and attested by the Mayor—

Oath, taking
of, etc.

Form of Oath of Office

I.....
having been duly elected to the office of.....
of the Kingston and St. Andrew Corporation, do hereby
swear that I will duly and faithfully fulfil the duties of
such office without fear or favour, partiality or ill will,
and to the best of my judgment and ability, so help me
God.

Resignation
from office.

29.—(1) A person elected to a corporate office may at any time by writing signed by him and delivered to the Town Clerk, resign the office.

(2) In any such case the Council shall, unless the office so resigned be that of Mayor, forthwith declare the office to be vacant and signify the same by notice in writing signed by three members of the Council and countersigned by the Town Clerk and fixed upon the office of the Council, and the office shall thereupon become vacant.

Re-
eligibility.

30. A person ceasing to hold a corporate office shall, unless disqualified to hold the office and subject to the express provisions of this Act, be re-eligible.

Procedure
where a
person
elected to a
corporate
office is
declared a
bankrupt,
etc., or is
absent from
Council
meetings.

31.—(1) If a person elected to a corporate office—

- (a) is declared bankrupt, or compounds by deed with his creditors, or makes an arrangement or composition with his creditors under the Bankruptcy Act for the time being in force by deed or otherwise; or
- (b) is absent from three consecutive ordinary meetings of the Council without the leave of the Council; or
- (c) refuses or neglects to take and subscribe the oath of office hereinbefore prescribed,

he shall thereupon immediately become disqualified and shall cease to hold the office.

(2) In any such event the Council shall forthwith declare the office to be vacant and signify the same by notice in writing signed by three members of the Council and countersigned by the Town Clerk and be fixed upon the Council offices, and the office shall thereupon become vacant.

(3) Where a person becomes disqualified by being declared bankrupt, or compounding or making an arrangement or composition as aforesaid, the disqualification, as regards subsequent elections, shall, in the case of

bankruptcy, cease on his obtaining his order of discharge, and shall, in cases of compounding or composition as aforesaid, cease on payment of his debts in full, and shall, in the case of an arrangement as aforesaid, cease on his obtaining his certificate of discharge.

(4) Where a person becomes disqualified by absence from meetings or refusal or neglect to take and subscribe the oath of office, the disqualification as regards subsequent elections shall cease at the end of the term of office during which such disqualification took place.

(5) Where a person becomes disqualified by being convicted of treason or felony or of any offence involving dishonesty or of bribery or corrupt practices, the disqualification as regards future elections shall cease at the expiration of seven years from the date of the conviction.

(6) If any person acts in a corporate office without having made the declaration by this Act required, or without being qualified at the time of making the declaration, or after ceasing to be qualified or after becoming disqualified, he shall for each offence be liable to a fine not exceeding one hundred dollars recoverable summarily.

32. The acts and proceedings of any person elected to a corporate office and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Validity of
acts of
persons
holding
corporate
office

33.—(1) On a casual vacancy in any corporate office, other than that of Mayor, an election shall be held by the same persons and in the same manner as an election to fill an ordinary vacancy, and the person elected shall hold the office until the time when the person in whose place he is elected would have gone out of office, and he shall then go out of office.

Filling of
casual
vacancy.

(2) Non-acceptance of office by a person elected creates a casual vacancy.

(3) The election to fill a casual vacancy shall be held within three months after notice in writing of the occurrence of such vacancy has been given to the Mayor or the Town Clerk by two voters.

PART III. *Preparation for and procedure at elections*

List of
electors to
be kept by
returning
officers.
12/1966
S. 6
(Sch.).

34.—(1) So soon as may be after the official list of electors for any polling division is prepared, in accordance with the provisions of the Representation of the People Act, the returning officer for the constituency for the purposes of the Representation of the People Act, in which such polling division is comprised shall forward to the returning officer for the electoral division for the purposes of this Act in which such polling division is comprised so many copies of such electoral list as may be prescribed, so, however, that in any case in which the same person is both the returning officer for the constituency and the returning officer for the electoral division in which any polling division is comprised this section shall take effect as if for the words “shall forward to the returning officer for the electoral division in which such polling division is comprised” there were substituted the words “shall retain for use in connection with any election under this Act”.

12/1966
S. 6 (Sch.).

(2) The electoral lists referred to in subsection (1) shall constitute the official list of electors to be used in taking the vote on polling day in accordance with the provisions of this Act.

Official
list to be
supplied
to candi-
dates.
1/1981
S. 2.
5/1990
S. 2.

34A. As soon as may be after an election notice has been issued under this Act and not later than the nomination day the returning officer shall supply to each candidate for such election four copies of the official list of electors in force for such election.

[The inclusion of this page is authorized by L.N. 5/1992]

35.—Subject to the provisions of this Act, the provisions of sections 108, 109, 110, 112, 113, 113A and of the Third, Fourth and Fifth Schedules of the Representation of the People Act (which relate to Military voters, Police and Special Constable voters, and to District and Special District Constable voters and Election Workers voters) shall apply to general elections held under this Act, as they apply to general elections held under the Representation of the People Act, subject to the following modifications—

Provisions
of sections
108-110,
112, 113,
113A of the
Representation
of the
People Act
to apply.
49/1959
S. 2.
30/2002
S. 2 (a) (b)
(c).

- (a) the sections and Schedules as aforesaid shall take effect as if for the word “constituency” wherever that word appears there were substituted the words “electoral division” in each case;
- (b) subsection (2) of section 108, subsection (2) of section 109 and subsection (2) of section 113A shall take effect as if for the words “issue of the writ” there were substituted the words “publication in the *Gazette* of a Proclamation under section 14 of this Act” in each case;
- (c) subsection (4) of section 108, subsection (4) of section 109 and subsection (4) of section 113A shall take effect as if for the words “Subject to the provisions of subsection (3) of section 111, the” there was substituted the word “The” in each case.

30/2002
S. 2 (d).

30/2002
S. 2 (e).

36.—(1) Subject to the provisions of section 42, nomination day shall be such day, other than a Sunday or public holiday, as may be appointed by the Minister, by notice in the *Gazette*, not being more than twenty-three nor less than sixteen days next before election day.

Nomination
day.
3/1977
S. 6.

(2) The place for the nomination of candidates shall be such public building situated in the Corporate Area as the Principal Returning Officer deems convenient.

(3) Subject to subsections (4) and (5), where the proceedings in any electoral division for or in connection with nomination day are on nomination day interrupted or

1/1981
S. 5
(Sch.).

obstructed by riot, open violence or other civil disturbance and the returning officer is of opinion that the nomination proceedings should be abandoned for that day, he may cause the proceedings to be adjourned to the day next following which is not a Sunday or a public holiday and, without prejudice to anything validly done prior to such adjournment, the nomination proceedings in that electoral division shall continue between the hours of ten o'clock in the forenoon and two o'clock in the afternoon on the day next following aforesaid as if it were nomination day and any reference in this Act—

- (a) to the time fixed for nomination, shall include any time allowed for nomination pursuant to such adjournment; and
- (b) to the period after nomination day, shall, except in section 38 (4), be construed as a period commencing after the day of adjournment pursuant to this subsection.

1/1981
S. 5.
(Sch.)

(4) Where, consequent on the interruption or obstruction referred to in subsection (3), the Governor-General in Council by proclamation adjourns the holding of a poll in any electoral division pursuant to section 38, the proclamation, in relation to that poll, shall for the purposes of section 38 (3) be deemed to have been made before nomination day and accordingly—

- (a) notwithstanding the completion of any nomination proceedings in that electoral division prior to the proclamation aforesaid, those proceedings shall be null and void; and
- (b) a new nomination day shall be deemed to have been appointed being the twenty-third day next before the day to which the holding of the poll in that electoral division is adjourned by such proclamation:

Provided that, if such twenty-third day is a Sunday or a public holiday, nomination day shall be deemed to be adjourned to the first day not being a Sunday or a public holiday after such twenty-third day.

(5) Where the returning officer causes the nomination proceedings to be adjourned pursuant to subsection (3)—

1/1981
S. 5
(Sch.).

- (a) he shall take all appropriate steps to bring to the attention of the public the fact of such adjournment and the day and place at which the nomination proceedings will continue; and
- (b) if there is any such further riot, open violence or civil disturbance as aforesaid at the subsequent nomination proceedings he shall cause the subsequent nomination proceedings to be abandoned and report the matter to the Chief Electoral Officer for reference to the Governor-General in Council.

37.—(1) So soon as may be after the publication in the *Gazette* of any proclamation or order under section 14 the returning officer shall issue an election notice in the prescribed form under his hand and shall post one copy at least to various postmasters of the post offices within his electoral division.

Election
notice.

(2) Every election notice shall specify—

- (a) the day and place fixed for the nomination of candidates;
- (b) the day on which the poll for taking the votes of the electors is to be held, in case a poll is necessary;
- (c) the place where and day and time when the number of votes given to the several candidates will be added up;

- (d) an exact description of the place in the Corporate Area in which his electoral division is comprised where the returning officer has established his office.

The returning officer shall at the same time notify in writing each postmaster within his electoral division of the provisions of subsection (3).

(3) Every postmaster shall, forthwith after receipt of the notice referred to in subsection (1), post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the nomination of candidates has passed, and for the purposes of this provision such postmaster shall be deemed an election officer and liable as such.

Power to
adjourn
polling
day in
event of
emergency.

38.—(1) Where at any time between the making of any proclamation under subsection (1) of section 14 or the publication of any order under subsection (3) of section 14 and the day specified by an election notice under section 37 for the holding of the poll at the election to which such proclamation or order relates, the Governor-General in Council is satisfied that it is expedient so to do by reason of—

- (a) Her Majesty's Government having become engaged or being likely to become engaged in any war; or
- (b) the proclamation of any state of emergency under the Emergency Powers Act; or
- (c) the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or outbreak of infectious disease or other calamity whether similar to the foregoing or not; or
- (d) the likelihood that the official list for all electoral divisions or for any particular electoral division will not be printed before the day specified for the holding of the poll or that any essential electoral

12/1966
S. 6
(Sch.).

supplies or materials will not be available in adequate quantities upon such day; or

- (e) riot, open violence or other civil disturbance resulting in such interruption, obstruction or abandonment of the electoral process as to prejudice the holding of a fair election,

1/1981
S. 5
(Sch.).

he may by proclamation adjourn the holding of the poll to some other day specified in such proclamation not being more than thirty days after the day specified for the holding of the poll by the election notice under section 37.

(2) Any proclamation under subsection (1) made pursuant to the provisions of paragraph (c), (d) or (e) of subsection (1) may be expressed to apply only to such electoral divisions as are specified in such proclamation, in which event the poll shall be taken in any electoral divisions not so specified upon the day specified by the election notice for the taking of the poll.

(3) Where any proclamation under this section is made before the day which would have been nomination day if such proclamation had not been made nomination day shall be deemed to have been adjourned to the twenty-third day next before the day to which the holding of the poll is adjourned by such proclamation:

6/1954
S. 6.
23/1973
S. 4 (a).
23/1973
S. 4 (b).

Provided that if such twenty-third day is a Sunday or a public holiday nomination day shall be deemed to be adjourned to the first day not being a Sunday or a public holiday after such twenty-third day.

(4) Where any proclamation is made under this section after nomination day an adjournment by such proclamation of the day upon which the poll is taken shall in no way affect the validity of any nomination validly made upon nomination day and no other nomination shall be made.

Procedure
on
nomination
of candi-
dates.

39.—(1) At ten in the forenoon on nomination day the returning officer and the election clerk shall both attend at the place specified in the election notice under section 37 as the place for the nomination of candidates and shall there remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate. After two o'clock on nomination day no further nominations shall be received:

12/1966
S. 6
(Sch.).

Provided that in the holding of any by-election the time allowed for receipt of nominations shall be twelve noon to two o'clock in the afternoon on nomination day.

(2) Any six or more electors qualified to vote in an electoral division for which an election is to be held may nominate any person qualified to be a Councillor of the Kingston and St. Andrew Corporation as a candidate by signing a nomination paper in the prescribed form and causing such nomination paper to be handed to the returning officer between the hours referred to in subsection (1):

Provided that no candidate shall be deemed not to have been validly nominated by reason only of the fact that subsequent to nomination day any person by whom his nomination paper was signed is struck off the list of electors for the relevant electoral district.

(3) Every nomination paper shall specify—

- (a) such particulars of the name, address and occupation of the candidate as are sufficient to identify him; and
- (b) his address for service of process and papers under this Act.

(4) Each candidate shall be nominated by a separate nomination paper.

(5) No nomination paper shall be valid or acted upon by the returning officer unless it is accompanied by—

- (a) the consent in writing of the person therein nominated except where such person is absent from the Corporate Area, when such absence shall be stated in the nomination papers; and
- (b) a deposit of three thousand dollars in legal tender.

9/2003
S. 2.

(6) The returning officer shall not accept any deposit until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor which shall be conclusive evidence that the candidate has been duly and regularly nominated.

(7) At the close of the time for nominating the candidate the returning officer shall deliver to every candidate applying therefor a duly certified list of names of the several candidates who have been nominated.

40.—(1) The full amount of every deposit made under subsection (5) of section 39 shall forthwith after its receipt be transmitted by the returning officer to the Accountant-General.

Disposal of
deposit.

(2) The full amount of every deposit shall be returned by the Accountant-General to the person who made such deposit or his personal representatives, upon the production by him or his personal representatives, as the case may be, of a certificate from the Chief Electoral Officer that the candidate was elected or polled not less than one-eighth of the total number of votes cast at the election, or died before the close of the poll on polling day.

(3) Where any candidate withdraws from the election in accordance with the provisions of subsection (1) of section 41, and the Chief Electoral Officer is satisfied that such withdrawal was consequent upon circumstances over which the candidate had no control and which he had no cause on or before nomination day to anticipate, the

Chief Electoral Officer may certify accordingly to the Accountant-General.

(4) Where the Chief Electoral Officer certifies in accordance with the provisions of subsection (3), the Accountant-General shall refund to the candidate or to his personal representatives one moiety of the deposit.

(5) Except as otherwise provided in this section, every deposit under subsection (5) of section 39 shall at the expiration of one month from the conclusion of the election in respect of which it was made, be paid to the Consolidated Fund.

Withdrawal of
candidates.

41.—(1) Any candidate may withdraw at any time not less than ninety-six hours before the opening of the poll on polling day by filing with the returning officer a declaration in writing to that effect signed by himself, and attested by the signature of two qualified electors in the electoral division, and any votes cast for the candidate who has so withdrawn shall be null and void.

(2) When a candidate has withdrawn after the ballots are printed, the returning officer shall advise, by letter or telegraph, each presiding officer of his electoral division of such withdrawal, and, when time permits, shall distribute to each presiding officer a printed notice of the withdrawal. On polling day each presiding officer shall post up a copy of the printed notice of withdrawal in a conspicuous place in his polling station. If time does not permit of the printing and the distribution of such notice, the presiding officer, upon being advised by letter or telegram by the returning officer of the withdrawal of any candidate, shall himself prepare by hand a notice to that effect and post it up in a conspicuous place in his polling station. In either case the presiding officer shall, when delivering a ballot to each elector, inform such elector of the withdrawal of the candidate.

(3) If, after the withdrawal, there remains only one candidate, the returning officer shall return as duly elected

the candidate so remaining without waiting for the day fixed for holding the poll.

42.—(1) Whenever, before the closing of the poll, the returning officer becomes aware that any candidate has died since the close of the nominations, he shall, after communicating with the Chief Electoral Officer, adjourn the election to some day being not more than one month from the day originally fixed for the election.

Procedure
on death of
nominated
candidate.

(2) Whenever any election is adjourned in accordance with the provisions of subsection (1), the provisions of subsection (1) of section 37 shall apply as if the day upon which the election is adjourned were the day of the publication of the proclamation or order referred to in subsection (1) of section 37 and the day to which the election is adjourned were the day specified in such proclamation or order.

(3) Full particulars of any action taken under this section shall be reported by the returning officer to the Chief Electoral Officer.

43.—(1) Whenever only one candidate has been nominated within the time fixed for that purpose the returning officer shall forthwith make his return to the Chief Electoral Officer, in the prescribed form that such candidate is duly elected for the said electoral division and shall send within forty-eight hours a duplicate or certified copy of such return to the person elected.

Return by
acclama-
tion.

(2) The returning officer shall include in his return to the Chief Electoral Officer a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act.

(3) Nothing in this Act shall be construed to impose any liability upon any person nominated as a candidate by others without his consent, unless he has afterwards given his assent to such nomination or has been elected.

Granting
of a poll.

44.—(1) If more than one candidate is nominated for the electoral division in the manner required by this Act, the returning officer shall grant a poll for taking the votes of the electors.

12/1966
S. 6
(Sch.).

(2) Within five days after such poll has been granted the returning officer shall post to all postmasters in his electoral division a notice in the prescribed form of his having granted a poll and indicating the names, addresses and occupations of the candidates duly nominated.

(3) Forthwith upon receipt of the notice referred to in subsection (2), every postmaster shall display it in some conspicuous place to which the public has access in the post office of which he is postmaster and maintain it there displayed until the hour fixed for the closing of the poll.

1/1981
S. 5
(Sch.).

(4) The returning officer shall, within seven days after the nomination day, deliver or send by registered post to each candidate the prescribed number of copies of the notice aforesaid together with—

- (a) a list of the presiding officers and poll clerks who will officiate at each polling station;
- (b) a copy of each separate list of electors relating to each polling station having regard to the provisions of section 46; and
- (c) a list of the persons assigned to transport ballot boxes from polling stations:

Provided, however, that the returning officer may make such changes as may be necessary in the lists referred to in paragraphs (a) and (c) after the delivery or despatch of such lists to the candidates and, if he does so, he shall forthwith notify the candidates.

1/1981
S. 5
(Sch.).

(5) Within five days after receipt of the documents referred to in subsection (4) a candidate or the agent of a candidate may make objections or representations to the returning officer against any of the particulars or arrange-

ments indicated in any such document; and thereupon the returning officer, after consultation with such other candidates or their agents as the returning officer thinks necessary, may make such changes in such particulars or arrangements as he thinks fit.

45.—(1) The returning officer shall establish for each polling division so many polling stations as the Chief Electoral Officer may direct.

Establishment of polling stations.
12/1966
S. 6
(Sch.).

(2) Each polling station shall be established in premises of convenient access, with an outside door for the admission of electors, and where possible with another door through which electors may leave after they have voted.

46.—(1) The Chief Electoral Officer shall allot to each polling station established under subsection (1) of section 45 the official list of electors for so many and such polling divisions as he may think fit.

Allotment lists and polling stations.
12/1966
S. 6
(Sch.).

(2) In allotting lists of electors to polling stations the Chief Electoral Officer shall have regard to the desirability of ensuring so far as practicable that not more than two hundred and fifty names are allotted to any one polling station and to geographical considerations.

47. The provisions of section 31 of the Representation of the People Act (which relate to the supply of ballot boxes) shall apply to elections held under this Act as they apply to elections held under the Representation of the People Act.

Provisions of section 31 of Representation of the People Act, to apply.

48. The provisions of section 32 of the Representation of the People Act (which relate to the supply of election material and to the custody of such material prior to the commencement of the poll and to the posting up of directions to voters before the commencement of the poll) shall apply to elections held under this Act as they apply to elections held under the Representation of the People Act, subject to the following modifications—

Provisions of section 32 of Representation of the People Act, to apply.

- (i) paragraph (d) of subsection (1) of the section shall take effect as if for the reference to the form in the Second Schedule of the Representation of the People Act, there were substituted a reference to the prescribed form;
- (ii) paragraph (e) of subsection (1) of the section shall take effect as if for the reference to the Representation of the People Act, there were substituted a reference to this Act;
- (iii) paragraph (f) of subsection (1) and paragraph (b) of subsection (2) shall take effect as if for references in those paragraphs to section 37(2) of that Act there were substituted respectively references to section 55(2) of this Act;
- (iv) subsection (4) of the section shall take effect as if for the reference to section 43(1) of that Act there were substituted a reference to section 61(1) of this Act.

1/1981
S. 5
(Sch.).

Outdoor
agents.
5/1990
S. 3.

48A.—(1) Every candidate in an election may appoint such persons as he thinks fit to be outdoor agents and shall issue to any such outdoor agent appointed by him a certificate of appointment in the prescribed form specifying the polling station in respect of which the agent is appointed.

(2) The candidate may substitute one outdoor agent for another with respect to any polling station.

(3) No more than one person at any one time shall be entitled to perform the functions of outdoor agent for any candidate at any one polling station and, for the purpose of monitoring the extent of voter turnout on election day, the agent shall be stationed not less than twenty yards from the polling station.

Procedure on Polling Day

49.—(1) The poll shall be taken in each polling station by secret ballot in accordance with the provisions of section 53 or of section 54 between the hours of seven o'clock in the forenoon and five o'clock in the afternoon on election day.

Taking of
poll and the
ballot.

(2) The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames and numbered accordingly shall be printed exactly as they are set out in the nomination paper. Opposite to the name of each candidate there shall be a prescribed symbol. The ballot papers shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

(3) The ballot papers shall be numbered on the top of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil. The ballot papers shall be bound or stitched in books containing ten, twenty-five, fifty or one hundred ballots.

(4) Subject to subsection (5), on each ballot paper the name of the electoral division and the number of the polling division in which the ballot is to be used shall be printed in such manner as to remain on the ballot after it has been detached from the stub and the counterfoil.

1/1981
S. 5
(Sch.).

(5) In the event of the loss or destruction of ballot papers conforming to the requirements of subsection (4), or in the case of any other emergency, substitute ballot papers having such distinctive features as may be prescribed may be used.

1/1981
S. 5
(Sch.).

Who may
vote.
12/1966
S. 6
(Sch.).

50.—(1) Subject to the provisions of this section and of section 9 any person whose name appears on the official list of electors allotted to any polling station shall be permitted to vote at such polling station.

12/1966
S. 6
(Sch.).

(2) Where there is contained in the official list of electors allotted to any polling station a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot is demanded as to suggest that the entry in such official list of electors was intended to refer to him, such person shall, upon taking the oath in the prescribed form and complying in all other respects with the provisions of this Act, be entitled to receive a ballot and to vote. In any such case the name, address and occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

10/2005
S. 2(a).

(3) Subject to subsections (8) and (9), no elector shall receive a ballot paper or be permitted to vote unless his identity as the person whose name appears on the official list of electors for that electoral division has been established, as directed by the presiding officer or any other person authorized by him, in accordance with the provisions of this section.

10/2005
S. 2(a).

(3A) Before receiving his ballot paper, every elector shall, on the direction of the presiding officer, place his finger in or on the specified equipment.

10/2005
S. 2(a).

(3B) Where an elector refuses to place his finger in or on the specified equipment—

(a) no ballot paper shall be issued to him; and

- (b) erasing lines shall be drawn through his name on the official list of electors and in the poll book, if such name has been entered in the poll book, and the words "Refused to be identified by finger print" shall be written thereafter.

(3C) Where the specified equipment fails to function or to function properly or no such equipment is provided, the elector shall— 10/2005
S. 2(a).

- (a) produce to the presiding officer his identification card or other prescribed document establishing his identity; and

- (b) take the oath in the form set out in the Second Schedule and otherwise establish his identity to the satisfaction of the presiding officer; or Second
Schedule.

- (c) as the case may require, satisfy all the conditions specified in subsection (7).

(3D) Where a prescribed document establishing identity has been issued in substitution for an identification card, only the prescribed document shall be produced to and accepted by the presiding officer, except in cases in which the elector satisfies the conditions specified in subsection (7). 10/2005
S. 2(a).

(3E) In determining whether or not the specified equipment has failed to function or function properly the presiding officer shall seek and be bound by the advice of the Chief Electoral Officer or the person nominated by him so to determine. 10/2005
S. 2(a).

(4) No elector shall vote more than once in the same electoral division at the same election nor in more than one electoral division on the same day.

10/2005
S. 2(b).

(5) Subject to subsection (9), where an elector fails to comply with the provisions of subsection (3D)—

(a) no ballot paper shall be issued to him; and

(b) erasing lines shall be drawn through his name on the official list of electors and in the poll book, if such name has been entered in the poll book, and the words “Refused to be sworn” shall be written thereafter.

10/2005
S. 2(b).

(6) The candidates, agents of the candidates or any elector representing a candidate shall be permitted to examine—

(a) the specified equipment; and

(b) any identification card or other prescribed document used to establish the identity of an elector produced pursuant to subsection (3C).

12/1966
S. 6
(Sch.).
10/2005
S. 2(c).

(7) The conditions to which subsections (3C) and (3D) refer are—

(a) that the elector is unable to produce the identification card or other prescribed document establishing his identity referred to in that subsection or use it for the purposes of establishing

his identity by reason of the fact that the Chief Electoral Officer has not yet pursuant to section 9 of the Representation of the People Act caused it to be delivered to him or that it has been lost, stolen, destroyed, mutilated or defaced;

30/1966
S. 2.

- (b) that the elector shall take the oath of identity in the prescribed form and otherwise establish his identity to the satisfaction of the presiding officer.

(8) In order to establish the identity of any person by whom a ballot is demanded, the presiding officer may, if he deems it necessary, make the following enquiries of such person—

1/1981
S. 5
(Sch.).

- (a) his date of birth;
- (b) his place of birth;
- (c) the maiden name of his mother;
- (d) the place of birth of his mother,

and the presiding officer shall compare the answers given by such person with the information appearing on the record referred to in section 32(1)(k) of the Representation of the People Act pertaining to the elector in whose name the ballot is demanded.

(9) No person of whom enquiries are made pursuant to subsection (8) shall be allowed to vote unless his identity is established to the satisfaction of the presiding officer.

1/1981
S. 5
(Sch.).

(10) In this section, “specified equipment” means the equipment approved by the Electoral Advisory Committee for the purpose of identifying electors by finger print and issuing ballots.

10/2005
S. 2(d).

Transfer of
votes in
special cases.

51.—(1) Where any person whose name appears on the official list for any polling division is appointed as agent of a candidate, provided notice in writing signed by such candidate of such appointment has been delivered to the returning officer not less than forty-eight hours before the opening of the poll on polling day, or as presiding officer or poll clerk for some other polling division in the same electoral division or for some polling station in that electoral division other than the polling station to which his name is allotted in accordance with the provisions of section 46, the returning officer shall transfer his name to the official list for the polling station of which he is appointed agent of a candidate or the presiding officer or poll clerk, as the case may be.

12/1966
S. 6
(Sch.).

(2) The returning officer shall give notice in writing to every candidate in his electoral division of any transfer under subsection (1) and to the presiding officer of the polling station at which the person whose name is so transferred would have been entitled to vote but for the provisions of section 52.

Where
transferred
voter to vote.

52.—(1) Every person whose name is transferred in accordance with the provisions of section 51 from any official list to any other official list, or from any division of any official list to any other division of such list shall vote, if he vote at all, at the polling station in respect of which he is appointed as agent of a candidate or as presiding officer or poll clerk, as the case may be.

(2) Every presiding officer who issues to any person whose name has been transferred from any official list to any other official list, or from any division of any official list to any other division of such list any ballot paper at any polling station other than that to which

such person's name has been transferred, shall be guilty of an offence against this section and, on summary conviction thereof before a Resident Magistrate, shall be liable to a fine not exceeding ten thousand dollars and in default of payment, to imprisonment for a term not exceeding six months.

9/2003
S. 3.

53.—(1) Subject to the provisions of section 55, each elector shall receive from the presiding officer a ballot paper on which such officer has previously put his initials so placed that when the ballot is folded they can be seen without opening it, and on the counterfoil of which he has placed a number corresponding to the consecutive number given to the elector and entered in the poll book opposite the name of such elector.

General
mode of
taking
ballot.
11/1956
S. 3 (a).

(2) The presiding officer shall instruct the elector how and where to affix his mark, and shall properly fold the elector's ballot paper, directing him to return it, when marked, folded as shown, but without inquiring or seeing for whom the elector intends to vote, except when the elector is unable to vote in the manner prescribed by this Act on account of blindness or other physical incapacity.

(3) The elector on receiving the ballot paper shall forthwith enter one of the polling compartments and there mark his ballot paper by making a cross with a black lead pencil within the space containing the name of the candidate for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials and the number on the counterfoil can be seen without opening it, and hand the paper to the presiding officer, who shall, without unfolding it, ascertain by examination of the initials and numbers appearing thereon that it is the same paper as that delivered to the elector and if the same he shall subject to the provisions of section 56 forthwith in full view of the voter and all others present remove and destroy the counterfoil and deposit the ballot in the ballot box.

11/1956
S. 3 (b).

(4) An elector who has inadvertently so dealt with the ballot paper delivered to him that it cannot conveniently be used shall restore it to the presiding officer who shall so deface it as to render it a spoiled ballot. The presiding officer shall then deliver another ballot paper to the elector.

(5) Every elector shall vote without undue delay and shall leave the polling station as soon as his ballot paper has been put into the ballot box.

(6) If at the hour of closing of the poll there are any electors inside the polling station or within the immediate precincts thereof who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, but no one not actually present within the polling station or actually identified by the presiding officer as being within the immediate precincts aforesaid at the hour of closing shall be allowed to vote.

1/1981
S. 5
(Sch.).

Mode of
taking ballot
in special
cases.

54.—(1) Subject to all other provisions of this Act as to proof of qualification as an elector and as to the administration of oaths, if a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity, in the prescribed form, and otherwise establishing his identity to the satisfaction of the presiding officer.

(2) In such case, the presiding officer shall put on the ballot paper his initials, together with a number corresponding to the consecutive number given to the voter and entered in the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book—

- (a) the name of such voter;
- (b) a note of his having voted on a second ballot paper issued under the same name;

- (c) the fact of the oath of identity having been required and taken, and the fact of any other oaths being so required or taken; and
- (d) any objections made on behalf of any and of which of the candidates.

(3) The presiding officer, on the application of any elector who is incapacitated, from any physical cause other than blindness, from voting in the manner prescribed by this Act, shall require the elector making such application to make oath in the prescribed form of his incapacity to vote without assistance, and shall thereafter assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station and of no other person, and shall place such ballot in the ballot box.

(4) The presiding officer shall either deal with a blind elector in the same manner as with an otherwise incapacitated elector, or, at the request of any blind elector who has taken the oath in the prescribed form, and is accompanied by a friend, shall permit such friend to accompany the blind elector into the voting compartment and mark the elector's ballot for him. No person shall at any election be allowed to act as the friend of more than one blind elector.

(5) Any friend who is permitted to mark the ballot of a blind elector as aforesaid shall first be required to take an oath in the prescribed form, that he will keep secret the name of the candidate for whom the ballot of such blind elector is marked by him, and that he has not already

acted as the friend of a blind elector for the purpose of marking his ballot paper at the pending election.

(6) Whenever any elector has had his ballot paper marked as provided in subsection (3), (4) or (5), the presiding officer shall enter in the poll book opposite the elector's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.

Ballot
papers not
to be
delivered to
electors
unless no
marks of
electoral ink
appear on
electors.
11/1956
S. 4.

55.—(1) Subject to the provisions of section 58, every presiding officer shall refuse to deliver any ballot paper to any elector unless he is satisfied that there does not appear—

- (a) upon the appropriate digit of such elector; or
- (b) in the case of an elector who the presiding officer is satisfied is suffering from an injury to the appropriate digit, upon any of the digits of such elector,

any mark of electoral ink.

(2) For the purpose of satisfying himself in the manner required by subsection (1) the presiding officer shall in the presence of the poll clerk and of the sworn agents of the candidates or the sworn electors representing the candidates in the polling station, as the case may be, inspect the appropriate digit of each elector or all of the digits of each elector, as the case may require, and for that purpose shall use, as prescribed by regulations, any prescribed equipment designed for the purpose of detecting any mark of electoral ink:

1/1981
S. 5
(Sch.).

Provided that if the prescribed equipment fails to function or is illegally removed from, or is for any reason not

available for use at, any polling station, the presiding officer, in lieu of using that equipment, shall require the elector—

- (i) to take an oath in the prescribed form to the effect that he has not previously voted in that election;
- (ii) to make one or more impressions in ink on the form of the oath as follows—
 - (a) with his right thumb;
 - (b) with his left thumb, should he not have a right thumb; or
 - (c) with any other finger should he not have any thumb.

(2A) Where the appropriate digit or any other digit which an elector may be required to immerse in electoral ink is concealed or covered with any bandage or other material, the presiding officer shall refuse to deliver to the elector any ballot paper unless the elector either—

1/1981
S. 3
(Sch.).

- (a) removes such bandage or other material and wholly uncovers the appropriate or other digit aforesaid; or
- (b) satisfies the presiding officer that he is suffering from injury to such appropriate or other digit, takes an oath to that effect in the prescribed form and makes one or more impressions in ink on that form, as follows—
 - (i) with his right thumb;

(ii) with his left thumb, should he not have a right thumb; or

(iii) with any other finger, should he not have any thumb.

1/1981
S. 5
(Sch.).

(2B) Where the presiding officer issues a ballot paper to an elector pursuant to subsection (2A) he shall make an entry in the poll book setting out the facts in relation to such an issue.

(3) Every presiding officer who refuses to deliver any ballot paper to any elector under the provisions of this section shall make an entry in the poll book setting out the facts in relation to such refusal.

5/1990
S. 9
(Sch.).

(4) Every person who applies for any ballot paper at a time when there is upon any of his digits any mark of electoral ink shall be guilty of a misdemeanour and shall be liable—

- (a) on summary conviction in a Resident Magistrate's Court to imprisonment with or without hard labour for a term not less than six months nor more than two years and in addition to such imprisonment to a fine not exceeding two hundred dollars; or
- (b) on conviction before a Circuit Court to imprisonment with or without hard labour for a term not exceeding five years and in addition to such imprisonment to such fine as the Court may impose.

56.—(1) Upon receiving any ballot paper from any elector in accordance with the provisions of subsection (3) of section 53 the presiding officer shall before removing the counterfoil from such ballot paper, if the elector has an appropriate digit, satisfy himself that there does not appear upon such digit any substance which in his opinion is likely to prevent the adhesion of electoral ink and cause the elector to immerse such digit in the electoral ink:

Electors to immerse appropriate digit in electoral ink.
11/1956
S. 4.

Provided that where the presiding officer is satisfied that the elector is suffering from some injury to his appropriate digit which is of such nature as to render it undesirable for him to immerse such digit in the electoral ink the presiding officer may require him to immerse in such ink any other digit upon which the presiding officer is satisfied that there is no substance which is likely to prevent the adhesion of electoral ink.

(2) If any elector on being required so to do fails or refuses to immerse his appropriate digit or any other digit in electoral ink the presiding officer shall destroy the ballot paper handed to him by such elector and make an entry in the poll book setting out the particulars in relation to the destruction of such ballot paper.

57. Subject to the provisions of section 58, every presiding officer who fails or neglects to perform any duty imposed upon him by section 55 or section 56 shall be guilty of an offence against this section and shall be liable on summary conviction before a Resident Magistrate to a

Penalty for failure of presiding officer to carry out provisions of sections 55 and 56.
11/1956
S. 4.

9/2003
S. 4 (a).

9/2003
S. 4 (b).

fine not exceeding ten thousand dollars or to be imprisoned with or without hard labour for any term not exceeding twelve months; and the Resident Magistrate may, in addition to imposing such fine or imprisonment, order that the presiding officer be disqualified from holding any post as an election officer for a period of seven years from the date of conviction.

Non-appli-
cation of
sections 55, 56
and 57 to
electors with
no hands.
11/1956
S. 4.

58. The provisions of sections 55, 56 and 57 shall not apply in relation to any elector who has no hands.

Who may be
present.

59.—(1) In addition to the presiding officer and the poll clerk, the candidates, and one agent for each candidate in each polling station, and, in the absence of agents, one elector to represent each candidate on the request of such elector, and no others, shall be permitted to remain in the polling station during the time the poll remains open:

Provided that no candidate and his agent shall be in the same polling station at the same time for more than five consecutive minutes.

(2) The agent of each candidate, and, in the absence of an agent, any elector representing any candidate, on being admitted to the polling station, shall take an oath in the prescribed form to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

(3) Agents of candidates or electors representing candidates may, with the permission of the presiding officer, absent themselves from and return to the polling station at any time before one hour previous to the close of the poll.

60.—(1) If the agents or electors referred to in subsection (1) of section 59 are in attendance at least fifteen minutes before the hour fixed for opening the poll, they shall be entitled to have the ballot papers intended for use thereat carefully counted in their presence before the opening of the poll, and to inspect such ballot papers, and all other papers, forms and documents relating to the poll.

Proceedings
before
opening of
poll.

(2) A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and subject to the provisions of subsection (2) of section 59, may be present at any place at which his agent may, in pursuance of this Act, be authorized to attend.

(3) The non-attendance of any agent or agents of candidates at any time or place required by this Act shall not in any wise invalidate any act or thing done during the absence of such agent or agents if such act or thing is otherwise duly done, and whenever in this Act any expressions are used requiring or authorizing any act to be done at the polls or otherwise in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done.

(4) The presiding officer shall, on polling day before the opening of the poll—

1/1981
S. 5
(Sch.).

(a) cause such printed directions to electors as have been supplied to him in the prescribed form to be

posted up in conspicuous places outside of and near to the polling station and also in each compartment of the polling station; and

- (b) deliver to the aforesaid agents or electors, as the case may be, who are in attendance, copies of a certificate signed by the returning officer setting out the serial number sequence of the total number of ballot papers issued for use at that polling station, so, however, that nothing in this paragraph shall prevent a presiding officer from delivering such copies as aforesaid to an agent or an elector as aforesaid who arrives at the polling station after the opening of the poll.

Proceedings
at poll.

61.—(1) At the hour fixed for opening the poll the presiding officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the presiding officer shall keep the key thereof: the box shall be placed on a table in full view of all present and shall be maintained there until the close of the poll.

(2) Immediately after the ballot box is so locked, the presiding officer shall call upon the electors to vote.

(3) The presiding officer shall secure the admittance of every elector into the polling station, and shall see that they are not impeded or molested at or about the polling station.

12/1966
S. 6
(Sch.)

(4) The presiding officer may, if he considers it advisable, direct that not more than one elector for each compartment shall, at any time, enter the room where the poll is held; and each elector, upon so entering, shall declare his name, residence and occupation. The poll clerk shall then ascertain whether the name of that elector appears on the official list of electors allotted to the polling station. If

the name of that elector appears on that official list he shall answer any questions asked by the presiding officer concerning his identity and produce to the presiding officer the identification card or other prescribed document establishing his identity issued to him under section 9 of the Representation of the People Act or, if such identification card or such other prescribed document cannot be produced or used for the purposes of establishing his identity, all the conditions specified by subsection (7) of section 50 shall be satisfied. Where an impression is made upon the form of oath of identity mentioned in paragraph (b) of that subsection with a finger other than the right thumb the presiding officer shall make a note of the finger with which it was made. When it has been ascertained that that elector is qualified to vote at the polling station, his name, address and occupation shall be entered in the poll book which shall be kept by the poll clerk in the prescribed form, a consecutive number shall be prefixed to his name in the appropriate column of the poll book, and subject to any requirement under subsection (2) or (3) of section 50 to take an oath, he shall immediately thereafter receive a ballot paper and be permitted to vote.

(5) The poll clerk shall—

- (a) make such entries in the poll book as the presiding officer pursuant to any provision of this Act directs; and
- (b) enter in the poll book opposite the name of each voter, as soon as the voter's ballot paper has been deposited in the ballot box, the word "Voted"; and
- (c) enter in the poll book, the word "Sworn" or "Affirmed" opposite the name of each elector, to whom any oath or affirmation has been administered, indicating the nature of the oath or affirmation; and
- (d) enter in the poll book the words "Refused to be sworn" or "Refused to affirm" or "Refused to

answer", opposite the name of each elector who has refused to take an oath or to affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer; and

1/1981
S. 5
(Sch.).

- (e) record in the poll book such objections as may be made by agent of any candidate in relation to the taking of the poll.

Proceedings
after poll.

62.—(1) Forthwith upon the close of the poll, in the presence and in full view of the poll clerk and the candidates or their agents, and if the candidates or any of them are absent, then in the presence of such as are present, and of at least two electors if none of the candidates are represented, the presiding officer shall, in the following order—

- (a) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: "The number of voters who voted at this election in this polling station is" (stating the number) and sign his name thereto;
- (b) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon the number of such spoiled ballot papers and seal it up;
- (c) count the unused ballot papers undetached from the books of ballot papers, place them with all the stubs of all used ballots in the special envelope supplied for that purpose and indicate thereon the number of such unused ballot papers;
- (d) check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of voters whose names

appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for;

- (e) open the ballot box and empty its contents upon a table;
- (f) count the number of votes given to each candidate on one of the tally sheets supplied, giving full opportunity to those present to examine each ballot paper. The poll clerk and not less than two witnesses shall be supplied with a tally sheet upon which they may keep their own score as each vote is called out by the presiding officer.

(2) In counting the votes the presiding officer shall reject all ballot papers—

- (a) which have not been supplied by him; or
- (b) which have not been marked for any candidate; or
- (c) on which votes have been given for more than one candidate; or
- (d) upon which there is any writing or mark by which the voter could be identified, other than the numbering by the presiding officer in the cases hereinbefore referred to, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any presiding officer.

(3) If, in the course of counting the votes any ballot paper is found with the counterfoil still attached thereto, the presiding officer shall (carefully concealing the numbers thereon from all persons present and without examining them himself) remove and destroy such counterfoil. He shall not reject the ballot merely by reason of his former failure to remove the counterfoil.

(4) If, in the course of counting the votes, the presiding officer discovers that he has omitted to affix his initials to any ballot paper, as provided by subsection (1)

of section 53, he shall, in the presence of the poll clerk and the agents of the candidates, affix his initial to such ballot paper and shall count such ballot paper as if it had been initialled by him in the first place, provided that he is satisfied that the ballot paper is one that has been supplied by him and that such an omission has really been made, also that every ballot paper supplied to him by the returning officer has been accounted for, as provided by paragraph (d) of subsection (1).

(5) Nothing in subsection (3) or subsection (4) shall relieve the presiding officer from any penalty to which he may have become liable by reason of his failure to remove or destroy the counterfoil at the time of the casting of the vote to which it relates or to affix his initials to any ballot paper before handing it to any elector.

(6) The presiding officer shall keep a record on the special form printed in the poll book of every objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection. The decision of the presiding officer shall be final, subject to reversal on a count by the returning officer under paragraph (a) of subsection (2) of section 63 or on a re-count by a Resident Magistrate under section 65 or on petition questioning the election return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the presiding officer.

1/1981
S. 5
(Sch.).

(6A) Nothing in subsection (6) with regard to the form printed in the poll book shall prevent any candidate, or his agent or any elector present from making objections in the prescribed form to any ballot paper found in the ballot box whereupon—

- (a) one copy of such form shall be initialled by the presiding officer and pasted in the poll book and shall form part of the official records of the polling station; and

- (b) another copy of such form shall be initialled by the presiding officer and returned to the candidate, agent or elector making such objection.

(7) All the ballot papers not rejected by the presiding officer shall be counted and a list kept of the number of votes given to each candidate and of the number of rejected ballot papers. The ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes; all rejected ballot papers shall be put into a special envelope and all such envelopes shall be endorsed so as to indicate their contents, and shall be sealed by the presiding officer, and by such agents or witnesses present as may desire to seal them or to sign their names thereon in addition or instead.

(8) The presiding officer and the poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the prescribed oaths.

(9) The presiding officer shall make the necessary number of copies of the statement of the poll in the prescribed form one copy to remain attached to the poll book, one copy to be retained by the presiding officer and one copy for the returning officer which shall be enclosed in a special envelope supplied for the purpose, which envelope he shall seal and deposit by itself in the ballot box, and one copy each shall be delivered to every candidate or his agent present at the polling station.

1/1981
S. 5
(Sch.).

(10) The poll book, the several envelopes containing the ballot papers—unused, spoiled, rejected or counted for each candidate—each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall then be sealed and placed in the ballot box with (but not

[The inclusion of this page is authorized by L.N. 17/1982]

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(Sch.)

enclosing) the envelope containing the statement of the poll prepared for the returning officer and referred to in sub-section (9). The ballot box shall then be locked and sealed with the seal of the presiding officer and, if so desired, the seal of the agents or representatives of each candidate and forthwith transmitted by registered mail or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in the prescribed form.

1/1981
S. 5
(Sch.)

(10A) Any arrangements made pursuant to sub-section (10) for the delivery of ballot boxes to the returning officer otherwise than by registered mail or for the collection of ballot boxes by the returning officer shall include arrangements for the persons delivering or collecting the ballot boxes, as the case may be, to be accompanied by an agent or representative of each of the candidates.

(11) The presiding officer shall, with the ballot box, transmit or deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box, the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer and the polling station account furnished him in blank by the returning officer, having first caused it to be filled in and signed by the officials of his polling station entitled to fees, and by the landlord thereof, if any.

(12) The presiding officer shall transmit to the returning officer—

- (a) the ballot box;
- (b) the envelope containing the key thereof;
- (c) the preliminary statement of the poll;
- (d) the polling station account;
- (e) the record of information referred to in section 32 (1) (k) of the Representation of the People Act; and

1/1981
S. 5
(Sch.)

(f) the equipment referred to in section 55 (2).

(13) If any presiding officer shall omit to enclose within the ballot box, and in the proper envelopes provided for that purpose, any of the documents mentioned in this section, he shall, in addition to any other punishment to which he may be liable, forfeit all right to payment for his services as such officer.

62A.—(1) Where—

(a) polling stations have not opened for the taking of the poll within the period of the first five hours after the hour fixed for the opening of the poll and the number of electors on the official list of electors for those polling stations constitute at least twenty-five per cent of the electors in the electoral division;

(b) there is an occurrence of any earthquake, flood, fire or other natural disaster which could substantially prevent or prejudice the holding of fair elections,

the Constituted Authority established under section 62C may halt the taking of the poll so, however, that the decision to halt the taking of the poll shall be by a four-fifths majority of the members of that Authority.

Halting of
taking of the
poll.
28/1997
Sch.

30/2002
S.3.

(2) The Constituted Authority shall have the power to halt the taking of the poll in any polling station, polling division or electoral division on polling day.

Period within
which poll to
be retaken
after being
halted.
28/1997
Sch.

62B. Where under section 62A the Constituted Authority halts the taking of a poll, the poll shall be retaken on such day within a period of twenty-eight days from the date on which the poll is halted or so soon after such period as the Constituted Authority may deem reasonably practicable.

Establishment
of Constituted
Authority.
30/2002
S. 4.

62C.—(1) There shall be established, on the issuing of an election notice by a returning officer under section 37 (1), a body to be known as the Constituted Authority which shall continue in force for a period ending six months after the day referred to in section 37 (2) (b).

(2) The members of the Constituted Authority shall be—

(a) the three selected members of the Electoral Advisory Committee established under the Representation of the People (Interim Electoral Reform) Act;

(b) two other persons appointed by the Governor-General after consultation with the Prime Minister and the Leader of the Opposition—

(i) one of whom shall be a retired Judge; and

- (ii) one of whom shall be a member of the Privy Council,

so, however, that where a retired Judge is not available for appointment, another member of the Privy Council shall be appointed.

(3) The chairman of the Constituted Authority shall be the retired Judge but where no retired Judge is appointed the member of the Privy Council who is the more senior shall be the chairman.

(4) Where any member who is appointed under subsection (2) dies or is unable to perform his functions by reason of infirmity of body or mind or for any other cause, the Governor-General after consultation with the Prime Minister and the Leader of the Opposition shall appoint another person to replace that member.

Procedure subsequent to polling day

63.—(1) The returning officer upon receipt by him of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any person other than himself and his election clerk from 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.

Final count
of votes and
custody of
ballot boxes
pending
such
addition.

5/1990
S. 4 (a).

(1A) Each candidate in an election may by notice in the prescribed form addressed to the returning officer and delivered to him at least seven days before election day, appoint agents to act as observers in relation to the safe keeping and security of the ballot boxes, ballot papers and other documents during the period beginning with the receipt by the returning officer of the ballot boxes after the preliminary count and ending with the fourth day next after completion of the final count, or, where application has been made for a magisterial recount, after completion of such recount.

(1B) The following provisions shall have effect in relation to appointments made under subsection (1A)—

- (a) the returning officer shall, on being notified as aforesaid, issue to the agent a certificate showing the name of the agent and specifying the times at which he shall be entitled to act as observer;
- (b) the agent shall act in conformity with that certificate and shall show it to the returning officer whenever requested to do so;
- (c) the agent shall not have access to the ballot boxes, ballot papers and other documents aforesaid and shall not enter any room or other place where they are stored for safekeeping; and
- (d) as respects each set of ballot boxes, papers and documents, not more than one agent per candidate at any one time shall function as an observer.

(2) Subject to subsection (2A) and after all the ballot boxes have been received, the returning officer, at the place, date and time specified in the election notice referred to in section 37 for the final count of the votes, and in the presence of the election clerk and of such of the candidates or their representatives as are present shall open such ballot boxes, and—

5/1990
S. 4 (b).

- (a) count the votes contained therein cast for each candidate (allowing the candidates and their representatives to see such votes) and determine whether any of the votes so cast should be rejected;
- (b) count the votes rejected by the presiding officer (allowing the candidates and their representatives to see such votes) and determine whether any of such 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 and sign any necessary amendments to the statement of the poll.

(2A) The Chief Electoral Officer, whenever he is satisfied that it is expedient to change the place designated for the final count, may direct the returning officer—

5/1990
S. 4 (c).

- (a) to carry out the final count of votes at such place as the Chief Electoral Officer may specify and to notify each candidate, within twenty-four hours, of the issue of such a direction; and
- (b) to postpone for a period not exceeding 48 hours in any one instance, the carrying out of the final count of votes; and to forthwith communicate notice of any such postponement to each candidate.

(3) The provisions of subsection (2) of section 62 shall apply to the returning officer as they apply to the presiding officer except that paragraph (a) of that subsection shall take effect as if there were substituted for the word "him" the words "the presiding officer".

(4) The provisions of subsection (6) of section 62 shall apply to the returning officer as they apply to the presiding officer except that for references in the subsection to the presiding officer there shall be substituted references to the returning officer and that the words "on a count by the returning officer under paragraph (a) of subsection (2) of section 63 or" shall be deemed to be omitted from the section.

42/1969
3rd Sch.

(5) The provisions of subsection (7) of section 62 shall apply to the returning officer as they apply to the presiding officer except—

(a) that the words "returning officer" shall be deemed to be substituted for the words "presiding officer"; and

(b) that the documents referred to in that subsection shall be replaced in the envelopes from which they were removed by the returning officer and such envelopes shall be fastened by a sheet of paper being pasted over the opening thereof.

(6) If at the final count of the votes none of the candidates or their representatives is present, it shall be the duty of the returning officer to secure the presence of at least two electors who shall remain in attendance until such final count of the votes has been completed.

(7) Subject to the provisions of subsection (8), the candidate who, on such final count of the votes, is found to have the largest number of votes, shall then be declared elected in writing and a copy of such 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.

(8) (a) Whenever any candidate is dissatisfied with the accuracy of any count under this section he may demand a recount and thereupon the returning officer shall recount the votes.

(b) Any recount under this subsection shall be conducted in accordance with the provisions of this section as if such recount were the original count of the votes under this section and the results of any recount under this section shall be substituted for the results of the original count under this section or, where more than one recount is demanded, for the results of any preceding recount.

(9) Whenever on such final count of votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared elected, the returning officer shall give such additional vote.

64.—(1) If the ballot boxes are not returned to the returning officer by the time specified in the election notice under section 37, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than polling day.

Provisions
applicable
where ballot
box not
returned.

(2) In case the statement of the poll cannot be found and the number of votes polled for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, he may thereupon adjourn to a future day and hour the final count of the votes given for

each candidate, not being more than seventy-two hours after the time specified in the election notice under section 37.

(3) At the time to which the proceedings are adjourned in accordance with the provisions of subsection (2), the returning officer shall ascertain by such evidence as he is able to obtain the total number of votes cast for each candidate and shall declare elected the candidate appearing to him to have the largest number of votes.

(4) For the purposes of this section the returning officer shall have all the powers of and be deemed to be a commissioner appointed under the Commissions of Enquiry Act and the provisions of section 11 of the Commissions of Enquiry Act shall apply to all persons required by the returning officer to give evidence or to produce any documents before him as they apply to persons summoned to attend and give evidence or to produce documents before a commission of enquiry under the Commissions of Enquiry Act.

Recount by
Resident
Magistrate.

65.—(1) If within four days after the day on which the returning officer has declared a candidate elected it is made to appear, on the affidavit of a credible witness, to the Resident Magistrate hereinafter described, that a returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect addition of the number of ballots cast for any candidate, and if the applicant deposits within the said period with the Clerk of the Court of such Resident Magistrate the sum of ten dollars as security for the costs of the candidate declared elected, the Resident Magistrate shall appoint a time within four days after the receipt of the affidavit to recount the said votes.

(2) The Resident Magistrate to whom applications under this section may be made shall be the Resident Magistrate for the parish in which is situated the place whereat the declaration of the election was made.

(3) If applications for a recount of the votes in two or more electoral divisions are made under this section to the same Resident Magistrate, such Resident Magistrate shall first proceed with the recount in the electoral division in respect of which the first application is made to him, and successively with the recounts in the electoral division or electoral divisions in respect of which applications were later made, and all such recounts shall proceed continuously from day to day until the last of them has been completed.

(4) The Resident Magistrate shall appoint and give written notice to the candidates of a time and place at which he will proceed to recount the votes.

(5) The Resident Magistrate shall also summon the returning officer and his election clerk to attend at the time and place so appointed with the parcels containing the used and counted, the unused, the rejected, and the spoiled ballot papers, or the original statements of the poll signed by the presiding officers, as the case may be, with respect to or in consequence of which such recount is to take place.

(6) Every candidate shall be entitled to be present and to be represented by an agent at any proceedings under this section.

66.—(1) The Resident Magistrate shall proceed to make such recount by recounting all the votes or ballot papers returned by the returning officer, and shall open the sealed envelopes containing the used and counted, the unused, the rejected, and the spoiled ballot papers.

*Manner of
making
recount.*

(2) At every recount the Resident Magistrate shall recount the votes according to the directions in this Act set forth for presiding officers at the close of the poll, and shall verify or correct the statement of the poll giving the ballot paper account and the number of votes given for each candidate; and he shall also, if necessary or required,

review the decision of the returning officer with respect to the rejection of any ballot papers or to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when the returning officer made his decision, or when the proper statements of the poll were not found therein, and for the purpose of arriving at the facts as to such missing box and the statements of the poll, the Resident Magistrate shall have all the powers of a returning officer with regard to the attendance and examination of witnesses, who in case of non-attendance shall be subject to the same consequences as in case of refusal or neglect to attend on the summons of a returning officer.

(3) If in the course of the recount any ballot paper is found with the counterfoil still attached thereto, the Resident Magistrate shall remove and destroy such counterfoil. He shall not reject the ballot by reason merely of the presiding officer's failure to remove the counterfoil, nor shall he reject any ballot paper by reason merely of the presiding officer's failure to affix his initials to such ballot paper.

(4) The Resident Magistrate shall, as far as practicable, proceed continuously, except on Sunday, with the recount, allowing only necessary adjournments for rest and refreshment, and excluding the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

(5) During such adjournments the ballot papers and other documents shall be kept enclosed in parcels under the seals of the Resident Magistrate.

(6) The Resident Magistrate shall personally supervise such parcelling and sealing and take all necessary precautions for the security of such papers and documents.

(7) The Resident Magistrate shall thereupon declare the recount at an end, seal up all the ballot papers in separate packages, and forthwith certify the result of the

recount to the returning officer, who shall forthwith in writing declare to be elected the candidate so certified as having the highest number of votes. Such declaration shall be communicated to candidates in the same way as the prior declaration made under subsection (7) of section 63 and shall be deemed for all purposes to have been substituted therefor, whether it is the same as such prior declaration or different therefrom.

(8) In case of an equality of votes the returning officer, notwithstanding that he may have already voted pursuant to subsection (8) of section 63, shall have and cast another or deciding vote.

(9) If the recount does not so alter the result of the poll as to affect the return, the Resident Magistrate shall—

- (a) order the costs of the candidate appearing to be elected to be paid by the applicant;
- (b) tax such costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the Resident Magistrate's Court.

(10) The moneys deposited as security for costs shall, so far as necessary, be paid out to the candidate in whose favour costs are awarded and if the said deposit is insufficient the party in whose favour the costs are awarded shall have his action for the balance.

67.—(1) Subject to the provisions of subsection (2), the returning officer upon the seventh day next following that upon which he has made the final count of or ascertained the number of votes given for each candidate, shall transmit to the Chief Electoral Officer—

*Election
return.*

- (a) a return in the prescribed form stating that the candidate having the majority of votes has been duly elected;
- (b) a report of his proceedings in the form prescribed by the Chief Electoral Officer;
- (c) the recapitulation sheets, in the form prescribed by the Chief Electoral Officer, showing the number of votes cast for each candidate at each polling station, and making such observations as the returning officer may think proper as to the state of the election papers as received from the presiding officers;
- (d) the statements of the polls;
- (e) the reserve supply of undistributed blank ballot papers;
- (f) the returns from the various polling stations enclosed in sealed envelopes, as prescribed by this Act, and containing the poll book used at the poll, a packet of stubs and of unused ballot papers, packets of ballot papers cast for the several candidates, a packet of spoiled ballot papers, a packet of rejected ballot papers and a packet containing the official list of electors used at the poll, and the written appointments of candidates' agents; and
- (g) all other documents used for the election.

(2) Where the returning officer has been summoned under subsection (5) of section 65 to attend a recount by the Resident Magistrate he shall delay transmission of such return and report until he shall have received from the Resident Magistrate a certificate of the result of such recount, whereupon he shall transmit the same.

(3) The returning officer shall forward to each of the candidates a duplicate or copy of the return made by him under paragraph (a) of subsection (1).

(3A) The returning officer shall transmit the equipment referred to in section 55 (2) to the Chief Electoral Officer who shall keep such equipment safely in his custody.

1 1981
S. 5
(Sch.).

(4) A premature return shall be deemed not to have reached the Chief Electoral Officer until the same should have reached him in due course, and he shall, if circumstances so require, send back such return and any or all election documents connected therewith to the returning officer for completion or correction.

(5) The Chief Electoral Officer shall, on receiving the return of any member elected to serve in the Council, enter it, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately give notice in the *Gazette* of the name of the candidate so elected and in the order in which it was received.

(6) The Chief Electoral Officer shall, immediately after each general election, cause to be printed a report giving, by polling divisions, the number of votes polled for each candidate, the number of rejected ballots, the number of names on the official list of electors, together with any other information that he may deem fit to include; and shall also, at the end of each year, cause to be printed a similar report on the by-elections held during the year.

12/1966
S. 6
(Sch.).

67A. The provisions of sections 52A and 52B of the Representation of the People Act (which relate to the voiding of the taking of the poll) shall apply in relation to elections held under this Act as they apply in relation to elections held under the Representation of the People Act.

Voiding of
taking of
poll.
28/1997
Sch.

Neglect or
refusal to
return
candidate.

68. The provisions of section 50 of the Representation of the People Act (which relate to the penalty for any delay, neglect or refusal on the part of a returning officer to return an elected candidate) shall apply in relation to elections held under this Act as they apply in relation to elections held under the Representation of the People Act, subject to the modification that there shall be substituted for the words “in the House of Representatives” in the third line of the section the words “in the Council”, and for the word “constituency” in the third and fourth lines of the section and in the fifth and sixth lines of the section the words “electoral division”.

Custody of
ballot boxes.

69.—(1) So soon as may be after the conclusion of the final count of the votes under section 63 the returning officer shall cause the ballot boxes used thereat, with their locks and keys, to be deposited in the custody of the sub-officer in charge of a police station in the electoral division.

(2) The provisions of subsection (2) of section 51 of the Representation of the People Act (which relate to the custody of ballot boxes) shall apply in relation to elections held under this Act as they apply in relation to elections held under the Representation of the People Act.

Custody of
election
documents.

70. The provisions of section 52 of the Representation of the People Act (which relate to the custody of election documents by the Chief Electoral Officer), shall apply in relation to elections held under this Act as they apply to elections held under the Representation of the People Act.

Election
expenditure.

71.—(1) Subject to the provisions of subsection (2), no expenditure shall be incurred in relation to the candidature of any person at any election in excess of one million dollars.

9/2003
S. 5.

(2) In determining the total expenditure incurred in relation to the candidature of any person at any election regard shall not be had—

- (a) to the deposit required to be made by the candidate under paragraph (b) of subsection (5) of section 39; or
- (b) to any expenditure incurred before the publication of the proclamation or of the order under section 14 whereby such election was initiated, in respect of services rendered or material supplied before the date of such publication.

72.—(1) No expenditure shall be incurred in respect of the candidature of any person at any election except by the candidate or by some person authorized in writing by the candidate. Who may incur expenditure.

(2) No expenditure shall be incurred in respect of the candidature of any candidate at any election, by any person authorized in writing by such candidate, in excess of the amount specified in the authorization.

(3) Every person who contravenes subsection (1) or subsection (2) shall be guilty of an offence and, upon summary conviction before a Resident Magistrate, shall be liable to a fine not exceeding twenty thousand dollars or to be imprisoned for any term not exceeding six months.

9/2003
S. 6.

73. Any contract whereby any expenditure is incurred in contravention of the provisions of subsection (1) or of subsection (2) of section 72 shall for all purposes be deemed to be void and unenforceable.

Certain contracts to be invalid.

74.—(1) Every claim against—

- (a) a candidate at an election; or
- (b) any person authorized in writing by a candidate at an election to incur expenditure in respect of such election,

in respect of any expenditure so incurred which is not sent in to the candidate or to the person by whom the

Period for sending in claims and making payments for election expenses.

expenditure was incurred within twenty-one days of the date upon which the expenditure was incurred shall be barred and shall not be paid.

(2) All expenditure incurred by or on behalf of a candidate at an election on account of or in respect of the conduct or management of such election shall be paid within six weeks next after election day.

(3) Every person who makes any claim in contravention of the provisions of subsection (1) or subsection (2) shall be guilty of an illegal practice.

Election
return by
candidate.

75.—(1) Within six weeks after election day every person who was a candidate at any election shall make an election return to the returning officer for the electoral division in which he was a candidate.

(2) Every return under subsection (1) shall be in the prescribed form and shall contain a full statement under the appropriate head of all expenditure incurred in connection with the election by or on behalf of the candidate and shall be supported by vouchers for all payments in excess of four dollars.

(3) Every return under subsection (1) shall contain a full statement of all moneys, securities, or the equivalent to money received by the candidate from any source in connection with the election.

(4) Every return under subsection (1) shall be supported by a declaration sworn to before a Justice by the candidate stating—

- (a) that the return fully and correctly sets out all payments made by the candidate; and
- (b) that to the best of his knowledge, information and belief, the return is a full and correct return of all expenditure incurred by any person in connection with his candidature and of all moneys, securities or the equivalent of money received by him or any person on his behalf from any source in connection with the election.

76.—(1) So soon as may be after the conclusion of any general election the Principal Returning Officer shall, by three days' previous notice in writing addressed and sent by registered post to all Councillors, summon the Councillors to a meeting for the purpose of electing a Mayor and Deputy Mayor.

First
meeting
after
general
election.

(2) The Principal Returning Officer shall preside over the meeting summoned in accordance with the provisions of subsection (1) until such time as the Mayor is elected in accordance with the provisions of subsection (3), and thereafter shall vacate the chair which shall be taken by the Mayor who shall preside over the election of the Deputy Mayor:

Provided that if the Mayor is not present at such meeting the Principal Returning Officer shall continue to preside over the meeting until the Deputy Mayor has been elected in accordance with the provisions of this section.

(3) The following provisions shall apply to the election of the Mayor or of the Deputy Mayor after a general election—

- (a) In the election, which shall be by motion, duly seconded, a candidate for election shall not vote.
- (b) A person entitled to vote may vote by filling in, signing and personally delivering to the Principal Returning Officer in the case of the election of the Mayor or to the Mayor in the case of the election of the Deputy Mayor a voting paper containing the surnames and other names of the person for whom he votes.
- (c) The Principal Returning Officer or Mayor, as the case may be, as soon as all the voting papers have been handed to him shall openly produce and read them or cause them to be read and shall then deliver them to the Town Clerk to be kept for twelve months in a sealed envelope and at the end of that time the Town Clerk shall destroy them.

[The inclusion of this page is authorized by L.N. 146/1999]

- (d) In the case of an equality of votes the Principal Returning Officer or the Mayor, as the case may be, shall have a casting vote.
- (e) The person who shall have the greatest number of votes shall be declared to be and shall be the Mayor or Deputy Mayor, as the case may be.

(4) Upon the Mayor and Deputy Mayor having been duly elected, the Mayor shall forthwith inform the Minister that the Council has been duly constituted.

(5) At any meeting held in accordance with the provisions of this section, seven members shall form a quorum and the Principal Returning Officer at any time when he is presiding over the meeting or the Mayor at any time when he is presiding over the meeting may for good cause adjourn the meeting for some other day.

Mayor
and Deputy
Mayor.
Provisions
relating to
their
election.
42/1969
3rd
Sch.
3/1977
S. 7.
21/1980
S. 3.

77.—(1) The provisions of subsection (3) of section 76 shall apply to every election of a Mayor subsequent to the first such election after each general election, subject to the modification that the meeting shall be presided over by some Councillor who is not a candidate for the office of Mayor and who is elected by the Councillors present at the meeting for such purpose.

(2) The provisions of subsection (3) of section 76 shall apply to every election of a Deputy Mayor subsequent to the first such election after each general election subject to the modification that in the absence of the Mayor the meeting shall be presided over by some Councillor who is not a candidate for the office of Deputy Mayor and who is elected by the Councillors present at the meeting for such purpose.

Procedure
where an
election is
not held on
the
appointed
day or
within the
appointed
time.

78.—(1) If an election is not held on the appointed day or within the appointed time it may be held on the next day after that day or the expiration of that time.

(2) If an election is not held on the appointed day or within the appointed time, or on the day next after that day or expiration of that time, or become void, the

Corporation shall not thereby become dissolved or be disabled from electing but the Supreme Court may on motion grant a mandamus for the election to be held on a day appointed by the Court.

(3) Thereupon public notice of the election shall, by such person as the Court directs, be fixed on the outer door of the Council's office and in some conspicuous place therein and shall be kept so fixed for at least six days before the day appointed for the election; and in all other respects the election shall be conducted as directed in this Act respecting ordinary elections.

Administrative Provisions

79. The Chief Electoral Officer shall—

- (a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Act;
- (b) issue to election officers such instructions as from time to time he may deem necessary to ensure effective execution of the provisions of this Act; and
- (c) execute and perform all other powers and duties which in this Act are imposed upon him.

Powers and
duties of
Chief
Electoral
Officer.

80.—(1) The Minister may appoint for each electoral division a returning officer and an election clerk who shall each receive such remuneration as may be prescribed.

Electoral
Officer
and Election
Clerk.

(2) Forthwith upon his appointment each returning officer and each election clerk shall take and subscribe an oath in the prescribed form and shall transmit such oath to the Chief Electoral Officer.

(3) Forthwith upon taking the oath referred to in subsection (2), the returning officer shall establish an office

in the parish in which his electoral division is comprised and shall cause an advertisement to be inserted in a daily newspaper specifying the place at which he has established his office.

(4) The Chief Electoral Officer shall designate one of the returning officers appointed in respect of the electoral divisions comprised in the Corporate Area to be the Principal Returning Officer for the Corporate Area.

(5) If any returning officer during an election becomes incapable of performing his duties as such, the election clerk for the electoral division in respect of which such returning officer was appointed shall forthwith report the fact of such returning officer having become incapable of performing his duties to the Chief Electoral Officer, and shall, until such time as some other returning officer shall be appointed for such electoral division, do all acts required to be done by the returning officer as if he had been appointed returning officer for such electoral division.

Presiding
Officers.
12/1966
S. 6
(Sch.).

81.—(1) The Governor-General shall appoint a presiding officer for each polling station in each electoral division who shall receive such fee as may be prescribed.

(2) Forthwith upon his appointment the presiding officer shall take an oath in the prescribed form and shall transmit such oath to the returning officer.

Poll clerks.
12/1966
S. 6
(Sch.).

82.—(1) The Governor-General shall appoint a poll clerk for each polling station in each electoral division who shall receive such fee as may be prescribed.

(2) Forthwith upon his appointment every poll clerk shall take an oath in the prescribed form and shall transmit such oath to the returning officer.

(3) If any presiding officer dies or becomes incapable of performing his duties during the taking of

the poll, the poll clerk shall forthwith assume the office of presiding officer and shall appoint some other person to act as poll clerk.

83. Every election officer and every person who is required by this Act to take any oath or affirmation may take such oath or affirmation either before a Justice or before any returning officer or presiding officer or poll clerk appointed in accordance with the provisions of this Act and every such returning officer, presiding officer and poll clerk is hereby authorized and empowered to administer any oath or affirmation required by this Act to be made or taken by any election officer or other person.

Oaths to be taken before Justice, returning officer, presiding officer or poll clerk.

84. Every person who is required to take an oath in pursuance of any of the provisions of this Act may elect to make a solemn affirmation instead of taking such oath.

Oaths.

85.—(1) The Minister may make regulations generally for carrying into effect the provisions of this Act relating or ancillary to the preparation for and conduct of any election under this Act and in particular, but without prejudice to the generality of the foregoing provisions, for the appointment, duties and remuneration of election officers, the returns to be made and oaths to be taken by election officers, candidates and electors, the forms to be used in connection with any election, the symbols to be used upon any ballot paper and the manner of allocation of such symbols to candidates, and any other matter, whether similar to the foregoing or not, authorized by this Act to be prescribed in relation to the preparation for or conduct of any election under this Act.

Power of Minister.
1/1981
S. 5
(Sch.).

(2) The regulations made under subsection (1) except those which relate to the remuneration of election officers, shall be on the advice of and in conformity with the recommendations of the Electoral Advisory Committee established under the Representation of the People (Interim Electoral Reform) Act.

1/1981
S. 5
(Sch.).

PART IV. *Offences in Connection with Elections*
Personation

Penalty on
person voting
or attempting
to vote in the
name of
another
person.
5/1990
S. 9.
(Sch.).

86. Any person who, being an elector, votes or attempts to vote in the name of another person at an election, whether the name is that of a person living or dead or of a fictitious person, shall be guilty of a misdemeanour, and shall be liable —

9/2003
S. 7.

- (a) on summary conviction in a Resident Magistrate's Court to imprisonment for a term not less than six months nor more than two years and in addition to such imprisonment to a fine not exceeding eighty thousand dollars; or
- (b) on conviction before a Circuit Court to imprisonment for a term not exceeding five years and in addition to such imprisonment to such fine as the Court may impose.

Penalty on
person voting
or attempting
to vote oftener
than he is
entitled.
5/1990
S. 9.
(Sch.).

87. Any person who, being an elector, votes or attempts to vote at an election oftener than he is entitled to vote at the election, shall be guilty of a misdemeanour and shall be liable—

9/2003
S. 7.

- (a) on summary conviction in a Resident Magistrate's Court to imprisonment for a term not less than six months nor more than two years and in addition to such imprisonment to a fine not exceeding eighty thousand dollars; or
- (b) on conviction before a Circuit Court to imprisonment for a term not exceeding five years and in addition to such imprisonment to such fine as the Court may impose.

Penalty on
prohibited
person voting.
5/1990
S. 9
(Sch.).

88. Any person who votes or induces or procures any person to vote at an election, knowing that he, or such other person, is prohibited by this or by any other enactment from voting at such election, shall be guilty of a

misdemeanour and be liable to a fine not exceeding ten thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

9/2003
S. 8.

89. Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate, shall be guilty of a misdemeanour and be liable to a fine not exceeding ten thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Penalty on
person
publishing
false
statements.

5/1990
S. 9
(Sch.).
9/2003
S. 8.

90. Every person who makes before a returning officer any statement upon oath or any solemn affirmation which he knows to be false or does not believe to be true shall be guilty of an offence and upon summary conviction before a Resident Magistrate shall be liable to imprisonment with hard labour for a term not exceeding three years, and in addition to such imprisonment shall be liable to a fine not exceeding twenty thousand dollars.

False
statement
before
returning
officer.
12/1966
S. 2

9/2003
S. 10.

9/2003
S. 10.

91. Every person who before or during any election, for the purpose of affecting the return of any candidate or prospective candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate or prospective candidate shall be guilty of an offence against this section and shall be liable on summary conviction before a Resident

False
statements
in relation
to the
personal
character,
etc., of
candidates
or
prospective
candidates.

5/1990
S. 9.
(Sch.).

Magistrate to a fine not exceeding four hundred dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding twelve months, or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such fine and imprisonment.

Treating

Penalty on
person
treating.

92. Any person who—

- (a) corruptly, by himself or by any other person before, during or after an election, provides, or pays in whole or in part, the expense of providing any food, drink or lodging, to or for any person on account of anything already done or omitted to be done or to be afterwards done or omitted to be done by a voter at the election in the capacity of a voter, or
- (b) being an elector, corruptly receives any food, drink, or lodging, on account of any such act or omission,

shall be guilty of a misdemeanour and be liable to imprisonment with or without hard labour for a term not exceeding one year or to a fine not exceeding one thousand dollars.

1/1981
S. 5.
(Sch.).

Undue Influence

Penalty on
person
exercising
influence on
electors.

93. Any person who directly or indirectly by himself or by any other person on his behalf—

endeavours to procure, the return of any person as an elected member of the Council, or the vote of any elector at any election;

(e) every person who advances or pays or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

(f) every elector 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 of employment, for himself or for any person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

(g) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced

any other person to vote or refrain from voting at any election,

1/1981
S. 5.
(Sch.).

shall be guilty of a misdemeanour and be liable to imprisonment with or without hard labour for a term not less than three years nor more than five years or to a fine of not less than twenty thousand dollars nor more than eighty thousand dollars.

9/2003
S. 11.

Incapacity of person convicted of any misdemeanour.

95. Any person convicted of any of the misdemeanours defined in section 94, committed with respect to an election, becomes incapable for seven years from the date of the conviction of being registered as an elector or voting at any election or of holding any corporate office, and if he holds any such office, the office is vacated.

Providing of money for illegal practice or payment to be illegal payment.

96. Where any person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or of replacing any money expended in any such payment or expenses, except where the same may have been previously allowed in pursuance of this Act to be an exception, such person shall be guilty of illegal payment.

Punishment of illegal payment or hiring.

97.—(1) A person guilty of an offence of illegal hiring or illegal payment shall on summary conviction, be liable to a fine not exceeding two hundred dollars and in default of payment thereof to be imprisoned for any term not exceeding twelve months.

(2) A candidate who is personally guilty of an offence of illegal hiring or illegal payment shall be guilty of an illegal practice.

98. For the avoidance of doubt it is expressly declared that notwithstanding anything to the contrary no candidate shall be deemed to be guilty of an illegal practice by reason of any act or omission by any other person unless it shall be affirmatively proved that such act or omission was committed with the approval or at the instigation of the candidate.

Approval of
illegal
practice by
candidate.

Specified Misdemeanours

99.—(1) Every person who—

- (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper or the official mark on any ballot paper;
- (b) without due authority supplies a ballot paper to any person;
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (d) fraudulently takes out of the polling station any ballot paper,

Penalty on
persons
forging,
counter-
feiting,
defacing, or
destroying
ballot
papers, etc.
6/1970
S. 2.

shall be guilty of a misdemeanour, and be liable on summary conviction before a Resident Magistrate to a fine of not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment with or without hard labour for a term not exceeding three years.

1/1981
S. 5.
(Sch.).
9/2003
S. 12 (a)(b).

(2) Every person who, without due authority destroys, takes, opens or otherwise interferes with, any ballot box or any packet of ballot papers then in use for the purposes of any election, shall be guilty of a misdemeanour, and be liable on summary conviction before a Resident Magistrate to a fine of not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment with or without hard labour for a term not exceeding three years.

1/1981
S. 5.
(Sch.).
9/2003
S. 12 (a)(b).

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

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

Obstruction
of election
officers, etc.
1/1981
S. 3.

99A.—Every person who—

- (a) threatens or assaults an election officer or obstructs such officer in the lawful exercise of his duties; or
- (b) wilfully destroys or causes damage to or takes away, without lawful authority any equipment, article, material or document used in, or provided for use in the conduct, of any election; or
- (c) aids or abets any person in the commission of an offence under paragraph (a) or (b),

9/2003
S. 13 (b).

shall be guilty of an offence and, on summary conviction before a Resident Magistrate, be liable to a fine not exceeding twenty thousand dollars or imprisonment with or without hard labour for a term not exceeding three years.

9/2003
S. 13 (c).
9/2003
S. 13 (c).

Mutilating or
altering
notices and
lists.

100. Every person who wilfully mutilates, tears down, destroys or obscures any list or any notice published in accordance with the provisions of this Act or who makes any alteration in any copy of a list or notice so published shall be guilty of an offence against this section and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding ten thousand dollars or to be imprisoned with hard labour for any term not exceeding twelve months.

9/2003
S. 14.
9/2003
S. 14.

Name and
address of
printer on
placard.

101. Every bill, placard, or poster, having reference to an election shall bear upon the face thereof the name and address of the printer or publisher thereof; and any person printing, publishing, or posting, or causing to be

printed, published, or posted, any such bill, placard, or poster, as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall if he is the candidate, or the election agent of the candidate, be guilty of an illegal practice, and if he is not the candidate, or the election agent of the candidate, shall be liable on summary conviction to a fine not exceeding two hundred dollars.

102. (a) Any premises on which the sale by wholesale or retail of any intoxicating liquor is authorized by a licence (whether the licence be for consumption on or off the premises); or

(b) any premises where any intoxicating liquor is sold or is supplied to members of a club, society, or association other than a permanent political club; or

(c) any premises whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises,

Use of committee room in house for sale of intoxicating liquor or refreshment or in primary school, to be illegal hiring.

shall not be used as a committee room for the purpose of promoting or procuring the election of a candidate at an election, and if any person hires or uses any such premises or any part thereof for a committee room he shall be guilty of illegal hiring, and the person letting such premises or part, if he knew it was intended to use the same as a committee room, shall also be guilty of illegal hiring:

Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

1/1981
S. 5
(Sch.).

Certain
licensed
premises to
be closed.

103.—(1) Every person who is the holder of any whole-sale licence, town retail licence, village retail licence or tavern licence granted under the Spirit Licence Act shall take all necessary steps to cause such premises to be closed to the public upon election day during the hours between the opening of the poll and the closing of the poll.

(2) Every person who is the holder of any hotel licence or special hotel licence or club licence granted under the Spirit Licence Act shall take all necessary steps to prevent the sale of alcoholic liquor at any time upon election day between the hour appointed for the opening of the poll and the hour appointed for the closing of the poll.

(3) Any person failing to comply with the provisions of subsection (1) or of subsection (2) shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding fifty dollars and in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

Use of
motor
vehicle,
etc., for
conveying
of voters
to the poll.

104.—(1) Subject to the provisions of subsection (3), a person shall not, with a view to supporting or opposing the candidature of any individual as against any other or others at an election, either let, lend or employ, or hire, borrow or use, any motor vehicle or any animal drawn vehicle or any animal for the purpose of conveyance of electors to or from the poll, and if he does so, he shall be guilty of an illegal hiring.

(2) Where any motor vehicle or any animal drawn vehicle or any animal is let, lent, employed, hired, borrowed or used for the purpose of the conveyance of electors to or from the poll it shall be presumed until the contrary is proved that the motor vehicle, animal drawn vehicle or animal was so let, lent, employed, hired,

borrowed or used with a view to supporting or opposing the candidature of some individual as against some other or others at the election.

(3) Nothing in this section shall—

- (a) prevent any motor vehicle, any animal drawn vehicle or any animal being let or lent to or hired, employed, or used by an elector or several electors at their joint cost for the purpose of being conveyed to or from the poll; or
- (b) prevent any person employing any motor vehicle or any animal drawn vehicle or any animal for the purpose of conveying to or from the poll himself or any member of the same household, or borrowing any such vehicle or animal from a member of the same household to be employed for that purpose; or 5/1969
S. 2 (a).
- (c) apply to any motor vehicle registered as an electoral vehicle on behalf of any candidate, in relation to the user of such vehicle in accordance with the provision of section 106: 5/1969
S. 2 (b).

Provided that in any prosecution under this section the burden of proving any exemption under either paragraph (a) or paragraph (b) or paragraph (c) shall be on the person charged. 5/1969
S. 2 (c).

105.—(1) Subject to the provisions of this section at any time between nomination day and the fifth day next before election day any duly nominated candidate or the election agent of such candidate may by notice in writing require the appropriate police officer to register as electoral vehicles on behalf of such candidate so many and such motor vehicles as may be specified in such notice, so, however, that notice shall not be given in respect of the registration as electoral vehicles on behalf of any candidate of more than Registration
of motor
vehicles as
electoral
vehicles.
5/1969
S. 3.

one motor vehicle for each two hundred and fifty electors whose names appear upon any official list for the relevant electoral division.

(2) Every notice under subsection (1) shall specify—

- (a) the name of the candidate by or on behalf of whom it is given;
- (b) the electoral division for which he is a duly nominated candidate;
- (c) the total number of vehicles which are desired to be registered as electoral vehicles on his behalf; and
- (d) the name and address of the owner of each such vehicle, and the type, make and registration number under the Road Traffic Act of each such vehicle.

(3) So soon as may be after the receipt of any notice under subsection (1) the appropriate police officer shall satisfy himself by personal enquiry or otherwise as he may think fit—

- (a) as to the truth of matters specified pursuant to the provisions of subsection (2) in such notice;
- (b) that the owner of each motor vehicle specified in such notice consents to the use of such motor vehicle as an electoral vehicle on behalf of the candidate by or on whose behalf the notice was given; and
- () that application has not been made for the registration of such motor vehicle as an electoral vehicle on behalf of any other candidate in such electoral division.

(4) Where the appropriate police officer is satisfied as to the matters referred to in subsection (3) he shall notify the candidate by or on whose behalf the notice

under subsection (1) was given of the registration of the vehicles to which such notice relates as electoral vehicles on behalf of such candidate and shall supply to such candidate or to his election agent an electoral vehicle placard in respect of each vehicle so registered.

(5) Every electoral vehicle placard shall specify—

- (a) that the vehicle to which the placard relates is a registered electoral vehicle;
- (b) the registration number (under the Road Traffic Act) of such vehicle;
- (c) the name of the candidate on whose behalf such vehicle is registered as an electoral vehicle; and
- (d) the name of the electoral division in respect of which such vehicle is registered as an electoral vehicle.

(6) In this section “appropriate police officer” means the police officer in charge of the parish in which is comprised the electoral division to which the notice under subsection (1) relates.

(7) The foregoing provisions of this section shall apply only in respect of such electoral divisions as are wholly comprised in the rural district of the Corporate Area as defined in the Second Schedule.

Second
Schedule.

106.—(1) No registered electoral vehicle shall be at any time during polling hours on election day on any public road—

- (a) unless there is prominently displayed upon such vehicle the electoral vehicle placard in respect of such vehicle; or
- (b) outside the boundaries of the rural district of the Corporate Area as defined in the Second Schedule:

Provided that this paragraph shall not apply to the

Restriction
on user of
registered
electoral
vehicles.
5/1969
S. 3.

presence of any motor vehicle registered as an electoral vehicle in respect of an electoral division, upon a public road outside the boundaries of the rural district aforesaid at any time when such vehicle is actually transporting electors from some point in such electoral division to some other point therein by the most direct route between such points practicable for motor traffic.

(2) Every person who—

- (a) drives or causes or permits to be driven any registered electoral vehicle; or
- (b) is or causes any other person to be a passenger upon any such vehicle at a time when he knows or has reasonable cause to believe that such vehicle is being driven,

in contravention of the provisions of this section shall be guilty of an illegal hiring and of an illegal practice.

Power to
question
driver and
passengers.
5/1969
S. 3.

107.—(1) It shall be lawful for a constable to stop any motor vehicle or animal drawn vehicle which he has reason to believe is being driven or has been driven contrary to the provisions of section 104 or 106, and to question the driver of or any passenger in or upon such vehicle, whether stopped on his instructions or not, with a view to determining whether a breach of any of such sections is being or has been committed.

(2) Any driver of any such vehicle or any passenger in or upon such vehicle who refuses or fails to answer questions lawfully put to him by a constable under the provisions of subsection (1) shall be guilty of an offence against this section and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding fifty dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months.

108.—(1) Subject to the provisions of subsection (2) during the hours when the poll is open upon election day no persons shall assemble or congregate within one hundred metres of any building at which is situated any polling station.

Maintenance of order at polling stations.
9/2003
S. 15 (a).

(1A) During the hours referred to in subsection (1), no person shall, while within one hundred metres of a building referred to in that subsection, have in his possession any weapon or noxious substance which is capable of inflicting or causing injury.

9/2003
S. 15 (b).

(2) Subsection 1 shall not apply—

9/2003
S. 15 (c).

- (a) to any electors who are waiting to poll their votes at such polling station and who obey any instructions which may be given by the presiding officer or any constable for the purpose of forming a queue with other electors also so waiting;
- (b) to any person who may under the provisions of this Act lawfully enter or remain in such polling station; or
- (c) to any outdoor agent lawfully appointed and acting in conformity with section 48A.

5:1990
S. 7.

(2A) Subsections (1) and (1A) shall not apply to any member of the—

9/2003
S. 15 (d).

- (a) Jamaica Constabulary Force;
- (b) Island Special Constabulary Force;
- (c) Rural Police; or
- (d) Jamaica Defence Force,

who is lawfully at the polling station in the execution of his duty.

(3) Every person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence against this section and shall be liable on summary conviction before a Resident Magistrate—

9/2003
S. 15 (e).

- (a) in the case of an offence under subsection (1), to a fine not less than five thousand dollars nor more than twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment; or
- (b) in the case of an offence under subsection (1A), to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment for a term not less than two years nor more than five years or to both such fine and imprisonment.

Influencing of
electors to
vote for any
candidate.
5/1990
S. 8.
9/2003
S. 16 (a).

108A.—(1) During the hours that the poll is open upon election day no person (including a person appointed an outdoor agent) shall upon any public road or any public place within one hundred metres of any building in which a polling station is situated seek to influence any elector to vote for any candidate or to ascertain for what candidate any elector intends to vote or has voted.

(2) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

9/2003
S. 16 (b).
9/2003
S. 16 (b).

109. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, shall be guilty of illegal payment, and any person withdrawing in pursuance of such inducement or procurement, shall also be guilty of illegal payment.

Corrupt
withdrawal
from a
candidature.
12/1966
S. 3.

110. [*Repealed by Act 1 of 1981.*]

111.—(1) No person shall during an election call together, hold or address any election meeting in any public place unless written notice of the intention to hold such meeting at such place has been given not less than three hours before the commencement of such meeting to the Superintendent of Police in charge of the parish in which such place is situated or to the Sub-Officer of Police in charge of the Police Station nearest to such place.

Notice of
election
meetings.

(2) Every notice under subsection (1) shall specify—

- (a) the person in support of whose candidature the meeting is to be held;
- (b) the approximate time at which such meeting is to commence.

(3) Every person who contravenes subsection (1) shall be guilty of an offence against this section and, on summary conviction before a Resident Magistrate, shall be liable to a fine not exceeding ten dollars or to be imprisoned for a term not exceeding thirty days.

(4) In this section “public place” means any street, road, lane or highway and any park, garden, field or sea beach to which the public has access whether as of right or upon payment of any sum of money or otherwise.

Maintaining of
secrecy of
voting at
polling station.

112.—(1) Every officer, clerk or agent, in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorized by law before the poll is closed, to any person any information as to the name or number on the electors' list of any elector, who has or has not applied for a ballot paper or voted at that station; and no person whosoever shall interfere with or attempt to interfere with an elector when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any elector in such station is about to vote or has voted.

(2) Every officer, clerk and agent, in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy at the voting, and shall not communicate any information obtained at such counting as to the candidate for whom a vote is given in any particular ballot paper.

(3) No person shall directly or indirectly, induce any elector to display his ballot paper after he has marked it, so as to make known to any person the name of the candidate for whom he has voted.

(4) Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before the Resident Magistrate of the parish to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment for a term not less than three years nor more than five years; and the Resident Magistrate may, in addition to such fine or imprisonment, order that the person be disqualified from holding any post of election officer for a period of not less than seven years from the date of conviction.

9:2003
S. 17.

113. Notwithstanding anything to the contrary, no order shall be made by any court postponing or prohibiting the taking of any step required to be taken under this Act preparatory to or in the course of any election or postponing or prohibiting the holding of the poll at any election or declaring any election to be void by reason of—

Validation
of certain
acts.

- (a) any official list of electors or any certificate or notice, required under this Act to be published, supplied or given by any election officer at any time or place or for any period or to any person not having been published, supplied or given at the time or place at which, or for the period for which, or to the person to whom such official list, certificate or notice ought lawfully to have been published, supplied or given, unless the court is satisfied that in failing to publish, supply or give such official list, certificate or notice in the manner required by this Act such election officer acted otherwise than in good faith; or

12/1966
S. 6
(Sch.).

- (b) any irregularity in the appointment of any election officer; or
- (c) the wrongful omission from or inclusion in any official list of electors of the name of any person whose name ought or ought not to have been so omitted or included, as the case may be, unless the court is satisfied that such wrongful omission or inclusion was due to any election officer who was engaged in the preparation of such official list having acted otherwise than in good faith.

42-1969
3rd
Sch.

Penalty for
participation
in election
campaign by
returning
officer or
presiding
officer.

114. Every returning officer or presiding officer who—

- (a) canvasses for votes on behalf of any candidate or political party; or
- (b) addresses any meeting on behalf of any candidate or political party; or
- (c) in any way actively associates himself with the election campaign of any candidate or political party,

shall be guilty of an offence against this section and on summary conviction before a Resident Magistrate shall be liable to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment for a term not less than three years nor more than five years; and the Resident Magistrate may, in addition to such fine or imprisonment, order that the person be disqualified from holding any post as election officer for a period not less than seven years from the date of conviction.

5-1990
S. 9.
(Sch.).
9-2003
S.18.

Offences by
election
officers.
12-1966
S. 4.

115. Every election officer who—

- (a) makes, in any record, return or other document which he is required to keep or make under this

Act, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true; or

- (b) permits any person whom he knows or has reasonable cause to believe not to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be; or
- (c) refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be; or
- (d) wilfully prevents any person from voting at the polling station at which he knows or has reasonable cause to believe such person is entitled to vote; or
- (e) wilfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with the provisions of this Act; or
- (f) wilfully counts any ballot paper as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidate,

shall be guilty of an offence against this section and, on conviction thereof before a Circuit Court, shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

PART V. *Election Petitions*

116. The provisions of the Election Petitions Act and of rules of court made in relation thereto shall apply to petitions relating to the election of members of the Council of the Kingston and St. Andrew Corporation as they apply to petitions relating to an election of members of a Parish Council subject to the following modifications—

Election
petitions.
12/1964
S. 2.

- (a) that for references to a Parish Council there shall be substituted references to the Council of the Kingston and St. Andrew Corporation; and
- (b) that for references to the chairman and vice-chairman of a Parish Council there shall be substituted references to the Mayor and Deputy Mayor respectively; and
- (c) that for references to divisions there shall be substituted references to electoral divisions constituted under this Act; and
- (d) the amount of security required to be given in the case of a petition relating to an election under this Act shall be two hundred dollars and not one hundred dollars as in the case of a petition relating to an election to a Parish Council.

PART VI. *Meetings and Proceedings of the Council*

Rules to be
observed
with respect
to meetings
and
proceedings
of Council.

117. The following rules with respect to meetings and proceedings of the Council shall be observed—

- (a) the Council shall hold monthly meetings for the transaction of general business;
- (b) the monthly meetings shall be held at such hour and on such days as the Council may from time to time determine;
- (c) the Mayor may at any time call a meeting of the Council;
- (d) if the Mayor refuses to call a meeting after the requisition for that purpose signed by ten members of the Council has been presented to him, any ten members of the Council may forthwith on that refusal call a meeting. If the Mayor (without so refusing) does not within three days after such presentation call a meeting, any ten members of the Council may on the expiration of those three days, call a meeting;

15/1975
S. 3(a).

- (e) four clear days at least before any meeting of the Council a summons to attend such meeting specifying the business proposed to be transacted thereat and signed by the Town Clerk, shall be left at the usual place of business or abode of each member of the Council :

Provided that in the case of a meeting called by the Mayor for the purpose of transacting any business of urgency it shall be sufficient for the summons to be left as aforesaid at such time, not being less than twenty-four hours prior to the holding of the meeting, as the Mayor shall direct;

- (f) want of service of the summons on any member of the Council shall not affect the validity of a meeting;
- (g) except by leave of the Council no business shall be transacted at a meeting other than that specified in the summons relating thereto;
- (h) the Mayor shall be *ex officio* Chairman of the Council and shall preside at all meetings of the Council at which he is present. In case of his absence, the Deputy Mayor shall preside, and in case of the absence of the Deputy Mayor, the members present and constituting a quorum shall elect a Chairman from among their number;
- (i) at any meeting of the Council, ten members shall form a quorum for the transaction of business; 15/1975
S. 3(b).
- (j) all acts of the Council, and all questions coming or arising before the Council shall, unless otherwise prescribed by this or any other enactment, be done and decided by the majority of such members of the Council as are present and vote at a meeting held in pursuance of this Act, the whole number present at the meeting not being less than ten members; 15/1975
S. 3(c).

15/1975
S. 3(d).

Provided that except with the unanimous consent of the members present, not being less than thirteen in number no motion passed within the preceding six months and no motion to the same effect as any motion which has been negatived by the Council within the preceding six months, shall be considered at any meeting of the Council; and no such motion shall be passed except upon the vote of a majority of at least fifteen of the members present and voting thereon;

- (k) in case of an equality of votes the Chairman of the meeting shall have a second or casting vote;
- (l) subject to the foregoing provisions, the Council may make such Standing Orders as they may think proper for the regulation and conduct of the proceedings of their meetings and the meetings of their Committees, and may by such Standing Orders provide that the minutes of the proceedings of any meeting shall, when copies thereof have been circulated to members, be taken as read, and may also provide for the postponement of the confirmation of the minutes of the proceedings of any meeting.

Power to
appoint
Committee.

118.—(1) The Council may appoint a Committee for any such general or special purpose as in the opinion of the Council would be better regulated and managed by means of a Committee, and may delegate to a Committee so appointed (with or without restrictions or conditions, as they think fit), any functions, except the power of fixing rates or of borrowing money, exercisable by the Council either with respect to the whole or a part of the Corporate Area.

(2) The number of members of a Committee appointed under this section, their term of office, the quorum of the Committee and the area, if any, within

which the Committee is to exercise its authority, shall be fixed by the Council.

(3) A Committee appointed under this section may include persons who are not members of the Council, but at least two-thirds of the members of every Committee shall be members of the Council.

(4) Every member of a Committee appointed under this section who at the time of his appointment was a member of the Council shall, upon ceasing to be a member of the Council, also cease to be a member of the Committee.

119. The Council may delegate to any Committee or Committees appointed by them any of the powers or duties vested in or imposed upon the Corporation or the Council by this or any other enactment for the time being in force, and may, if the Council think fit, direct that the acts and proceedings of such Committee or Committees need not be submitted to the Council for approval. In every such case the acts done and the proceedings taken by the Committee or Committees in relation to the powers and duties so delegated to such Committee or Committees shall be done and instituted in the name of the Council and shall be as valid and binding on all parties as if such acts had been done and such proceedings taken by the Council.

Council
may
delegate to
Committees
any of the
powers
vested in
the
Corporation.

119A.—(1) With effect from the 16th day of November, 1995, there shall be paid to each Councillor, salary at such rate as may be provided in the Estimates of the Council.

Salaries of
Councillors.
39/1995
S. 2.

(2) For the purposes of any arrangements which may be made for providing a pension scheme for Councillors, the basic allowance paid to Councillors with effect from the 1st of January, 1986 to the 15th of November, 1995, shall be deemed to be payment of salary.

14/2001
S. 2(b).

120.—(1) A member of the Council shall be entitled to receive payments at rates which shall be determined by the Council, after consultation with the Minister, by way of reimbursement of expenses on travelling and subsistence reasonably incurred by him for the purpose of enabling him to

Travelling
expenses
of
members.
2/1956
S. 5.

perform any approved duty as a Councillor:

Provided that the Council may, with the approval of the Minister, pay a commuted periodic allowance in lieu of the reimbursement of expenses on travelling and subsistence.

For the purpose of this section "approved duty" means—

- (a) attendance at any meeting of the Council or of any committee or sub-committee thereof;
- (b) the doing of any other thing approved by the Council for the purpose of or in connection with the discharge of the functions of the Council, or of any committee or sub-committee thereof.

39/1995
S. 2.

(2) For the purposes of subsection (1) a reference to a member of the Council shall include a person who, not being a member of the Council, is appointed to be a member of a committee of the Council pursuant to section 118 (3).

Vacancy in
Council shall
not invalidate
any acts or
proceedings
thereof.

121. No act or proceedings of the Council or of any Committee shall be invalidated by reason of any vacancy or vacancies in their body, or by any defect in the mode of appointment of such Committee.

Minutes of
proceedings
of Council
or
Committee.

122. A minute of the proceedings at a meeting of the Council or of a Committee signed by the Chairman, or by a member of the Council or Committee describing himself as or appearing to be a Chairman of the meeting at which such minute is signed, shall be received in evidence without further proof.

Meetings.

123. 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, and every meeting of a Committee the proceedings whereof are embodied in a report signed by the Chairman of such Committee and received by the Council shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a Committee, the Committee

shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute or in the report, as the case may be.

124. A member of the Council shall not vote or take part in any matter before the Council or a Committee in which he has directly or indirectly, by himself or his partner any pecuniary interest. Pecuniary interest.

Regulation of Admittance to the Council Chamber

124A.—(1) No stranger shall be entitled as of right to enter or to remain within the precincts of the Council Chamber. Right to enter precincts of Council Chamber.

(2) The Mayor may issue such orders as he may in his discretion deem necessary for the regulation of the admittance of strangers to the precincts of the Council Chamber.

(3) Copies of orders made by the Mayor under this section shall be duly authenticated by the Town Clerk and exhibited in a conspicuous position in the precincts of the Council Chamber; and such copies, when so authenticated and exhibited, shall be deemed to be sufficient notice to all persons affected thereby.

(4) The Mayor or a person presiding at a meeting of the Council or of a committee or sub-committee thereof may at any time order any stranger to withdraw from the precincts of the Council Chamber.

124B. Any person who—

- (a) being a stranger enters or attempts to enter the precincts of the Council Chamber in contravention of any order of the Mayor; or
- (b) being a stranger fails or refuses to withdraw from the precincts of the Council Chamber when ordered to withdraw therefrom by the Mayor or a person presiding at a meeting of the Council or a committee or sub-committee thereof,

Offences relating to admittance to the Council Chamber.

shall be guilty of an offence and shall, on summary conviction before a Resident Magistrate, be liable to a fine not exceeding one hundred dollars and, in default, to imprisonment with or without hard labour for any term not exceeding three months.

Assault
and other
offences
relating to
disorderly
conduct.

124C. Any person who—

- (a) assaults, obstructs or insults any member of the Council coming to or going from the precincts of the Council Chamber, or endeavours to compel any member of the Council by force or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before the Council or any committee or sub-committee thereof;
- (b) assaults, interferes with, resists or obstructs any officer of the Council Chamber while in the execution of his duty; or
- (c) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the Council or any committee or sub-committee thereof while such Council or committee or sub-committee thereof is sitting,

shall be guilty of an offence and shall, on summary conviction before a Resident Magistrate, be liable to a fine not exceeding two hundred dollars and, in default, to imprisonment with or without hard labour for any term not exceeding six months.

PART VII. Rates

Corporation
Rate.

125.—(1) There shall be raised, levied, collected and paid to the Corporation an annual Corporation Rate upon, and in respect of, every rateable hereditament within each district of the Corporate Area, and such Rate, in any year, may be either a uniform rate, or a graduated rate varying with the value of the hereditament in respect of which the rate is to be paid.

[The inclusion of this page is authorized by L.N. 95/1997]

(2) On or before the 15th day of January in each year, the Council shall submit to the Minister, for approval, the rate or rates to be raised, levied, collected and paid as the Corporation Rate in each district.

60/1956
S. 2.
2/1956
S. 6.

(3) The Minister may alter, amend, vary, increase or decrease any rate or rates so submitted by the Council as the Corporation Rate for any year.

(4) Where, in any year, the Council fails to submit the Corporation Rate in the manner, or by the date, required by this section, the Minister may fix such Rate, and such details of such Rate, as he may think fit.

126. In each year the Corporation Rate, as approved by the Minister, shall be published in the *Gazette* on or before the 23rd day of March, and shall be the Corporation Rate for the ensuing financial year commencing on the 1st day of April.

Approval
and
publication
of
Corporation
Rate.
14/1961
S. 3.

127.—(1) The Corporation Rate shall be due and payable on the 1st day of April in each year in respect of the financial year commencing on such date, and shall be payable by the person who, on such date, is in possession of the property in respect of which the Rate is due.

When Rate
shall be
due.

(2) The Corporation Rate shall be assessed, raised, levied, collected and shall be paid to the Collector of Taxes for the parish in which the property is situated, in accordance with the provisions of the Tax Collection Act or any other enactment for the time being in force in relation to the assessment, raising, levying and collecting of rates and taxes and shall, after collection, be paid over to the City Treasurer who shall credit the amounts so received to a General Fund for the purposes of the Corporation.

(3) The Minister shall determine what reimbursement, to be computed at a rate not exceeding three *per centum* on the total amount of the revenue collected from these sources, shall be made by the Council towards the

cost of collecting, accounting for, disbursing and auditing the same. The sum so determined in the case of the Council shall be debited by the Accountant-General against the Council and carried to the credit of the Consolidated Fund.

(4) Until the Corporation Rate is paid, it shall, subject to any claim for property tax due to the Consolidated Fund, be a first charge and lien upon the real property in respect of which the Corporation Rate is due.

Imposition
of
additional
rates for
the purpose
of providing
for
improve-
ments, etc.,
of
municipal
works, etc.

128.—(1) For the purpose of providing for any improvements or extensions of any existing municipal works, or for the creation, erection and maintenance of any new municipal works, it shall be lawful for the Council, with the approval of the Minister, to impose such rate or rates as may be necessary for all or any of such purposes. Such rate or rates shall be in addition to the Corporation Rate hereinbefore mentioned and the proceeds of any such rate or rates shall be applied for the purposes of such existing or future municipal works. Any such proposed rate or rates submitted for the approval of the Minister may, after due enquiry and any explanation given by the Council if found to be excessive or insufficient, be altered, amended, decreased or increased by the Minister. Such rate shall be called "The Municipal Improvement Rate".

(2) Any rate from time to time imposed under the provisions of this section may be imposed upon properties situated in every district of the Corporate Area, or may be confined to such district or districts or part of a district of the Corporate Area as the Council shall by resolution approved by the Minister from time to time determine:

Provided always that no rate under the provisions of this section shall be imposed upon the properties situated in the rural district of the Corporate Area, unless the municipal work, for or in connection with which the rate is to be imposed is to be of direct benefit to the voters or inhabitants of such district and unless a resolution of the

House of Representatives has been duly passed authorizing the imposition of such rate upon the rural district or any part thereof.

(3) The Council may vary any rate imposed under the provisions of this section, with respect to any district of the Corporate Area, and may impose a different rate for any particular district or part of a district, having regard to the purpose for which the rate is to be imposed, and the advantages to be derived by or conferred on any district or part of a district of the Corporate Area by the proposed imposition.

(4) Any rates imposed under the provisions of this section, shall be assessed, raised, levied, collected and paid in the same manner as the Corporation Rate herein-before mentioned.

129.—(1) The following buildings and property shall be exempt from the above rates—

Buildings
and
property
exempted
from rates.

- (a) all buildings held in trust exclusively for public Religious worship or for Religious worship and for use as schoolrooms, together with the lands immediately attached to them used as churchyards or burial grounds;
- (b) all buildings and lands used solely for charitable or educational purposes, and supported solely by charitable or missionary funds;
- (c) all buildings and lands belonging to and used by the University of the West Indies; ^{2/1963 S. 2.}
- (d) all buildings and lands belonging to Primary Schools, inspected by an officer designated by the Minister responsible for education, or to Agricultural, Approved or Vocational Schools approved by the Minister; ^{29/1954 S. 3 (a).}
- (e) all buildings and lands belonging to Wolmer's School, St. Andrew;
- (f) all buildings and lands belonging to Secondary

[The inclusion of this page is authorized by L.N. 95/1997]

Schools receiving any payment out of the Consolidated Fund;

29/1954
S. 3 (b), (c).

- (g) all buildings and lands, belonging to Secondary Schools, Commercial Schools or Preparatory Schools with not less than twelve scholars, in average attendance, each such Secondary, Commercial or Preparatory School being certified by an officer designated by the Minister responsible for education to be efficient;

53/1954
S. 2 (a)
& (b).

- (h) all unoccupied property belonging to and all property belonging to and in the actual occupation of, the Crown, the Government of this Island, or the Council;

53/1954
S. 2 (c).

- (i) all freehold property vested in the Commissioner of Lands and in the actual occupation of the Crown, the Government of this Island, a Parish Council, the Kingston and St. Andrew Corporation or the holder of a public office by virtue of his employment;

7/1974
S. 6.

- (j) all buildings and lands belonging to and used by the Council of Legal Education:

Provided nevertheless that exemption under this section of buildings and lands belonging to a school shall not extend to any such building or land unless the same is used primarily for School purposes.

(2) For the purposes of this section the expression "Preparatory School" means a school providing "an education designed to prepare pupils of age eight to twelve years specifically for entry to a recognized Secondary School, and giving a progressive course of general education (with the requisite organization, curriculum, teaching staff and equipment) suitable for that purpose".

PART VIII. *Corporate Property*
Markets

130. In and for the purposes of this Part, the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say—

Interpreta-
tion of
terms.

“Clerk of the market” means the person appointed by the Council to keep any market, or any other person for the time being acting as Clerk of the market or performing the duties of such Clerk under the authority of the Council;

“cold stores” means any premises or place used for keeping and preserving by a refrigerating process any fresh meat, game, fish, vegetables or other articles intended for the food of man;

“fresh meat” means meat of any cattle, sheep, goat, pig or turtle, slaughtered for sale, and includes imported fresh meat;

“marketable commodities” means fresh meat, fish, ground provisions, vegetables and fruit;

“public market” means any place within the Corporate Area on the coming into operation of this Act used or hereafter acquired and appointed by the Council as a public market under this Part for the sale of marketable commodities, and includes all buildings, works, sheds, covered and open spaces and grounds comprised within the place so appointed.

131.—(1) All public markets and the sites thereof situated within the Corporate Area shall be vested in the Corporation for the benefit of the inhabitants of the Corporate Area, and shall be held by the Corporation for the purposes of markets and for securing the repayment of any loans and interest thereon raised for the provision, erection or maintenance of any such public markets; and the Council shall have the entire occupation, management of and control over the said lands and markets, subject to any rules which exist under the provisions of any enactment for the time being in force.

Public
markets
vested in
Corpora-
tion.

(2) Any landing place attached to any such market shall be deemed to be for the purposes of this Part, a part thereof, and be similarly vested and held.

Council
may
from time
to time
acquire
land for
purpose of
erecting
new public
markets.

132—(1) It shall be lawful for the Council from time to time with the approval of the Minister to acquire such land as may be deemed necessary for the purpose of erecting, establishing and maintaining any new public markets within the Corporate Area. Such land may be acquired under the Lands Clauses Act, or any enactment passed in amendment thereof or substitution therefor or in any other manner.

Power to
accept
leases.
37/1958
S. 2.

(2) It shall be lawful for the Council from time to time, with the approval of the Minister, to accept leases of such land as may be deemed necessary for the purpose of erecting, establishing and maintaining public markets within the Corporate Area.

All lands
acquired
shall vest
in the
Corporation.
37/1958
S. 2.

(3) All lands, whether freehold or leasehold, acquired by the Council for the purpose of erecting, establishing and maintaining public markets within the Corporate Area shall be conveyed to and vest for such purposes in the Corporation.

Rents, etc.,
pledged for
payment of
loans.

133. All rents, fees and profits which shall be realized from the public markets now situated within the Corporate Area or hereafter erected within the same are hereby pledged for the due payment of all moneys which have been borrowed or may hereafter be borrowed in connection with the same, and of the interest thereon and such rents, fees, and profits are hereby vested in the Council as trustees to be applied firstly, in payment of any interest due on any such loan hereinbefore made or hereafter to be made, secondly for the maintenance and keeping of the public markets and thirdly, for the redemption of any principal sums due on account of such amount from time to time as, consistently with the conditions of the said loans, the Council with the sanction of the Minister, may determine.

134. It shall not be lawful to hold any market for the sale of marketable commodities in any place within the Corporate Area, not being a public market, save and except that it shall be lawful for the Council to grant permission to hold a market for the sale of marketable commodities in any place or places within the rural district of the Corporate Area.

Selling of marketable commodities.

135. Markets may be held in all public markets in the Corporate Area on such days and during such hours each day as the Council may from time to time fix by resolution or by-laws.

Days and hours on and during which markets may be held.
42/1969
3rd Sch.

136. It shall be lawful for the Council from time to time by notification to be published in the *Gazette* to define the site, limits and extent of any public market now existing or hereafter to be erected or established within the Corporate Area, and from time to time to alter such site, limits and extent.

Definition of sites, limits and extent of public markets.

137. It shall be lawful for the Council from time to time, with the previous sanction of the Minister, to be notified in the *Gazette*, to close any public market and to re-open the same and to open new public markets within the Corporate Area.

Closing and re-opening of public markets.

138. The Council shall have power to construct public markets under this Act.

Powers to construct public markets.

139.—(1) It shall be lawful for the Council to appoint a Clerk of any public market within the Corporate Area, such market servants for each market and such other officers as they may deem necessary, and to remove any such Clerk, servants or other officer, and to appoint another or others from time to time as may appear expedient, and with the approval of the Minister, to fix the salaries and wages of such Clerks, servants and officers:

Appointment of Clerks of public markets and other officers.

Provided that the lessee of a market shall in no case be eligible for the appointment of Clerk of the market.

(2) Any person holding any such office at the coming into operation of this Act shall continue to hold the same on the terms and conditions on which the same are held by them, until new appointments shall or may be made under the provisions of this section.

Powers of
Council
with
respect to
making,
altering and
rescinding
of rules.
39/1995
S. 2.

140.—(1) Subject to the provisions of section 223, it shall be lawful for the Council from time to time to make, alter or rescind rules—

- (a) for the use of stalls, for permission to bring articles into any public market, or to expose articles for sale within any public market, in the Corporate Area, and for fixing the fees to be paid therefor;
- (b) for the order and government of any public market in the Corporate Area;
- (c) for fixing the hours and days for the opening and closing of same;
- (d) for prescribing the pattern and description of the scales to be used by occupiers of stalls, stands, tables, and places in any public market in the Corporate Area;
- (e) for prescribing the conditions subject to which the several stalls, stands, tables, sheds and places shall be held occupied or used by the persons hiring or using the same, and for imposing on such persons such duties as the Council may deem necessary for ensuring that the stalls, stands, tables, sheds and places occupied by them and all blocks, axes, saws and other implements or instruments and all scales used by them are properly cleaned and kept clean by them;
- (f) for regulating the use of weighing machines in any public market in the Corporate Area and preventing the use of false or defective weights, scales or machines by any persons selling in any public market in the Corporate Area;

- (g) for preventing nuisances or obstructions in any public market in the Corporate Area or in the immediate approaches thereof;
- (h) for imposing on the occupier of any stall, stand, table, shed or place in any public market in the Corporate Area the duty of taking such steps and using such means as may be prescribed by the Council for protecting from contamination and flies and dust any articles of food offered or exposed for sale in or on such stall, stand, table, shed, or place occupied by him;
- (i) for maintaining order and preventing disturbance in any public market in the Corporate Area by fighting or disorderly behaviour;
- (j) for excluding and removing from any public market in the Corporate Area any person suffering from any infectious or contagious disease;
- (k) and generally, for such other purposes as may be deemed necessary for the government of any public market in the Corporate Area and for carrying into effect the provisions of this Part.

(2) [*Deleted by Act 39 of 1995.*]

141. All fees fixed and payable under this Part shall in each case be paid to the Clerk of the market or to any other person specially authorized by the Clerk of the market to receive them, and in default of payment of the same the Clerk of the market is hereby empowered to seize any article in the market belonging to or in the possession of the defaulter, and forthwith to sell the same by public outcry; and the money arising from such sale shall be applied first in payment of any expenses attendant on such seizure and sale, and secondly in payment of the fees due. The surplus, if any, shall be paid by the Clerk of the market to the person from whom the articles were taken.

Payment of
fees to
Clerk of
market or
other
authorized
person.

Fees
collected to
be
accounted
for to
Council.

39/1995
S. 2.

142. All fees collected by any Clerk of a public market in the Corporate Area or other duly authorized person shall be accounted for by him to the Council in such manner and at such times as the Council may prescribe under a penalty of four hundred dollars for every day he shall neglect so to account for the same.

Powers of
Clerk of a
public
market
within such
market.

143. The Clerk of any public market in the Corporate Area shall have within such market the powers of a Constable and also with respect to weights and measures the powers of a Sergeant under any enactment for the time being in force relating to weights and measures; and it shall be lawful for the Clerk or Assistant Clerk of any public market in the Corporate Area, or for any Constable by direction of such Clerk or Assistant Clerk, or in their absence from the market, in his own discretion, to take or cause to be taken into custody without warrant any person who shall in view of such Clerk, Assistant Clerk or Constable commit any offence against this Part, and whose person, name or place of abode shall be unknown to such Clerk, Assistant Clerk or Constable; and in like manner it shall be lawful for any such Constable, when the person, name or place of abode of such offender is unknown as aforesaid, to take into custody any such offender who shall be charged by such Clerk or Assistant Clerk with committing any of the said offences though not committing the same within view of such Constable but within view of the said Clerk or Assistant Clerk making such charge.

Hiring of
stalls.

144. The Clerk of any public market in the Corporate Area shall whenever required by the Council put up for hire by public competition within the said market any stall or stalls, and in such case the Clerk shall receive the bidding and act in all respects as an ordinary auctioneer on behalf of the Council, subject always to any rules that may be made under this Part affecting such market:

Provided always that in so acting he shall not be deemed to be carrying on a trade or business within the meaning of any enactment imposing any licence or tax for carrying on any trade or business.

145. The Clerk of any public market in the Corporate Area shall seize or cause to be seized any bad and unwholesome meat, fish, turtle, poultry, game, eggs, fruit, vegetables or ground provisions brought into such public market, and shall cause the same to be destroyed and every person bringing the bad and unwholesome articles to market or selling them or offering them for sale in the market shall be liable to a fine not exceeding one thousand dollars for each offence and in default of payment forthwith to imprisonment not exceeding one month.

Clerk of public market may seize bad and unwholesome meat, fish, etc.

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S. 2.

146. The Council may from time to time rent or lease for such period as shall appear most advantageous the whole or any part of any public market in the Corporate Area with all or any rights and appurtenances thereunto belonging, or may make from time to time such arrangements as may seem best for letting stalls in any such public market and the right to use any such public market and any part thereof and any stalls therein.

Council may rent or lease the whole or part of any public market.

147. When any market shall be leased, the lessee is hereby authorized to collect all fees and to proceed for the recovery thereof as if he were the Clerk of such market and while any such market shall be leased the Clerk of the market shall not interfere in the collection of the fees in such market, but in all other respects the duties and powers of the Clerk of the market shall be the same as if the market were not leased.

Lessee to collect fees when market is leased.

148. In any lease of any public market it shall be sufficient if the lease be signed by the Mayor or Deputy Mayor and two of the Councillors of the Corporation for the time being, and every such lease shall contain all

Signing of lease.

necessary powers for the recovery of rent in arrear and re-entry in the premises and all usual covenants to be entered into on the part of the lessee and all such other terms and conditions as the Council shall require.

Penalty for establishing market within limits of public market.

39/1995
S. 2.

149. Any person who shall establish or permit to be established within the limits of any public market, any market for the sale of any fresh meat, poultry, game, fresh fish, turtle, vegetables, ground provisions, or fruit in or upon any lands or premises in his occupation or under his control shall forfeit the sum of one thousand dollars for every day or portion of a day in which any of the aforesaid articles shall be sold or exposed or offered for sale in any such place.

Granting of licences to persons desiring to establish shops in Kingston for sale of fresh meat, etc.

150.—(1) It shall be lawful for the Council in their discretion, to grant from time to time licences to any person or persons desiring to establish in the Corporate Area a shop or shops for the sale of fresh meat, poultry, game, fresh fish, vegetables, ground provisions or fruit, or any one or more of such articles and in such licences to grant permission for the sale of fresh meat and fresh fish in such shops before ten o'clock in the morning on the Lord's Day, Christmas Day and Good Friday. Such licences shall be granted on such terms and in such form as the Council shall from time to time direct and all persons and shops so licensed shall be subject to such rules as the Council shall from time to time make fixing the fees to be paid for the use of licensed shops and for the order and government of such shops, and all such rules shall come into operation in the like manner as in the case of rules made under section 140.

(2) No licence so granted shall be in force longer than one year.

Inspection of licensed shops and payment of fees.

151. Every shop so licensed shall be under the inspection of such one of the Clerks of a public market in the Corporate Area as may be appointed by the Council in every respect as if the same were in one of the said

markets and the licensee shall pay the fees which are or may be hereafter fixed and payable under the rules to be made as aforesaid and payment thereof shall be enforceable in the same manner as payment of the market fees, and any article for the sale of which a licence is required if exposed for sale in any such licensed shop in a state which would make it liable to seizure in a public market shall be liable to seizure in such shop; and any person occupying any shop, house or other place where any articles for which a licence is required, shall be sold or exposed for sale without such licence, shall be liable to a penalty of four hundred dollars for every day in which such articles shall be so sold and exposed.

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S. 2.

152. The powers to collect and enforce payment of fees conferred on any Clerk of the market by this Act may be exercised in the name and on behalf of the said Clerk by any person or persons authorized by writing under the hand of the Mayor or Deputy Mayor. Such fees when collected shall be forthwith paid over to the Clerk under a penalty of four hundred dollars for every day any such person shall neglect to pay over such fees or any part thereof.

Power to
collect fees
may be
exercised by
any person
so
authorized.

39/1995
S. 2.

153. All licences, fees and all penalties and other moneys which shall be paid to the Council under the authority of sections 140 to 152 shall be dealt with in all respects as market fees.

Licences,
fees, etc.,
paid to
Council.

154. Any person who shall expose or exhibit for sale in the urban or suburban district of the Corporate Area any fresh meat, poultry, game, fresh fish, turtle, vegetables, ground provisions or fruit elsewhere than in a public market or in a shop licensed as hereinbefore mentioned for the sale of such articles shall forfeit a sum of four hundred dollars for every day in which he shall so offend:

Penalty for
exposing for
sale fresh
meat, etc.,
elsewhere
than in
public
market or
in shop
licensed
for purpose.
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Provided that nothing herein contained shall prevent any person from going from house to house and offering

for sale or selling any poultry, game, fresh fish, vegetables, ground provisions or fruit.

Meat to be
inspected
and certified
as sound.

155.—(1) No person shall introduce or be in any manner knowingly concerned in the introduction into the urban or suburban districts of the Corporate Area of any fresh meat or chilled meat or the flesh of any animal, unless such person has previously obtained a licence for the purpose and such meat or flesh has been inspected and duly certified as sound and fit for human consumption.

(2) (a) The Council may make regulations generally for the better carrying out of the provisions of this section.

(b) Regulations made under this subsection may without prejudice to the generality of the power conferred by paragraph (a) provide—

- (i) for regulating the granting of licences and for prescribing the duration and the form of such licences;
- (ii) for prescribing the fees to be paid for licences;
- (iii) for the inspection and certification of meat or flesh to which the provisions of this section apply;
- (iv) for restricting or regulating the introduction into the urban or suburban districts of the Corporate Area of meat or flesh to which the provisions of this section apply.

Clerk of
public
market shall
take oath or
make
declaration,
etc.

156. Every Clerk of any public market within the Corporate Area shall take the oath or in lieu thereof make the declaration and affirmation prescribed by any enactment for the time being in force relating to Special Constables, and shall have in addition to the powers conferred upon them by this Act all the powers, authorities, advantages and immunities of Special Constables and shall wear a badge indicative of their authority.

Slaughter-Houses

157. All public slaughter-houses and the sites thereof, except where the same may be private freehold or leasehold property, situated within the Corporate Area in existence on the coming into operation of this Act shall remain and are hereby declared to be vested in the Commissioner of Lands for the purposes of slaughter-houses and for securing the repayment of any moneys borrowed for the erection, working and management of the same, and for the purchase of the lands required for the same and the payment of the interest thereon:

Existing public slaughter-houses, etc., in Corporate Area, with certain exceptions shall remain and are vested in Commissioner of Lands.

Provided that the Council shall have the entire occupation and management of and control over the said slaughter-houses and land, subject to any directions that may be given by the Minister, and subject to any rules made under this Part.

158. All public slaughter-houses and the sites thereof which may be erected within the Corporate Area after the coming into operation of this Act shall be vested in the Commissioner of Lands for the benefit of the inhabitants of the Corporate Area, and shall be held by him and them for the purposes of slaughter-houses and for securing the repayment of any loans and the interest thereon which may be raised to provide for the acquisition, direction and maintenance of such public slaughter-houses:

Public slaughter-houses, etc., which may be erected shall be vested in Commissioner of Lands.

Provided that the Council shall have the entire occupation and management of and control over the said public slaughter-houses and land, subject to any directions that may be given by the Minister and subject to any rules made under this Part.

159. It shall be lawful for the Council from time to time, with the approval of the Minister, to acquire such land as may be deemed necessary for the purpose of erecting, establishing and maintaining any new public slaughter-houses within the Corporate Area. Such land may

Council may acquire land for purpose of erecting public slaughter-houses.

be acquired under the Lands Clauses Act, or any enactment passed in amendment thereof or substitution therefor or in any other manner.

Rents, fees,
etc., realized
from any
public
slaughter-
house
pledged for
certain
things.

160. All rents, fees and profits which shall be realized from any public slaughter-house now situated within the Corporate Area or hereinafter erected within the same are hereby pledged for the due payment of all moneys which have been borrowed or may hereafter be borrowed in connection with the same and of the interest thereon; and such rents, fees and profits are hereby vested in the Council as proceeds to be applied firstly, in payment of any interest due on any such loan hereinbefore made or hereafter to be made; secondly, for the maintenance and keeping up of such slaughter-houses, and thirdly, for the redemption of any principal sums due on account of such account from time to time, as, consistently with the conditions of the said loan the Council, with the sanction of the Minister, may determine.

Council
may make
and alter
rules.

161. It shall be lawful for the Council to make and from time to time to alter rules—

- (a) for the management of any public slaughter-houses within the Corporate Area and for the good government of the officers and other persons employed by the Council and also of persons making use of any such slaughter-houses;
- (b) for fixing a scale of fees and other charges to be paid thereat and for receiving and enforcing the payment thereof and for regulating the rights and liberties of owners of any animals brought therein and the right of access to such slaughter-houses and appurtenant grounds or any part thereof;
- (c) for regulating the manner of occupying and using any such slaughter-houses and the inspection and slaughtering of animals therein;

- (d) for fixing the hours and days for the opening and closing of slaughter-houses;
- (e) for fixing the hours when, and prescribing the conditions and requirements under and subject to which, animals are to be slaughtered therein;
- (f) for fixing the times when, and prescribing the conditions and requirements under and subject to which, carcasses and other parts of any animals slaughtered in such slaughter-houses shall be removed therefrom;
- (g) with respect to the licensing of slaughter-men and the suspension, revocation and cancellation of such licences;
- (h) for preventing nuisances or obstructions in any such public slaughter-houses or in the immediate approaches thereof;
- (i) for ensuring the maintenance, cleanliness and good order of such slaughter-houses;
- (j) for maintaining order and preventing disturbance in any such public slaughter-houses by fighting or disorderly behaviour;
- (k) for excluding and removing from any such public slaughter-house any person suffering from any infectious or contagious disease;
- (l) for dealing with any animal or carcass or part thereof which may be found to be diseased or unfit for human consumption;
- (m) for regulating the feeding and watering of animals brought therein and for preventing cruelty thereto;
- (n) for regulating the landing of animals intended to be taken direct from the landing place to any such slaughter-house and prescribing the precautions to be observed by the owners of such animals in bringing such animals into a public slaughter-house or any part thereof;

- (o) and generally, for such other purposes as may be deemed necessary for the government of any public slaughter-house in the Corporate Area and for carrying into effect the provisions of this Part.

Animals not to be slaughtered in any place other than in a public slaughter-house.

162. It shall not be lawful for any person to slaughter or cause to be slaughtered any bull, steer, cow or other description of cattle for beef or veal, or any sheep, lamb, hog, pig, goat or kid, or to dry or cause to be dried the skin of any such cattle, sheep, lamb, hog, pig, goat, or kid in any place in the urban or suburban district other than in a public slaughter-house, or in such other place as the Council may especially allow or appoint for such purpose, and any person who offends against the provisions of this section shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding one thousand dollars for each offence, and in default of payment forthwith to imprisonment with or without hard labour not exceeding three months unless the amount be sooner paid.

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Penalty for selling or possessing for sale, etc., meat which has not been inspected and certified sound.

163.—(1) Every person who, within the urban or suburban districts of the Corporate Area, has in his possession for the purpose of sale or sells or delivers to any person any fresh meat or chilled meat or the flesh of any animal which has not been inspected and certified as sound and fit for human consumption by some Inspector or Officer appointed for the purpose by the Council shall be guilty of an offence and liable to a fine of two thousand dollars.

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(2) In any prosecution for an offence against this section where any meat or flesh does not bear any mark or stamp indicating that it has been inspected and certified as sound and fit for human consumption the burden of proving that such meat has been so inspected and certified shall be upon the defence.

(3) If any person who is—

- (a) the holder of a licence under section 150, or section 155, or section 178; or
- (b) a slaughter-man licensed in accordance with rules made under section 161; or
- (c) the servant or agent of any person referred to in paragraph (a) or paragraph (b),

is found in possession of any quantity of meat or of the flesh of any animal in excess of five pounds in weight, the burden of proving that he was not in possession of such meat or flesh for any of the purposes specified in subsection (1) shall lie upon the party asserting the same.

(4) Any meat or flesh taken from a person convicted of an offence against this section or against section 155 may be disposed of in such manner as the Council may direct.

Licensing of Wharf Premises for Sale of Certain Articles

164. It shall be lawful for the Council to license any wharf premises within the Corporate Area or any part or parts of such wharf premises as places for the sale by the importers thereof of edible roots and tubers and fruit imported into Kingston from any outports of this Island or from beyond the seas.

Sale of edible roots and tubers, etc., at wharves.

165. Any owner, lessee or occupier of wharf premises desiring to have the same so licensed shall give notice in writing of such desire to the Council and shall therein state the situation of the said wharf premises, or the part or parts thereof intended to be used for such sales.

What owners, etc. of wharf premises must do to obtain licence.

166. Upon such application being made the Council shall direct a Clerk of the market or some other competent person to inspect and examine the premises in respect of which the application is made, and to report the particulars thereof and whether they are suitable for the purposes proposed and

Inspection to be made of premises in respect of which application for licence is made.

whether they are supplied with all the necessary requirements, conveniences and appliances, so as to prevent the same becoming a nuisance to the neighbourhood, and upon such report the Council may either grant or refuse a licence or otherwise deal with the application as to them may seem proper.

Payment of
licence fee.
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S. 2.

167. Every person to whom any licence under this Act is granted shall pay therefor such licence fee as the Council shall subject to section 223, from time to time fix. Every such licence shall be in such form and subject to such terms and conditions as the Council shall from time to time direct or approve, and shall be in force for one year from its date and no longer, but shall be renewable from year to year on payment of the actual licence fee therefor without the necessity of any further inspection and report unless the Council shall specially require a further report to be made before renewing any licence.

Licences in
force at
coming into
operation of
this Act.

168. All such licences in force at the coming into operation of this Act shall be deemed to be licences issued under the provisions of this Part.

Licensed
wharf
premises
deemed to
be markets
for sale of
edible roots,
etc.

169. All wharf premises so licensed shall be and be deemed to be markets limited to and for the sale of edible roots and tubers and fruit brought in vessels coastwise or from beyond the seas within the Corporate Area and shall be under and subject to the control of the Council, and to the like supervision and inspection as the markets within the Corporate Area, and all sales at any such licensed premises shall be in quantities not less than the minimum weight or quantity which shall from time to time be prescribed by the Council.

Licences
and licensed
premises,
etc., subject
to rules.

170. The licences granted under this Act and the premises thereby licensed, and the parties to whom such licences are granted, shall be under and subject to such of the rules made under section 161 as the Council may from time to

time by notice in the *Gazette* declare to be applicable to such licences, licensed premises and parties respectively, and to such further rules, as may at any time or times be made under the said section, or under any power herein contained; and all persons selling in such licensed premises shall pay to the Council in respect of the roots, tubers and fruit exposed for sale by them such fees as shall by rule from time to time be prescribed.

171. No person shall sell or expose for sale in any such licensed premises any edible roots or tubers or fruit, except the importer thereof from outports of this Island or from beyond the seas, or his lawful agent.

By whom
sale is to
be made on
such
licensed
premises.

172. Every person shall be guilty of an offence against this Act, and shall on summary conviction be liable to a maximum penalty of one thousand dollars, recoverable summarily, who does any of the following things, that is to say—

Penalty.

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S. 2.

- (a) sells or exposes for sale any edible roots or tubers or fruit on any wharf premises not licensed under this Act;
- (b) sells or exposes for sale on any premises licensed under this Act any edible roots or tubers or fruit of which he is not the importer, or the general agent of the importer thereof;
- (c) sells any edible roots or tubers or fruit in less than the prescribed minimum weight or quantity;
- (d) in any way refuses, neglects or evades, or attempts to evade payment of any fees payable by him under this Part, or under any rule made thereunder;
- (e) knowingly permits on any premises licensed under this Act any sale of any edible roots or tubers or fruit in quantities smaller than the minimum prescribed weight or quantity or by any person not being an importer or the general agent of an importer of the goods sold.

[The inclusion of this page is authorized by L.N. 95/1997]

Cold Stores

Persons desiring to use any premises as cold stores must first obtain a licence.

Granting of licences.

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S. 2.

Terms on which licences shall be granted, etc.

Penalty on persons using or permitting to be used as cold stores any premises without first obtaining licence.
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S. 2.

Licence to be obtained for selling fresh meat at or from cold stores.

Council may grant licence to sell fresh meat at or from cold stores.

173. It shall not be lawful for any person to use any premises or places in the Corporate Area as cold stores without having first obtained from the Council a licence for that purpose.

174. The Council may grant a licence for the use of any premises or places in the Corporate Area as cold stores, and such licences may be granted for such terms, upon such conditions and upon payment of such licence fees as may from time to time, subject to section 223, be fixed by the Council.

175. Every licence issued under this Part shall be granted on such terms and in such form as the Council shall from time to time direct and approve, and shall be in force for one year from its date and no longer, but shall be renewable from year to year on payment of the actual licence fee therefor, without the necessity for any further inspection and report, unless the Council shall specially require a further report to be made before renewing any licence.

176. Every person who shall use or permit to be used any premises or places in the Corporate Area as cold stores without having first obtained a licence for that purpose from the Council shall be liable on summary conviction to a penalty not exceeding ten thousand dollars and in default of payment to imprisonment not exceeding one month.

177. It shall not be lawful for any licensee of any cold stores to sell any fresh meat at or from such cold stores without having first obtained from the Council a licence for that purpose.

178. The Council may grant to the licensee of any cold stores a licence to sell fresh meat at or from such cold stores, and such licences may be granted for such terms and subject to such conditions and to the payment of such

licence fees as may from time to time be fixed by the Council, such licence fees not to exceed the licence fees for the time being payable in respect of shops or premises licensed for the sale of meat under this Part.

179. Every licence granted under this Act to sell fresh meat at or from any licensed cold stores shall be granted on such terms and in such form as the Council shall from time to time direct and approve, and shall be in force for one year from its date and no longer, but shall be renewable from year to year on payment of the actual licence fee therefor, without the necessity for any further inspection or report unless the Council shall specially require a further report to be made before renewing any licence.

Terms on which licence shall be granted.

180. Any fresh meat delivered from any cold stores, whether such delivery be made in pursuance of a contract of sale or otherwise (except meat delivered at any premises, licensed for the sale of meat under this Part or at any public market in the Corporate Area) shall be deemed to be sold within the meaning of this Part.

Delivery of fresh meat from cold stores.

181.—(1) The licensee of any premises or places used as cold stores shall pay to the Council in respect of all fresh meat sold from such cold stores, tolls or dues at such rates as may from time to time be fixed by the Council, but not exceeding in any case the tolls or dues payable in respect of meat sold in the public markets and in premises licensed for the sale of meat under this Part.

Payment of tolls or dues.

(2) Every person who shall sell any fresh meat from any cold stores without having first obtained a licence for that purpose from the Council, shall be liable on summary conviction to a penalty not exceeding ten thousand dollars and in default of payment to imprisonment not exceeding one month.

Penalty on persons selling fresh meat from cold stores without having first obtained licence.
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S. 2.

Council
may make
by-laws and
rules.

182. The Council may from time to time make such by-laws and rules as they may think proper—

- (a) for enforcing cleanliness in all cold stores in the Corporate Area;
- (b) for fixing the hours during which any fresh meat may be delivered therefrom;
- (c) for imposing on the licensee of any cold stores the obligation of making such returns as to the quantities and the description of any fresh meat from time to time received into such cold stores and from time to time delivered therefrom, and the destination of any fresh meat from time to time delivered therefrom; and
- (d) for such other purpose as the Council may deem necessary for this Part and generally for giving effect to and more effectually carrying out the provisions of this Part.

Pounds

Vesting and
control of
pounds
already in
existence.
Additional
pounds.

183. All pounds already in existence within the Corporate Area shall on the coming into operation of this Act be vested in and be under the control of the Corporation. It shall be lawful for the Corporation to erect additional pounds on convenient sites within the Corporate Area when necessary and to close existing pounds or remove them to any other place within the Corporate Area where the Corporation shall consider a pound is more required. All existing pounds and any additional pounds erected within the Corporate Area shall be regulated, managed, operated and maintained in accordance with the provisions of any enactment for the time being in force regulating public pounds, and all fees or sums of money received under the provisions of any such enactment by the keeper of any pound shall be paid over to the City Treasurer of the Corporation for the purposes of the Corporation.

Cemeteries

184. The public cemetery situated within the Corporate Area and known as the May Pen Cemetery shall be and is hereby vested in the Corporation to be held and used as a cemetery for the Corporate Area, and all existing estates, interests, rights, uses and trusts in any way affecting the same are hereby determined.

May Pen
Cemetery.

185.—(1) It shall be lawful for the Corporation with the approval of the Minister as and when occasion may arise, to establish any other public cemetery within the Corporate Area and to maintain and control the same.

Council may
establish
any other
public
cemetery,
etc.

(2) For the purpose of acquiring and establishing any public cemetery, it shall be lawful for the Corporation with the approval of the Minister, to raise a loan, and to borrow such moneys as may be necessary for such purposes, upon such terms and conditions as the Minister shall approve.

Loan may
be raised
and moneys
borrowed
for such
purposes.

(3) Any land required for the purpose may be acquired under the Lands Clauses Act, or any enactment passed in amendment thereof or in substitution therefor or in any other manner.

Land may
be acquired
under Lands
Clauses Act.

186. All existing public cemeteries in the Corporate Area and any public cemeteries hereafter acquired or established shall be maintained and regulated under the provisions of the Kingston and St. Andrew (Cemeteries) Act, or any enactment passed in amendment thereof or substitution therefor.

Existing
public
cemeteries,
etc., main-
tenance of.

Alms-Houses

187. The property known as the Union Poor House for the parishes of Kingston and St. Andrew together with its appurtenances shall be and is hereby vested in the Corporation upon trust for the purposes of an Alms-House for the Corporate Area; and such Alms-House shall be

Vesting of
Union Poor
House in
Corpora-
tion, etc.

regulated, managed and controlled in accordance with the provisions of any enactment for the time being in force regulating Alms-Houses and the relief of the poor.

Establishment of additional Alms-Houses.

188.—(1) It shall be lawful for the Council, if occasion shall arise, with the approval of the Minister, to establish any additional Alms-Houses for the Corporate Area, and for such purpose to acquire, with the like approval, any land or property that may be necessary for the purpose, either out of the funds belonging or accruing to the Council or out of any loan for the purpose, the raising of which may be sanctioned by the Minister. Any additional Alms-House so established shall be regulated, managed and controlled in accordance with the provisions of any enactment for the time being in force regulating Alms-Houses and the relief of the poor.

(2) Any land required for the purpose may be acquired under the Lands Clauses Act, or any enactment passed in amendment thereof or in substitution therefor, or in any other manner.

Gas Works

Vesting of Gas Works in Commissioner of Lands.

189.—(1) All Gas Works situated within the Corporate Area shall remain and are hereby declared to be vested in the Commissioner of Lands and his successors for the benefit of the inhabitants of the Corporate Area and shall be held by him and them for the purposes of Gas Works and for securing the repayment of any loan and interest thereon raised for the provision, erection or maintenance of such Gas Works:

Provided that the Council shall have the entire occupation, management of and control over the said Gas Works, subject to any directions that may be given to them by the Minister and subject to any rules made under any enactment for the time being in force regulating Gas Works.

(2) Such occupation, management and control over Gas Works, and the imposition, payment, recovery and enforcement of payment of rates or sums of money due from persons making use of the gas shall be exercised and regulated by and under the provisions of any enactment for the time being in force regulating the same, or under regulations and by-laws for the purpose which the Council are hereby authorized to make with the approval of the Minister.

(3) Such regulations and by-laws when approved by the Minister and published in the *Gazette* shall have the force and effect of law.

PART IX. *Licences and Licence Duties*

190. Subject as herein mentioned all moneys arising or accruing from the licences and licence duties specified hereunder under the provisions of any enactment for the time being in force regulating and providing for grants of such licences shall be paid over to the City Treasurer for the purposes of the Corporation—

Licence
moneys
payable to
City
Treasurer.

- (a) to deal in, sell or barter any gunpowder or firearms of any description issued within the Corporate Area;
- (b) to deal in the purchase and sale or barter and exchange of any manufactured iron, copper, lead, brass or other metal substances which may have been already in use, and also in articles of manufactured gold, silver, plate, plated ware and jewellery which may have already been in use, and precious stones and bullion, issued within the Corporate Area;
- (c) to carry on a trade or business issued within the Corporate Area;
- (d) to hawkers and pedlars issued within the Corporate Area;
- (e) licence duties in respect of horsekind and wheels;

- (f) licence duties on motor vehicles payable under the provisions of any enactment for the time being in force regulating motor cars, motor cycles, motor trucks and traction engines licensed within the Corporate Area either wholly or in part in accordance with any enactment for the time being in force regulating the payment of the whole or a proportionate part thereof.

Moneys to be paid over subject as mentioned.

191. All moneys to be paid over to the City Treasurer under the provisions of this Part shall be paid over subject to the provisions of any enactment for the time being in force regulating any re-imbursement to be made to the Consolidated Fund for collection of the same.

PART X. Regulations

Regulations which shall remain in force.

192.—(1) All regulations made under the provisions of the Kingston Police Law (now repealed) or any laws incorporated with or amending the same or substituted therefor, shall remain in full force and effect as if they were regulations made by the Council, until regulations shall be made under the provisions of this Act.

(2) All regulations made under the Parish of Port Royal Parochial Board Law (now repealed) shall be deemed to continue in force until such time as they are amended or revoked by the Corporation.

Matters in relation to which Council may make, alter or revoke regulations.
39/1995
S. 2.

193. Subject to section 223, it shall be lawful for the Council (except as hereinafter provided) from time to time to make, alter and revoke regulations in relation to all or any of the following matters, and in such regulations to provide for the payment of fees for inspection and reports, the granting of licences and the payment of fees therefor, as may be applicable to any subject matter of such regulations:

Provided that such regulations may extend to the whole or any part of the Corporate Area—

- (a) the weight, sale and price of bread;
- (b) the conditions under which milk may be sold and the sale of milk;
- (c) the use of public landing places—
 - (i) for passengers; and
 - (ii) for goods;
- (d) the licensing of porters and street messengers;
- (e) prohibiting and/or regulating—
 - (i) licensing and keeping; and
 - (ii) the use of, public billiard tables;
- (f) prohibiting and/or regulating the keeping of swine, goats, sheep, dogs, horsekind, cattle or poultry;
- (g)
 - (i) the licensing of;
 - (ii) the management and requirements of; and
 - (iii) the preservation of order and safety in, places of public amusement;
- (h) the preservation of order and safety in places of religious worship;
- (i) the use of race courses and public recreation grounds;
- (j) prohibiting and/or regulating the erection of posts, poles and awnings in any thoroughfare or public place (notwithstanding any licence or custom heretofore to the contrary);
- (k) prohibiting and/or regulating public cries, advertising noises, steam whistles, bill-posting and the ringing of bells in any thoroughfare or public place, the exhibition of advertisements, hand-bills, posters, notices or signs in any thoroughfare or public place, or publicity on any land, tree, wall, fence, post, side-walk or erection whatsoever adjoining any thoroughfare or public place;

- (l) prohibiting, regulating and/or suspending traffic of any kind whatsoever in any thoroughfare or public place;
- (m) regulating the closing up of portions of any thoroughfare or public place altogether, partially, permanently or temporarily;
- (n)
 - (i) the opening of the surface of any thoroughfare or public place;
 - (ii) the laying and repairing of drains, gas mains and pipes;
 - (iii) the erection of lamp posts; and
 - (iv) the laying and repairing of wires, cables and conduits underground in any thoroughfare or public place;
- (o) prohibiting and/or regulating the driving of animals over any thoroughfare or in any public place;
- (p) prohibiting and/or regulating nuisances likely to arise from the erection or repair of buildings, fences and walls adjoining any thoroughfare or public place;
- (q) prohibiting—
 - (i) the throwing of missiles;
 - (ii) the flying of kites;
 - (iii) the playing of games; and
 - (iv) the discharging of firearms and display of fireworks,in any thoroughfare or in any public place;
- (r) prohibiting and/or removing encroachments and nuisances in any thoroughfare or public place;
- (s) prohibiting and/or regulating the holding of meetings in any thoroughfare or public place;

- (t) prohibiting and/or regulating the establishment, equipment and maintenance of private hospitals and sanatoriums;
- (u) prohibiting and/or regulating the carrying of weapons on shore by persons other than members of the Jamaica Defence Force, Constables or other persons duly authorized so to do; 42/1969
3rd Sch.
- (v) hackney carriages, the animals and equipment used therewith, their owners, drivers, passengers and persons desiring to hire the same and the fares to be charged whether by prescribed districts or distance and to be ascertained by meters or otherwise;
- (w) wherries and boats plying for hire in the harbours of Kingston and Saint Andrew, their equipment, owners, seamen, passengers, and persons desiring to hire the same;
- (x) commercial vehicles, their owners, drivers, persons hiring and desiring to hire the same;
- (y) the prevention of and protection against fire and for matters incidental thereto or connected therewith, including the alteration or demolition of buildings and structures likely to cause, or promote the spread of fire, the regulation of trades or occupations conducive to the outbreak of fire, and the entry on private premises for the purpose of inspection;
- (z) loitering in thoroughfares and public places;
- (aa) beggars, vagrants and mendicants;
- (bb) the opening up of new thoroughfares and public places and the stopping up of thoroughfares and/or public places;
- (cc) public bathing places and baths;

- (dd) the inspection of factories, workshops, garages and places where combustible materials are kept or stored, with a view to the prevention of accidents;
- (ee) parking of vehicles in any thoroughfares or public places;
- (ff) prohibiting and/or regulating the exposing of goods for sale and the sale of goods on any piazza opening in any thoroughfare or in any public place and the exposing for sale and sale of goods in any thoroughfare or public place;
- (gg) the naming of streets and lanes and the numbering of premises on such streets and lanes, the affixing or erecting of name boards and number plates and the fees to be paid therefor, and the duties of owners and occupiers in relation to the affixing or erecting of name boards and number plates;

(hh) *[Deleted by Act 16 of 1983, 2nd. Sch.]*

The powers conferred by paragraphs (l), (v) and (x) on the Council shall not be applicable so far as these paragraphs relate to motor vehicles as defined by the Road Traffic Act.

194. *[Deleted by Act 39 of 1995.]*

When
regulations
shall come
into force.

195. Such regulations shall respectively be published in such manner, at such times and in such special localities as the Council shall from time to time direct, and a copy of all such regulations for the time being in force shall be kept exhibited in the office of the Council and open for general inspection during office hours.

PART XI. *Financial*

196.—(1) The Council shall, on or before the 31st day of December in each year, prepare and submit to the Minister true Estimates of the income receivable and expenditure to be incurred during the financial year commencing on the 1st day of April then following. Estimates.
2/1956
S. 7.

(2) The Estimates of the Council shall be submitted in such form as may be required by the Minister and shall be subject to the approval of the Minister who may add to, delete from or otherwise amend the same.

(3) All new appointments and the salaries attached thereto, and any proposed variation in the salary of an existing appointment, shall receive the prior approval of the Minister before being included in the Estimates, save in cases where the total annual emoluments of the appointment are under seven hundred dollars. 2/1956
S. 7.

(4) All new or special expenditure shall receive the prior approval of the Minister before being included in the Estimates. 2/1956
S. 7.

(5) Save with the prior approval of the Minister, no further sum shall be expended during any financial year than such sum as is provided in the Estimates relating to such financial year: 29/1965
S. 2 (a)
& (b).

Provided that the Council may at any time during a financial year authorize a saving under any recurrent sub-head of expenditure in the Estimates of that year to be applied to meet an excess under another sub-head, subject to such conditions and restrictions as the Minister may specify in writing: 2/1956
S. 7.

Provided further that expenditure incurred without the approval required in that behalf by this subsection, or in contravention of any conditions or restrictions specified under the preceding proviso, may be subsequently approved by the Minister upon the application of the Council if such 29/1965
S. 2 (c).

expenditure appears to him to have been necessarily incurred, and thereafter, without prejudice to any right or liability enforced prior to his approval of the expenditure, such requirement shall be deemed to have been fulfilled in relation to that expenditure or, where the expenditure was incurred in contravention of any such conditions or restrictions, observance thereof shall be deemed not to have been required in relation to the said expenditure.

How funds
are to be
applied.

197. The funds or money belonging or payable to and collected by the Council under and by virtue of this Act or any enactment shall, after due provision has been made with the approval of the Minister for interest and sinking fund on any loans for which the Council is liable or responsible under this or any enactment, be applicable towards payment of the following—

39/1995
S. 2.

- (a) annual salary or allowance, if any, of the Mayor and Councillors;
- (b) the salary and other remuneration of the Town Clerk, City Treasurer and City Engineer and the other officers and employees of the Council;
- (c) the payment of any pension, superannuation allowance or gratuity granted under this Act;
- (d) payment of the expenses of prosecuting offenders against this or any other enactment and any by-laws, rules or regulations made by the Council;
- (e) the maintenance and management of markets, slaughter-houses, cemeteries, fire brigades and every other work under the control of the Council under the provisions of this Act or hereafter entrusted to the Council by virtue of any enactment;
- (f) the application and granting of poor relief;
- (g) the reconstructing, repairing, draining, cleaning, and lighting of the streets, footways, squares, and other public places vested in the Council, or under their control and management;

- (h) the disposal and destruction of street and house refuse and rubbish;
- (i) the maintenance and preservation of all corporate property;
- (j) the payment of any sums payable by the Council under any judgment of any court of law;
- (k) generally, towards the payment of all expenses of and incidental to the carrying out of the provisions of this Act, and of all works and matters incidental thereto;
- (l) subventions made by the Council to such organizations for such general or special purposes, and on such conditions as the Minister may in each case approve.

36/1958
S. 2.

*Banking Accounts, Receipt and Payment of Moneys
and Audit*

198.—(1) All moneys of the Council shall be paid into some bank or banks appointed by resolution of the Council.

Moneys shall be paid into bank or banks.

(2) The City Treasurer shall every day, so far as practicable pay into such bank or banks all moneys received by him before the closing hour of such bank or banks, save and except such sum as he may be authorized by resolution of the Council, to retain in his hand to meet immediate payments.

199. The Council by resolution, may, from time to time make regulations as to all or any of the following matters—

Matters as to which Council may make regulations.

- (a) as to the title of any account with any bank into which the moneys of the Council may be paid in pursuance of a resolution of the Council;
- (b) the custody of the pass book and paid cheques; and
- (c) generally as to all matters necessary for the proper keeping of the account.

Signing and counter-signing of cheques.

200. Cheques against any banking account of the Council shall be signed by the City Treasurer and countersigned by the Mayor.

How payments from funds shall be made.

201. No payment out of corporate funds, except petty disbursements, shall be made by the City Treasurer, except upon vouchers duly passed and signed by the Mayor, or by the Mayor and such one or more Councillors as the Council, may by resolution appoint for the purpose.

Receipts.

202. Receipts issued for moneys paid to the Council may be signed for the City Treasurer by the officer appointed by the Council to receive such moneys.

Auditing of accounts.

203.—(1) The accounts of the Council shall be subject to audit by the Auditor-General in all respects as if the Council were a department of the Public Service of the Island.

29/1965
S. 3 (a).

(2) Any sum expended at the instance of the Council, deemed by the Minister after a report by the Auditor-General as not authorized by the Estimates of expenditure which have been passed howsoever charged in the accounts of the Council, or any amounts expended, although properly classified, in excess of an amount authorized by the Estimates or by the Minister, or any amounts expended by way of illegal payments out of any funds of the Council, shall be recoverable from such of the following persons, namely, the Mayor, Councillors, persons appointed under the provisions of sections 118 and 227, Town Clerk, City Treasurer and other officers of the Council, as have incurred or purported to authorize such expenditure; and any persons from whom an amount is recoverable under this section shall be jointly and severally liable in that behalf.

29/1965
S. 3 (b).

(3) Any liability under this section may be enforced by action of debt at the suit of a public officer, being an officer designated by the Minister for the purpose, on the

certificate of the Auditor-General, in the case of expenditure of an amount not authorized by Estimates or the Minister, that the amount is recoverable; and any moneys recovered in any such action shall be carried to the credit of such account as the Minister shall direct.

204.—(1) The Minister may from time to time make any orders, rules or regulations that may seem to him necessary or proper, and may from time to time revoke or vary the same respecting the examination and audit of any books of accounts, or vouchers of the Council including the form of keeping the books of account or the accounts, the day or days to which the accounts are to be made up, the time within which the books, accounts and vouchers are to be sent to the Auditor-General or otherwise submitted for examination and audit, the mode in which they or any of them are to be certified and vouched, the mode of publishing any such accounts, the persons by whom the books of accounts or the accounts and vouchers are to be produced for examination and audit, and the mode of conducting the examination and audit.

Power to
make rules
and
regulations.

(2) As soon as may be after the close of each financial year, the Auditor-General shall submit the accounts of the past year to the Minister, duly certified by him and accompanied by such remarks as he may deem it his duty to make, on any items in such accounts, and by a report on the financial position of the Council.

(3) Such accounts shall be published in the *Gazette*.

(4) All orders, rules and regulations which shall be made by the Minister in pursuance of this section shall be binding on and shall be obeyed, performed and observed by all persons concerned or affected thereby; and the Council shall cause effect to be given to the requests and instructions of the Auditor-General in relation to any examination or audit under this Act.

(5) The Auditor-General shall have the power from time to time to call for any returns, books or papers relating to or in any wise concerning any of the accounts under his examination, or the receipt or expenditure of any moneys, or any other matter of enquiry which he is or may be authorized to make which may be necessary for the purposes aforesaid, and to keep such books, accounts or vouchers and papers for such time as he may require the same, and also to send for and examine upon oath (which oath the Auditor-General is hereby authorized to administer) any such officer or any person entrusted with any money touching any matter or thing relating to the accounts of the Council, or the receipt or expenditure of any money or any other matter of enquiry as aforesaid.

(6) Any officer or person so examined, who shall wilfully give false evidence, shall be deemed guilty of perjury and on conviction shall be liable to the penalties by any enactment in force in this Island imposed upon persons guilty of such offence.

Payment in
respect of
audit.

205. The Council shall pay from the income in each year in respect of such audit such amount as may from time to time be fixed by the Council.

Keeping of
accounts.

206. The Council shall keep an account or accounts in such form and manner as may be approved by the Minister of its revenue from all sources of sums payable to the Council.

Temporary Departmental Advances

Power of
Council to
make tem-
porary de-
partmental
advances.

207. It shall be lawful for the Council, from time to time and on such terms as they may think fit, to advance temporarily from the moneys forming part of any of their separate funds such sum or sums as may be required for works or services properly chargeable against any other of such funds:

Provided that all such advances shall be repaid before the end of the financial year in which they are made.

PART XII. *Improvements*

208. In the interpretation of this Part the words "improvements", "local improvement", "work", "works", and "services" shall include all work in connection with the—

Interpreta-
tion of
terms.

- (a) opening, widening, extending, prolonging, altering the grade of, or diverting any public street, lane, alley or place, or opening up of or establishing new streets or lanes in the Corporate Area; or
- (b) constructing or reconstructing any bridges, culverts, subways, or embankments as part of any public street, lane, alley, or place, or constructing or reconstructing any roadway or pavement thereon; or
- (c) constructing or reconstructing roadways, macadamizing, paving, or curbing any public street, lane, alley, or place; or
- (d) resurfacing with wood-block paving, asphalt, or other suitable materials a pavement having a concrete foundation which, in the opinion of the City Engineer, is sufficient therefor; or
- (e) constructing sidewalks or footways in, upon, or along any public street, lane, alley, or place, and for reconstructing any such roadway, curbing, or side-walk or footway when the term of the special assessment therefor shall have expired, or the work or improvement shall be worn out; or
- (f) sodding any portion of and planting, maintaining, and caring for trees, shrubs, and plants upon and in any public street, square, or other public place.

Power of
Council to
impose
rates for
improve-
ments, etc.

209.—(1) In order to pay or provide for the costs, charges and expenses incurred or to be incurred in relation to any improvements, local improvement, work, works or services, it shall be lawful for the Council from time to time to impose a rate or rates of such amount and for such period as may be necessary for all or any such purposes.

(2) Any such rate may be imposed upon properties situated in every district of the Corporate Area, or upon the properties situated in such district or districts as the Council may from time to time determine and define and may vary in the amount imposed on the properties in respect of each district having regard to the purpose for which such rate is imposed and the advantages to be derived by or conferred on any district.

(3) The Council may from time to time alter, amend, increase or diminish any such rate if found to be excessive or insufficient.

(4) The Council shall submit every such rate or alteration or amendment thereof for the approval of the Minister, who may alter, amend, increase or diminish the same, and such rate or alteration or amendment thereof shall come into effect on such date as the Minister may fix and determine.

(5) Every such rate or alteration or amendment thereof when approved by the Minister shall be published in the *Gazette* at least seven days before the date fixed for the same to come into effect.

(6) Every such rate shall be assessed, raised, levied, collected and paid to the Commissioner of Inland Revenue in accordance with any enactment for the time being in force regulating the raising, levying and collecting of Parish Rates, and the provisions of all such enactments shall, unless expressly excluded by this Act, apply to the assessment, raising, levying and collecting of such rates, which shall, after collection, be paid over by the Commissioner of Inland Revenue to the City Treasurer:

12/1985
Sch.

12/1985
Sch.

Provided always that no rate under the provisions of this section shall be imposed upon the properties situated in the rural district of the Corporate Area unless the improvements, local improvement, work, works or services for or in connection with which the rate is to be imposed shall be of direct benefit to the voters or inhabitants of such district, and unless a resolution of the House of Representatives has been duly passed authorizing the imposition of such rate upon the rural district.

210. All works or improvements as defined in this Part shall be initiated in one of the modes hereinafter mentioned—

Initiation
of works.

- (a) on a sufficiently signed petition of the owners of the real property to be benefited thereby; or
- (b) on the report of the City Engineer adopted by the Council.

211. Upon receipt by the Council of a petition praying for any of the improvements or works within the meaning of this Part, signed by at least three-fourths in number of the owners of any real property to be benefited thereby, according to the last-revised valuation roll prepared under the provisions of the Valuation Act, or any enactment passed in amendment thereof or in substitution therefor of the class of district in which such land is situated, which owners shall represent at least two-thirds in value of such real property, the Town Clerk shall forthwith examine and compare such petition with the last-revised Valuation Roll prepared under the provisions of the Valuation Act, or any enactment passed in amendment thereof, or in substitution therefor, and shall endorse thereon his belief that such petition has been duly signed by at least three-fourths in number of the owners of such real property to be so benefited, and as to whether the owners so signing represent at least two-thirds in value of such real property as aforesaid, whereupon he shall forthwith transmit such petition so endorsed to the City Engineer.

Procedure
where
Council
receives
petition
praying for
improvements, etc.

City
Engineer
shall
examine
petition and
report to
Council, etc.

212. Upon receipt of such petition for any such improvements or works, the City Engineer shall examine into the subject matter of the petition, and shall, with as little delay as possible, transmit to the Council a report in writing as to the necessity for or the advisability of undertaking the proposed improvements or works. Should the Council decide that it is necessary or advisable to undertake the work, the City Engineer shall report as follows—

- (a) the nature of the proposed works;
- (b) the total estimated cost of the work, including
 - (i) the probable contract price;
 - (ii) the amount of any land damages necessarily resulting from the construction thereof; and
 - (iii) any engineering expenses connected therewith; and
- (c) the probable lifetime of the work.

Petition and
reports to
be
forwarded
to the
Minister.
2/1956
S. 7.

213. It shall be the duty of the Council on the receipt of the reports of the City Engineer mentioned in sections 210 and 212, to forward to the Minister the said reports and the petition, if any, together with the report in writing of the Council as to the financial arrangements in respect thereof.

Power of
Minister
on receipt
of petition.
2/1956
S. 7.

214. On the receipt of the petition and reports, the Minister shall consider the matters thus referred to him, and in the event of the proposals being approved of by him, he shall cause the Council to be duly notified.

Procedure
where City
Engineer
recommends
improvement, etc.,
without
any petition
having been
presented to
Council.
2/1956
S. 7.

215. In case the City Engineer recommends any improvement, or works as a local improvement, without any petition, or any sufficiently signed petition, having been presented to the Council therefor, he shall report to the Council as hereinbefore directed and such reports if adopted by the Council and approved of by the Minister may be forthwith acted upon in the manner set out in the next succeeding section.

216. Upon the receipt of the Minister's approval and subject to such directions as may be therein contained, the Council may carry out the work either by calling for tenders or by executing it themselves.

How work
is to be
carried out.
2/1956
S. 7.

217. The Council may from time to time make such by-laws, rules or regulations as to them shall seem meet, for the purpose of carrying out the provisions of this Part, or the works authorized by this Part:

Making of
by-laws, etc.

Provided that by-laws, rules or regulations shall not take effect unless and until such by-laws, rules or regulations have been approved by the Minister, and when so approved and published in the *Gazette* shall be of the same effect as if they were contained in this Part, and shall be judicially noticed.

2/1956
S. 7.

PART XIII. *General, Dissolution by the Minister, Procedure*

218. The Lands Clauses Act, is incorporated with this Act, except sections 10, 11, 84, 88, 90, 91, 92, 93, 101, 103, 104 and 105, so far as section 105 gives any right to the Accountant-General to deduct a percentage for money paid into the Treasury, and except so far as the said Act is inconsistent with or varied by the provisions of this Act, and in construing the same the Council shall be deemed to be the promoters of the undertaking, and all costs and other sums of money payable in proceedings under such Act by the promoters of the undertaking shall be paid out of the Treasury, with the sanction of the Minister, from the fund to the credit of such promoters in the Treasury and shall not be in any way chargeable against the individual members of the Council personally, nor shall they or any of them be liable personally for any penalty by the said Act imposed on the promoters of the undertaking.

Lands
Clauses Act
incorporated
with this
Act with
certain
exceptions.

Power of
Council to
alter any
public road,
etc.

219. The Council shall, with the approval of the Minister, have power to alter for the purposes of this Act any public road, street or land adjoining or near to the land acquired by them under this Act and may with the same approval acquire land under this Act for the purpose of adding to or altering any such road, street or land.

Power to
sell or lease
land.

220.—(1) All lands vested—

(a) in the Commissioner of Lands for the benefit of the inhabitants of the Corporate Area; or

(b) in the Corporation,

may with the sanction of the Minister be sold or leased by the Corporation upon such terms and conditions and subject to such covenants, obligations and agreements as the Minister may in each case determine.

(2) The conveyance or transfer of any land sold under the provisions of this section shall operate to discharge such land of any trust created by this Act:

Provided, however, that any such trust shall immediately upon the execution of the conveyance or transfer attach to the proceeds of sale unless in any case the Minister otherwise directs.

(3) Any lease of any such lands made by the Corporation established under the Kingston and St. Andrew Corporation Law, 1923, now repealed, shall be deemed and is hereby declared to have been validly made anything to the contrary in the said Law notwithstanding.

Preparation
of municipal
schemes.
2/1956
S. 8.

221.—(1) The Council may from time to time in accordance with the provisions of this section prepare and make a scheme (hereafter in this Act referred to as "a municipal scheme") in relation to the performance by the Council in the Corporate Area of services which they may not otherwise be authorized to perform, and thereafter carry out such scheme.

(2) Every municipal scheme shall be submitted to the Minister and thereafter published by the Council in the *Gazette* during such period as the Minister may specify.

(3) No municipal scheme shall be of any effect unless and until it is approved by the Minister, and the Minister, after considering any representations he may receive in respect of the scheme, may approve it with or without modifications or may reject it.

(4) Every municipal scheme shall fix the date or dates on which the scheme is to come into operation and may fix different dates for different provisions of the scheme and for different areas within the Corporate Area and the dates so fixed may be made dependent on the happening of events specified in such scheme.

(5) A municipal scheme may contain such incidental, consequential or supplemental provisions as may appear necessary or proper for the purposes of the scheme and may be varied or revoked by a subsequent scheme made in like manner as the original scheme.

(6) No municipal scheme shall be prepared and made which does not relate to a municipal service.

For the purpose of this section the expression "municipal service" means any service which may be so declared by the Minister by order.

(7) The powers conferred by this section shall not be exercised so as to alter, affect, prejudice or interfere with the rights, duties or liabilities conferred or imposed upon any person under the provisions of any other enactment.

222. In addition to any other power conferred by this Act upon the Council to acquire land, the Council may from time to time, with the approval of the Minister, acquire under the Lands Clauses Act, or in any other manner, for any public purpose to be named by the Minister in signifying his approval as aforesaid lands not exceeding such quantity as in such approval shall be limited.

General
power to
acquire land.
18/1960
S. 2.

Publication
of by-laws;
and Min-
ister's
overriding
powers.
39/1995
S. 2.

223.—(1) All by-laws, rules or regulations made under the provisions of this Act shall—

- (a) be notified to the Minister by memorandum in writing;
- (b) be published in the *Gazette*; and
- (c) be expressed to have effect as from a date not earlier than—
 - (i) thirty days after notification to the Minister pursuant to paragraph (a); or
 - (ii) a date within that period of thirty days approved by the Minister by memorandum in writing and notified in the *Gazette*.

(2) If the Minister, in his discretion, considers that it is in the interest of national policy so to do, he may, during the period expressed pursuant to subsection (1) (c) (i), exercise any power given to the Council to make, amend or revoke and such by-laws, rules or regulations and thereupon, until and unless the Minister otherwise, directs by memorandum in writing to the Council, the power of the Minister shall supercede the power of the Council in relation to the subject matter addressed by the Minister in the exercise of his powers under this subsection.

(3) Where the Minister exercises the power conferred by subsection (2), he shall furnish to the Council in writing an explanation of the reasons for his action.

(4) Where the Council intends to make any by-laws, rules or regulations concerning the setting and amending of licence fees and user charges, the Council shall inform the public of such intent by displaying a notice in a conspicuous place at the office of the Council or by publishing such notice in a daily newspaper circulating in the Corporate Area.

224.—(1) The Council may make in addition to any other by-laws, rules or regulations which they are authorized to make under this Act or under the powers, rights and obligations transferred to them by this Act, such by-laws, rules or regulations as to them shall seem meet for—

Making of
by-laws for
good rule
and
government
of Corporate
Area, etc.

- (i) the good rule and government of the Corporate Area;
- (ii) (a) the control and superintendence of the various classes of officers and employees of the Council;
 - (b) regulating the conduct of, and maintaining discipline among, such officers and employees;
 - (c) prescribing the procedure to be followed in respect to disciplinary proceedings against all such officers and employees, including those who may be expressed by Statute to hold office during pleasure or until they are removed;
 - (d) prescribing the persons by whom such proceedings are to be conducted and the nature of the punishments which may be imposed as a result of such proceedings in the cases of the various classes of such officers or employees;
 - (e) determining the physical fitness of officers or employees to continue to hold their office or employment or to hold any office or employment to which it may be proposed to transfer them;
- (iii) the prevention and suppression of nuisances not already punishable in a summary manner by virtue of any enactment in force throughout the Corporate Area;
- (iv) regulating the control, management, maintenance and conduct of any municipal work which they may from time to time be authorized to institute,

establish and maintain for carrying into effect or enforcing the several powers conferred on them by this Act;

(v) and generally, for fully carrying out the provisions of this Act in every respect, and may from time to time add to, rescind, modify and vary any such by-laws, rules or regulations.

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S. 2.

(2) Any by-laws, rules or regulations made under paragraph (ii) of subsection (1) shall not take effect unless and until they have been confirmed by the Municipal Services Commission.

(3) Until by-laws, rules or regulations are made under the provisions of this Act, all by-laws, rules and regulations made by any of the bodies dissolved by the Kingston and St. Andrew Corporation Law, 1923 (Law 3 of 1923) and in force and also all by-laws, rules and regulations made under the said Law and in force shall remain in full force and effect.

(4) If any damage be done by any person in breach of any by-laws, rules or regulations he shall be liable to pay in addition to any penalty the amount of such damage or in default of payment to imprisonment for any period not exceeding three months.

Making of
by-laws,
etc., for
whole or
any part of
Corporate
Area and
separate
by-laws,
etc., for
different
districts.

225. Where by this or any other enactment now in force the Council is empowered to make by-laws, rules or regulations affecting premises or imposing any duties on the owners or occupiers thereof, the Council may make such by-laws, rules or regulations for the whole or any part of the Corporate Area and may make separate and different by-laws, rules or regulations for different districts of such Area.

Council may
by
resolution
expel any
member.
15/1975
S. 5.

226. It shall be lawful for the Council by a resolution passed by a two-thirds majority of the Councillors present at any meeting of the Council at which not less than four-

teen members are present to expel for a limited time, or for the remainder of his term, any member of such Council for persistent obstruction or other misconduct tending to prevent the despatch of business or to bring the Council into discredit. If the expulsion is for the remainder of his term a vacancy shall be deemed to have arisen. Any member so expelled shall not be eligible for re-election as a member of such Council during the residue of the term for which such Council has been elected.

227.—(1) If the Council, in the judgment of the Minister, is incompetent to perform, or persistently makes default in the performance of the duties lawfully imposed upon it or exceeds or abuses its powers, it shall be lawful for the Minister, by an order published in the *Gazette*, to dissolve the Council.

Power of
Minister to
dissolve the
Council.

(2) When the Council is so dissolved, the following consequences shall ensue—

Consequences which
shall
follow dissolution of
Council.

- (a) the Mayor, Deputy Mayor and Councillors shall, as from the date of the order, vacate their offices as such;
- (b) all powers and duties of the Council shall until a new Council shall have been constituted under this Act, be exercised and performed by such person or persons as the Minister may from time to time appoint in that behalf;
- (c) all property vested in the Council or in its occupation, control or management, shall during the period aforesaid, vest in the person or persons aforesaid, or be in their occupation, control and management:

Provided that no order for the dissolution of the Council shall be valid unless in and by such order a time is fixed for the election of a new Council in lieu of the Council so dissolved, not more than two years from the date of the order:

18/1966
S. 2.

Provided also that the Minister may at any time vary such order to the extent of diminishing the time fixed for the election of a new Council and substituting an earlier date for such election or extending the time fixed for such election and substituting a later date for such election being a date which is not later than the expiration of a period of three years from the date of such order; but notice of such change of date shall be given by publication in the *Gazette* at least one calendar month in advance:

Provided further that in any case in which there is no Council, the same consequences shall ensue as if the Council had been dissolved under this section, and the Minister may make such orders as he would be empowered to make if he dissolved the Council under the authority of this section.

Regulation Powers

Matters
with
respect to
which the
Council may
make
regulations.

228. The Council may make regulations with respect to all or any of the following matters—

- (a) the preparation of plans to be submitted to the Council for any of the purposes of this Part and the scale on which the same are to be drawn;
- (b) the carrying into effect and enforcing of the several powers conferred on the Council by this Part.

Time

Provisions
with respect
to holidays.

229.—(1) Where by this Act or any regulation made hereunder, any payment, act or proceeding is required, directed or allowed to be made, done or taken on a certain day, then if that day happens upon a Sunday, Christmas Day, Good Friday, Easter Monday, or any other day declared by any enactment present or future or by any order by the Minister issued under any enactment present or future to be a public holiday in all public offices, the payment, act or proceeding shall be considered as made, done or taken in due time if it is made, done or taken on the next day afterwards, not being one of the days in this section specified.

(2) Where by this Act any payment, act or proceeding is required, directed or allowed to be made, done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

230. Any person who does any act in contravention of any of the provisions of this Act, or of any by-law, rule or regulation contained in this Act or made under any powers conferred by this Act, or for the doing of which a penalty is provided, or who fails, neglects, or refuses to execute any work or do anything which he is under obligation, or required to do, by virtue of any of the provisions of this Act or of any such by-law, rule, or regulation or of any order or notice served upon him by the Council by virtue of this Act, shall in the absence of any express provision to the contrary, be liable on summary conviction to the penalty provided by this Act or by any by-law, rule or regulation, or, if no other penalty is provided, to a penalty not exceeding two thousand dollars, and in default of payment thereof to imprisonment not exceeding one month; and in the case of a continuing offence to such further penalty as may be provided, or in the absence of provision to a further penalty not exceeding four hundred dollars for each day the offence is continued after written notice thereof from the Council.

Penalty for
contravening
provisions
of this Act
or of any
by-law, etc.

39/1995
S. 2.

39/1995
S. 2.

Form, Authentication and Service of Notices, Orders, etc.

231.—(1) Notices, orders, accounts, demands and any other documents required to be served, given or delivered by the Council under this Act or any other enactment for the time being in force or under any by-law, rule or regulation of the Council, may be in writing or print or partly in writing and partly in print; and, if the same require authentication, shall be sufficiently authenticated by the name of the Town Clerk, or any other duly authorized officer of the Council, being affixed thereto in print or in writing.

Form of
notices, etc.,
required to
be served
by Council.

[The inclusion of this page is authorized by L.N. 95/1997]

(2) Notices, orders, accounts, demands and other documents required or authorized to be served, given or delivered by the Council under this Act or any other enactment for the time being in force or under any by-law, rule or regulation of the Council, may be served, given or delivered by delivering the same or a true copy thereof to or at the residence of the person to whom they are respectively addressed, or, where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises; they may also be served by being sent through the post addressed to the owner or reputed owner by name at his last known place of abode or business, or at the premises to which such notice, order, account or other document relates.

(3) Any notice, order, account, demand or other document required by this Act or by any other enactment for the time being in force or by any by-law, rule or regulation of the Council to be served, given or delivered by the Council on or to the owner or occupier of any premises may be addressed by the description of the owner or occupier of the premises (naming them) in respect of which the notice, order, account or other document is given, served or delivered, without further name or description.

Transfer of
powers,
duties, etc.,
to Council.

232.—(1) On the coming into operation of this Act, all the powers, rights, duties, capacities, liabilities and obligations which were exercisable by or attaching to the corporate bodies dissolved by the Kingston and St. Andrew Corporation Law, 1923 (Law 3 of 1923) and were transferred and attached by the said Law to the Corporation created by it, which said Law is repealed by this Act, and also all property, real and personal, including all interests, rights and easements into or out of property real or personal (including things in action) which belonged to or were vested in the said corporate bodies so dissolved and were without any conveyance, assignment or other transfer vested in the

Corporation so created by the said Law, now hereby repealed, subject as in the said repealed Law mentioned, shall, after an election of the Mayor and Councillors under the provisions of this Act has been held and the Council duly constituted, be and are hereby transferred to and shall belong to and are hereby vested in the Corporation under this Act subject to any trusts affecting the same, and subject to all debts, liabilities and obligations affecting the same.

(2) All references in any enactment or in any rule, regulation or by-law made under any enactment or in any document whatsoever to— Trans-
sitional.

- (a) the Mayor and Council of Kingston; or
- (b) the Kingston General Commissioners; or
- (c) the Managing Commissioner; or
- (d) the Parochial Board for the parish of St. Andrew;
or
- (e) the Mayor or Chairman of the said Parochial Board,

shall be deemed to refer, as the case may be, to the Corporation created and established by this Act or to the Mayor under this Act, after the first election of the Mayor and Councillors has been held and the Council constituted under this Act.

(3) All references in any enactment or in any rule, regulation or by-law made under any enactment or in any document whatsoever to—

- (a) the Municipal Board; or
 - (b) the Board of Parochial Road Commissioners,
- shall so far as the same relates to the parish of Kingston or the parish of St. Andrew, be deemed to refer to the Corporation or the Council thereof constituted under this Act, and all references in any such enactment, rule, regulation, or by-law as aforesaid, or in any document whatsoever to the City Surveyor, shall be deemed to refer to the City Engineer under this Act.

FIRST SCHEDULE (Sections 3, 7 (1))

Boundaries of the Corporate Area

From the line of the parish of Saint Thomas at the mouth of the Bull Bay River along the right bank of the said river to a point nine chains south-east of Halberstadt Old Works; thence, northerly in a straight line to the point where the parochial road from Halberstadt to Galloway crosses the Shooting River; thence, down the left bank of the Shooting River to its confluence with the Yallahs River; thence, up the right bank of the Yallahs River to its confluence with the Green River; thence, up the right bank of the Green River to the top of the Blue Mountain range; thence, westerly along the top of the Great Ridge, being the line of the parishes of Portland and Saint Mary, to the source of the George's Spring; thence, down the left bank of the George's Spring to its confluence with the Wag Water River; thence, up the right bank of the Wag Water River to its confluence with the Tom's River; thence, up the right bank of the Tom's River to its source at New Ramble; thence, westerly along the top of the Ridge to the line of the parish of Saint Catherine; thence, southerly in a straight line through Mount Charles and Cassava River property to a spring being a tributary of the Cassava River; thence, down the left bank of the said spring to its confluence with the said Cassava River; thence, down the left bank of the Cassava River to its confluence with the Rio Pedro; thence, up the right bank of the Rio Pedro to the confluence of the Crooked Spring and Stony River; thence, up the right bank of the Crooked Spring to Content; thence, southerly to the north-east corner of Mount Recovery at the Stony River; thence, up the right bank of the Stony River to its confluence with a spring north of the line of Rock Hall; thence, south-easterly and southerly through Rock Hall, Park's Prospect and Claremont to the Fresh River; thence, down the left bank of the Fresh River to its confluence with the Salt River; thence, down the left bank of the Salt River to its mouth at Hunt's Bay at Kingston Harbour; thence, easterly, southerly and westerly along the foreshore of Kingston Harbour to Port Royal Point; thence, easterly along the sea coast to the starting point.

SECOND SCHEDULE (Section 7 (2))

URBAN DISTRICT

Definition of Boundaries

From the south-western corner of the property known as Bumper Hall at the shore of Kingston Harbour, north-easterly along the western boundary line of the said Bumper Hall to the Spanish Town Road; thence south-easterly along the southern boundary of the Spanish Town Road to a point south-west of and opposite to the westernmost corner of Smith's Village; thence, north-easterly across the Spanish Town Road to the corner between Smith's Village and Greenwich Park (known also as Trench Pen); thence, north-easterly, easterly and north-

easterly along the boundary line between Smith's Village and Greenwich Park (known also as Trench Pen), to the south-western corner of land formerly known as Hannah's Pen, but now the township known as New Town; thence easterly, southerly, and south-easterly along the southern and western boundary lines of the said land formerly known as Hannah's Pen, but now the township known as New Town, to Blount Street; thence northerly along the western boundary of the said Blount Street to the southern boundary line of Studley Park; thence south-easterly along the southern boundary line of Studley Park to the centre of the Admiral's Pen Gully; thence up the centre of the said Admiral's Pen Gully, to the western boundary of the road at Torrington Bridge; thence south-easterly across the said road to the south-eastern corner of Orange Street and the road leading from Torrington Bridge to the Race Course, thence easterly along the southern boundary of the road leading from Torrington Bridge to the Race Course, to the western boundary of the Race Course; thence north-easterly, easterly, and south-easterly, along the boundary of the said Race Course to a point north-west of and opposite to the north-western corner of Allman Town; thence south-easterly across the East Race Course Road and along the northern boundary line of Allman Town, to the western boundary line of Woodford Park; thence southerly and easterly along the western and southern boundary lines of Woodford Park to South Camp Road; thence easterly, southerly, and easterly along the southern and western boundaries of the road which forms the northern and part of the eastern boundaries of the lands attached to Alpha Cottage, to the junction of Elletson Road and Deanery Road; thence southerly along the western boundary of Elletson Road to the boundary line of the parishes of Kingston and Saint Andrew marked on earth by an old parish boundary pillar; thence north-easterly and south-easterly along the boundary line of the parishes of Kingston and Saint Andrew to the Hope River; thence down the centre of the said Hope River for a distance of twenty-eight chains; thence southerly in a straight line to a point on the shore of Kingston Harbour two chains south-east of the western end of the old military breastwork at Harbour Head; thence along the shore of Kingston Harbour, past Rock Fort, back to the starting point.

SUB-URBAN DISTRICT

Definition of Boundaries

From a point on the right bank of the Chalky River where it enters the sea; thence along its right bank to a point 1,000 feet north of the Main Road from Kingston to Morant Bay; thence in a westerly direction parallel to the Main Road to a point on the eastern boundary of Harbour View Housing Estate; thence northerly for a distance of 2,000 feet; thence westerly to a point 300 feet east of the Hope River; thence northerly and easterly along a line 300 feet from and parallel to the Hope River to a point due east of where August Town Gully enters the Hope River; thence westerly to the point where the Hope River meets August Town Gully; thence north-

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westerly, westerly, south-westerly along the centre-line of the August Town Gully to a point due south of Manley Avenue; thence northerly for a distance of 1,500 feet to Manley Avenue; thence along Manley Avenue to its junction with the August Town Road; thence easterly along August Town Road to University Road; thence northerly and westerly along the University Road to its junction with the main road leading from Papine to Lindo's Gap; thence westerly and south-westerly to its junction with the Papine Road; thence northerly along the Papine Road to a point opposite to the southern boundary of the Market; thence easterly for a distance of 600 feet; thence northerly to the intersection of Old Hope Road and Gordon Town Road; thence northerly along the Gordon Town Road to a point 300 feet east of the junction of Skyline Drive and Gordon Town Road; thence northerly 300 feet from and parallel to the centre-line of Skyline Drive to a point 300 feet north of the junction of Skyline Drive and Jacks Hill Road; thence south-westerly to the Jacks Hill Road; thence along the Jacks Hill Road to Sunset Drive; thence in a north-westerly direction along the 1,000 feet contour through Cherry Garden and Norbrook to Spring Garden Gully; thence in a northerly direction along the Spring Garden Gully through Constant Spring Estate to Ram's Horn Ridge at the junction of the Hermitage Dam and Seaview Road; thence westerly along Seaview Road to intersect with the centre-line of the Main Road from Kingston to Castleton Gardens; thence northerly along the said Main Road for 300 feet; thence due west for 300 feet; thence north-westerly and south-westerly along a line 300 feet from and parallel to the centre-line of the Kingston to Castleton Gardens Main Road to intersect with the centre-line of the Main Road leading from Stony Hill to Cavaliers; thence north-westerly and south-westerly to its junction with the Mannings Hill Road; thence easterly for a distance of 2,000 feet; thence south-westerly and parallel to the centre-line of the Main Road from Mannings Hill to Mount Salus to a point due east of the junction of the Swain Spring Road and the said Main Road; thence westerly to the Main Road; thence along the said Main Road to Bean Junction at the Red Hills Road; thence westerly along the Main Road leading to Red Hills to the junction of the Main Roads to Rock Hall and Belvedere opposite the Methodist Church; thence westerly along the Main Road to Rock Hall for a distance of 650 feet to the boundary of Woodland and Belvedere; thence westerly along the northern boundary of Belvedere to Carhampton; thence southerly along the eastern boundary of Carhampton to the Parochial Road leading from Happy Grove to Ferry; thence westerly and southerly along the Parochial Road to Ferry or Fresh River; thence south-easterly along the Parish Boundary with St. Catherine to Hunt's Bay; thence along the coast line 300 feet in the sea parallel to the high-water mark to the south-western corner of the Property known as Bumper Hall at the shore of the Kingston Harbour; north-easterly along the western boundary line of the said Bumper Hall to Spanish Town Road; thence south-easterly along the southern boundary of the Spanish Town Road to a point south-west of and opposite to the westernmost corner of Smith's Village; thence north-easterly across the Spanish Town Road to the corner between

Smith's Village and Greenwich Park (known also as Trench Pen); thence north-easterly, easterly and north-easterly along the boundary line between Smith's Village and Greenwich Park (known as Trench Town) to the south-western corner of land formerly known as Hannah's Pen, but now the township known as New Town; thence easterly, southerly, and south-easterly along the southern and western boundary lines of the said land formerly known as Hannah's Pen, but now the township known as New Town, to Blount Street; thence northerly along the western boundary of the said Blount Street to the southern boundary line of Studley Park; thence south-easterly along the southern boundary line of Studley Park to the centre of the Admiral's Pen Gully; thence up the centre of the said Admiral's Pen Gully to the western boundary of the road at Torrington Bridge; thence south-easterly across the said road to the south-eastern corner of Orange Street and the road leading from Torrington Bridge to the Race Course; thence easterly along the southern boundary of the road leading from Torrington Bridge to the Race Course, to the western boundary of the Race Course; thence north-easterly, easterly and south-easterly, along the boundary of the said Race Course to a point north-west of and opposite to the north-western corner of Allman Town; thence south-easterly across the East Race Course and along the northern boundary line of Allman Town, to the western boundary line of Woodford Park; thence southerly and easterly along the western and southern boundary lines of Woodford Park to South Camp Road; thence easterly, southerly and easterly along the southern and western boundaries of the road which forms the northern part of the eastern boundaries of the lands attached to Alpha Cottage, to the junction of Elletson Road and Deanery Road; thence southerly along the western boundary of Elletson Road to the boundary line of the parishes of Kingston and Saint Andrew marked on earth by an old parish boundary pillar; thence north-easterly and south-easterly along the boundary line of the parishes of Kingston and St. Andrew to the Hope River; thence down the centre of the said Hope River for a distance of twenty-eight chains; thence southerly in a straight line to a point on the shore of Kingston Harbour two chains south-east of the western end of the old military breastwork at Harbour Head; thence easterly along the shore line to the starting point at the right bank where the Chalky River enters the sea.

RURAL DISTRICT

Definition Of Boundaries

From the intersection of the parochial road leading to Ferry or Fresh River and the parish boundary with St. Catherine in a north-westerly direction along the centre of the Fresh River for a distance of 1,800 feet to the parish boundary with St. Catherine; thence northerly along the parish boundary of St. Andrew in a straight line to a point at Park Prospect $8\frac{1}{2}$ chains west of the south-western corner of Rock Castle; thence north-easterly in a straight line to the confluence of the Stony River and a spring about eight chains north of the boundary line between Rock Hall and Mount Recovery; thence down

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the centre of the Stony River to the north-east corner of Mount Recovery; thence northerly in a straight line to the confluence of two springs or gullies near the source of the Crooked Spring; thence down the centre of the Crooked Spring to its confluence with the Stony River; thence down the Stony River to its confluence with the New River; thence down the centre of the New River to its confluence with the Cassava River; thence up the centre of the Cassava River to its confluence with a spring that forms the boundary line between the two portions of the property known as Cassava River which were assigned to George Wilson and to John Powell Rainford, respectively; then up the centre of the said spring to a point four chains west of the northern portion of the boundary line between Cassava River property and Langton Hill; thence northerly in a straight line to the point where the main road from Mount Charles to Platfield crosses the main ridge; thence easterly along the top of the said main ridge to the south-west corner of New Ramble; thence easterly and south-easterly along the boundary line between New Ramble and Mt. Friendship to a spring forming the boundary between New Ramble and Buckshale Hill; thence down the centre of the said spring to its confluence with the Little Tom's River; thence down the centre of the Little Tom's River to its confluence with the Wag Water River; thence down the centre of the Wag Water River to its confluence with the Georges Spring; thence up the centre of the Georges Spring to its source and continuing easterly to the top of the main ridge at Prospect Hill; thence along the top of the Grand Ridge, past Fox's Gap, Hardwar Gap, Catherine's Peak, Silver Hill Peak and Sir John's Peak, to a point south-east of Sir John's Peak at the source of the Green River; thence down the centre of the said Green River to its confluence with the Yallahs River; thence down the centre of the Yallahs River to its confluence with the Shooting River; thence up the Shooting River to the point where it is crossed by the parochial road from Halberstadt to Galloway; thence southerly in a straight line to a point in the centre of the Bull Bay River nine chains south-east of Halberstadt Old Works; thence down the centre of the Bull Bay River to a point 1,000 feet north of the main road from Kingston to Morant Bay; thence in a westerly direction parallel to the said road to a point on the eastern boundary of Harbour View Housing Estate; thence northerly for a distance of 2,000 feet; thence westerly to a point 300 feet east of the Hope River; thence northerly and easterly along a line 300 feet from and parallel to the Hope River to a point due east of where August Town Gully enters the Hope River; thence westerly to the point where the Hope River meets August Town Gully; thence north-westerly, westerly, south-westerly along the centre-line of the August Town Gully to a point due south of Manley Avenue; thence northerly for a distance of 1,500 feet to Manley Avenue; thence along Manley Avenue to its junction with the August Town Road; thence easterly along August Town Road to University Road; thence northerly and westerly along the University Road to its junction with the main road leading from Papine to Lindo's Gap; thence westerly and south-westerly to its junction with the Papine Road;

thence northerly along the Papine Road to a point opposite to the southern boundary of the Market; thence easterly for a distance of 600 feet; thence northerly to the intersection of Old Hope Road and Gordon Town Road; thence northerly 300 feet from and parallel to the centre-line of Skyline Drive to a point 300 feet north of the junction of Skyline Drive and Jacks Hill Road; thence south-westerly to the Jacks Hill Road; thence along the Jacks Hill Road to Sunset Drive; thence in a north-westerly direction along the 1,000 feet contour through Cherry Garden and Norbrook to Spring Garden Gully; thence in a northerly direction along the Spring Garden Gully through Constant Spring Estate to Ram's Horn Ridge at the junction of the Hermitage Dam and Seaview Road; thence westerly along Seaview Road to intersect with the centre-line of the Main Road from Kingston to Castleton Gardens; thence northerly along the said Main Road for 300 feet; thence due west for 300 feet; thence north-westerly and south-westerly along a line 300 feet from and parallel to the centre-line of the Kingston to Castleton Gardens Main Road to intersect with the centre-line of the Main Road leading from Stony Hill to Cavaliers; thence north-westerly and south-westerly to its junction with the Mannings Hill Road; thence easterly for a distance of 2,000 feet; thence south-westerly and parallel to the centre-line of the Main Road from Mannings Hill to Mount Salus to a point due east of the junction of the Swain Spring Road and the said Main Road; thence westerly to the Main Road; thence along the said Main Road to Bean Junction at the Red Hills Road; thence westerly along the Main Road leading to Red Hills to the junction of the Main Roads to Rock Hall and Belvedere opposite the Methodist Church; thence westerly along the Main Road to Rock Hall for a distance of 650 feet to the boundary of Woodland and Belvedere; thence westerly along the northern boundary of Belvedere to Carhampton; thence southerly along the eastern boundary of Carhampton to the Parochial Road leading from Happy Grove to Ferry; thence westerly and southerly along the Parochial Road to Ferry or Fresh River.

THIRD SCHEDULE

(Section 27)

Declaration to be made by Mayor, Deputy Mayor or Councillor

I (name in full).....
 having been elected (Mayor, Deputy Mayor or Councillor) for the
 Kingston and St. Andrew Corporation, do hereby declare that I take
 the said office upon myself and I declare that I am qualified within
 the provisions of this Act to be elected and be an Elected Councillor
 being
 (here state specific qualification),
 and that I am not disqualified within the provisions of this Act from
 being elected to or holding the said office.